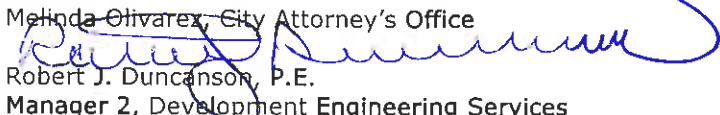




DENVER
THE MILE HIGH CITY

Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
F: 720-865-3280
www.denvergov.org/pwprs

REQUEST FOR RESOLUTION FOR MAJOR ENCUMBRANCE PERMIT

TO: Melinda Olivarez, City Attorney's Office
FROM:  Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services
ROW NO.: 2010-0316-01
DATE: August 31, 2010
SUBJECT: Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to Billy's Gourmet Hot Dogs, their successors and assigns, to encroach into the right-of-way with Fence, Bollards and building sign at 2445 Larimer Street, Denver, CO.

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

This office has investigated the request from Dan O'Brien of Daniel H. O'Brien Architects dated July 14, 2010, on behalf of Billy's Gourmet Hot Dogs 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 Judy Montero; 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 Billy's Gourmet Hot Dogs, their successors and assigns, to encroach with Fence, Bollards and building sign into 2445 Larimer Street, Denver, CO.

INSERT PARCEL DESCRIPTION ROW 2010-0316-001 HERE

2010-0316-002



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 3rd 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.
- (l) 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) None

A map of the area is attached hereto.

RJD: LRA

cc: Asset Management, Steve Wirth
City Council Office, Gretchen Williams
Councilperson, Judy Montero
Council Aides, Teresa A. St. Peter and
Stephanie Syner
Department of Law, Arlene Dykstra,
Department of Law, Karen Aviles,
Department of Law, Melinda Olivarez
Public Works, Christine Downs
Public Works, Daelene Mix
Project File: 2010-0316-01

Property Owner:
Billy's Gourmet Hot Dogs
Bill Feid
2445 Larimer Street
Denver, CO 80205

Agent:
Daniel H. O'Brien Architects
Dan O'Brien
1101 Bannock Street
Denver, CO 80204

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MailHighOrdinance@DenverGov.org by NOON on Tuesday.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: August 31, 2010

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. **Title:** (Include a concise, one sentence description - include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)

Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to Billy's Gourmet Hot Dogs, their successors and assigns, to encroach into the right-of-way with Fence, Bollards and building sign at 2445 Larimer Street, Denver, CO.

3. **Requesting Agency:** PW-Right-of-Way Engineering Services

4. **Contact Person:** (with actual knowledge of proposed ordinance)

- **Name:** Lisa R. Ayala
- **Phone:** 720-865-3153
- **Email:** lisa.ayala@denvergov.org

5. **Contact Person:** (with actual knowledge of proposed ordinance who will present the item at Mayor-Council and who will be available for first and second reading, if necessary)

- **Name:** Daelene Mix
- **Phone:** 720-865-8720
- **Email:** daelene.mix@denvergov.org

6. **General description of proposed ordinance including contract scope of work if applicable:**

Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to Billy's Gourmet Hot Dogs, their successors and assigns, to encroach into the right-of-way with Fence, Bollards and building sign at 2445 Larimer Street, Denver, CO. This process type was requested by Dan O'Brien with Daniel H. O'Brien Architects.

Please include the following:

- a. **Duration:** n/a
- b. **Location:** 2445 Larimer St., Denver, CO
- c. **Affected Council District:** # 9, Judy Montero
- d. **Benefits:** n/a
- e. **Costs:** n/a

7. **Is there any controversy surrounding this ordinance?** (groups or individuals who may have concerns about it?) **Please explain.** None

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date: _____

Ordinance Request Number: _____

Date: _____

MAJOR ENCUMBRANCE PERMIT
2470 N. BROADWAY STREET
AND 2441 LARIMER STREET

PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF
BROADWAY AND LARIMER STREET

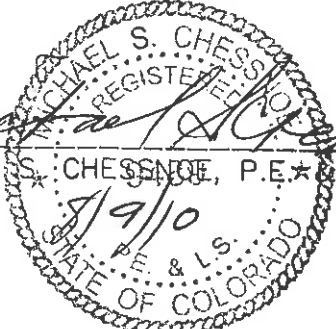
LEGAL DESCRIPTION FOR MAJOR ENCUMBRANCE PERMIT FOR 2470 N. BROADWAY AND 2441
LARIMER STREET, DENVER, COLORADO:

A PARCEL OF LAND LOCATED IN THE SE $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68
WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 27, CURTIS AND CLARKES ADDITION
TO DENVER; THENCE S44°35'16"W ALONG THE SOUTHEASTERLY LINE OF SAID LOT 28
(NORTHWESTERLY RIGHT-OF-WAY LINE OF LARIMER STREET), 6.25 FEET TO THE TRUE POINT
OF BEGINNING; THENCE DEPARTING FROM SAID RIGHT-OF-WAY S45°24'44"E, 3.31' FEET;
THENCE S43°45'11"W, 11.86 FEET; THENCE N77°38'29"W, 36.44 FEET; THENCE N00°00'59"W,
47.84 FEET; THENCE N89°43'35"E, 3.05 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY
OF BROADWAY; THENCE S00°16'25"E ALONG SAID EASTERLY RIGHT-OF-WAY, 45.74 FEET TO A
FOUND 3 $\frac{1}{2}$ " DIAMETER ALUMINUM CAP STAMPED LS #29420; THENCE S82°27'00"E, 33.23 FEET
TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 27 (NORTHWESTERLY RIGHT-OF-WAY
LINE LARIMER STREET); THENCE N44°35'16"E ALONG SAID SOUTHEASTERLY LINE OF LOT 27,
7.49 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 323 SQUARE FEET OR 0.0074 ACRES MORE OR
LESS.

BASIS OF BEARINGS: AN ASSUMED BEARING OF N00°16'25"W BEING THE EASTERLY
RIGHT-OF-WAY LINE OF BROADWAY BETWEEN TWO FOUND MONUMENTS 118.16 FEET APART
BEING THE WESTERLY PROPERTY LINE OF 2470 N. BROADWAY ST. AND 2441 LARIMER STREET
PROPERTY. ONE MONUMENT BEING A 3 $\frac{1}{2}$ " DIAMETER ALUMINUM CAP STAMPED LS #29420 AND
THE OTHER MONUMENT BEING A NO. 5 REBAR WITH A RED CAP STAMPED LS #37890.


Michael S. Chessnoe
MICHAEL S. CHESSNOE, P.E. & L.S.

2010-0316-001

PREPARED BY:

CHESSNOE AND ASSOC.
2430 SO. UNIV. BLVD.
SUITE 203
DENVER, CO. 80210
TELE. NO. 303-722-3267
AUGUST 9, 2010

MAJOR ENCUMBRANCE PERMIT

2470 N. BROADWAY STREET AND 2441 LARIMER STREET

FOUND NO. 5
REBAR WITH
RED CAP
STAMPED LS 37890

EASTERLY
RIGHT-OF-WAY
BROADWAY

BROADWAY
(100' R.O.W.)

118.16' A.M.
(118.10' REC.)
N00°16'25"W

BASIS OF BEARINGS

LOT 30

LOT 31

109.87' A.M.
(109.83' REC.)
S45°27'57"E

25TH STREET
(80' R.O.W.)

NORTHWESTERLY
RIGHT-OF-WAY
LARIMER STREET

LOT 29

LOT 28

PLATTE
ADDITION
CURTIS & CLARKES
ADDITION TO DENVER

15.81'

AREA OF
REVOCABLE
PERMIT- SEE
DETAIL BELOW

LOT 25

LOT 26

LOT 27

33.23' REC.
N82°27'00"W

63.84' REC.
S44°35'16"W

LARIMER STREET
(80' R.O.W.)

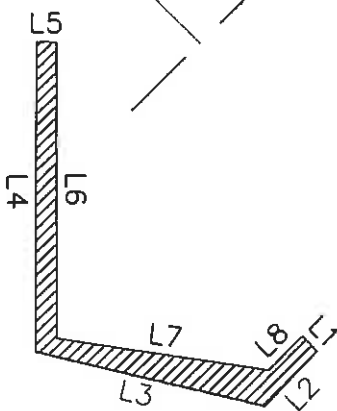
FOUND 3½" DIA.
ALUMINUM CAP
STAMPED LS 29420

PARCEL NO. 330
EXCEPTION TO DENVER
REC. NO. 9800114475
REC. NO. 2001050822

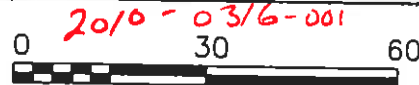
TRUE POINT
OF BEGINNING

POINT OF BEGINNING
MOST EASTERLY CORNER
OF LOT 27, CURTIS
AND CLARKES ADD.

LINE TABLE		
LINE	LENGTH	BEARING
L1	3.30	S45°24'44"E
L2	11.86	S43°45'11"W
L3	36.44	N77°38'29"W
L4	47.84	N00°00'59"W
L5	3.05	N89°43'35"E
L6	45.74	S00°16'25"E
L7	33.23	S82°27'00"E
L8	7.49	N44°35'16"E



REVOCABLE PERMIT DETAIL
1"=30'



SCALE: 1"=30'

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

MAJOR ENCUMBRANCE PERMIT
2470 N. BROADWAY STREET
AND 2441 LARIMER STREET

PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF
BROADWAY AND LARIMER STREET

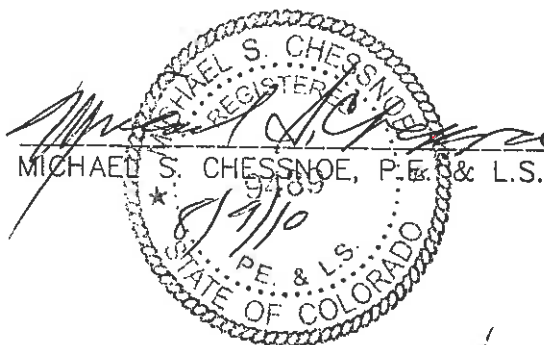
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WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 28, CURTIS AND CLARKES ADDITION
TO DENVER; THENCE S44°35'16"W ALONG THE SOUTHEASTERLY LINE OF SAID LOT 28
(NORTHWESTERLY RIGHT-OF-WAY LINE OF LARIMER STREET), 23.66 FEET TO THE TRUE POINT
OF BEGINNING; THENCE DEPARTING FROM SAID RIGHT-OF-WAY S45°18'10"E, 9.00 FEET;
THENCE S44°41'50"W, 3.00 FEET; THENCE N45°18'10"W, 9.00 FEET TO A POINT ON THE
SOUTHEASTERLY LINE OF LOT 27, CURTIS AND CLARKES ADDITION TO DENVER
(NORTHWESTERLY RIGHT-OF-WAY OF LARIMER STREET); THENCE N44°35'16"E ALONG SAID
SOUTHEASTERLY LINE OF LOT 27 AND SAID LINE EXTENDED, 3.00 FEET TO THE TRUE POINT
OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 27 SQUARE FEET OR 0.0006 ACRES MORE OR LESS.

BASIS OF BEARINGS: AN ASSUMED BEARING OF N00°16'25"W BEING THE EASTERLY
RIGHT-OF-WAY LINE OF BROADWAY BETWEEN TWO FOUND MONUMENTS 118.16 FEET APART
BEING THE WESTERLY PROPERTY LINE OF 2470 N. BROADWAY ST. AND 2441 LARIMER STREET
PROPERTY. ONE MONUMENT BEING A 3 $\frac{1}{2}$ " DIAMETER ALUMINUM CAP STAMPED LS #29420 AND
THE OTHER MONUMENT BEING A NO. 5 REBAR WITH A RED CAP STAMPED LS #37890.



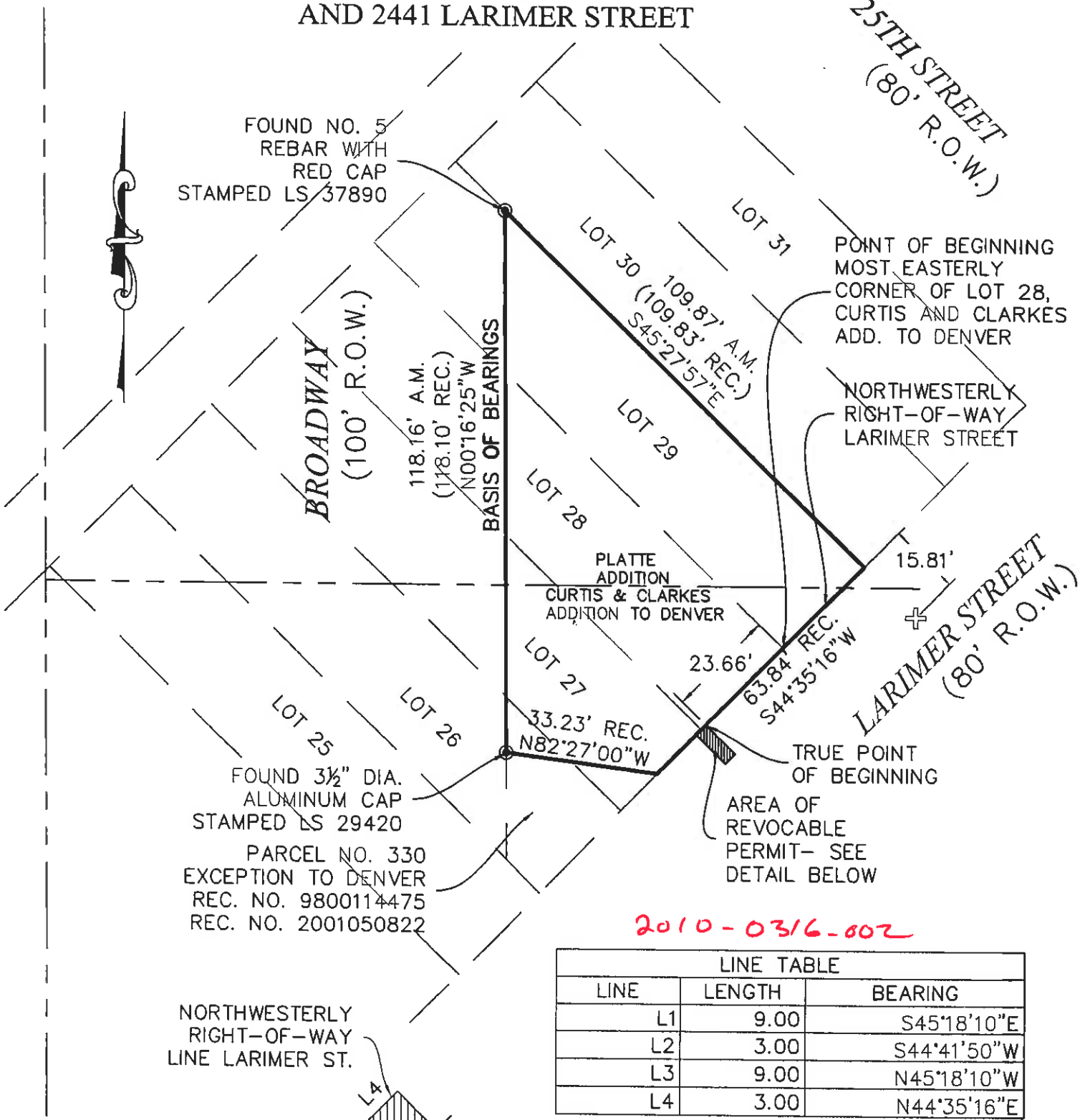
MICHAEL S. CHESSNOE, P.E. & L.S.

2010-0316-002

PREPARED BY:

CHESSNOE AND ASSOC.
2430 SO. UNIV. BLVD.
SUITE 203
DENVER, CO. 80210
TELE. NO. 303-722-3267
AUGUST 9, 2010

MAJOR ENCUMBRANCE PERMIT
 2470 N. BROADWAY STREET
 AND 2441 LARIMER STREET



FOUND NO. 5
 REBAR WITH
 RED CAP
 STAMPED LS 37890

POINT OF BEGINNING
 MOST EASTERLY
 CORNER OF LOT 28,
 CURTIS AND CLARKES
 ADD. TO DENVER

NORTHWESTERLY
 RIGHT-OF-WAY
 LARIMER STREET

PLATTE
 ADDITION
 CURTIS & CLARKES
 ADDITION TO DENVER

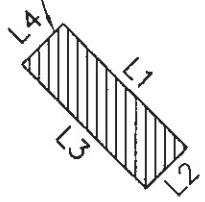
TRUE POINT
 OF BEGINNING
 AREA OF
 REVOCABLE
 PERMIT- SEE
 DETAIL BELOW

FOUND 3 1/2" DIA.
 ALUMINUM CAP
 STAMPED LS 29420
 PARCEL NO. 330
 EXCEPTION TO DENVER
 REC. NO. 9800114475
 REC. NO. 2001050822

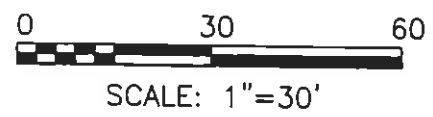
2010-0316-002

LINE TABLE		
LINE	LENGTH	BEARING
L1	9.00	S45°18'10"E
L2	3.00	S44°41'50"W
L3	9.00	N45°18'10"W
L4	3.00	N44°35'16"E

NORTHWESTERLY
 RIGHT-OF-WAY
 LINE LARIMER ST.



REVOCABLE PERMIT DETAIL
 1"=10'



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