

APPLICATION

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

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

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

☐ **Check if this application is for Tier Determination only.** *If checked, the project will not be submitted for full review until confirmation, and remaining submittal requirements, are received by owner.*

ADJACENT PROPERTY OWNER:

The adjacent property owner or Authorized Special District 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:	Colfax Downing Owner, LLC		
Contact Name:	Andrew Pollard		
Property Address:	711 NAVARRO ST STE 400 SAN ANTONIO, TX 78205-3500		
Billing Address:	711 NAVARRO ST STE 400 SAN ANTONIO, TX 78205-3500		
Phone:	(512) 999-8823	Email:	apollard@kairoi.com

PRIMARY CONTACT:

☒ *Check if the same as Adjacent Property Owner*

Company Name:			
Contact Name:			
Address:			
Phone:	(512) 999-8823	Email:	

ENCROACHMENT INFORMATION:

Project Name:	Kairoi Colfax & Downing
Adjacent Property Address:	1150 E Colfax Ave, Denver CO, 80218
Coordinates (Lat/Long):	39°44'23.69"N, 104°58'20.95"W
Encroachment Area, in SF:	

Is this project associated with a LAND DEVELOPMENT REVIEW?

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

2019-PM0000249, 2023-SDP-0000298

Is the proposed encroachment located in Future Right-of-Way?

Finalizing permit and/or processing resolution for the Encroachment will not occur until the ROW dedication is finalized.

Yes ☐ No ☒ If 'Yes', provide ROW Dedication Project Number:

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.)

Located on the south side of E Colfax Ave, seven feet from the face of curb. Extending parallel with Colfax Ave ninety-five (95) to one-hundred forty-five(145) from the face of curb at the southeast corner of the intersection of E Colfax Ave and Downing St.

Description of Encroachment:

Describe the proposed encroachment, including the type and quantity of objects.

The proposed encroachment would be a fifty (50) foot long concrete wall from 0.1' to 1.3' tall.

Reason 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.

The building is nearing the end of construction. The accessible corridor to the building was constructed too high to accommodate and accessible entry. A small wall is the only viable solution to make up the grade differential. The owner and owner's consultant team has worked diligently with City staff to design a solution for this issue that satisfies all parties needs.



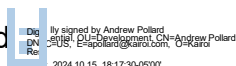
ATTESTATION:

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:**

Andrew Pollard



DATE: 10/14/2024

PRINT NAME: Andrew Pollard

TITLE: SVP

COMPANY: Colfax Downing Orr, LLC

PERMIT 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:

- ☐ [Denver Revised Municipal Code \(DRMC\) Chapter 49, Streets, Sidewalks and Other Public Ways](#)
- ☐ [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 & Parcel Land Description

Required for all Encroachment Permit Applications

- ☐ Current Title Work/Warranty Deed confirming ownership and parcel land description for adjacent property
- ☐ Parcel Land Description in Word format

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

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

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

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

GENERAL

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

PLAN VIEW

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

- ☐ Property lines, right-of-way width
- ☐ Edge of pavement, curb and gutter, sidewalks, nearby driveways and alleys
- ☐ Street lights, pedestrian lights, signal poles, utility poles
- ☐ Surface utility features (e.g. cabinets, handholes, manholes, inlets, vaults, valves, fire hydrants)
- N/A ☐ Regulatory Floodplain boundaries (FEMA)
- ☐ Underground and overhead utilities (e.g. water, sewer, power, communications, gas, irrigation)
- ☐ Trees and landscaping in the ROW
- ☐ Street names and adjacent property address(es)
- N/A ☐ Regional Transportation District (RTD) bus stop with any amenities
- ☐ Location and size of Encroachment – Show and dimension limits of both above and below ground elements
- ☐ Construction Materials
- ☐ Projection from building
- ☐ Distance from Encroachment to the nearest flowline

City and County of Denver Department of Transportation & Infrastructure

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

www.denvergov.org/doti

Phone: 720-913-3003



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

ELEVATION OR CROSS-SECTION VIEWS

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

DETAIL SHEET(S)

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

STRUCTURAL PLANS ☐ Not Applicable

- ☐ Structural plans
- ☐ Manufacturers certification

ADDITIONAL REQUIRED MATERIAL(S) ☐ Not Applicable

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

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

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


Fees:

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

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

Attestation:

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

SIGNATURE:  DATE: _____

PRINT NAME: _____ EMAIL: _____

COMPANY: _____ PHONE: _____

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services | Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-913-3003

CONNECT WITH US | 311 | DENVERGOV.ORG | DENVER 8 TV

Form Date 1/2/2024

EXHIBIT A
LEGAL DESCRIPTION
SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF EAST COLFAX AVENUE RIGHT OF WAY ADJOINING BLOCK 37, PARK AVENUE ADDITION TO DENVER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST RIGHT OF WAY OF N DOWNING ST WITH THE SOUTH RIGHT OF WAY OF E COLFAX AVE;
THENCE SOUTH 89°30'09" EAST ALONG THE NORTH LINE OF SAID BLOCK 37, A DISTANCE OF 83.79 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 00°29'51" EAST, A DISTANCE OF 10.50 FEET;
THENCE SOUTH 89°30'09" EAST, A DISTANCE OF 6.50 FEET;
THENCE SOUTH 00°29'51" WEST, A DISTANCE OF 4.50 FEET;
THENCE SOUTH 89°30'09" EAST, A DISTANCE OF 43.00 FEET;
THENCE NORTH 00°29'51" EAST, A DISTANCE OF 4.11 FEET;
THENCE SOUTH 89°30'09" EAST, A DISTANCE OF 6.50 FEET;
THENCE SOUTH 00°29'51" WEST, A DISTANCE OF 10.11 FEET TO THE NORTH LINE OF SAID BLOCK 37;
THENCE NORTH 89°30'09" WEST ALONG SAID NORTH LINE, A DISTANCE OF 56.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 392 SQUARE FEET OR 0.0090 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE 20 FOOT RANGE LINE IN NORTH DOWNING STREET BETWEEN EAST COLFAX AVENUE AND EAST 14TH AVENUE, MONUMENTED BY A 2" ALUMINUM CAP IN CONCRETE AT GRADE AT THE NORTH END, AND BY A 1" AXLE 1.3' DOWN IN A RANGE BOX AT THE SOUTH END, ASSUMED TO BEAR NORTH 00°00'38" EAST.

PREPARED BY: AARON MURPHY
PLS 38162

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

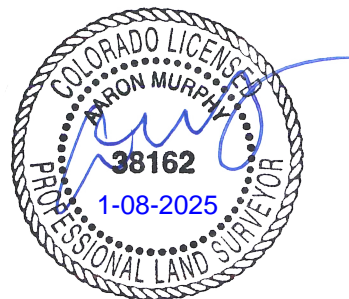
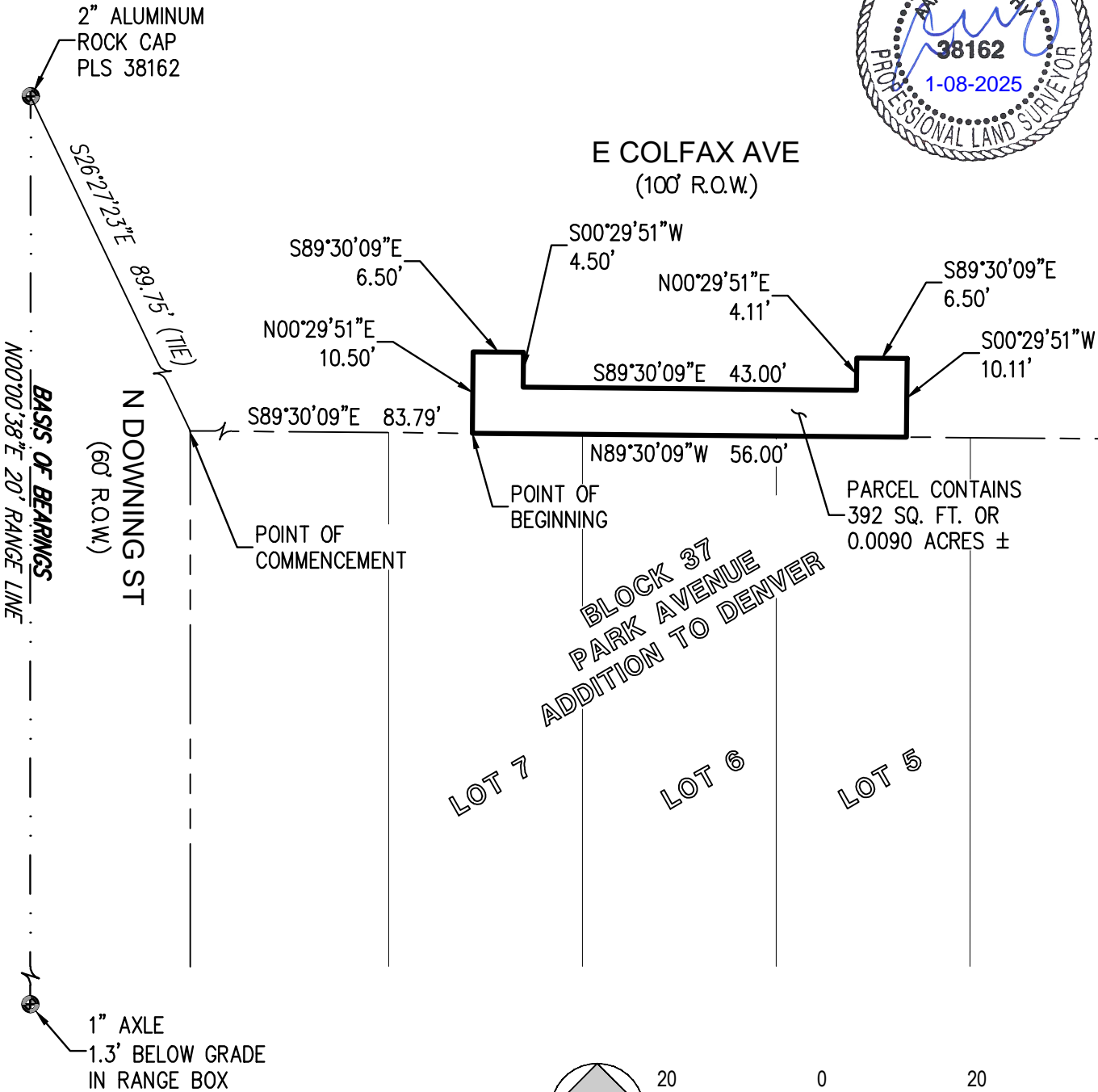


EXHIBIT A
ILLUSTRATION
SHEET 2 OF 2



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



ISSUE DATE: 1-06-2025		CHECKED BY: AWM
		DRAWN BY:
DATE	REVISION COMMENTS	
1-08-2025	PER COMMENTS	

EXHIBIT A
ILLUSTRATION

PROJECT #: 190320
SHEET NUMBER

2

2 OF 2



Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: First American Title Insurance Company National Commercial Services Issuing Office: 1380 17th Street, Denver, CO 80202	Escrow Officer Name: Invoice Processing Escrow Officer Number:
Issuing Office's ALTA® Registry ID: 1105402 Commitment Number: NCS-1245584-CO Issuing Office File Number: NCS-1245584-CO Property Address: 1110 East Colfax Avenue, 1150 East Colfax Avenue, 1433 N Marion Street, Denver, CO 80218 Revision Number:	Escrow Officer Email: concsinvoiceprocessing@firstam.com Escrow Assistant Name: Escrow Assistant Number: Escrow Assistant Email: Title Officer Name: Jef Stanton Title Officer Number: (360)298-5619 Title Officer Email: jstanton@firstam.com Title Assistant Name: Eric Henry Title Assistant Number: (303)876-1112 Title Assistant Email: erhenry@firstam.com

SCHEDULE A

1. Commitment Date: December 26, 2024 at 5:00 P.M.
2. Policy to be issued:
 - a. None - See Schedule B Part I
Proposed Insured: None
Proposed Amount of Insurance: \$None
The estate or interest to be insured: None
3. The estate or interest in the Land at the Commitment Date is:

Fee Simple
4. The Title is, [at the Commitment Date, vested in:](#)

Colfax Downing Owner LLC, a Delaware limited liability company
5. The Land is described as follows:

See Exhibit A attached hereto and made a part hereof

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Commitment No. NCS-1245584-CO

EXHIBIT A

The Land referred to herein below is situated in the County of Denver, State of Colorado, and is described as follows:

TRACT I:

Lots 1 to 10, Block 37, Park Avenue Addition to Denver, and the vacated alley adjacent to and South of said Lots 1 to 10, Block 37; also Lots 12 to 20, Block 1, and Lots 6 to 13, Block 3, Landon and Curry's Addition to Denver; Lots 12 to 20, Block 1, Glencoe Addition to Denver, also, the vacated portion of the alley lying between Block 1 and 3, Landon and Curry's Addition to Denver, which lies North of a line which is 11 feet North of and parallel with the extended South line of Lot 13, Block 1, Landon and Curry's Addition to Denver,

EXCEPT that portion conveyed to the City and County of Denver by Special Warranty Deed recorded October 24, 1967 in [Book 9801 at Page 497](#), more particularly described as follows:

Those parts of Lots 12 and 13, Block 1, Landon and Curry's Addition to Denver, located within the boundaries described as follows:

Beginning at a point on the West line of said Lot 12 and 10 feet North of the Southwest corner thereof; thence Northeasterly to point which is 10 feet East of the said West line and 5 feet South of the North line of said Lot 12; thence Easterly on a line parallel with the said North line of the East line of said Lot 12; thence Northerly on the said East line of Lots 12 and 13, 16 feet; thence Westerly on a line which is 11 feet North of and parallel with the South line of said Lot 13 to the West line thereof; thence Southerly on the said West line of Lots 12 and 13, to the Point of Beginning, ALSO the North 5 feet of Lot 12 and the South 11 feet of Lot 13, Block 1, Glencoe Addition to the City and County of Denver.

AND EXCEPT those certain described Parcels One and Two conveyed to the City and County of Denver by Special Warranty Deed recorded June 29, 2021 at Reception No. [2021123548](#) and the Deed Correction Certificate recorded July 28, 2021 at Reception No. [2021141036](#), more particularly described as follows:

Land Description Parcel One:

Commencing at the Northeast corner of Lot 12, Block 1, Glencoe Addition to the City of Denver; thence South 00°00'11" East along the East line of said Lot 12, a distance of 5.00 feet to the point of beginning; thence South 00°00'11" East along said East line, a distance of 20.01 feet to the Southeast corner of said Lot 12; thence North 89°40'34" West along the South line of said Lot 12 and Lot 12, Block 1, Landon and Curry's Addition to Denver, a distance of 126.02 feet to the Southwest

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corner of Lot 12, Block 1, Landon and Curry's Addition to Denver; thence North 00°00'16" East along the West line of Block 1, Landon and Curry's Addition to Denver, a distance of 10.00 feet; thence North 44°45'32" East, a distance of 14.12 feet; thence South 89°38'21" East, a distance of 116.07 feet to the point of beginning.

Land Description Parcel Two:

Beginning at the Southeast corner of Lot 13, Block 3 Landon and Curry's Addition to Denver; thence North 89°53'55" West along the South line of said Lot 13, a distance of 2.00 feet; thence North 00°00'12" East, a distance of 13.09 feet; thence South 89°38'21" East, a distance of 2.00 feet to the East line of said Lot 13; thence South 00°00'12" West along said East line, a distance of 13.08 feet to the point of beginning.

TRACT II:

A parcel of land being a portion of Lots 12 and 13, Block 1, Glencoe Addition to Denver and a portion of Lot 13, Block 1, Landon and Curry's Addition to Denver, situated in the Northwest Quarter of Section 2, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the Northeast corner of Lot 13, Block 1, Glencoe Addition to the City of Denver; thence South 00°00'11" East along the East line of said Lot 13, a distance of 14.01 feet to the Northeast corner of parcel described in [Book 9801 Page 497](#) recorded October 24, 1967, also being to the point of beginning;

Thence South 00°00'11" East along said East line, a distance of 16.00 feet to the Southeast corner of said parcel; thence along the South line of said parcel North 89°38'21" West, a distance of 38.15 feet; thence departing the South line of said parcel North 64°54'04" West, a distance of 28.56 feet; thence North 89°40'34" West, a distance of 60.00 feet; thence North 00°00'16" East, a distance of 4.09 feet to the North line of said parcel; thence along the North line of said parcel South 89°38'21" East, a distance of 124.01 feet to the point of beginning.

The above-described Tracts I and II being the same property described as follows:

A PARCEL OF LAND BEING ALL OF LOTS 1 THROUGH 10, INCLUSIVE, BLOCK 37 PARK AVENUE ADDITION TO CITY OF DENVER, A PORTION OF LOTS 12 AND 13, BLOCK 1 GLENCOE ADDITION TO CITY OF DENVER, ALL OF LOTS 14 THROUGH 20, INCLUSIVE, BLOCK 1 GLENCOE ADDITION TO CITY OF DENVER, A PORTION OF LOT 13, BLOCK 1 LANDON & CURRY'S ADDITION TO CITY OF DENVER, ALL OF LOTS 14 THROUGH 20, INCLUSIVE, BLOCK 1 LANDON & CURRY'S ADDITION TO CITY OF DENVER, ALL OF LOTS 6 THROUGH 12, INCLUSIVE, BLOCK 3 LANDON & CURRY'S ADDITION TO CITY OF DENVER, A PORTION OF LOT 13, BLOCK 3 LANDON & CURRY'S ADDITION TO THE CITY OF DENVER, TOGETHER WITH A PORTION OF THE ALLEY VACATED BY ORDINANCE 38 SERIES OF 1934, LOCATED SOUTH OF BLOCK 37 PARK ADDITION TO CITY OF DENVER, A PORTION OF THE ALLEY VACATED BY ORDINANCE 334, SERIES OF 1967, AND A PORTION OF THE ALLEY VACATED BY ORDINANCE 111 SERIES OF 1959, LOCATED IN BLOCK 3, LANDON & CURRY'S

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ADDITION TO CITY OF DENVER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST BLOCK CORNER OF SAID BLOCK 37
THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF MARION STREET THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 00°00'46" WEST, A DISTANCE OF 134.42 FEET;
- 2) SOUTH 89°53'44" EAST, A DISTANCE OF 0.95 FEET;
- 3) SOUTH 00°00'11" EAST, A DISTANCE OF 196.63 FEET TO A POINT ON THE NORTH LINE OF A PARCEL DEEDED TO THE CITY AND COUNTY OF DENVER, RECEPTION NUMBER [2021123548](#);

THENCE ALONG THE NORTH AND WEST LINES OF SAID PARCEL DEEDED TO THE CITY AND COUNTY OF DENVER THE FOLLOWING SIX (6) COURSES:

- 1) NORTH 89°38'21" WEST, A DISTANCE OF 38.15 FEET;
- 2) NORTH 64°54'04" WEST, A DISTANCE OF 28.56 FEET;
- 3) NORTH 89°40'34" WEST, A DISTANCE OF 60.00 FEET;
- 4) NORTH 00°00'16" EAST, A DISTANCE OF 4.09 FEET;
- 5) NORTH 89°38'21" WEST, A DISTANCE OF 20.00 FEET;
- 6) SOUTH 00°00'12" WEST, A DISTANCE OF 13.09 FEET TO A POINT ON THE SOUTH LINE OF LOT 13, BLOCK 3, LANDON AND CURRY'S ADDITION TO CITY OF DENVER;

THENCE NORTH 89°53'55" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 123.01 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF DOWNING STREET;

NORTH 00°00'38" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 329.32 FEET TO THE INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE AND THE SOUTH RIGHT-OF-WAY LINE OF COLFAX AVENUE;

THENCE SOUTH 89°30'09" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 266.03 FEET TO THE POINT OF BEGINNING,

City and County of Denver,
State of Colorado.

For informational purposes only: APN(s): 05022-04-052-000, 05022-04-053-000 and 05022-04-048-000

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Commitment No. NCS-1245584-CO

SCHEDULE B, PART I—Requirements

LIMITATION OF LIABILITY FOR INFORMATIONAL REPORT

IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

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Commitment No. NCS-1245584-CO

SCHEDULE B, PART II—Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, rights, interests, or claims that are not shown by the Public Records at Date of Policy but that could be (a) ascertained by an inspection of the Land, or (b) asserted by persons or parties in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records at Date of Policy.
3. Any encroachment, encumbrance, violation, variation, easement, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records at Date of Policy.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown in the Public Records.
5. Any and all unpaid taxes, assessments and unredeemed tax sales.
6. Any water rights, claims or title to water, in, on or under the Land, whether or not the matters excepted are shown by the Public Records.
7. Any existing leases or tenancies.
8. Easements and rights-of-way as shown on the plat of Landon and Curry's Addition to Denver, recorded April 26, 1888 in Plat [Book 5 at Page 19C](#).

All easements and reservations contained in that certain Ordinance No. 38 Series of 1934 recorded May 28, 1934 in [Book 4782 at Page 613](#) were vacated and released pursuant to Ordinance No. 42 Series of 1960 recorded April 13, 1960, in [Book 8497 at Page 563](#).

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Ordinance No. 111 Series of 1959 in connection therewith was recorded May 6, 1959 in [Book 8349 at Page 247](#).

(Affects Tracts I and II)

9. Ordinance No. 238 Series of 1975, for the preservation of mountain views and building height restrictions, recorded June 12, 1975 in [Book 1069 at Page 175](#), affects a portion of Tract I of the property.
10. Easement Agreement by and between Colfax Downing Owner LLC, a Delaware limited liability company, as Grantor, and the City and County of Denver, a Home Rule City and municipal corporation of the State of Colorado, as City, recorded June 29, 2021 at Reception No. [2021123414](#). (Affects Tract I only)
11. Deed Correction Certificate recorded July 28, 2021 at Reception No. [2021141036](#). (Affects Tract I)
12. An easement for connection to wastewater facilities and incidental purposes granted to City and County of Denver, as set forth in an instrument recorded February 1, 2022 at Reception No. [202214275](#). (Affects Tracts I and II)
13. An easement for right of way for traffic control devices, street lights, landscaping, utilities, sidewalks and incidental purposes granted to City and County of Denver, as set forth in an instrument recorded February 8, 2022 at Reception No. [2022017341](#). (Affects Tract I only)
14. Kairoi Colfax & Downing Site Development Plan recorded April 8, 2022 at Reception No. [2022047436](#).
15. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Public Service Company of Colorado Easement recorded August 3, 2023 at Reception No. [2023072518](#).
16. Ordinance No. 20231567, Series of 2023, for changing zoning classification, recorded December 13, 2023 at Reception No. [2023116449](#).
17. Deed of Trust from Colfax Downing Owner LLC, a Delaware limited liability company to the Public Trustee of Denver County for the use of Comerica Bank to secure an indebtedness in the principal sum of \$82,333,997.00, and any other amounts and/or obligations secured thereby, dated April 12, 2022 and recorded April 13, 2022 at Reception No. [2022050587](#).

Notice By Disburser in connection therewith recorded April 22, 2022 at Reception No. [2022055202](#).

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18. Notice to Extend Time to file Mechanic's Lien filed by Associated Cement Contractors, Inc., in the amount of \$12,950,507.64, recorded October 29, 2024 at Reception No. [224085756](#), El Paso County records.

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DISCLOSURE STATEMENT

Pursuant to C.R.S. 30-10-406(3)(a) all documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section.

NOTE: If this transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. 39-22-604.5 (Nonresident withholding).

NOTE: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owner's policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed.

Pursuant to C.R.S. 10-11-122, the company will not issue its owner's policy or owner's policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary.

The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

C.R.S. 10-11-122 (4), Colorado Notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

NOTE: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

- A. **That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and**
- B. **That such mineral estate may include the right to enter and use the property without the surface owner's permission.**

NOTE: Pursuant to Colorado Division of Insurance Regulations 8-1-2, Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of

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Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A. **The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.**
- B. **No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.**
- C. **The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.**
- D. **The Company must receive payment of the appropriate premium.**
- E. **If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium, fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.**

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

NOTE: Pursuant to C.R.S. 38-35-125(2) no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.

NOTE: C.R.S. 39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

NOTE: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

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ALTA COMMITMENT FOR TITLE INSURANCE
issued by
FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.


THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, First American Title Insurance Company, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

FIRST AMERICAN TITLE INSURANCE COMPANY

By: 
Kenneth D. DeGiorgio, President

By: 
Lisa W. Cornehl, Secretary

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COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;

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- e. Schedule B, Part I—Requirements; and
- f. Schedule B, Part II—Exceptions; and
- g. a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or

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- oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
 - f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
- 7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.
- 8. PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
- 9. CLAIMS PROCEDURES**
This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.
- 10. CLASS ACTION**
ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.
- 11. ARBITRATION**
The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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Tier III Kairoi Colfax and Downing Concrete Wall

01/10/2025

Master ID: 2019-PROJMSTR-0000249 **Project Type:** Tier III Encroachment Resolution
Review ID: 2024-ENCROACHMENT-0000155 **Review Phase:**
Location: 1150 E Colfax Ave **Review End Date:** 11/14/2024

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 w/Conditions

Reviewers Name: Matt Steder
Reviewers Email: Matt.Steder@denvergov.org

Status Date: 01/08/2025
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: ROWS DES Transportation
Reviewers Name: Matt Steder
Reviewers Phone: 720-913-4535
Reviewers Email: matt.steder@denvergov.org
Approval Status: Approved with conditions

Comments:

Note: This project has an approved TEP 2019-TRAN-0000258/2019PM0000249 that will need to be amended to reflect Tier III Encroachment (as well as applicable SDP Modification/Revision). Applicant should anticipate revising TEP Sheets 1, 3, 4, and 7 to reflect the site, grading, and section revisions impacted by the encroachment.

Status Date: 11/15/2024
Status: Denied
Comments: Denied on behalf of this critical reviewer. This is still under review. Please contact the reviewer to resolve.

Status Date: 11/14/2024
Status: Approved - No Response
Comments:

Reviewing Agency: DS Project Coordinator Review Review Status: Approved w/Conditions

Reviewers Name: Tiffany Holcomb
Reviewers Email: Tiffany.Holcomb@denvergov.org

Status Date: 10/24/2024
Status: Approved w/Conditions
Comments: An SDP Modification is in review. The tier III encroachment approval from City Council will be needed with a reception number on the ordinance in order for the SDP to be approved.

If the Tier III encroachment is not able to be approved, an alternative design scenario will need to be determined with the applicant and City reviewers.

Reviewing Agency: Survey Review Review Status: Approved

Reviewers Name: Thomas Breitnauer
Reviewers Email: Thomas.Breitnauer@denvergov.org

Comment Report

Tier III Kairoi Colfax and Downing Concrete Wall

01/10/2025

Master ID: 2019-PROJMSTR-0000249 **Project Type:** Tier III Encroachment Resolution
Review ID: 2024-ENCROACHMENT-0000155 **Review Phase:**
Location: 1150 E Colfax Ave **Review End Date:** 11/14/2024

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

Status Date: 01/10/2025
Status: Approved
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: DOTI-ROWS Survey
Reviewers Name: Brian Pfohl
Reviewers Phone: 630.202.6564
Reviewers Email: brian.pfohl@denvergov.org
Approval Status: Approved

Comments:

Status Date: 10/25/2024
Status: Denied
Comments: Survey comments have been uploaded in E-Review and placed in the comment folder for this project.

Reviewing Agency: DES Wastewater Review **Review Status:** Approved

Reviewers Name: Danny Harris
Reviewers Email: Danny.Harris@denvergov.org

Status Date: 11/14/2024
Status: Approved
Comments:

Status Date: 11/14/2024
Status: Approved - No Response
Comments:

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

Status Date: 11/14/2024
Status: Approved - No Response
Comments:

Reviewing Agency: ERA Transportation Review **Review Status:** Approved

Reviewers Name: Paul Weller
Reviewers Email: Paul.Weller@denvergov.org

Status Date: 11/21/2024
Status: Approved
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: DOTI ROWS ER Transportation
Reviewers Name: Paul Weller
Reviewers Phone: 720-913-0514
Reviewers Email: Paul.Weller@Denvergov.org
Approval Status: Approved

Comments:

All comments have been addressed. Applicant has coordinated with the Colfax BRT team.

Comment Report

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Review ID: 2024-ENCROACHMENT-0000155 **Review Phase:**
Location: 1150 E Colfax Ave **Review End Date:** 11/14/2024

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

Status Date: 11/14/2024
Status: Denied
Comments: Comments deferred to DES Transportation Reviewer.

This plan conflicts with the E Colfax Ave BRT construction plan. Contact Brian McLaren from the DOTI Transportation Implementation Team at Brian.McLaren@denvergov.org to coordinate.

Reviewing Agency: ERA Wastewater Review **Review Status:** Approved

Reviewers Name: Mike Sasarak
Reviewers Email: Mike.Sasarak@denvergov.org

Status Date: 11/13/2024
Status: Approved
Comments:

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

Status Date: 11/25/2024
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: CenturyLink/Lumen
Reviewers Name: Varina Hoopes
Reviewers Phone: 4075926104
Reviewers Email: Varina.Hoopes@lumen.com
Approval Status: Approved with conditions

Comments:

RESERVATIONS:

After review, Lumen has proposed underground facilities and a hand-hole yet to be placed that are in potential conflict with the proposed concrete wall at 1150 E. Colfax Ave. Lumen recommends having all buried utilities in the area located to ensure safety and protection of all facilities prior to and during construction.

Should facilities need to be relocated, you require signatures, or have any further questions, please contact the engineer at Luke.Thompson@lumen.com to schedule.

Status Date: 10/25/2024
Status: Denied
Comments: Denied on behalf of this critical reviewer. We received the following email with contact information for the reviewer assigned to this project. Please contact the reviewer to work towards their approval.

"We have received your request for an Encroachment and have set up a Lumen project accordingly. Your project number is P863778 and it should be referenced in all emails sent in for review.

Please do not reply to this email. Your project owner is Varina Hoopes and they can be reached by email at Varina.Hoopes@lumen.com with any questions that you may have regarding this project.

NOTE: Please do not reply to this email and direct any further communication to the assigned Right-of-Way Agent listed above.

Requests are addressed in the order received, Lumen will endeavor to respond within 30 days.

Have a great day!"

Comment Report

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Review ID: 2024-ENCROACHMENT-0000155 **Review Phase:**
Location: 1150 E Colfax Ave **Review End Date:** 11/14/2024

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

Best Regards,

Eryn Ogden
Project Coordinator
Faulk & Foster
214 Expo Circle, Suite 7
West Monroe, LA 71291
Eryn.Ogden@lumen.com

Reviewing Agency: Xcel Referral

Review Status: Approved

Status Date: 01/02/2025
Status: Approved
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: Public Service Company of Colorado (PSCo) dba Xcel Energy
Reviewers Name: Donna George
Reviewers Phone: 3035713306
Reviewers Email: Donna.L.George@xcelenergy.com
Approval Status: Approved

Comments:
Please note that the wall does get close to an existing light so please mind the splice box next to the light.

Status Date: 11/15/2024
Status: Denied
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: Public Service Company of Colorado (PSCo) dba Xcel Energy
Reviewers Name: Donna George
Reviewers Phone: 3035713306
Reviewers Email: Donna.L.George@xcelenergy.com
Approval Status: Denied

Comments:
Please provide a picture of the wall, and drawings (plan/profile) of the proposed depth.

Status Date: 11/14/2024
Status: Approved - No Response
Comments:

Reviewing Agency: RTD Referral

Review Status: Approved

Status Date: 11/15/2024
Status: Approved
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: RTD
Reviewers Name: clayton s woodruff
Reviewers Phone: 303-299-2943
Reviewers Email: Clayton.woodruff@rtd-denver.com
Approval Status: Approved

Comment Report

Tier III Kairoi Colfax and Downing Concrete Wall

01/10/2025

Master ID: 2019-PROJMSTR-0000249 **Project Type:** Tier III Encroachment Resolution
Review ID: 2024-ENCROACHMENT-0000155 **Review Phase:**
Location: 1150 E Colfax Ave **Review End Date:** 11/14/2024

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

Comments:

Department Comments

Bus Operations No exceptions

Bus Stop Program No exceptions

Commuter Rail No exceptions

Construction Management No exceptions

Engineering No exceptions

Light Rail No exceptions

Real Property No exceptions

Service Development No exceptions

Transit Oriented Development No exceptions

Utilities No exceptions

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

Status Date: 11/14/2024

Status: Approved - No Response

Comments:

Reviewing Agency: Comcast Referral

Review Status: Approved - No Response

Status Date: 11/14/2024

Status: Approved - No Response

Comments:

Reviewing Agency: Metro Wastewater Referral

Review Status: Approved - No Response

Status Date: 11/14/2024

Status: Approved - No Response

Comments:

Reviewing Agency: Street Maintenance Referral

Review Status: Approved - No Response

Status Date: 11/14/2024

Status: Approved - No Response

Comments:

Reviewing Agency: Office of Emergency Management Referral

Review Status: Approved - No Response

Status Date: 11/14/2024

Status: Approved - No Response

Comments:

Reviewing Agency: Building Department Review

Review Status: Approved - No Response

Reviewers Name: Keith Peetz

Reviewers Email: Keith.Peetz@denvergov.org

Comment Report

Tier III Kairoi Colfax and Downing Concrete Wall

01/10/2025

Master ID: 2019-PROJMSTR-0000249 **Project Type:** Tier III Encroachment Resolution
Review ID: 2024-ENCROACHMENT-0000155 **Review Phase:**
Location: 1150 E Colfax Ave **Review End Date:** 11/14/2024

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

Status Date: 11/14/2024
Status: Approved - No Response
Comments:

Reviewing Agency: Division of Real Estate Referral Review Status: Approved - No Response

Status Date: 11/14/2024
Status: Approved - No Response
Comments:

Reviewing Agency: Denver Fire Department Review Review Status: Approved

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

Status Date: 10/30/2024
Status: Approved
Comments:

Reviewing Agency: Denver Water Referral Review Status: Approved

Status Date: 11/15/2024
Status: Approved
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: Denver Water
Reviewers Name: Kela Naso
Reviewers Phone: 0000000000
Reviewers Email: kela.naso@denverwater.org
Approval Status: Approved

Comments:
Status Date: 11/14/2024
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: 11/05/2024
Status: Approved
Comments:

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

Status Date: 11/14/2024
Status: Approved - No Response
Comments:

Comment Report

Tier III Kairoi Colfax and Downing Concrete Wall

01/10/2025

Master ID: 2019-PROJMSTR-0000249 **Project Type:** Tier III Encroachment Resolution
Review ID: 2024-ENCROACHMENT-0000155 **Review Phase:**
Location: 1150 E Colfax Ave **Review End Date:** 11/14/2024

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

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

Status Date: 11/15/2024
Status: Approved
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
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: 11/14/2024
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: 12/20/2024
Status: Approved
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: DOTI - Construction Engineering
Reviewers Name: Porames Saejiw
Reviewers Phone: 3032575797
Reviewers Email: joe.saejiw@denvergov.org
Approval 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 installation of City Approved Plans for Traffic Closures, Row Items and Landscaping and the associated ROW permit fees that will need to be paid by the selected general contractor.

Status Date: 11/12/2024
Status: Approved w/Conditions
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 installation of City Approved Plans for Traffic Closures, Row Items and Landscaping and the associated ROW permit fees that will need to be paid by the selected general contractor.

2. Have a concern with fall protection at the stem wall. A possible 15 inch fall to next grade (amenity zone).

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

Comment Report

Tier III Kairoi Colfax and Downing Concrete Wall

01/10/2025

Master ID: 2019-PROJMSTR-0000249 **Project Type:** Tier III Encroachment Resolution
Review ID: 2024-ENCROACHMENT-0000155 **Review Phase:**
Location: 1150 E Colfax Ave **Review End Date:** 11/14/2024

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

Reviewers Name: Brittany Price
Reviewers Email: Brittany.Price@denvergov.org
Status Date: 11/14/2024
Status: Approved - No Response
Comments:

Reviewing Agency: City Forester Review **Review Status:** Approved w/Conditions

Reviewers Name: Eric Huetig
Reviewers Email: Eric.Huetig@denvergov.org
Status Date: 11/05/2024
Status: Approved w/Conditions
Comments: 2024-ENCROACHMENT-0000155 - 1110 E Colfax Wall
OCF Comments 11-5-24
1. Plan is approved with the following conditions: see attached redlined plans (uploaded via ERA site). If redlined plans were not received, email Eric.Huetig@denvergov.org to request a set of redlines (reference project number listed above).
A. For improved readability, omit existing 5'x5' opening tree pit boundaries around trees located within wall (necessary to show context of what's occurring within new planting area). NOTE: Area within proposed wall will be converted to landscaped tree planting area (shown on redlined plans in brown).
B. Accurate tree protection zone boundary for this encroachment shown on redlined plans in red.

REDLINES uploaded to E-review webpage

Reviewing Agency: Landmark Review **Review Status:** Approved - No Response

Status Date: 10/25/2024
Status: Approved - No Response
Comments:

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

Status Date: 11/15/2024
Status: Approved
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: CDOT
Reviewers Name: Michelle White
Reviewers Phone: 303-512-4218
Reviewers Email: michelle.m.white@state.co.us
Approval Status: Approved

Comments:
The location of the proposed effort is located within a CDOT on-system ROW. Proposed effort is approved as the location is under a Denver Maintenance agreement.

Status Date: 11/14/2024
Status: Approved - No Response

2024-ENCROACHMENT-0000155

Comment Report

Tier III Kairoi Colfax and Downing Concrete Wall

01/10/2025

Master ID: 2019-PROJMSTR-0000249 **Project Type:** Tier III Encroachment Resolution
Review ID: 2024-ENCROACHMENT-0000155 **Review Phase:**
Location: 1150 E Colfax Ave **Review End Date:** 11/14/2024

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

Comments:

Reviewing Agency: Environmental Health Referral

Review Status: Approved - No Response

Status Date: 11/14/2024
Status: Approved - No Response
Comments:

Reviewing Agency: ERA Review

Review Status: Approved

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

Status Date: 12/31/2024
Status: Approved
Comments: Revised plan received

Status Date: 10/25/2024
Status: Denied
Comments: Please provide sidewalk dimensions on the plans.

Reviewing Agency: ROW - Supplemental Review

Review Status: Approved

Reviewers Name: Frank Locantore
Reviewers Email: Frank@colfaxave.com

Status Date: 12/26/2024
Status: Approved
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: Colfax Ave BID
Reviewers Name: Frank Locantore
Reviewers Phone: 3038322086
Reviewers Email: Frank@colfaxave.com
Approval Status: Approved with conditions

Comments:

Approved, as I understand that there will be at least 8-feet of sidewalk width at its narrowest "pinch-point" between the tree planter and building. I would just like to make sure that while the width is good, the doors to the building should open up to the interior so that pedestrians or wheelchair users are not "blocked" by a door unexpectedly swinging open in their path. Thank you.

Status Date: 11/15/2024
Status: Denied
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000155 - Tier III Kairoi Colfax and Downing Concrete Wall
Reviewing Agency/Company: Colfax Ave BID
Reviewers Name: Frank Locantore
Reviewers Phone: 3038322086
Reviewers Email: Frank@colfaxave.com
Approval Status: Denied

Comment Report

Tier III Kairoi Colfax and Downing Concrete Wall

01/10/2025

Master ID:	2019-PROJMSTR-0000249	Project Type:	Tier III Encroachment Resolution
Review ID:	2024-ENCROACHMENT-0000155	Review Phase:	
Location:	1150 E Colfax Ave	Review End Date:	11/14/2024

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

Comments:

Cannot read / Unclear what the remaining width of the Colfax sidewalk would be with the addition of this encroachment.