

SUBMITTAL CHECKLIST

FOR ENCROACHMENTS & ENCUMBRANCES IN THE PUBLIC RIGHT-OF-WAY

Any Submittal not meeting all minimum checklist criteria herein will be rejected as incomplete.

Encroachments shall be in accordance with:

- [Rules and Regulations Governing Encroachments & Encumbrances in the Public Right-of-Way](#)
- [Transportation Standards and Details for the Engineering Division](#)

Application

- Signed by adjacent property owner** as owner of Encroachment or authorized Special District representative

Evidence of Adjacent Property Ownership & Property Legal Description

Required for all Encroachment Permit Applications

- Current Title Work/Warranty Deed confirming ownership and legal description for adjacent property
- Property Legal Description in Word format

Legal Description sealed and signed by a Professional Land Surveyor licensed in Colorado

Required for Tier II Underground Encroachments and all Tier III Encroachments, can be submitted after 1st review

- Encroachment Area Legal Description and Exhibit(s) in PDF format stamped and signed by PLS
- Encroachment Area Legal Description in Word format

Site Plans sealed and signed by a Professional Engineer licensed in Colorado

GENERAL

- Vicinity map
- North arrows and numerical and bar scales (Scale not to exceed 1" = 40')
- Legend
- PE stamp area
- Plan set date and revision number (if applicable)

PLAN VIEW

Show, label and dimension existing and proposed final site conditions, including but not limited to the following (aerial imagery is allowed; however, it does not replace requirement for accurately scaled engineering drawings):

- Property lines, right-of-way width
- Edge of pavement, curb and gutter, sidewalks, nearby driveways and alleys
- Street lights, pedestrian lights, signal poles, utility poles
- Surface utility features (e.g. cabinets, handholes, manholes, inlets, vaults, valves, fire hydrants)
- Regulatory Floodplain boundaries (FEMA)
- Underground and overhead utilities (e.g. water, sewer, power, communications, gas, irrigation)
- Trees and landscaping in the ROW
- Street names and adjacent property address(es)

N/A Regional Transportation District (RTD) bus stop with any amenities

- Location and size of Encroachment – Show and dimension limits of both above and below ground elements

City and County of Denver – Department of Transportation & Infrastructure

Right-of-Way Services | Engineering & Regulatory
201 West Colfax Ave. Dept. 507 | Denver, CO 80202

www.denvergov.org/doti

Phone: 720-865-3003

- Construction Materials
- Projection from building
- Distance from Encroachment to the nearest flowline
- Distance from Encroachment to any other Streetscape feature/obstruction in the vicinity
- Distance from property line to back of curb
- N/A Electrical service alignment, electrical connection location, and voltage/amps
- No proposed Encroachments located in the intersection clear zone per Transportation Std. Dwg. 7.9

ELEVATION OR CROSS-SECTION VIEWS

- Location and size of Encroachment – Show and dimension limits of both above and below ground elements
- Existing and final grade
- Existing utilities and their size and depth
- Vertical height/clearance of the Encroachment from finish grade

DETAIL SHEET(S)

- Manufacturer’s and/or construction detail(s)
- N/A Referenced City detail(s) by drawing number on the appropriate plan and elevation view(s)
- N/A Office of the Forester’s (OCF) tree protection detail and notes
- N/A Special, non-standard, or modified City details

STRUCTURAL PLANS Not Applicable

- Structural plans
- Manufacturers certification

ADDITIONAL REQUIRED MATERIAL(S) Not Applicable

- Approval from applicable reviewing authorities (e.g. design review district, floodplain, Arts & Venues)
- For properties sharing the Encroachment, appropriate legal documentation for review by the City

COMMENT RESOLUTION SHEET(S) IF APPLICABLE Not Applicable for 1st Submittal

- Reviewer’s and Agency Name
- Review comments (reviewer comments must be verbatim)
- Formal written response to each comment

Fees:

Fees must be paid immediately after ER provides a project number and invoice for your application.

Fees (Non-Refundable):	Tier I Encroachment:	Tier II Encroachment:	Tier III Encroachment:
Initial Processing	No Fee	\$1,500.00	\$1,500.00
Legal Description Review	N/A	\$300.00	\$300.00
Resolution Review	N/A	N/A	\$300.00
Annual Permit	No Fee	\$200.00	\$200.00

Attestation:

I hereby attest that the above information is incorporated into the Encroachment Application and plan submittal:

SIGNATURE: _____ **DATE:** _____
PRINT NAME: _____ **EMAIL:** _____
COMPANY: _____



APPLICATION

FOR ENCROACHMENTS & ENCUMBRANCES IN THE PUBLIC RIGHT-OF-WAY

An Encroachment Permit is required prior to placing privately-owned improvements (“Encroachment” or “Encumbrance”) in the public Right-of-Way (ROW). Only Encroachment Permit Applications in accordance with [Rules and Regulations](#) and [Permit Entrance Requirements](#) for Encroachments in the Public Right-of-Way will be considered by the Department of Transportation & Infrastructure (DOTI). **It is the City’s sole discretion whether to grant an Encroachment Permit based on any facts the City feels are relevant. Approval is not guaranteed.**

To apply, complete this application and submit together with required application materials in accordance with the [Permit Entrance Requirements](#) to DOTI.ER@denvergov.org. Please type or print clearly. If necessary, attach additional sheets to fully answer any of the following sections. Incomplete applications packages will not be accepted. Questions on this application or the process can be sent to DOTI.ER@denvergov.org.

ENCROACHMENT OWNER/ADJACENT PROPERTY OWNER:

The adjacent property owner will be the Encroachment Owner and Permittee and is the responsible party for the Encroachment in accordance with the Rules and Regulations, including all fees and annual billing.

Company Name: _____

Contact Name: _____

Property Address: _____

Billing Address: _____

Telephone Number: _____ Email Address: _____

OWNER REPRESENTATIVE: *Check if the same as Adjacent Property Owner*

Company Name: _____

Contact Name: _____

Address: _____

Telephone Number: _____ Email Address: _____

ENCROACHMENT INFORMATION:

Project Name: _____

Adjacent Property Address: _____

Coordinates (Lat/Long): _____

Encroachment Area, in SF: _____

City and County of Denver – Department of Transportation & Infrastructure
 Right-of-Way Services | Engineering & Regulatory
 201 West Colfax Ave. Dept. 507 | Denver, CO 80202
www.denvergov.org/doti
 Phone: 720-865-3003

Is this project associated with a LAND DEVELOPMENT REVIEW?

Yes No If 'Yes', provide Project Master, Site Plan and/or Concept Development Project Numbers:

Location Description: (e.g. Located on the South side of 23rd Ave, twenty (20) feet from face of curb, and ten (10) feet west of pavement on Private Drive.)

Description of Encroachment:

Describe the proposed encroachment, including the type, dimensions, and quantity of objects. If the space below is not enough space to describe the encroachment, attach the description as a sheet. Additionally, provide required application materials in accordance with the Permit Entrance Requirements. It is not acceptable to use "please see attached plans" or other vague descriptors.

Justification for Private Improvements in the Public ROW:

Private improvements should be located on private property. Only in cases where there are physical constraints that preclude the placement of private improvements on private property that an encroachment may be considered within the right-of-way. Make your case as to why this is a good use of the public right-of-way. It is not acceptable to use "you want/need it" or other vague descriptors.

FOR ER INTERNAL USE ONLY:

Tier Determination: _____ Project Number: _____ Initials: _____

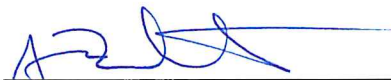
ATTESTATION:

By submitting this permit application and signing below, I understand and agree to the following:

1. That I am the property owner adjacent to the Encroachment Area, or the authorized representative of a Special District, that is responsible for the placement, maintenance, repair, replacement, removal, site restoration, ownership, or is otherwise responsible for the Encroachment in accordance with the Rules & Regulations for Encroachments and Encumbrances in the Public Right-of-Way.
2. That it is the City's sole discretion to classify the Tier of an Encroachment and whether to grant an Encroachment Permit based on any facts the City feels are relevant. The issuance of an Encroachment Permit confers no rights to the Right-of-Way, the Encroachment Permit is revocable and DOTI can order the removal of the Encroachment and restoration of the Encroachment Area for any reason the City feels relevant.
3. Permittee agrees to defend, indemnify, reimburse and hold harmless the City, its appointed and elected officials, agents and employees for, from and against all liabilities, claims, judgments, suits or demands for damages to persons or property arising out of, resulting from, or relating to an Encroachment Permit and the Encroachment ("Claims"). This indemnity shall be interpreted in the broadest possible manner to indemnify City for any acts or omissions of Permittee or its subcontractors either passive or active, irrespective of fault, including City's negligence whether active or passive.
4. Permittee's duty to defend and indemnify City shall arise at the time written notice of the Claim is first provided to City regardless of whether claimant has filed suit on the Claim. Permittee's duty to defend and indemnify City shall arise even if City is the only party sued by claimant and/or claimant alleges that City's negligence or willful misconduct was the sole cause of claimant's damages.
5. Permittee will defend any and all Claims which may be brought or threatened against City and will pay on behalf of City any expenses incurred by reason of such Claims including, but not limited to, court costs and attorney fees incurred in defending and investigating such Claims or seeking to enforce this indemnity obligation. Such payments on behalf of City shall be in addition to any other legal remedies available to City and shall not be considered City's exclusive remedy.
6. Insurance coverage requirements specified in an Encroachment Permit shall in no way lessen or limit the liability of Permittee under the terms of this indemnification obligation. Permittee shall obtain, at its own expense, any additional insurance that it deems necessary for the City's protection.
7. This defense and indemnification obligation shall survive the expiration or termination of any issued Encroachment Permit.
8. Permittee is fully responsible for all costs to install, maintain, repair, replace, remove, and restore the Encroachment Area, including annual City Encroachment Permit Fees. A lien will be placed on the Permittee's property for failure to remove a revoked or abandoned Encroachment for cost incurred by CCD to remove the Encroachment and restore the Encroachment Area on behalf of the Permittee.
9. Indemnity and Insurance for Tier I and Tier II Encroachments: Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier I or Tier II Encroachment, the Owner of such Tier I or Tier II Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier I or Tier II Encroachment. Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.
10. Indemnity and Insurance for Tier III Encroachments: Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier III Encroachment, the Owner of such Tier III Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier III Encroachment. Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$5,000,000 policy aggregate. A combination of primary and excess coverage may be used to meet the aggregate limit. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.

ADJACENT PROPERTY

OWNER SIGNATURE:



DATE:

1/23/2023

PRINT NAME:

Jarvic Lancaster

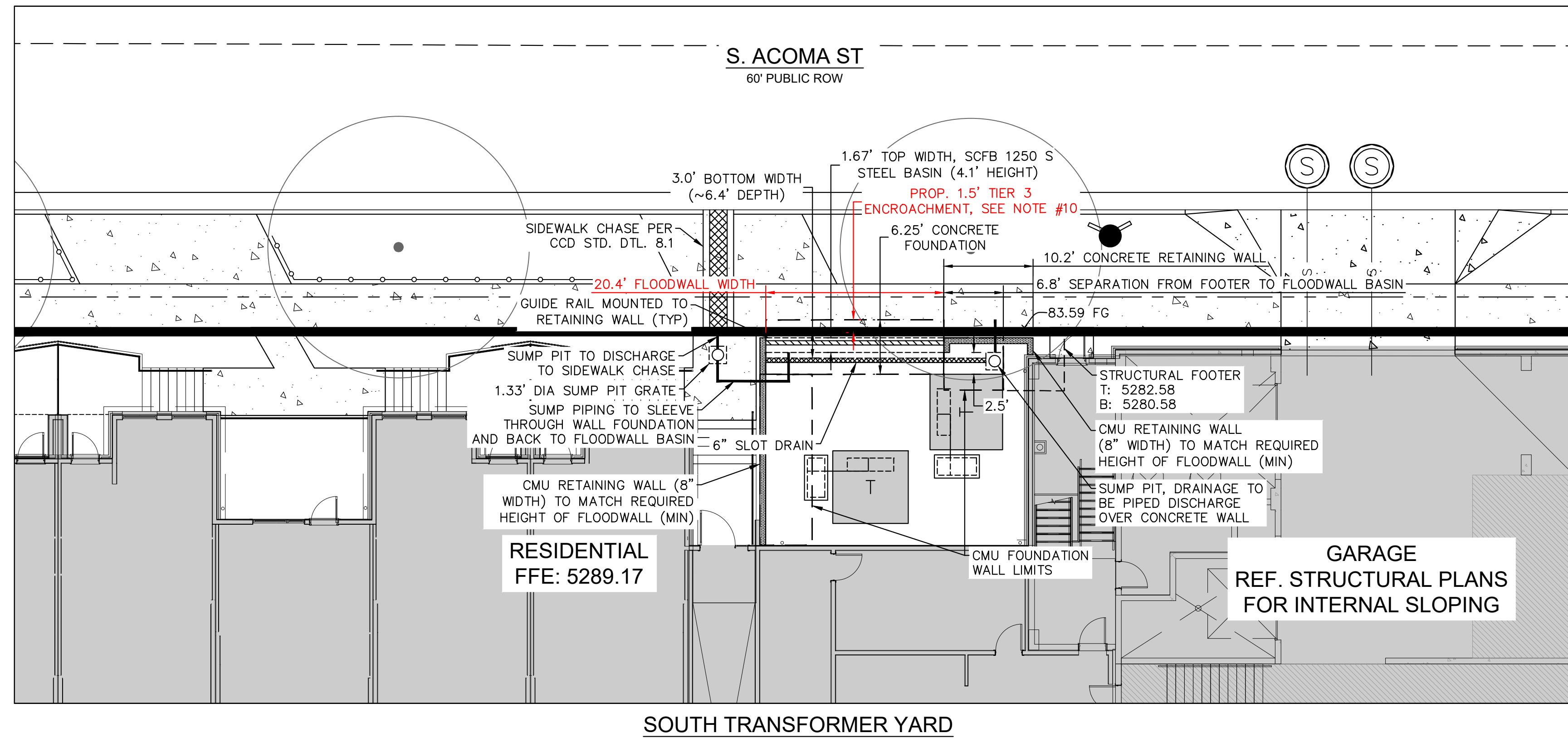
TITLE:

Vice President

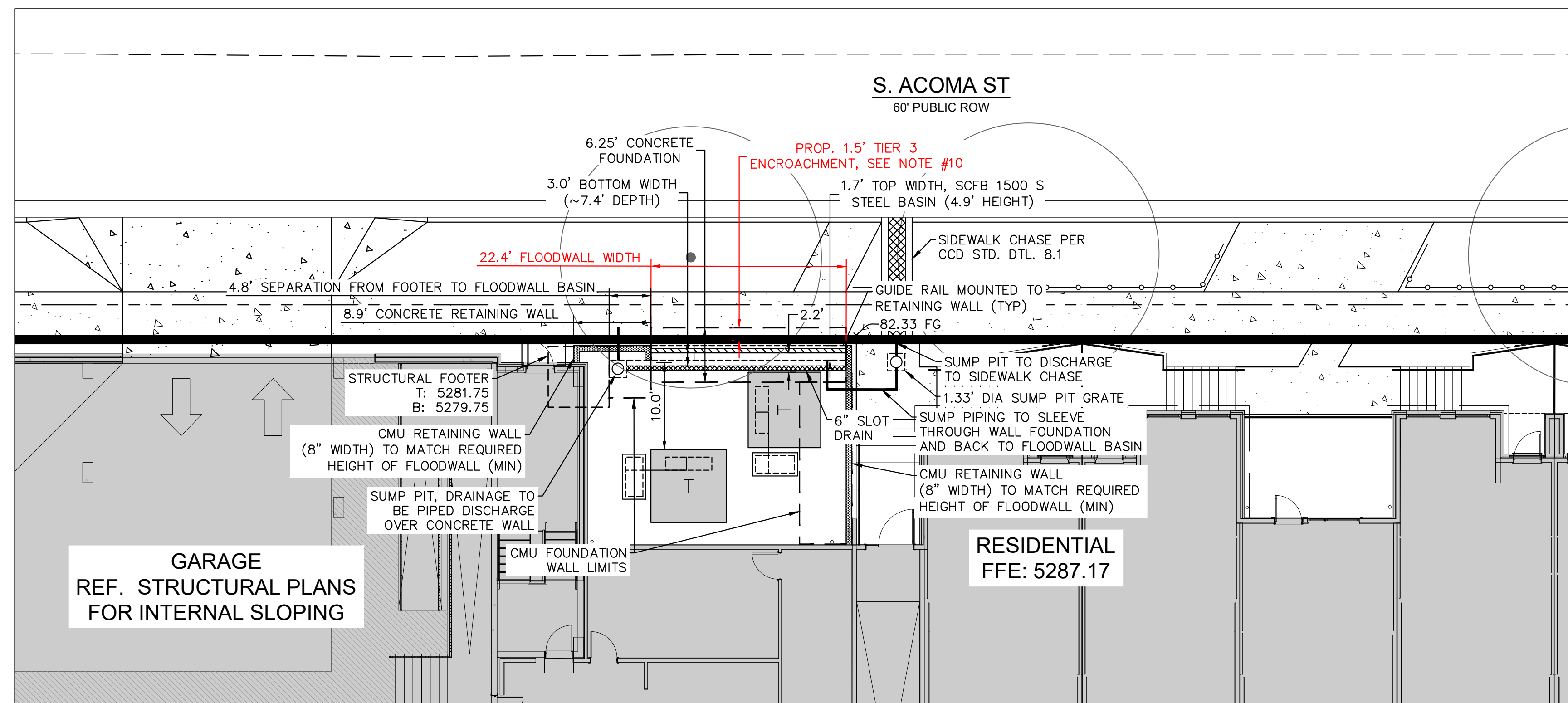
COMPANY:

AES Apartments Venture, LLC

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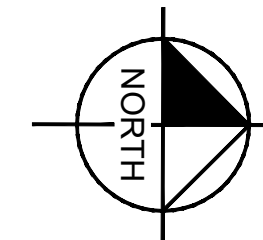
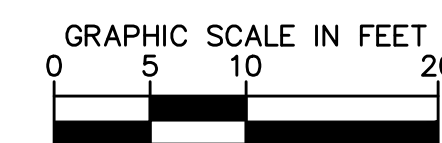
SOUTH TRANSFORMER YARD



NORTH TRANSFORMER YARD

DRY FLOODPROOFING NOTES

- PROPERTY IS LOCATED IN FLOOD ZONE AO (1-FOOT DEPTH) FLOODPLAIN OF HARVARD GULCH OVERFLOW, FOR SOUTH PLATTE RIVER.
- BASE FLOOD ELEVATION (BFE) = 5285.62 (NAVD 1988)
- MINIMUM FLOOD PROTECTION ELEVATION (FPE) = 5287.12 (NAVD 1988)
- ALL EXTERIOR MACHINERY AND EQUIPMENT MUST BE ELEVATED ABOVE THE FLOOD PROTECTION (FPE) TO PREVENT FLOOD DAMAGE. THIS INCLUDES, BUT IS NOT LIMITED TO: ALL ELECTRICAL EQUIPMENT (TRANSFORMERS, ELECTRIC METERS, ELECTRICAL PANELS, JUNCTION BOXES, RECEPTACLES, ETC...) MECHANICAL EQUIPMENT (HEAT PUMPS, AC UNITS, DUCTWORK, ETC...), GAS FACILITIES (GAS METER AND REGULATOR), AND COMMUNICATIONS EQUIPMENT (PANELS, PEDESTALS, ETC...).
- IT IS CRUCIAL THAT UTILITY COMPANIES (XCEL, COMCAST, CENTURYLINK, ETC...) ARE NOTIFIED OF ELEVATION REQUIREMENTS WHEN CALLING IN SERVICE REQUESTS. EXTERIOR MACHINERY AND EQUIPMENT THAT IS INSTALLED BELOW THE REQUIRED ELEVATION WILL BE REQUIRED TO BE RELOCATED AT THE CONTRACTOR'S EXPENSE. CONTRACTORS SHALL MARK MINIMUM ELEVATIONS FOR UTILITY COMPANY INSTALLERS AND COORDINATE SAID INSTALLATIONS.
- THE CONTRACTOR SHALL SURVEY THE TOP OF ALL CONCRETE FORMS FOR FLOOD PROTECTION PRIOR TO INSTALLATION OF REINFORCING AND PLACEMENT OF CONCRETE TO VERIFY ELEVATIONS REQUIRED FOR FLOOD PROTECTION.
- EXTERIOR CONSTRUCTION BELOW THE FPE MUST BE CONSTRUCTED WITH MATERIALS RESISTANT TO FLOOD DAMAGES. FLOOD DAMAGE-RESISTANT MATERIALS MUST CONFORM TO FEMA'S TECHNICAL BULLETIN 2 'FLOOD DAMAGE-RESISTANT MATERIALS REQUIREMENTS.'
- FIELD WATER TESTING TO THE FPE OF EACH FLOOD PROTECTION DEVICE WILL BE REQUIRED PRIOR TO ISSUANCE OF C.O. ADDITIONAL THOUGHT MUST BE GIVEN TO HOW THE CONTRACTOR SHALL PERFORM THE WATER TESTS. THESE TESTS MUST BE PERFORMED IN A MANNER THAT MINIMIZES RISK OF WATER DAMAGE TO THE INTERIOR AND ADJACENT PROPERTY IN THE EVENT OF FAILURE OR LEAKAGE. THE CONTRACTOR SHALL DEVISE A METHODOLOGY TO PERFORM THE TESTS AND CAPTURE AND MEASURE THE SEEPAGE THROUGH ALL CLOSURE DEVICES (OR ANY OTHER MEASURES THAT MUST BE TESTED) TO PROVE THAT SEEPAGE RATES FOR THE ENTIRE STRUCTURE WOULD NOT EXCEED AN AMOUNT WHICH WOULD RESULT IN AN ACCUMULATION OF MORE THAN 4 INCHES OF WATER DEPTH IN THE FLOODPROOFED SPACE DURING A 24-HOUR PERIOD. IN ADDITION, THE SEEPAGE RATE FOR A CLOSURE DEVICE (DOOR, SHIELD, GATE, ETC...) MUST NOT EXCEED 0.24 GALLONS PER HOUR PER LINEAR FOOT OF WETTED PERIMETER (TO FPE). THESE TESTS MUST BE OBSERVED BY THE CITY AND COUNTY OF DENVER FLOODPLAIN MANAGER, DAVID BOLES (DAVID.BOLES.DENVERGOV.ORG). ALL REQUESTS FOR INSPECTIONS MUST BE CALLED TO SCHEDULE A MINIMUM OF 2 BUSINESS DAYS IN ADVANCE.
- SEE 2022-SUDP-0003529 PERMIT CONDITIONS.
- FLOODWALL FOUNDATION ENCRoACHMENT INTO S. ACOMA STREET RIGHT-OF-WAY IS AUTHORIZED UNDER A TIER 3 ENCRoACHMENT APPROVAL, REC. NO. _____

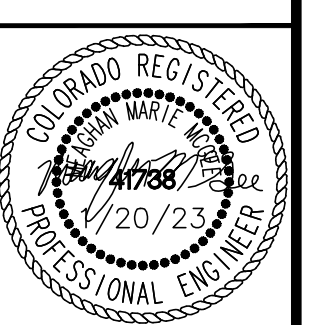


NO.	REVISION	BY	DATE
9	TIER 3 ENCRoACHMENT	HVF	1/20/23
8	DRY FLOODPROOFING COMMENTS	HVF	10/26/22
7	SUDP FLOODPLAIN	HVF	8/1/22
6	IFC SET	EAM	9/17/21
			MMT
			APPR

Kimley»Horn
 2023 KIMLEY-HORN AND ASSOCIATES, INC.
 1125 17th Street, Suite 1400
 Denver, Colorado 80202 (303) 228-2300

DESIGNED BY: EAM
 DRAWN BY: SJA
 CHECKED BY: MMT
 DATE: 12/1/20

EVANS AND BROADWAY
 CITY AND COUNTY OF DENVER
 CONSTRUCTION DOCUMENTS
 TRANSFORMER LAYOUT PLAN



PROJECT NO.
096253020
 SHEET
C1.4

EXHIBIT A

PARCEL DESCRIPTION

TWO (2) PARCELS OF LAND BEING A PORTION OF S. ACOMA STREET, MORE PARTICULARLY BEING A PART OF THAT SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 2021121182 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE 20 FOOT RANGE LINE LOCATED IN S. ACOMA STREET BETWEEN W. EVANS AVENUE AND W. WARREN AVENUE IS ASSUMED TO BEAR NORTH 00°15'38" WEST AND BEING MONUMENTED AT THE SOUTH END BY AN AXLE IN A RANGE BOX, AND AT THE NORTH END BY A 2.5" ALUMINUM CAP STAMPED "PLS 38035" IN CONCRETE.

PARCEL 1

COMMENCING AT THE INTERSECTION OF THE 20 FOOT RANGE LINE IN W. WARREN AVENUE WITH SAID 20 FOOT RANGE LINE IN S. ACOMA STREET; THENCE NORTH 60°59'41" EAST, A DISTANCE OF 50.18 FEET TO THE SOUTHEAST CORNER OF PARCEL 2 OF SAID SPECIAL WARRANTY DEED, BEING THE EASTERLY RIGHT-OF-WAY OF SAID S. ACOMA STREET; THENCE NORTH 00°15'38" WEST, ALONG SAID EASTERLY LINE OF SAID PARCEL 2 AND THE EASTERLY RIGHT-OF-WAY S. ACOMA STREET, A DISTANCE OF 166.08 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID EASTERLY LINES, NORTH 89°44'22" WEST, A DISTANCE OF 1.63 FEET;
THENCE NORTH 00°15'38" WEST, A DISTANCE OF 21.76 FEET;
THENCE NORTH 89°44'22" EAST, A DISTANCE OF 1.63 FEET TO SAID EASTERLY LINES;
THENCE SOUTH 00°15'38" EAST, ALONG SAID EASTERLY LINES, A DISTANCE OF 21.76 FEET TO THE **POINT OF BEGINNING**.

CONTAINING A CALCULATED AREA OF 35 SQUARE FEET OR 0.0008 ACRES, MORE OR LESS.

TOGETHER WITH

(CONTINUED ON SHEET 2 OF 3)



PARCEL 2

COMMENCING AT THE INTERSECTION OF THE 20 FOOT RANGE LINE IN W. WARREN AVENUE WITH SAID 20 FOOT RANGE LINE IN S. ACOMA STREET; THENCE NORTH 60°59'41" EAST, A DISTANCE OF 50.18 FEET TO THE SOUTHEAST CORNER OF PARCEL 2 OF SAID SPECIAL WARRANTY DEED, BEING THE EASTERLY RIGHT-OF-WAY OF SAID S. ACOMA STREET; THENCE NORTH 00°15'38" WEST, ALONG SAID THE EASTERLY LINE OF SAID PARCEL 2 AND THE EASTERLY RIGHT-OF-WAY S. ACOMA STREET, A DISTANCE OF 347.90 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID EASTERLY LINES, SOUTH 89°44'22" WEST, A DISTANCE OF 1.59 FEET;

THENCE NORTH 00°15'38" WEST, A DISTANCE OF 23.74 FEET;

THENCE NORTH 89°44'22" EAST, A DISTANCE OF 1.59 FEET TO SAID EASTERLY LINES; THENCE SOUTH 00°15'38" EAST, ALONG SAID EASTERLY LINES, A DISTANCE OF 23.74 FEET TO THE **POINT OF BEGINNING**.

CONTAINING A CALCULATED AREA OF 38 SQUARE FEET OR 0.0009 ACRES, MORE OR LESS.

ALL LINEAL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.

I, DAVID J. BERGLUND A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE PARCEL DESCRIPTIONS AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.



DAVID J. BERGLUND, P.L.S. 38199
FOR AND ON BEHALF OF MANHARD CONSULTING

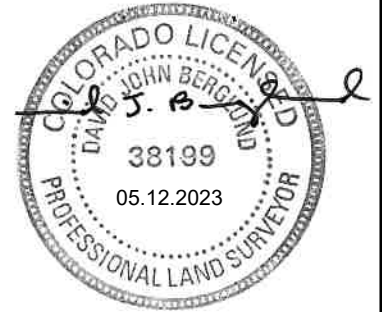
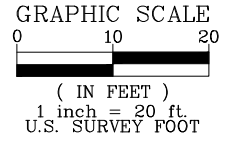
Dwg Name: P:\Khadnco06\Drawings\Exhibits_Surv\KHA.DNC006_Tier III Encroachment.dwg Updated By: jMills 5/10/2023 12:08 PM

W. EVANS AVE.
(R.O.W. VARIES)

EXHIBIT A

FOUND 2.5" ALUMINUM CAP
STAMPED "PLS 38035"
IN CONCRETE

S. ACOMA ST.
(R.O.W. VARIES)



FOR AND ON BEHALF OF
MANHARD CONSULTING

**BLOCK 9
ROSEDALE**
BOOK 4, PAGE 23

PARCEL 2
38 S.F. (0.0009 AC.)

**POINT OF BEGINNING
PARCEL 2**

PARCEL 1
35 S.F. (0.0008 AC.)

**POINT OF BEGINNING
PARCEL 1**

PARCEL 2
SPECIAL WARRANTY DEED
RECEPTION NO. 2021121182

PARCEL 1
SPECIAL WARRANTY DEED
RECEPTION NO. 2021121182

W. WARREN AVE.
(64' R.O.W.)

POINT OF COMMENCEMENT
FOUND AXLE
IN RANGE BOX

FOUND 2.5" ALUMINUM CAP
STAMPED "PLS 38035"
IN CONCRETE

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°44'22"W	1.63'
L2	N00°15'38"W	21.76'
L3	N89°44'22"E	1.63'
L4	S00°15'38"E	21.76'
L5	S89°44'22"W	1.59'
L6	N00°15'38"W	23.74'
L7	N89°44'22"E	1.59'
L8	S00°15'38"E	23.74'

NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.



7600 East Orchard Road, Suite 150-N, Greenwood Village, CO 80111 ph:303.708.0500 manhard.com
Civil Engineering | Surveying & Geospatial Services | GIS
Water Resource Management | Construction Management

EVANS & BROADWAY	
CITY AND COUNTY OF DENVER, COLORADO	
TIER III ENCROACHMENT	
PROJ. MGR.: <u>DJB</u>	SHEET
DRAWN BY: <u>JLM</u>	3 OF 3
DATE: <u>05/10/23</u>	KHADNCO06.00
SCALE: <u>1" = 20'</u>	

Part of Block 9, Rosedale, together with the vacated alley as vacated by Ordinance No. 370, series of 1991 recorded July 3, 1991 at Reception No. 1991060774, located in the Northwest Quarter of Section 27, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

Commencing at the intersection of the 20 foot range line along W. Warren Avenue with the 20 foot range line along S. Broadway and considering said S. Broadway range line to bear North 00°15'45" West, with all bearings contained herein being relative thereto;

Thence North 00°15'45" West, along said S. Broadway range line, a distance of 24.00 feet;

Thence South 89°33'54" West, a distance of 20.00 feet to the intersection of the easterly line of said Block 9 with a line 4.00 feet North of and parallel with the southerly line of said Block 9, and the Point of Beginning;

Thence continuing South 89°33'54" West, along said parallel line, a distance of 262.02 feet to a line 4.00 feet East of and parallel with the westerly line of said Block 9;

Thence North 00°15'38" West, along last said parallel line, a distance of 535.87 feet to the southerly right-of-way line described in rule and order recorded February 11, 2011 at Reception No. 2011016186, in the office of the City and County of Denver Clerk and Recorder;

Thence along said southerly right-of-way line for the following seven (7) courses:

- 1) North 44°45'17" East, a distance of 4.31 feet;
- 2) North 88°42'35" East, a distance of 50.68 feet;
- 3) North 87°16'40" East, a distance of 75.35 feet;
- 4) North 87°15'21" East, a distance of 113.10 feet;
- 5) South 45°15'45" East, a distance of 9.91 feet;
- 6) South 00°15'45" East, a distance of 44.24 feet;
- 7) North 89°34'30" East, a distance of 5.79 feet;

Thence South 00°15'45" East, a distance of 67.76 feet;

Thence South 05°10'55" East, a distance of 84.07 feet to said easterly line of block 9;

Thence South 00°15'45" East, along said easterly line, a distance of 344.41 feet to the Point of Beginning;

Containing a calculated area of 140,753 square feet or 3.2312 acres, more or less.

Tier III - 2121 S Broadway - Floodwall Foundation

06/12/2023

Master ID: 2020-PROJMSTR-0000170 **Project Type:** Tier III Encroachment Resolution
Review ID: 2023-ENCROACHMENT-0000005 **Review Phase:**
Location: **Review End Date:** 02/22/2023

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: DS Transportation Review

Review Status: Approved

Reviewers Name: Melissa Woods
Reviewers Email: Melissa.Woods@denvergov.org

Status Date: 02/24/2023
Status: Approved
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: DOTI/DES
Reviewers Name: Melissa Woods
Reviewers Phone: 720-865-3029
Reviewers Email: melissa.woods@denvergov.org
Approval Status: Approved

Comments:
Approved, no comments.

Status Date: 02/23/2023
Status: Denied
Comments: Denied on behalf of this critical reviewer, and this is still under review. Please contact the reviewer to resolve.

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: DS Project Coordinator Review

Review Status: Approved - No Response

Reviewers Name: James Larsen
Reviewers Email: James.Larsen@denvergov.org

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: Survey Review

Review Status: Approved

Reviewers Name: Brian Pfohl
Reviewers Email: Brian.Pfohl@denvergov.org

Status Date: 05/30/2023
Status: Approved
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: DOTI-ROWS Survey
Reviewers Name: Brian Pfohl
Reviewers Phone: 630.202.6564

Comment Report

Tier III - 2121 S Broadway - Floodwall Foundation

06/12/2023

Master ID: 2020-PROJMSTR-0000170 **Project Type:** Tier III Encroachment Resolution
Review ID: 2023-ENCROACHMENT-0000005 **Review Phase:**
Location: **Review End Date:** 02/22/2023

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewers Email: brian.pfohl@denvergov.org
Approval Status: Approved

Comments:

Attachment: 20230530_2023-ENCROACHMENT-0000005_SurveyComments5.docx

Status Date: 03/07/2023
Status: Approved
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: DOTI-ROWS Survey
Reviewers Name: Brian Pfohl
Reviewers Phone: 630.202.6564
Reviewers Email: brian.pfohl@denvergov.org
Approval Status: Approved

Comments:

Status Date: 03/03/2023
Status: Denied
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: DOTI-ROWS Survey
Reviewers Name: Brian Pfohl
Reviewers Phone: 630.202.6564
Reviewers Email: brian.pfohl@denvergov.org
Approval Status: Denied

Comments:

Attachment: REDLINES2 Survey Pfohl.pdf

Status Date: 02/23/2023
Status: Denied
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: DOTI-ROWS Survey
Reviewers Name: Brian Pfohl
Reviewers Phone: 630.202.6564
Reviewers Email: brian.pfohl@denvergov.org
Approval Status: Denied

Comments:

Attachment: 20230222_2023-ENCROACHMENT-0000005_SurveyComments1.docx

REDLINES are uploaded to the E- Review webpage.

Status Date: 02/22/2023

Comment Report

Tier III - 2121 S Broadway - Floodwall Foundation

06/12/2023

Master ID: 2020-PROJMSTR-0000170 **Project Type:** Tier III Encroachment Resolution
Review ID: 2023-ENCROACHMENT-0000005 **Review Phase:**
Location: **Review End Date:** 02/22/2023

Any denials listed below must be rectified in writing to this office before project approval is granted.

Status: Approved - No Response
Comments:

Reviewing Agency: DES Wastewater Review Review Status: Approved

Reviewers Name: Zhixu Yuan
Reviewers Email: Zhixu.Yuan@denvergov.org

Status Date: 06/07/2023
Status: Approved
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: DS-WW
Reviewers Name: Zhixu Yuan
Reviewers Phone: 7208653140
Reviewers Email: zhixu.yuan@denvergov.org
Approval Status: Approved

Comments:

Status Date: 03/08/2023
Status: Denied
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: DS-WW
Reviewers Name: Zhixu Yuan
Reviewers Phone: 7208653140
Reviewers Email: zhixu.yuan@denvergov.org
Approval Status: Denied

Comments:

It appears no strong supporting for the justification to put the flooding wall in ROW. Please work the transformer location with your building designer and our floodplain reviewer.
No rise/no harm analysis in flood depths to other properties should be provided if the flooding wall encroachment is really needed.

Status Date: 02/23/2023
Status: Denied
Comments: Denied on behalf of this critical reviewer, and this is still under review. Please contact the reviewer to resolve.

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: City Council Referral Review Status: Approved - No Response

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: CenturyLink Referral Review Status: Approved w/Conditions

Status Date: 04/05/2023

Comment Report

Tier III - 2121 S Broadway - Floodwall Foundation

06/12/2023

Master ID: 2020-PROJMSTR-0000170 **Project Type:** Tier III Encroachment Resolution
Review ID: 2023-ENCROACHMENT-0000005 **Review Phase:**
Location: **Review End Date:** 02/22/2023

Any denials listed below must be rectified in writing to this office before project approval is granted.

Status: Approved w/Conditions
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: Lumen/CenturyLink
Reviewers Name: Rebekah Anthony
Reviewers Phone: 307-717-0420
Reviewers Email: rebekah.anthony@lumen.com
Approval Status: Approved with conditions

- Comments:**
1. Locates must be performed by a state recognized organization (i.e. Call Before You Dig, Blue Stake, etc.).
 2. A minimum of three feet of cover above CenturyLink facilities is maintained at all times and the final grade provides for no less than three feet of cover.
 3. If any CenturyLink facilities are damaged or require relocation as a result of said Improvements, or the act of installing, maintaining or removing said Improvements, Landowner agrees to bear the cost of repair and/or relocation of said CenturyLink facilities.
 4. No buildings or structures are to be placed within the Easement Tract other than those, if any, that are approved by this APPROVAL TO PROCEED.

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: Xcel Referral Review Status: Approved

Status Date: 02/23/2023
Status: Approved
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: Public Service Company of Colorado dba Xcel Energy
Reviewers Name: Donna George
Reviewers Phone: 3035713306
Reviewers Email: donna.l.george@xcelenergy.com
Approval Status: Approved

Comments:

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: RTD Referral Review Status: Approved

Status Date: 02/23/2023
Status: Approved
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: RTD
Reviewers Name: C. Scott Woodruff
Reviewers Phone: 303-299-2943

Comment Report

Tier III - 2121 S Broadway - Floodwall Foundation

06/12/2023

Master ID: 2020-PROJMSTR-0000170 **Project Type:** Tier III Encroachment Resolution
Review ID: 2023-ENCROACHMENT-0000005 **Review Phase:**
Location: **Review End Date:** 02/22/2023

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewers Email: clayton.woodruff@rtd-denver.com
Approval Status: Approved

Comments:
RTD engineering has no comment on this encroachment as it does not appear to impact any RTD assets.

This review is for Design concepts and to identify any necessary improvements to RTD stops and property affected by the design. This review of the plans does not eliminate the need to acquire, and/or go through the acquisition process of any agreements, easements or permits that may be required by the RTD for any work on or around our facilities and property.

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: Comcast Referral Review Status: Approved - No Response

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: Metro Wastewater Referral Review Status: Approved - No Response

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: Street Maintenance Referral Review Status: Approved - No Response

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: Office of Emergency Management Referral Review Status: Approved - No Response

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: Building Department Review Review Status: Approved

Reviewers Name: Keith Peetz
Reviewers Email:

Status Date: 02/16/2023
Status: Approved
Comments:

Reviewing Agency: Division of Real Estate Referral Review Status: Approved

Status Date: 02/02/2023
Status: Approved
Comments:

2023-ENCROACHMENT-0000005

Comment Report

Tier III - 2121 S Broadway - Floodwall Foundation

06/12/2023

Master ID: 2020-PROJMSTR-0000170 **Project Type:** Tier III Encroachment Resolution
Review ID: 2023-ENCROACHMENT-0000005 **Review Phase:**
Location: **Review End Date:** 02/22/2023

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: Denver Fire Department Review Review Status: Approved

Reviewers Name: Brian Dimock
Reviewers Email: Brian.Dimock@denvergov.org

Status Date: 02/15/2023
Status: Approved
Comments: No Objections

Reviewing Agency: Denver Water Referral Review Status: Approved

Status Date: 02/23/2023
Status: Approved
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: Denver Water
Reviewers Name: Kela Naso
Reviewers Phone: 13036286302
Reviewers Email: kela.naso@denverwater.org
Approval Status: Approved

Comments:

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: Parks and Recreation Review Review Status: Approved

Reviewers Name: Jennifer Cervera
Reviewers Email: Jennifer.Cervera@denvergov.org

Status Date: 02/20/2023
Status: Approved
Comments:

Reviewing Agency: Policy and Planning Referral Review Status: Approved - No Response

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: Denver Office of Disability Rights Referral Review Status: Approved

Status Date: 02/23/2023
Status: Approved
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: DODR
Reviewers Name: Spencer Pocock
Reviewers Phone: 720-913-8411
Reviewers Email: Spencer.Pocock@denvergov.org

Comment Report

Tier III - 2121 S Broadway - Floodwall Foundation

06/12/2023

Master ID: 2020-PROJMSTR-0000170 **Project Type:** Tier III Encroachment Resolution
Review ID: 2023-ENCROACHMENT-0000005 **Review Phase:**
Location: **Review End Date:** 02/22/2023

Any denials listed below must be rectified in writing to this office before project approval is granted.

Approval Status: Approved

Comments:

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: Construction Engineering Review Review Status: Approved - No Response

Reviewers Name: Michael Holm
Reviewers Email: Michael.Holm@denvergov.org

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: TES Sign and Stripe Review Review Status: Approved - No Response

Reviewers Name: Brittany Price
Reviewers Email: Brittany.Price@denvergov.org

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: City Forester Review Review Status: Approved

Reviewers Name: Erin Hatch
Reviewers Email: Erin.Hatch@denvergov.org

Status Date: 02/16/2023
Status: Approved
Comments: Approved. No anticipated ROW tree impacts.

Reviewing Agency: Landmark Review Review Status: Approved

Reviewers Name:
Reviewers Email:

Status Date: 02/01/2023
Status: Approved
Comments:

Reviewing Agency: CDOT Referral Review Status: Approved

Status Date: 02/23/2023
Status: Approved
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: CDOT Region 1 ROW/survey
Reviewers Name: dane courville

Comment Report

Tier III - 2121 S Broadway - Floodwall Foundation

06/12/2023

Master ID: 2020-PROJMSTR-0000170 **Project Type:** Tier III Encroachment Resolution
Review ID: 2023-ENCROACHMENT-0000005 **Review Phase:**
Location: **Review End Date:** 02/22/2023

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewers Phone: 7206720231
Reviewers Email: dane.courville@state.co.us
Approval Status: Approved

Comments:
Does not affect CDOT on-system ROW. Proposed effort is approved as the location does not affect CDOT ROW.

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: ERA Review Review Status: Approved - No Response

Reviewers Name: Shari Bills
Reviewers Email: Shari.Bills@denvergov.org

Status Date: 02/22/2023
Status: Approved - No Response
Comments:

Reviewing Agency: ROW - Supplemental Review Review Status: Approved

Reviewers Name: David Boles
Reviewers Email: David.Boles@denvergov.org

Status Date: 06/09/2023
Status: Approved
Comments: Floodplain approved 2022-SUDP-0003529 for the subject flood wall footer

Status Date: 03/08/2023
Status: Denied
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000005 - Tier III - 2121 S Broadway - Floodwall Foundation
Reviewing Agency/Company: City and County of Denver
Reviewers Name: David Boles
Reviewers Phone: 7208653175
Reviewers Email: david.boles@denvergov.org
Approval Status: Denied

Comments:
The dry floodproofing design associated with the subject flood barrier foundation encroachment has not been approved. Design changes may impact the proposed encroachment. 2023-ENCROACHMENT-0000005 should not move forward until Floodplain Permit 2022-SUDP-0003529 is approved.