

1 **BY AUTHORITY**

2 RESOLUTION NO. CR15-0604  
3 SERIES OF 2015  
4

COMMITTEE OF REFERENCE:  
Infrastructure & Culture

5 **A RESOLUTION**

6 **Granting a revocable permit to Wolf Properties, LLC, to encroach into the right-**  
7 **of-way at 2660 Walnut Street.**

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

11 **Section 1.** The City and County of Denver hereby grants to Wolf Properties, LLC and its  
12 successors and assigns ("Permittee"), a revocable permit to encroach into the right-of-way with  
13 the expansion of an existing loading dock with stairs and railings, and the addition of a sidewalk  
14 with accessible ramps, curb and gutter ("Encroachments") at 2660 Walnut Street in the following  
15 described area ("Encroachment Area"):

16 **PARCEL DESCRIPTION ROW 2015-ENCROACHMENT-0029901-001:**

17 A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP  
18 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING LOTS 1  
19 THROUGH 4, INCLUSIVE, BLOCK 28, CASE AND EBERT'S ADDITION TO THE CITY OF  
20 DENVER, RECORDED APRIL 7, 1868 IN BOOK 1 AT PAGE 5, CLERK AND RECORDERS  
21 OFFICE, CITY AND COUNTY OF DENVER, STATE OF COLORADO;

22  
23 CONTAINING 12,500 SQUARE FEET OR 0.287 ACRE, MORE OR LESS.

24  
25 **Section 2.** The revocable permit ("Permit") granted by this Resolution is expressly  
26 granted upon and subject to each and all of the following terms and conditions:

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

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

31 (c) If the Permittee intends to install any underground facilities in or near a public road,  
32 street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification  
33 Association of Owners and Operators of Underground Facilities by contacting the Utility Notification  
34 Center of Colorado, 12600 West Colfax Avenue, Suite B-310, Lakewood, Colorado 80215, at 303-  
35 232-1991. Further, Permittee shall contact the Utility Notification Center at 1-800-922-1987 to  
36 locate underground facilities prior to commencing any work under this permit.

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

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

20 (f) All construction in, under, on or over the Encroachment Area shall be accomplished  
21 in accordance with the Building Code of the City and County of Denver. Plans and Specifications  
22 governing the construction of the Encroachments shall be approved by the Manager of Public  
23 Works and the Director of Building Inspection Division prior to construction. Upon completion, a  
24 reproducible copy of the exact location and dimensions of the Encroachments shall be filed with  
25 the Manager of Public Works.

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

32 (h) Permittee shall pay all costs of construction and maintenance of the Encroachments.  
33 Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the

1 Encroachments from the Encroachment Area and return the Encroachment Area to its original  
2 condition under the supervision of the City Engineer.

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

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

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

17 (l) During the existence of the Encroachments and this permit, Permittee, its successors  
18 and assigns, at its expense, and without cost to the City and County of Denver, shall procure and  
19 maintain a single limit comprehensive general liability insurance policy with a limit of not less than  
20 \$500,000.00. All coverages are to be arranged on an occurrence basis and include coverage for  
21 those hazards normally identified as X.C.U. during construction. The insurance coverage required  
22 herein constitutes a minimum requirement and such enumeration shall in no way be deemed to  
23 limit or lessen the liability of the Permittee, its successors or assigns, under the terms of this  
24 permit. All insurance coverage required herein shall be written in a form and by a company or  
25 companies approved by the Risk Manager of the City and County of Denver and authorized to do  
26 business in the State of Colorado. A certified copy of all such insurance policies shall be filed with  
27 the Manager of Public Works, and each such policy shall contain a statement therein or  
28 endorsement thereon that it will not be canceled or materially changed without written notice, by  
29 registered mail, to the Manager of Public Works at least thirty (30) days prior to the effective date  
30 of the cancellation or material change. All such insurance policies shall be specifically endorsed to  
31 include all liability assumed by the Permittee hereunder and shall name the City and County of  
32 Denver as an additional insured.

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

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

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

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

19 COMMITTEE APPROVAL DATE: August 27, 2015 by Consent

20 MAYOR-COUNCIL DATE: September 1, 2015

21 PASSED BY THE COUNCIL: \_\_\_\_\_, 2015

22 \_\_\_\_\_ - PRESIDENT

23 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
24 EX-OFFICIO CLERK OF THE  
25 CITY AND COUNTY OF DENVER  
26

27 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: September 3, 2015  
28

29 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of  
30 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
31 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §  
32 3.2.6 of the Charter.  
33

34 D. Scott Martinez, Denver City Attorney  
35

36 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2015