

1 BY AUTHORITY

2 RESOLUTION NO. CR13-0346
3 SERIES OF 2013

COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

4
5 A RESOLUTION

6 **Granting a revocable permit to The Lowry Foundation, to encroach into the right-**
7 **of-way with various items at various locations in Lowry.**

8
9 **NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF**
10 **DENVER:**

11 **Section 1.** The City and County of Denver hereby grants to The Lowry Foundation, a
12 Colorado nonprofit corporation, and its successors and assigns (“Permittee”), a revocable permit to
13 encroach into the right-of-way with four (4) existing bus shelters and one (1) existing community art
14 sculpture (“Encroachments”) at various locations in Lowry in the following described area
15 (“Encroachment Area”):

16
17
18 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

DESCRIPTION
Shelter 1A

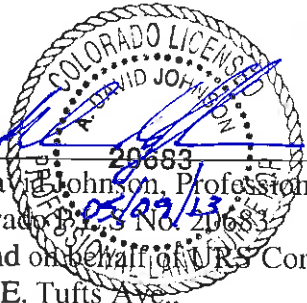
A part of Alameda Ave. as platted in Lowry Filing No. 1 as recorded at Reception Number 9700089555 in the Clerk and Recorder's Office of the City and County of Denver located in a part of the Southeast Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

COMMENCING at the South Quarter Corner of said Section 9;
thence North 63°48'17" East a distance of 236.74 feet to the **POINT OF BEGINNING**;

thence North 00°37'16" West a distance of 35.63 feet;
thence along the arc of a curve to the right having a radius of 413.00 feet, a central angle of 3°18'00", an arc length of 23.79 feet and whose chord bears South 86°44'17" East a distance of 23.78 feet;
thence South 01°44'23" West a distance of 34.38 feet;
thence North 89°45'37" West a distance of 22.32 feet to the **POINT OF BEGINNING**.

Containing 808 square feet or 0.019 acres, more or less.

BASIS OF BEARING: Bearings are based on the west line of the Southeast Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian as being North 00°04'03" East. The South Quarter Corner of said Section 9 is a found stone in range box. The Center Quarter Corner of said Section 9 is a found 3-1/4" Aluminum Cap in range box stamped: URS CORP PLS 20683.



A. David Johnson, Professional Land Surveyor
Colorado License No. 20683
for and on behalf of URS Corporation
8181 E. Tufts Ave.,
Denver CO. 80237
Phone (303) 740-2647

I:\PROJECTS_INF\22241028_Lowry_Master\6.0 Projects\001-Survey\survey\lwry
exhibits\Rev-Permits\legals\Shelter 1A.doc 5/10/2013 8:11 AM

Row 2013-0175-01-001

DESCRIPTION
Shelter 5A

A part of the Northeast Quarter of Section 8 and a part of the Northwest Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

COMMENCING at the West Quarter Corner of said Section 9
thence North 03°55'54" West a distance of 129.30 feet to the **POINT OF BEGINNING**;

thence along the arc of a curve to the right having a radius of 556.81 feet, a central angle of 3°19'53", an arc length of 32.37 feet and whose chord bears North 02°23'47" East a distance of 32.37 feet;

thence North 90°00'00" East a distance of 8.05 feet;

thence South 06°02'52" West a distance of 1.31 feet to a point of non-tangent curvature;

thence along the arc of a curve to the right having a radius of 10.50 feet, a central angle of 56°38'42", an arc length of 10.38 feet and whose chord bears South 71°10'45" East a distance of 9.96 feet to a point of non-tangent curvature;

thence along the arc of a curve to the right having a radius of 9.00 feet, a central angle of 58°45'59", an arc length of 9.23 feet and whose chord bears South 13°28'25" East a distance of 8.83 feet to a point of non-tangent curvature;

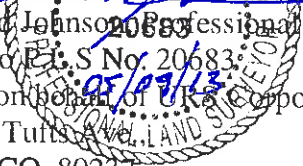
thence along the arc of a curve to the right having a radius of 27.00 feet, a central angle of 44°39'16", an arc length of 21.04 feet and whose chord bears South 38°14'13" West a distance of 20.51 feet;

thence South 00°59'50" West a distance of 3.13 feet;

thence North 90°00'00" West a distance of 8.01 feet to the **POINT OF BEGINNING**.

Containing 510 square feet or 0.012 acres, more or less.

BASIS OF BEARING: Bearings are based on the west line of the Northwest Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian as being North 00°10'10" East. The West Quarter Corner of said Section 9 is a found 3-1/4" Aluminum Cap in range box stamped: BRW INC PLS 20683. The Northwest Corner of said Section 9 is a found 3-1/4" Aluminum Cap in range box Stamped: BRW INC PLS 20683.


A. David Johnson, Professional Land Surveyor
Colorado License No. 20683
for and on behalf of URS Corporation
8181 E. Tufts Ave.
Denver CO. 80237
Phone (303) 740-2647

05/09/13

ROW 2013-0175-01-002

I:\PROJECTS_INF\22241028_Lowry_Master\6.0 Projects\001-Survey\survey\lwry
exhibits\Rev-Permits\legals\Shelter 5A.doc 5/10/2013 8:11 AM

DESCRIPTION
Shelter U1

A part of the Northeast Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

COMMENCING at the most northerly southeast corner of Lowry Filing No. 3 as recorded at Reception Number 9800190950 in the Clerk and Recorder's Office of the City and County of Denver, said most northerly southeast corner of Lowry Filing No. 3 is also a point on the northerly line of Proposed Lowry Blvd.;

thence North 53°27'42" East, along said northerly line of Proposed Lowry Blvd, a distance of 82.82 feet to the **POINT OF BEGINNING**;

thence North 53°27'42" East, along said northerly line of Proposed Lowry Blvd., a distance of 28.60 feet;

thence South 36°59'20" East a distance of 24.42 feet;

thence South 52°17'44" West a distance of 27.77 feet;

thence North 38°53'23" West a distance of 25.00 feet to the **POINT OF BEGINNING**.

Containing 696 square feet or 0.016 acres, more or less.

BASIS OF BEARING: Bearings are based on the south line of the Northeast Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian as being South 89°44'38" East. The Center Quarter Corner of said Section 9 is a found 3-1/4" Aluminum Cap in range box stamped: URS CORP PLS 20683. The East Quarter Corner of said Section 9 is a found 3-1/4" Aluminum Cap flush with ground stamped: URS CORP PLS 20683.


05/09/13

A. David Johnson, Professional Land Surveyor
Colorado P.L.S. No. 20683
for and on behalf of URS Corporation
8181 E. Tenth Avenue
Denver CO. 80237
Phone (303) 740-2647

I:\PROJECTS_INF\22241028_Lowry_Master\6.0 Projects\001-Survey\survey\lwr
exhibits\Rev-Permits\legals\Shelter U1.doc 5/10/2013 8:11 AM

ROW 2013-0175-01-003

DESCRIPTION
Art 8A

A part of Tract A (Proposed 6th Ave.), Lowry Filing No. 8 as recorded at Reception Number 2001019061 in the Clerk and Recorder's Office of the City and County of Denver located in a part of the Southwest Quarter of Section 4, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

COMMENCING at the Southwest Corner of said Section 4;
thence South 89°57'23" East, along the southerly line of the Southwest Quarter of said Section 4, a distance of 581.62 feet to the **POINT OF BEGINNING**;

thence North 00°02'37" East a distance of 45.00 feet;
thence South 89°57'23" East a distance of 45.00 feet;
thence South 00°02'37" West a distance of 45.00 feet to said southerly line of the Southwest Quarter of said Section 4;
thence North 89°57'23" West, along said southerly line of the Southwest Quarter of Section 4, a distance of 45.00 feet to the **POINT OF BEGINNING**.

Containing 2,025 square feet or 0.046 acres, more or less.

BASIS OF BEARING: Bearings are based on the south line of the Southwest Quarter of Section 4, Township 4 South, Range 67 West of the Sixth Principal Meridian as being South 89°57'23" East. The South Quarter of said Section 4 is a found 3-1/4" Aluminum Cap in range box stamped: BRW INC PLS 20683. The Southwest Quarter corner of said Section 4 is a found 3-1/4" Aluminum Cap in range box stamped: BRW INC PLS 20683


A. David Johnson, Professional Land Surveyor
Colorado License No. 20683
for and on behalf of BRW, Inc. Corporation
8181 E. Tufts
Denver CO. 80237
Phone (303) 740-2647
I:\PROJECTS_INF\22241028_Lowry_Master\6.0 Projects\001-Survey\survey\lwry
exhibits\Rev-Permits\legals\Art 8A.doc

BRW 2013-0175-01-005

DESCRIPTION
Shelter 14A

A part of Tract B (Proposed Lowry Blvd.), as platted in Lowry Filing No. 14 as recorded at Reception Number 2002098955 in the Clerk and Recorder's Office of the City and County of Denver located in a part of the Northwest Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

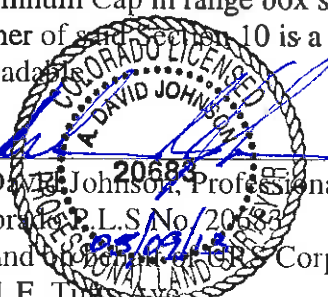
COMMENCING at the Northwest Corner of said Section 10;
thence South 89°51'45" East, along the north line of said Northwest Quarter of Section 10, a distance of 1124.29 feet to the northerly line of said Tract B (Proposed Lowry Blvd.);

thence along said northerly line of Tract B and along the arc of a curve to the left having a radius of 1062.00 feet, a central angle of 16°35'01", an arc length of 307.38 feet and whose chord bears South 63°40'05" West a distance of 306.31 feet to the **POINT OF BEGINNING**;

thence South 34°08'38" East a distance of 24.57 feet;
thence South 54°34'32" West a distance of 25.13 feet;
thence North 39°04'42" West a distance of 24.64 feet to said northerly line of Tract B and a point of non-tangent curvature;
thence along said northerly line of Tract B and along the arc of a curve to the right having a radius of 1062.00 feet, a central angle of 1°28'12", an arc length of 27.25 feet and whose chord bears North 54°38'28" East a distance of 27.25 feet to the **POINT OF BEGINNING**.

Containing 645 square feet or 0.015 acres, more or less.

BASIS OF BEARING: Bearings are based on the north line of the Northwest Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian as being South 89°51'45" East. The Northwest Corner of said Section 10 is a found 3-1/4" Aluminum Cap in range box stamped: URS CORP PLS 20683. The North Quarter Corner of said Section 10 is a found City of Aurora 3" Brass Cap in range box: Cap is unreadable.


A. David Johnson, Professional Land Surveyor
Colorado P.L.S. No. 20683
for and on behalf of URS Corporation
8181 E. Tupper
Denver CO. 80237
Phone (303) 740-2647

I:\PROJECTS_INF\22241028_Lowry_Master\6.0 Projects\001-Survey\survey\lwry exhibits\Rev-Permits\legals\Shelter 14A.doc 5/10/2013 8:12 AM

Row 2013-0175-01-006

1 **Section 2.** The revocable permit (“Permit”) granted by this Resolution is expressly granted
2 upon and subject to each and all of the following terms and conditions:

3 (a) Permittee shall obtain a street occupancy permit from Public Works Permit Operations
4 at 2000 West 3rd Avenue, 303-446-3759, prior to commencing construction.

5 (b) Permittee shall be responsible for obtaining all other permits and shall pay all costs that
6 are necessary for installation and construction of items permitted herein.

7 (c) If the Permittee intends to install any underground facilities in or near a public road,
8 street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification
9 Association of Owners and Operators of Underground Facilities by contacting the Utility Notification
10 Center of Colorado, 12600 West Colfax Avenue, Suite B-310, Lakewood, Colorado 80215, at 303-
11 232-1991. Further, Permittee shall contact the Utility Notification Center at 1-800-922-1987 to locate
12 underground facilities prior to commencing any work under this permit.

13 (d) Permittee is fully responsible for any and all damages incurred to facilities of the Water
14 Department and/or drainage facilities for water and sewage of the City and County of Denver due to
15 activities authorized by the permit. Should the relocation or replacement of any drainage facilities for
16 water and sewage of the City and County of Denver become necessary as determined by the
17 Manager of Public Works, in the Manager's sole and absolute discretion, Permittee shall pay all cost
18 and expense of the portion of the sewer affected by the permitted structure. The extent of the
19 affected portion to be replaced or relocated by Permittee shall be determined by the Manager of
20 Public Works. Any and all replacement or repair of facilities of the Water Department and/or drainage
21 facilities for water and sewage of the City and County of Denver attributed to the Permittee shall be
22 made by the Water Department and/or the City and County of Denver at the sole expense of the
23 Permittee. In the event Permittee's facilities are damaged or destroyed due to the Water
24 Department's or the City and County of Denver's repair, replacement and/or operation of its facilities,
25 repairs will be made by the Permittee at its sole expense. Permittee agrees to defend, indemnify and
26 save the City harmless and to repair or pay for the repair of any and all damages to said sanitary
27 sewer, or those damages resulting from the failure of the sewer to properly function as a result of the
28 permitted structure.

29 (e) Permittee shall comply with all requirements of affected utility companies and pay for all
30 costs of removal, relocation, replacement or rearrangement of utility company facilities. Existing
31 telephone facilities shall not be utilized, obstructed or disturbed.

32 (f) All construction in, under, on or over the Encroachment Area shall be accomplished in
33 accordance with the Building Code of the City and County of Denver. Plans and Specifications

1 governing the construction of the Encroachments shall be approved by the Manager of Public Works
2 and the Director of Building Inspection Division prior to construction. Upon completion, a reproducible
3 copy of the exact location and dimensions of the Encroachments shall be filed with the Manager of
4 Public Works.

5 (g) The sidewalk and street/alley over the Encroachment Area shall be capable of
6 withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The
7 installations within the Encroachment Area shall be constructed so that the paved section of the
8 street/alley can be widened without requiring additional structural modifications. The sidewalk shall
9 be constructed so that it can be removed and replaced without affecting structures within the
10 Encroachment Area.

11 (h) Permittee shall pay all costs of construction and maintenance of the Encroachments.
12 Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the
13 Encroachments from the Encroachment Area and return the Encroachment Area to its original
14 condition under the supervision of the City Engineer.

15 (i) Permittee shall remove and replace any and all street/alley paving, sidewalks, and curb
16 and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become
17 broken, damaged or unsightly during the course of construction. In the future, Permittee shall also
18 remove, replace or repair any street/alley paving, sidewalks, and curb and gutter that become broken
19 or damaged when, in the opinion of the City Engineer, the damage has been caused by the activity of
20 the Permittee within the Encroachment Area. All repair work shall be accomplished without cost to
21 the City and under the supervision of the City Engineer.

22 (j) The City reserves the right to make an inspection of the Encroachments contained
23 within the Encroachment Area. An annual fee, subject to change, of \$200.00 shall be assessed.

24 (k) This revocable permit shall not operate or be construed to abridge, limit or restrict the
25 City and County of Denver in exercising its right to make full use of the Encroachment Area and
26 adjacent rights-of-way as public thoroughfares nor shall it operate to restrict the utility companies in
27 exercising their rights to construct, remove, operate and maintain their facilities within the
28 Encroachment Area and adjacent rights-of-way.

29 (l) During the existence of the Encroachments and this permit, Permittee, its successors
30 and assigns, at its expense, and without cost to the City and County of Denver, shall procure and
31 maintain a single limit comprehensive general liability insurance policy with a limit of not less than
32 \$500,000.00. All coverages are to be arranged on an occurrence basis and include coverage for
33 those hazards normally identified as X.C.U. during construction. The insurance coverage required

1 herein constitutes a minimum requirement and such enumeration shall in no way be deemed to limit
2 or lessen the liability of the Permittee, its successors or assigns, under the terms of this permit. All
3 insurance coverage required herein shall be written in a form and by a company or companies
4 approved by the Risk Manager of the City and County of Denver and authorized to do business in the
5 State of Colorado. A certified copy of all such insurance policies shall be filed with the Manager of
6 Public Works, and each such policy shall contain a statement therein or endorsement thereon that it
7 will not be canceled or materially changed without written notice, by registered mail, to the Manager of
8 Public Works at least thirty (30) days prior to the effective date of the cancellation or material change.

9 All such insurance policies shall be specifically endorsed to include all liability assumed by the
10 Permittee hereunder and shall name the City and County of Denver as an additional insured.

11 (m) Permittee shall comply with the provisions of Article IV (Prohibition of Discrimination in
12 Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions and
13 Health and Welfare Services) of Chapter 28 (Human Rights) of the Revised Municipal Code of the
14 City and County of Denver. The failure to comply with any such provision shall be a proper basis for
15 revocation of this permit.

16 (n) The right to revoke this permit is expressly reserved to the City and County of Denver.

17 (o) Permittee shall agree to indemnify and always save the City and County of Denver
18 harmless from all costs, claims or damages arising, either directly or indirectly, out of the rights and
19 privileges granted by this permit.

20 **Section 3.** That the Permit hereby granted shall be revocable at any time that the Council of
21 the City and County of Denver shall determine that the public convenience and necessity or the public
22 health, safety or general welfare require such revocation, and the right to revoke the same is hereby
23 expressly reserved to the City and County of Denver; provided however, at a reasonable time prior to
24 Council action upon such revocation or proposed revocation, opportunity shall be afforded to
25 Permittee, its successors and assigns, to be present at a hearing to be conducted by the Council
26 upon such matters and thereat to present its views and opinions thereof and to present for
27 consideration action or actions alternative to the revocation of such Permit.

28
29
30 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
31
32
33

1 COMMITTEE APPROVAL DATE: May 30, 2013 [by consent]
2 MAYOR-COUNCIL DATE: June 4, 2013
3 PASSED BY THE COUNCIL: _____, 2013

4 _____ - PRESIDENT

5 ATTEST: _____ - CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER
8

9 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: June 6, 2013
10 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of the
11 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
12 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §
13 3.2.6 of the Charter.

14
15 Douglas J. Friednash, Denver City Attorney

16 BY: _____, Assistant City Attorney DATE: _____, 2013