

# 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 1<sup>st</sup> review*

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

Legal Description & Exhibit(s)  
will be submitted after 1st review

## 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)
- 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](http://www.denvergov.org/doti)

Phone: 720-865-3003





# 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](mailto: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](mailto: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](http://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:

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**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:** \_\_\_\_\_

*Kristen Link*

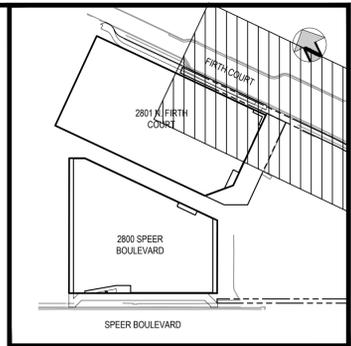
**DATE:** \_\_\_\_\_

**PRINT NAME:** \_\_\_\_\_

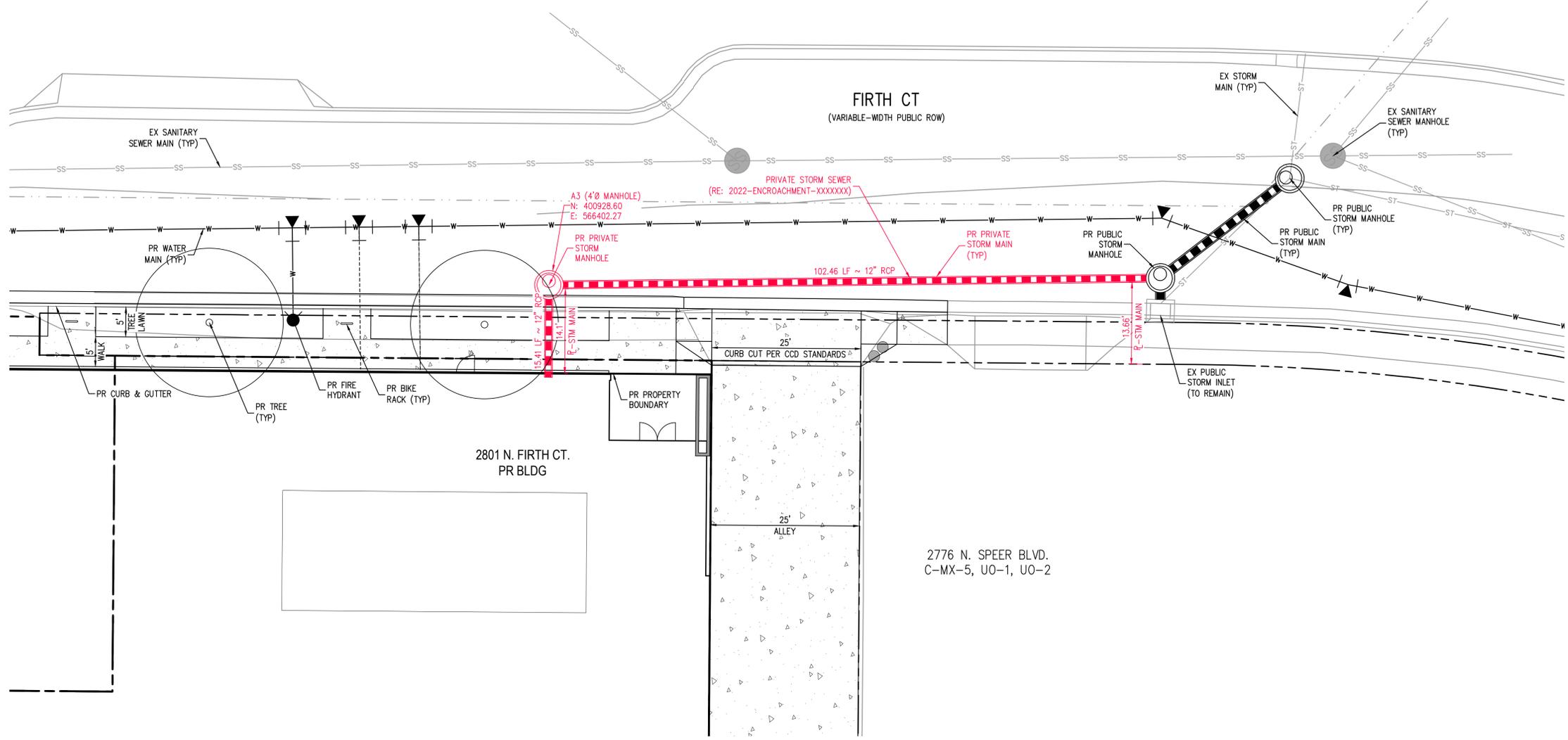
**TITLE:** \_\_\_\_\_

**COMPANY:** \_\_\_\_\_

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



KEY MAP  
SCALE: 1" = 100'



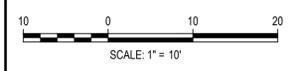
**LEGEND:**

- PROPOSED STORM PIPE
- PROPOSED DOMESTIC WATER SERVICE
- PROPOSED FIRE SERVICE
- PROPOSED FIRE HYDRANT
- PROPOSED STORM MANHOLE
- PROPOSED STORM INLET
- RIGHT-OF-WAY

FILE PATH: K:\210919\ENGINEERING\ENCROACHMENT EXHIBIT DWG LAYOUT: LAYOUT1  
 PLOTTED: MON 11/21/22 8:43:56A BY: LINDA HOLDAN



Know what's below.  
Call before you dig.



DESIGNED BY: JCG  
 CHECKED BY: JCG  
 DRAWN BY: LKGR

ISSUE DATE: 11-18-2022	
DATE	REVISION COMMENTS

**HKS HARRIS KOCHER SMITH**  
 1120 Lincoln Street, Suite 1000  
 Denver, Colorado 80203  
 P: 303.623.6300 F: 303.623.6311  
 HarrisKocherSmith.com

CARMEL PARTNERS

2801 N. FIRTH CT.  
 PRIVATE STORM SEWER ENCROACHMENT  
 SITE PLAN



PROJECT #: 210919  
 SHEET NUMBER  
**1**  
 1 OF 1

EXHIBIT A  
LAND DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOTS 9 AND 10 AND THE RIGHT OF WAY FOR FIRTH COURT, RESUBDIVISION OF LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 15, HIGHLAND PARK, CITY AND COUNTY OF DENVER, STATE OF COLORADO RECORDED AUGUST 29, 1890 IN BOOK 10, PAGE 34 OF THE RECORDS OF THE CITY AND COUNTY OF DENVER COUNTY, COLORADO, SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE RANGE POINT LOCATED IN THE INTERSECTION OF 29<sup>TH</sup> AVENUE AND BRYANT STREET. THENCE SOUTH 59°22'53" ALONG A FLY TIE, A DISTANCE OF 540.66 FEET TO A POINT ON A LINE THAT IS 9.00 FEET SOUTHWEST OF, AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF FIRTH COURT AND THE **POINT OF BEGINNING**;

THENCE LEAVING SAID LINE NORTH 50°26'14" EAST, A DISTANCE OF 17.50 FEET;

THENCE SOUTH 40°37'31" EAST, A DISTANCE OF 100.79 FEET FROM WHICH THE RANGE POINT LOCATED IN THE INTERSECTION OF 29TH AVENUE AND FIRTH COURT BEARS NORTH 38°16'11" WEST ALONG A FLY TIE, A DISTANCE OF 400.03 FEET;

THENCE SOUTH 49°22'29" WEST, A DISTANCE OF 5.00 FEET;

THENCE NORTH 40°37'31" WEST, A DISTANCE OF 95.88 FEET;

THENCE SOUTH 50°26'14" WEST, A DISTANCE OF 12.60 FEET TO SAID LINE;

THENCE NORTH 39°32'59" WEST ALONG SAID LINE, A DISTANCE OF 5.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 567 SQUARE FEET OR 0.013 ACRES, MORE OR LESS.

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE 20-FOOT RANGE LINE LOCATED IN W 29TH AVENUE BETWEEN FIRTH COURT AND BRYANT STREET IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN. AS MONUMENTED AT THE RANGE POINT AT THE INTERSECTION OF WEST 29TH AVENUE AND BRYANT STREET BY A FOUND ONE INCH AXLE IN A RANGE BOX AND BY A RANGE POINT AT THE INTERSECTION OF WEST 29TH AVENUE AND FIRTH COURT BY A FOUND ONE INCH AXLE IN A RANGE BOX, AS BEARING NORTH 89°21'46" WEST, BASED ON GPS OBSERVATIONS OF SAID MONUMENTS IN THE CITY AND COUNTY OF DENVER'S LOW-DISTORTION PROJECTION, WITH ALL BEARINGS SHOWN HEREON RELATIVE THERETO.

PREPARED BY: SHAWN D. CLARKE, PLS  
CO# 38061

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300





**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Parcel 1:

Lots 43, 44, 45, 46, 47, 48 and 49, Resubdivision of Lots 1, 2, 3, 4, 5 and 6, Block 15, Highland Park, City and County of Denver, State of Colorado.

Note: For informational purposes only / Assessor Parcel No. 02294-16-021-000

Parcel 2:

Lots 9 to 12, inclusive, and the South ½ of Lot 13 (also described as that part of Lot 13 beginning at the most South corner of Lot 13: thence Northeasterly along the boundary line of Lots 12 and 13 to the East corner of Lot 13: thence Northwesterly 12.5 feet along the Northeasterly line of Lot 13; thence Southwesterly parallel to the boundary line of Lots 13 and 12 to point on the Southwesterly line of Lot 13; thence Southeasterly 12.5 feet to the point of beginning); Resubdivision of Lot 1, 2, 3, 4, 5 and 6, Block 15, Highland Park;

EXCEPT that portion of the above described property deeded to the City and County of Denver in Instrument recorded July 15, 1985 at [Reception No. 038717](#).

And

EXCEPT that portion of above described Lot 9 deeded to the City and County of Denver by Instrument recorded February 12, 1985 at [Reception No. 076510](#), City and County of Denver, State of Colorado.

Note: For informational purposes only / Assessor Parcel No. 02294-16-040-000

Parcel 3:

Lot 14, and the North ½ of Lot 13, Resubdivision of Lots 1, 2, 3, 4, 5 and 6, Block 15, Highland Park, City and County of Denver, State of Colorado.

Note: For informational purposes only / Assessor Parcel No. 02294-16-014-000

Parcel 4:

Lot 15, and the South ½ of Lot 16, Resubdivision of Lots 1, 2, 3, 4, 5 and 6, Block 15, Highland Park, City and County of Denver, State of Colorado.

Note: For informational purposes only / Assessor Parcel No. 02294-16-013-000

Parcel 5:

Lot 17 and the North ½ of Lot 16, Resubdivision of Lots 1, 2, 3, 4, 5 and 6, Block 15, Highland Park, City and County of Denver, State of Colorado.

Note: For informational purposes only / Assessor Parcel No 02294-16-012-000

**END OF LEGAL DESCRIPTION**

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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2022042995

Page: 1 of 4

03/31/2022 01:38 PM  
City & County of Denver  
Electronically Recorded

R \$28.00

WD

D \$600.00

WHEN RECORDED, RETURN TO:  
Otten, Johnson, Robinson,  
Neff & Ragonetti, P.C.  
950 17th Street, Suite 1600  
Denver, Colorado 80202  
Attention: Andrew J. Schwartz

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED**, is made effective as of the 28<sup>th</sup> day of March, 2022 between BUILDING, LLC (f/k/a CPG Studios, LLC), a Colorado limited liability company ("Grantor"), and CP VIII 2800 Speer, LLC, a Delaware limited liability company ("Grantee"), whose legal address is 1000 Sansome Street, 1<sup>st</sup> Floor, San Francisco, California 94111.

**WITNESS**, that the Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and its successors and assigns forever, all the real property, together with any improvements thereon, located in the City and County of Denver, State of Colorado, described as follows:

See Exhibit A, attached hereto and incorporated herein by reference.

**TOGETHER** with all and singular the hereditaments, appurtenances, and easements thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained property, with the hereditaments, easements, and appurtenances related thereto.

**TO HAVE AND TO HOLD** the property above bargained and described, with the appurtenances, unto the Grantee and the Grantee's successors and assigns forever. The Grantor, for itself and its successors and assigns, does covenant and agree that Grantor shall and will **WARRANT AND FOREVER DEFEND** the above described property in the quiet and peaceable possession of the Grantee against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor subject to the exceptions set forth on Exhibit B attached hereto.

[signature page to follow]

①  
Recording Requested by:  
FNTG-NCS Colorado  
N00 35013

WHEN RECORDED, RETURN TO:  
Otten, Johnson, Robinson,  
Neff & Ragonetti, P.C.  
950 17th Street, Suite 1600  
Denver, Colorado 80202  
Attention: Andrew J. Schwartz

### SPECIAL WARRANTY DEED

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**WITNESS**, that the Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and its successors and assigns forever, all the real property, together with any improvements thereon, located in the City and County of Denver, State of Colorado, described as follows:

See Exhibit A, attached hereto and incorporated herein by reference.

**TOGETHER** with all and singular the hereditaments, appurtenances, and easements thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained property, with the hereditaments, easements, and appurtenances related thereto.

**TO HAVE AND TO HOLD** the property above bargained and described, with the appurtenances, unto the Grantee and the Grantee's successors and assigns forever. The Grantor, for itself and its successors and assigns, does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the above described property in the quiet and peaceable possession of the Grantee against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor subject to the exceptions set forth on Exhibit B attached hereto.

[signature page to follow]

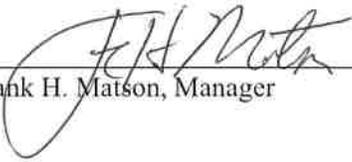
①  
Recording Requested by:  
FNTG-NCS Colorado  
N0035013

IN WITNESS WHEREOF, the undersigned has executed this instrument on the date set forth above.

Grantor:

BUILDING, LLC (f/k/a CPG Studios, LLC),  
a Colorado limited liability company

By: \_\_\_\_\_

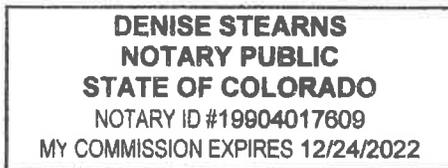
  
Frank H. Matson, Manager

STATE OF COLORADO )  
COUNTY OF Boulder ) ss.

The foregoing instrument was subscribed to and acknowledged before me this 25<sup>th</sup> day of March, 2022, by Frank H. Matson as Manager of BUILDING, LLC (f/k/a CPG Studios, LLC), a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 12/24/2022



  
\_\_\_\_\_  
Notary Public

**EXHIBIT A**

**Legal Description**

Parcel 1:

Lots 43, 44, 45, 46, 47, 48 and 49, Resubdivision of Lots 1, 2, 3, 4, 5 and 6, Block 15, Highland Park, City and County of Denver, State of Colorado.

Note: For informational purposes only Assessor Parcel No. 02294-16-021-000

**EXHIBIT B**  
**to Special Warranty Deed**

Permitted Exceptions

1. Water rights, claims of title to water, whether or not these matters are shown by the Public Records
2. Taxes and assessments for the year 2022 and subsequent years, a lien, not yet due or payable.
3. Utility easement as granted to Public Service Company of Colorado in instrument recorded May 25, 1989, under Reception No. 47191.
4. Those matters as shown on the ALTA/NSPS Land Title Survey prepared by Shawn D. Clarke, PLS 38061, on behalf of Harris Kocher Smith dated October 7, 2021, last revised March 8, 2022, and designated as Project #210919.



03/31/2022 01:38 PM  
City & County of Denver  
Electronically Recorded

R \$28.00

WD

D \$400.00

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Otten, Johnson, Robinson,  
Neff & Ragonetti, P.C.  
950 17th Street, Suite 1600  
Denver, Colorado 80202  
Attention: Andrew J. Schwartz

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**THIS SPECIAL WARRANTY DEED**, is made effective as of the 28th day of March, 2022 between FIRTH LAND, LLC (f/k/a CPG Studios II, LLC), a Colorado limited liability company ("Grantor"), and CP VIII 2800 Speer, LLC, a Delaware limited liability company ("Grantee"), whose legal address is 1000 Sansome Street, 1<sup>st</sup> Floor, San Francisco, California 94111.

**WITNESS**, that the Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and its successors and assigns forever, all the real property, together with any improvements thereon, located in the City and County of Denver, State of Colorado, described as follows:

See Exhibit A, attached hereto and incorporated herein by reference.

**TOGETHER** with all and singular the hereditaments, appurtenances, and easements thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained property, with the hereditaments, easements, and appurtenances related thereto.

**TO HAVE AND TO HOLD** the property above bargained and described, with the appurtenances, unto the Grantee and the Grantee's successors and assigns forever. The Grantor, for itself and its successors and assigns, does covenant and agree that Grantor shall and will **WARRANT AND FOREVER DEFEND** the above described property in the quiet and peaceable possession of the Grantee against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor subject to the exceptions set forth on Exhibit B attached hereto.

[signature page to follow]

②  
Recording Requested by:  
FNTO-NCB Colorado  
10035013

WHEN RECORDED, RETURN TO:  
Otten, Johnson, Robinson,  
Neff & Ragonetti, P.C.  
950 17th Street, Suite 1600  
Denver, Colorado 80202  
Attention: Andrew J. Schwartz

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[signature page to follow]

(2)  
Recording Requested by:  
FNTG-NCS Colorado  
10035013

IN WITNESS WHEREOF, the undersigned has executed this instrument on the date set forth above.

Grantor:

FIRTH LAND, LLC (f/k/a CPG Studios II, LLC),  
a Colorado limited liability company

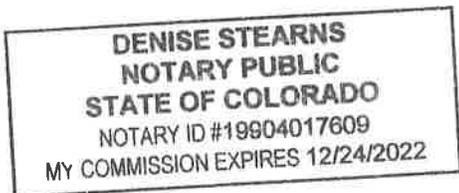
By:   
Frank H. Matson, Manager

STATE OF COLORADO )  
COUNTY OF Boulder ) ss.

The foregoing instrument was subscribed to and acknowledged before me this 25<sup>th</sup> day of March, 2022, by Frank H. Matson as Manager of FIRTH LAND, LLC (f/k/a CPG Studios II, LLC), a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 12/24/2022



  
Notary Public

**EXHIBIT A**

**Legal Description**

Parcel 2:

Lots 9 to 12, inclusive the South ½ of Lot 13 (also described as that part of Lot 13 beginning at the most South corner of Lot 13: thence Northeasterly along the boundary line of lots 12 and 13 to the East corner of Lot 13: thence Northwesterly 12.5 feet along the Northeasterly line of Lot 13; Thence Southwesterly parallel to the boundary line of Lots 13 and 12 to point on the Southwesterly line of Lot 13; thence Southeasterly 12.5 feet to the point of beginning); Resubdivision of Lot 1, 2, 3, 4, 5 and 6, Block 15, Highland Park,

Except that portion of the above described property deeded to the City and County of Denver in Instrument recorded July 15, 1985 at Reception No. 038717.

And except that portion of above described Lot 9 deeded to the City and County of Denver by instrument recorded February 12, 1985 at Reception No. 076510.  
City and County of Denver, State of Colorado.

Note: For informational purposes only Assessor Parcel No. 02294-16-040-000

Parcel 3:

Lot 14, and the North ½ of Lot 13, Resubdivision of Lots 1, 2, 3, 4, 5 and 6, Block 15, Highland Park, City and County of Denver, State of Colorado.

Note: For informational purposes only Assessor Parcel No. 02294-16-014-000

Parcel 4:

Lot 15, and the South ½ of Lot 16, Resubdivision of Lots 1, 2, 3, 4, 5 and 6, Block 15, Highland Park, City and County of Denver, State of Colorado.

Note: For informational purposes only Assessor Parcel No. 02294-16-013-000

Parcel 5:

Lot 17 and the North ½ of Lot 16, Resubdivision of Lots 1, 2, 3, 4, 5 and 6, Block 15, Highland Park, City and County of Denver, State of Colorado.

Note: For informational purposes only Assessor Parcel No 02294-16-012-000

**EXHIBIT B**  
**to Special Warranty Deed**

Permitted Exceptions

1. Water rights, claims of title to water, whether or not these matters are shown by the Public Records
2. Taxes and assessments for the year 2022 and subsequent years, a lien, not yet due or payable.
3. Those matters as shown on the ALTA/NSPS Land Title Survey prepared by Shawn D. Clarke, PLS 38061, on behalf of Harris Kocher Smith dated October 7, 2021, last revised March 8, 2022, and designated as Project #210919.

## Tier III 2801 Firth Court Storm Sewer

03/22/2023

**Master ID:** 2021-PROJMSTR-0000727      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2022-ENCROACHMENT-0000115      **Review Phase:**  
**Location:**      **Review End Date:** 12/15/2022

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: Winton Brazil  
Reviewers Email: [Winton.Brazil@denvergov.org](mailto:Winton.Brazil@denvergov.org)

Status Date: 03/20/2023  
Status: Approved  
Comments:

Status Date: 03/15/2023  
Status: Approved  
Comments:

Status Date: 12/16/2022  
Status: Denied  
Comments: Denied on behalf of this critical reviewer, and this is still under review. Please contact the reviewer to resolve.

Status Date: 12/14/2022  
Status: Approved - No Response  
Comments:

Reviewing Agency: DS Project Coordinator Review

Review Status: Approved - No Response

Reviewers Name: Tanner Axt  
Reviewers Email: [Tanner.Axt@denvergov.org](mailto:Tanner.Axt@denvergov.org)

Status Date: 12/14/2022  
Status: Approved - No Response  
Comments:

Reviewing Agency: Survey Review

Review Status: Approved

Reviewers Name: Ali Gulaid  
Reviewers Email: [Ali.Gulaid@denvergov.org](mailto:Ali.Gulaid@denvergov.org)

Status Date: 03/22/2023  
Status: Approved  
Comments: 2PWPRS Project Number: 2022-ENCROACHMENT-0000115 - Tier III 2801 Firth Court Storm Sewer  
Reviewing Agency/Company: ROWS-Survey  
Reviewers Name: Ali Gulaid  
Reviewers Phone: 720.865.3132  
Reviewers Email: [ali.gulaid@denvergov.org](mailto:ali.gulaid@denvergov.org)  
Approval Status: Approved

Comments:

# Comment Report

## Tier III 2801 Firth Court Storm Sewer

03/22/2023

**Master ID:** 2021-PROJMSTR-0000727 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2022-ENCROACHMENT-0000115 **Review Phase:**  
**Location:** **Review End Date:** 12/15/2022

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

Approved documents copied here:

K:\PWDES\PROJECT\2020s\2022\ENCROACHMENT\2022-ENCROACHMENT-0000115 - Tier III 2801 Firth Court Storm Sewer\Legal Descriptions- APPROVED

Attachment: Encroachment Land Description-2801 Firth Ct- 2023-03-22.docx

Status Date: 12/12/2022

Status: Denied

Comments: Required:

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

b) Encroachment Area Legal Description in Word format

**REDLINES uploaded to E-review webpage**

Reviewing Agency: DES Wastewater Review

Review Status: Approved

Reviewers Name: Brenden Marron

Reviewers Email: Brenden.Marron@denvergov.org

Status Date: 12/09/2022

Status: Approved

Comments: No objection to encroachment on behalf of Wastewater. Specific alignment and details included under SSPR plan set (2022-SSPR-0000154)

Reviewing Agency: City Council Referral

Review Status: Approved - No Response

Status Date: 12/14/2022

Status: Approved - No Response

Comments:

Reviewing Agency: CenturyLink Referral

Review Status: Approved - No Response

Status Date: 12/14/2022

Status: Approved - No Response

Comments:

Reviewing Agency: Xcel Referral

Review Status: Approved w/Conditions

Status Date: 12/16/2022

Status: Approved w/Conditions

Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000115 - Tier III 2801 Firth Court Storm Sewer

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 with conditions

Comments:

PSCo/Xcel Energy has existing electric distribution facilities within the encroachment area. Please contact Colorado 811 before excavating. Proper clearances must be maintained. Use caution and hand dig when excavating within 18-inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Applicant/Requestor.

Status Date: 12/14/2022

2022-ENCROACHMENT-0000115

# Comment Report

## Tier III 2801 Firth Court Storm Sewer

03/22/2023

**Master ID:** 2021-PROJMSTR-0000727 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2022-ENCROACHMENT-0000115 **Review Phase:**  
**Location:** **Review End Date:** 12/15/2022

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

Status: Approved - No Response  
Comments:

Reviewing Agency: RTD Referral Review Status: Approved

Status Date: 12/16/2022  
Status: Approved  
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000115 - Tier III 2801 Firth Court Storm Sewer  
Reviewing Agency/Company: RTD  
Reviewers Name: C. Scott Woodruff  
Reviewers Phone: 303-299-2943  
Reviewers Email: clayton.woodruff@rtd-denver.com  
Approval Status: Approved

Comments:

Status Date: 12/14/2022  
Status: Approved - No Response  
Comments:

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

Status Date: 12/14/2022  
Status: Approved - No Response  
Comments:

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

Status Date: 12/14/2022  
Status: Approved - No Response  
Comments:

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

Status Date: 12/14/2022  
Status: Approved - No Response  
Comments:

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

Status Date: 12/14/2022  
Status: Approved - No Response  
Comments:

Reviewing Agency: Building Department Review Review Status: Approved

Reviewers Name: Keith Peetz  
Reviewers Email: keith.peetz@denvergov.org

Status Date: 12/01/2022  
Status: Approved  
Comments:

2022-ENCROACHMENT-0000115

# Comment Report

## Tier III 2801 Firth Court Storm Sewer

03/22/2023

**Master ID:** 2021-PROJMSTR-0000727 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2022-ENCROACHMENT-0000115 **Review Phase:**  
**Location:** **Review End Date:** 12/15/2022

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

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

Reviewers Name: Yohanna Harrison  
Reviewers Email: yohanna.harrison@denvergov.org  
Status Date: 11/23/2022  
Status: Approved  
Comments:

Reviewing Agency: Denver Fire Department Review Review Status: Approved - No Response

Reviewers Name: Brian Dimock  
Reviewers Email: Brian.Dimock@denvergov.org  
Status Date: 12/14/2022  
Status: Approved - No Response  
Comments:

Reviewing Agency: Denver Water Referral Review Status: Approved

Status Date: 12/16/2022  
Status: Approved  
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000115 - Tier III 2801 Firth Court Storm Sewer  
Reviewing Agency/Company: Denver Water  
Reviewers Name: Kela Naso  
Reviewers Phone: 13036286302  
Reviewers Email: kela.naso@denverwater.org  
Approval Status: Approved

Comments:  
Please note that there must be an 18" vertical clearance between the storm sewer pipes and the water main.

Status Date: 12/14/2022  
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: 12/16/2022  
Status: Approved  
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000115 - Tier III 2801 Firth Court Storm Sewer  
Reviewing Agency/Company: Parks and Recreation  
Reviewers Name: Jennifer Cervera  
Reviewers Phone: 720-913-5862  
Reviewers Email: Jennifer.Cervera@denvergov.org  
Approval Status: Approved

Comments:

Status Date: 12/14/2022

# Comment Report

## Tier III 2801 Firth Court Storm Sewer

03/22/2023

**Master ID:** 2021-PROJMSTR-0000727 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2022-ENCROACHMENT-0000115 **Review Phase:**  
**Location:** **Review End Date:** 12/15/2022

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

Status: Approved - No Response  
Comments:

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

Status Date: 12/14/2022  
Status: Approved - No Response  
Comments:

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

Status Date: 12/16/2022  
Status: Approved  
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000115 - Tier III 2801 Firth Court Storm Sewer  
Reviewing Agency/Company: DODR  
Reviewers Name: Spencer Pocock  
Reviewers Phone: 720-913-8411  
Reviewers Email: Spencer.Pocock@denvergov.org  
Approval Status: Approved

Comments:  
Final construction, including any later modifications to the public sidewalk (which is considered a public Accessible Route), as well as any other areas open to the general public, must comply with all applicable 2010 ADA requirements.

Status Date: 12/14/2022  
Status: Approved - No Response  
Comments:

Reviewing Agency: Construction Engineering Review Review Status: Approved

Reviewers Name: Porames Saejiw  
Reviewers Email: Joe.Saejiw@denvergov.org

Status Date: 12/07/2022  
Status: Approved  
Comments: 1. Prior to the solicitation of bids or proposals from general contractors, the developer of this project is strongly encouraged to schedule an office meeting with the Right-of-Way Services Construction Inspections team (303) 446-3469 to discuss the project's impact to city traffic, streets, roads, alleys and sidewalks, and the associated ROW permit fees that will need to be paid by the selected general contractor.

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

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

Status Date: 12/14/2022  
Status: Approved - No Response  
Comments:

Reviewing Agency: City Forester Review Review Status: Approved

# Comment Report

## Tier III 2801 Firth Court Storm Sewer

03/22/2023

**Master ID:** 2021-PROJMSTR-0000727      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2022-ENCROACHMENT-0000115      **Review Phase:**  
**Location:**      **Review End Date:** 12/15/2022

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

**Reviewers Name:** Erin Hatch  
**Reviewers Email:** Erin.Hatch@denvergov.org  
**Status Date:** 12/09/2022  
**Status:** Approved  
**Comments:** Approved. Proposed sewer is an appropriate distance from proposed ROW trees.

**Reviewing Agency:** Landmark Review      **Review Status:** Approved

**Reviewers Name:** Emma-Marie Censky  
**Reviewers Email:** Emma.Censky@denvergov.org  
**Status Date:** 11/22/2022  
**Status:** Approved  
**Comments:** Not in Landmark district

**Reviewing Agency:** CDOT Referral      **Review Status:** Approved

**Status Date:** 12/16/2022  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2022-ENCROACHMENT-0000115 - Tier III 2801 Firth Court Storm Sewer  
Reviewing Agency/Company: CDOT Region 1 ROW/survey  
Reviewers Name: dane courville  
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:** 12/14/2022  
**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:** 12/14/2022  
**Status:** Approved - No Response  
**Comments:**