#### **Denver Public Works**

**Engineering Regulatory & Analytics** 

DENVER
THE MILE HIGH CITY
e: Denver.

201 W Colfax Ave, Dept. 507
Denver, CO 80202
p: 720.865.2782
e: Denver.ROW@denvergov.org
www.denvergov.org/PWPRS

### REQUEST FOR RESOLUTION FOR MAJOR ENCUMBRANCE PERMIT

TO:

karen Walton, City Attorney's Office

FROM:

Robert J. Duncanson, P.E.

Manager 2, Development Engineering Services

ROW NO.:

2013-0123-07

DATE:

April 29, 2014

**SUBJECT:** 

Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to SSP Colfax Marketplace LLC, their successors and assigns, to encroach into the right-of-way with balconies, cantilevered building, awnings, and signage at

1020 E Colfax Ave.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request from Leah Pitts of KTGY Group, Inc dated December 4, 2013, on behalf of SSP Colfax Marketplace LLC for the granting of the above-subject permit.

This matter has been checked by this office and has been coordinated with Asset Management; Colorado Department of Transportation (if required); Comcast Corporation; Commission For People With Disabilities; Councilperson Robb; CPD: Building & Construction Services, Planning Services, and Zoning & Development Review; Denver Water Board; Environmental Services (if required); Fire Department (if required); Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks and Recreation; Public Works: City Engineer, DES Construction Engineering, DES Engineering, DES Survey, IPP Infrastructure Engineering, and Street Maintenance; Qwest Corporation; Regional Transportation District; and Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

As a result of the investigations, it has been determined that there is no objection to the granting of the revocable permit.

Therefore, you are requested to initiate Council action for the granting of a revocable permit, subject to certain terms and conditions, to SSP Colfax Marketplace LLC, their successors and assigns, to encroach with balconies, cantilevered building, awnings, and signage at 1020 E Colfax Ave.

### **INSERT PARCEL DESCRIPTION ROW 2013-0123-07-001 HERE**

### STANDARD PROVISIONS

The revocable permit ("Permit") granted by this resolution is expressly granted upon and subject to each and all of the following terms and conditions:

- (a) Permittee shall obtain a street occupancy permit from Public Works Permit Operations at 2000 West 3<sup>rd</sup> Avenue, 303.446.3759, and prior to commencing construction.
- (b) Permittee shall be responsible for obtaining all other permits and shall pay all costs that are necessary for installation and construction of items permitted herein.
- (c) If the Permittee intends to install any underground facilities in or near a public road, street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification Association of Owners and Operators of Underground Facilities by contacting the Utility Notification Center of Colorado, 12600 West Colfax Ave, Suite B-310, Lakewood, Colorado, 80215 at 303.232.1991. Further, Permittee shall contact the Utility Notification Center at 1-800-922-1987 to locate underground facilities prior to commencing any work under this permit.
- (d) Permittee is fully responsible for any and all damages incurred to facilities of the Water Department and/or drainage facilities for water and sewage of the City and County of Denver due to activities authorized by the permit. Should the relocation or replacement of any drainage facilities for water and sewage of the City and County of Denver become necessary as determined by the Manager of Public Works, in the Manager's sole and absolute discretion, Permittee shall pay all cost and expense of the portion of the sewer affected by the permitted structure. The extent of the affected portion to be replaced and relocated by Permittee shall be determined by the Manager of Public Works. Any and all replacement or repair of facilities of the Water Department and/or drainage facilities for water and sewage of the City and County of Denver attributed to the Permittee shall be made by the Water Department and/or the City and County of Denver at the sole expense of the Permittee. In the event Permittee's facilities are damaged or destroyed due to the Water Department's or the City and County of Denver's repair, replacement and/or operation of its facilities, repairs will be made by Permittee at its sole expense. Permittee agrees to defend, indemnify and save the City harmless and to repair or pay for the repair of any and all damages to said sanitary sewer, or those damages resulting from the failure of the sewer to properly function as a result of the permitted structure.
- (e) Permittee shall comply with all requirements of affected utility companies and pay for all costs of removal, relocation, replacement or rearrangement of utility company facilities. Existing telephone facilities shall not be utilized, obstructed or disturbed.
- (f) All construction in, under, on or over the Encroachment Area shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and Specifications governing the construction of the Encroachments shall be approved by the Manager of Public Works and the Director of the Building Inspection Division prior to construction. Upon completion, a reproducible

- copy of the exact location and dimensions of the Encroachments shall be filed with the Manager of Public Works.
- (g) The sidewalk and street/alley over the Encroachment Area shall be capable of withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The installations within the Encroachment Area shall be constructed so that the paved section of the street/alley can be widened without requiring additional structural modifications. The sidewalk shall be constructed so that it can be removed and replaced without affecting structures within the Encroachment Area.
- (h) Permittee shall pay all costs of construction and maintenance of the Encroachment. Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the Encroachment from the Encroachment Area, and return the Encroachment Area to its original condition under the supervision of the City Engineer.
- (i) Permittee shall remove and replace any and all street/alley paving, sidewalks, and curb and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become broken, damaged or unsightly during the course of construction. In the future, Permittee shall also remove, replace or repair any street/alley paving, sidewalks, and curb and gutter that become broken or damaged when, in the opinion of the City Engineer, the damage has been caused by the activity of the Permittee within the Encroachment Area. All repair work shall be accomplished without cost to the City and under the supervision of the City Engineer.
- (j) The City reserves the right to make an inspection of the Encroachments contained within the Encroachment Area. An annual fee, subject to change, of \$200.00 shall be assessed.
- (k) This revocable permit shall not operate or be construed to abridge, limit or restrict the City and County of Denver in exercising its right to make full use of the Encroachment Area and adjacent rights-of-way as public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their facilities within the Encroachment Area and adjacent rights-of-way.
- (I) During the existence of the Encroachments and this permit, Permittee, its successors and assigns, at its expense, and without cost to the City and County of Denver, shall procure and maintain a single limit comprehensive general liability insurance policy with a limit of not less than \$500,000.00. All coverage's are to be arranged on an occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage required herein constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the Permittee, its successors or assigns, under the terms of this permit. All insurance coverage required herein shall be written in a form and by a company or companies approved by the Risk Manager of the City and County of Denver and authorized to do business in the State of Colorado. A certified copy of all such insurance policies shall be filed with the Manager of Public Works, and each such policy shall contain a statement therein or

endorsement thereon that it will not be canceled or materially changed without written notice, by registered mail, to the Manager of Public Works at least thirty (30) days prior to the effective date of the cancellation or material change. All such insurance policies shall be specifically endorsed to include all liability assumed by the Permittee hereunder and shall name the City and County of Denver as an additional insured.

- (m) Permittee shall comply with the provisions of Article IV (Prohibition of Discrimination in Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions and Health and Welfare Services) of Chapter 28 (Human Rights) of the Revised Municipal Code of the City and County of Denver. The failure to comply with any such provision shall be a proper basis for revocation of this permit.
- (n) The right to revoke this permit is expressly reserved to the City and County of Denver.
- (o) Permittee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising, either directly or indirectly, out of the rights and privileges granted by this permit.

### **SPECIAL CONDITIONS FOR THIS PERMIT**

(p) insert special conditions if any

A map of the area is attached hereto.

RJD: acp

cc: Asset Management, Steve Wirth
City Council Office, Gretchen Williams
Councilperson Robb and Aides
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Shaun Sullivan
Department of Law, Karen Walton
Public Works, Alba Castro
Public Works, Nancy Kuhn
Project File #

Property Owner: Anthony Loeffler Slipstream Properties 4701 E Mississippi Ave Glendale, CO 80246 Agent: Leah Pitts KTGY Group, Inc. 820 16<sup>th</sup> St, Ste 535 Denver, CO 80202

## **ORDINANCE/RESOLUTION REQUEST**

Please email requests to Nancy Kuhn at

Nancy.kuhn@denvergov.org by NOON on Monday.

\*All fields must be completed.\*

Incomplete request forms will be returned to sender which may cause a delay in processing.

					Date of Request:	April 29, 2014
Pl	ease mark one:	☐ Bill Request	or	Resolution Reque	st	
1.	Has your agency submitted this request in the last 12 months?					
	☐ Yes	⊠ No				
	If yes, plea	ase explain:				
2.	- that clearly in supplemental re Request for a R	a concise, one sentence description dicates the type of request: graph equest, etc.) esolution granting a revocable and assigns, to encroach into	ant accep	otance, contract execution, subject to certain terms and	amendment, municipal colling conditions, to SSP Colfa	de change,  x Marketplace LLC,
3.	Requesting Ag	gency: Public Works Engineer	ing Regu	ılatory & Analytics		
4.	Contact Person  Name: Phone: Email:	one: nail:  It Person: (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who available for first and second reading, if necessary.)  me: Nancy Kuhn				
5.	Contact Person: (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)  Name: Nancy Kuhn Phone: 720-865-8720 Email: nancy.kuhn@denvergov.org					
6.	General description of proposed ordinance including contract scope of work if applicable:  A Resolution granting a revocable permit to SSP Colfax Marketplace LLC to encroach into the right-of-way with balconies, cantilevered building, awnings, and signage at 1020 E Colfax Ave.					
	**Please complete the following fields: (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)					
	a. Contra	act Control Number: N/A				
	b. Durat					
	c. Locati					
		ed Council District: D10: Ro	bb			
	e. Benefi f. Costs:					
7.	Is there any co	ntroversy surrounding this o	ordinance	e? (Groups or individuals	who may have concerns a	bout it?) Please
	explain.					
	None.					
		To be	complete	ed by Mayor's Legislative T	eam:	
SIRE Tracking Number: Date Entered:					Entered:	





Project Title: 2013-0123-07 Colfax Marketplace / Route 40

Description of Proposed Project: A Resolution granting a revocable permit to SSP Colfax Marketplace LLC to encroach into the right-of-way with balconies, cantilevered building, awnings, and signage at 1020 E Colfax Ave.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** To help activate the East Colfax corridor and enable the community to become more walkable and pleasant.

Has a Temp MEP been issued, and if so, what work is underway: No

What is the known duration of an MEP: Permanent

Will land be dedicated to the City if the vacation goes through: N/A

Will an easement be placed over a vacated area, and if so explain: N/A

Will an easement relinquishment be submitted at a later date: N/A

Additional information: A portion of the building will encroach into the ROW with this MEP.



### MEP DESCRIPTION

SIX PARCELS OF LAND BEING PORTIONS OF CORONA STREET RIGHT-OF-WAY AND COLFAX AVENUE RIGHT-OF-WAY CONTIGUOUS WITH BLOCK 104, BREWER'S ADDITION TO THE CITY OF DENVER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

### PARCEL A:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COLFAX AVENUE AND THE EAST RIGHT-OF-WAY OF LINE OF CORONA STREET;

THENCE SOUTH 00°10'37" WEST ALONG SAID EAST LINE, A DISTANCE OF 94.02 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°10'37" WEST ALONG SAID EAST LINE, A DISTANCE OF 19.92 FEET.

THENCE NORTH 89°13'45" WEST, A DISTANCE OF 4.65 FEET;

THENCE NORTH 00°46'15" EAST, A DISTANCE OF 19.92 FEET;

THENCE SOUTH 89°13'45" EAST, A DISTANCE OF 4.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 90 SQUARE FEET, MORE OR LESS.

### PARCEL B:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COLFAX AVENUE AND THE EAST RIGHT-OF-WAY OF LINE OF CORONA STREET;

THENCE SOUTH 00°10'37" WEST ALONG SAID EAST LINE, A DISTANCE OF 39.52 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUING SOUTH 00°10'37" WEST ALONG SAID EAST LINE, A DISTANCE 20.00 FEET;

THENCE NORTH 89°13'45" WEST, A DISTANCE OF 4.08 FEET;

THENCE NORTH 00°46'15" EAST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89°13'45" EAST, A DISTANCE OF 3.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 80 SQUARE FEET, MORE OR LESS.

### PARCEL C:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COLFAX AVENUE AND THE EAST RIGHT-OF-WAY OF LINE OF CORONA STREET:

THENCE SOUTH 00°10'37" WEST ALONG SAID EAST LINE, A DISTANCE OF 30.35 FEET;

THENCE NORTH 89°13'45" WEST, A DISTANCE OF 3.78 FEET;

THENCE NORTH 00°46'15" EAST, A DISTANCE OF 14.58 FEET;

THENCE NORTH 89°13'45" WEST, A DISTANCE OF 4.38 FEET;

THENCE NORTH 00°46'15" EAST, A DISTANCE OF 19.85 FEET:

THENCE SOUTH 89°13'45" EAST, A DISTANCE OF 20.15 FEET;

THENCE SOUTH 00°46'15" WEST, A DISTANCE OF 4.08 FEET TO A POINT ON SAID SOUTH LINE;

THENCE NORTH 89°15'06" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 12.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 261 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

### PARCEL D:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COLFAX AVENUE AND THE EAST RIGHT-OF-WAY OF LINE OF CORONA STREET;

THENCE SOUTH 89°15'06" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 72.78 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°46'15" EAST, A DISTANCE OF 3.14 FEET;

THENCE SOUTH 89°13'45" EAST, A DISTANCE OF 10.92 FEET;

THENCE SOUTH 00°46'15" WEST, A DISTANCE OF 3.14 FEET TO A POINT ON SAID SOUTH LINE;

THENCE NORTH 89°15'06" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 10.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 34 SQUARE FEET, MORE OR LESS.

### PARCEL E:

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THENCE SOUTH 89°15'06" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 112.78 FEET TO THE POINT OF BEGINNING:

THENCE NORTH 00°46'15" EAST, A DISTANCE OF 3.13 FEET;

THENCE SOUTH 89°13'45" EAST, A DISTANCE OF 10.92 FEET;

THENCE SOUTH 00°46'15" WEST, A DISTANCE OF 3.12 FEET TO A POINT ON SAID SOUTH LINE;

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CONTAINING 34 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF COLFAX AVENUE BETWEEN CORONA STREET AND DOWNING STREET, ASSUMED TO BEAR SOUTH 89°15'06" EAST.

# PW LEGAL DESCRIPTION 2013-0123-07-00/

# **DESCRIPTION**

SITUATED IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SIX PARCELS OF LAND BEING PORTIONS OF CORONA STREET RIGHT-OF-WAY AND COLFAX AVENUE RIGHT-OF-WAY CONTIGUOUS WITH BLOCK 104, BREWER'S ADDITION TO THE CITY OF DENVER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE SOUTH 89"3"45" EAST, A DISTANCE OF 3.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 80 SQUARE FEET, MORE OR LESS.

### PARCEL C:

ISSUE DATE: 01-06-14

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COLFAX AVENUE AND THE EAST RIGHT-OF-WAY OF LINE OF CORONA STREET;

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DEPAIR P: (1032/30RVeTVPM: RESIDUM CENTOR): DESC.
XVEE's: occid=floorplan-mep-siteplan-floorplicationforusepermit=meppermit=1-8-[U], occid=floorplan-siteplan-1-10[U]
LOTTED: WED 01/22/14 3:14:06P BY: AARON MURPHY

REVISION COMMENTS

COLFAX MARKETPLACE MEP
DESCRIPTION



CHK'D BY: AWM DRAWN BY: KDW JOB NUM: 130312

1120 Lincoln Street, Suite 1000 Denver, Colorado 80203 P: 303-623-6300 F: 303-623-6311 HarrisKocherSmith.com

# PW LEGAL DESCRIPTION 2013-0123-07-001

DESCRIPTION

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BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF COLFAX AVENUE BETWEEN CORONA STREET AND DOWNING STREET, ASSUMED TO BEAR SOUTH 89"5'06" EAST.

PREPARED BY:

AARON MURPHY

PLS 38162

ON BEHALF OF:

HARRIS KOCHER SMITH

1120 LINCOLN STREET, SUITE 1000

DENVER, CO 80203

303.623.6300



COLFAX MARKETPLACE

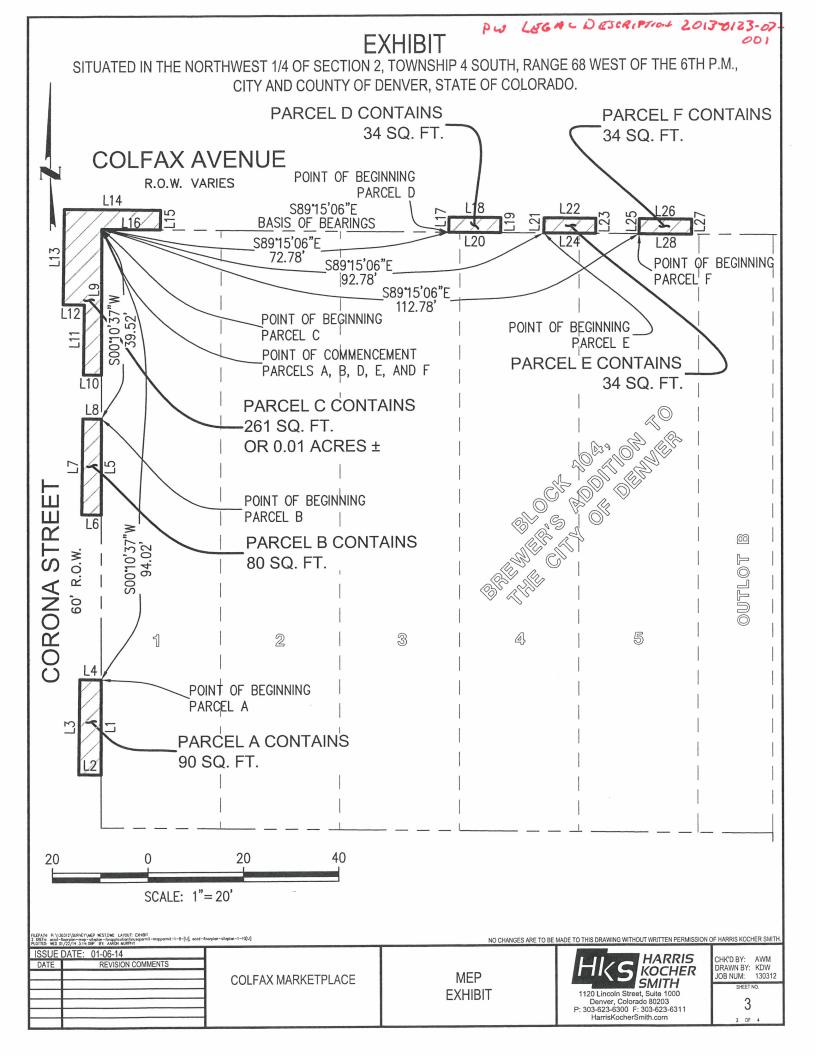
MEP

**HARRIS KOCHER** SMITH 1120 Lincoln Street, Suite 1000 Denver, Colorado 80203 P: 303-623-6300 F: 303-623-6311 HarrisKocherSmith.com

CHKID BY: DRAWN BY: KDW JOB NUM: 130312

2

DESCRIPTION



## PW LEGAL DESCRIPTION 2013-0123-07-00/

# **EXHIBIT**

SITUATED IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

LINE TABLE					
LINE	LENGTH	BEARING			
L1	19.92	S00°10'37"W			
L2	4.65	N89°13'45"W			
L3	19.92	N00°46'15"E			
L4	4.44	S89°13'45"E			
L5	20.00	S00°10'37"W			
L6	4.08	N89°13'45"W			
L7	20.00	N00°46'15"E			
L8	3.88	S89°13'45"E			
L9	30.35	S00°10'37"W			
L10	3.78	N89°13'45"W			
L11	14.58	N00°46'15"E			
L12	4.38	N89°13'45"W			
L13	19.85	N00°46'15"E			
L14	20.15	S89°13'45"E			
L15	4.08	S00°46'15"W			
L16	12.30	N89°15'06"W			
L17	3.14	N00°46'15"E			
L18	10.92	S89°13'45"E			
L19	3.14	S00°46'15"W			
L20	10.92	N89°15'06"W			
L21	3.14	N00°46'15"E			
L22	10.92	S89°13'45"E			
L23	3.13	S00°46'15"W			
L24	10.92	N89°15'06"W			
L25	3.13	N00°46'15"E			
L26	10.92	S89°13'45"E			
L27	3.12	S00°46'15"W			
L28	10.92	N89°15'06"W			

PLEPATH: P:\130312\SURVEY\MEP MEST.DWC LAYOUT: E04B1 (2)
2 XPETs: cocd=floorplon=map=siteplon=loropplecolicofloorsepermit=meppermit=1=8=[U], cccd=floorplon=siteplon=1=10[U]
PLOTED: MED 07/22/14 21:10599 8th: ARMON MURPHY

ISSUE DATE: 01-06-14
DATE REVISION COMMENTS

COLFAX MARKETPLACE

MEP LINE TABLE



NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

1120 Lincoln Street, Suite 1000 Denver, Colorado 80203 P: 303-623-6300 F: 303-623-6311 HarrisKocherSmith.com CHK'D BY: AWM DRAWN BY: KDW JOB NUM: 130312

4 OF 4