

1 BY AUTHORITY

2 RESOLUTION NO. CR14-0353
3 SERIES OF 2014

COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

4
5 A RESOLUTION

6 **Granting a revocable permit to South Sloan's Lake Metropolitan District No. 1**
7 **to encroach into the right-of-way at Raleigh Street, Quitman Street and West**
8 **17th Avenue.**

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

12 **Section 1.** The City and County of Denver hereby grants to South Sloan's Lake
13 Metropolitan District No. 1 and its successors and assigns ("Permittee"), a revocable permit to
14 encroach into the right-of-way with stormwater detention facilities including one (1) equilibrium
15 pipe, two (2) CDS manholes and four (4) porous landscape detention facilities ("Encroachments")
16 at Raleigh Street, Quitman Street and West 17th Avenue in the following described area
17 ("Encroachment Area"):

18
19 **PARCEL DESCRIPTION ROW NO. 2012-0486-08-001**

20
21 **Equilibrium Pipe**

22 A PARCEL OF LAND LYING WITHIN THE PUBLIC RIGHT-OF-WAY OF
23 RALEIGH ST. AS PLATTED BY SOUTH SLOAN'S LAKE SUBDIVISION FILING
24 NO. 1 LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST
25 QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE
26 SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
27 COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

28
29 COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, SOUTH
30 SLOAN'S LAKE SUBDIVISION FILING NO. 1; THENCE S00°18'32"E A
31 DISTANCE OF 66.59 FEET ALONG THE EASTERLY LINE OF SAID LOT 1,
32 BLOCK 1 AND THE WESTERLY RIGHT-OF-WAY LINE OF RALEIGH ST. TO
33 THE POINT OF BEGINNING;

34 THENCE N89°40'41" E A DISTANCE OF 67.00 FEET TO A POINT ON THE
35 WESTERLY LINE OF LOT 1, BLOCK 2, SOUTH SLOAN'S LAKE SUBDIVISION
36 FILING NO. 1 AND THE EASTERLY RIGHT-OF-WAY LINE RALEIGH ST.;

37 THENCE S00°18'32"E A DISTANCE OF 5.00 FEET ALONG SAID EASTERLY AND
38 WESTERLY LINE;

39 THENCE S89°40'41"W A DISTANCE OF 67.00 FEET TO A POINT ON THE
40 EASTERLY LINE OF SAID LOT 1, BLOCK 1 AND THE WESTERLY LINE OF
41 SAID RALEIGH ST.;

42
43 [continued on next page]

1 THENCE ALONG THE SAID EASTERLY AND WESTERLY LINE, N00°18'32"W A
2 DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.
3 PARCEL CONTAINS 0.008 ACRES OR 335 SQ. FT. MORE OR LESS
4

5 BASIS OF BEARINGS

6 BEARINGS ARE BASED ON THE WESTERLY LINE OF BOULEVARD ADDITION
7 TO THE CITY OF DENVER BEARING N00°18'49"W AND BEING MONUMENTED
8 BY A FOUND #5 REBAR W/ CAP PLS #20142 AT THE SOUTHWEST CORNER OF
9 BLOCK 1, BOULEVARD ADDITION TO THE CITY OF DENVER AND A FOUND
10 10 FOOT OFFSET CHISELED CROSS AT THE NORTHWEST CORNER OF BLOCK
11 3, BOULEVARD ADDITION TO THE CITY OF DENVER
12

13 and

14
15 **PARCEL DESCRIPTION ROW NO. 2012-0486-08-002**

16
17 **CDS Manhole**

18 A PARCEL OF LAND LYING WITHIN THE PUBLIC RIGHT-OF-WAY OF
19 RALEIGH ST. AS PLATTED BY SOUTH SLOAN'S LAKE SUBDIVISION FILING
20 NO. 1 LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST
21 QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE
22 SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
23 COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:
24

25 COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 2, SOUTH
26 SLOAN'S LAKE SUBDIVISION FILING NO. 1; THENCE S00°18'32"E A
27 DISTANCE OF 19.22 FEET ALONG THE WESTERLY LINE OF SAID LOT 1 AND
28 THE EASTERLY RIGHT-OF-WAY LINE OF RALEIGH ST. TO THE POINT OF
29 BEGINNING;

30 THENCE CONTINUING ALONG THE SAID WESTERLY AND EASTERLY LINE
31 S00°18'32"E 8.00 FEET;

32 THENCE S89°41'28"W A DISTANCE OF 7.19 FEET;

33 THENCE N00°18'32"W A DISTANCE OF 8.00 FEET;

34 THENCE N89°41'28"E A DISTANCE OF 7.19 FEET TO THE POINT OF
35 BEGINNING.

36
37 PARCEL CONTAINS 0.001 ACRES OR 58 SQ. FT. MORE OR LESS
38

39 BASIS OF BEARINGS

40 BEARINGS ARE BASED ON THE WESTERLY LINE OF BOULEVARD ADDITION
41 TO THE CITY OF DENVER BEARING N00°18'49"W AND BEING MONUMENTED
42 BY A FOUND #5 REBAR W/ CAP PLS #20142 AT THE SOUTHWEST CORNER OF
43 BLOCK 1, BOULEVARD ADDITION TO THE CITY OF DENVER AND A FOUND
44 10 FOOT OFFSET CHISELED CROSS AT THE NORTHWEST CORNER OF BLOCK
45 3, BOULEVARD ADDITION TO THE CITY OF DENVER.
46

47 and

PARCEL DESCRIPTION ROW NO. 2012-0486-08-003

Porous Landscape Detention Facility

A PARCEL OF LAND LYING WITHIN THE PUBLIC RIGHT-OF-WAY OF QUITMAN ST. AS PLATTED BY SOUTH SLOAN'S LAKE SUBDIVISION FILING NO. 1 LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 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 1, BLOCK 2, SOUTH SLOAN'S LAKE SUBDIVISION FILING NO. 1; THENCE ALONG THE EASTERLY LINE OF SAID LOT 1, BLOCK 2, S00°18'32"E A DISTANCE OF 8.50 FEET; THENCE N89°49'41"E A DISTANCE OF 5.50 FEET TO THE POINT OF BEGINNING;
THENCE N89°49'41"E A DISTANCE OF 11.50 FEET;
THENCE S00°18'32"E A DISTANCE OF 33.70 FEET;
THENCE 7.72 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 12.00 FEET, A CENTRAL ANGLE OF 36°52'12", AND A CHORD WHICH BEARS S18°07'34"W A DISTANCE OF 7.59 FEET TO A POINT OF REVERSE CURVATURE;
THENCE 11.58 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 18.00 FEET, A CENTRAL ANGLE OF 36°52'12", AND A CHORD WHICH BEARS S18°07'34"W A DISTANCE OF 11.38 FEET;
THENCE S00°18'32"E A DISTANCE OF 276.90 FEET;
THENCE 11.58 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 17.99 FEET, A CENTRAL ANGLE OF 36°53'00", AND A CHORD WHICH BEARS S18°44' 38"E A DISTANCE OF 11.38 FEET TO A POINT OF REVERSE CURVATURE;
THENCE 7.72 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 12.00 FEET, A CENTRAL ANGLE OF 36°53'00", AND A CHORD WHICH BEARS S18°44'38"E A DISTANCE OF 7.59 FEET;
THENCE S00°18'08"E A DISTANCE OF 15.80 FEET;
THENCE S89°47'53"W A DISTANCE OF 11.50 FEET;
THENCE ALONG A LINE 5.50 FEET EAST OF AND PARALLEL WITH THE EASTERLY LINE OF BLOCK 2, SOUTH SLOAN'S LAKE SUBDIVISION FILING NO. 1, N00°18'32"W A DISTANCE OF 362.41 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.055 ACRES OR 2,390 SQ. FT. MORE OR LESS

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE WESTERLY LINE OF BOULEVARD ADDITION TO THE CITY OF DENVER BEARING N00°18'49"W AND BEING MONUMENTED BY A FOUND #5 REBAR W/ CAP PLS #20142 AT THE SOUTHWEST CORNER OF BLOCK 1, BOULEVARD ADDITION TO THE CITY OF DENVER AND A FOUND 10 FOOT OFFSET CHISELED CROSS AT THE NORTHWEST CORNER OF BLOCK 3, BOULEVARD ADDITION TO THE CITY OF DENVER.

and

1 **PARCEL DESCRIPTION ROW NO. 2012-0486-08-004**

2
3 **Porous Landscape Detention Facility**

4 A PARCEL OF LAND LYING WITHIN THE PUBLIC RIGHT-OF-WAY OF
5 QUITMAN ST. AS PLATTED BY SOUTH SLOAN'S LAKE SUBDIVISION FILING
6 NO. 1 LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST
7 QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE
8 SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
9 COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

10
11 COMMENCING AT THE NORTHWEST CORNER OF LOT 3, BLOCK 3, SOUTH
12 SLOAN'S LAKE SUBDIVISION FILING NO. 1; THENCE ALONG THE WESTERLY
13 LINE OF SAID LOT 3, BLOCK 3 AND THE WESTERLY RIGHT-OF-WAY LINE OF
14 QUITMAN ST., S00°18'32"E A DISTANCE OF 8.34 FEET; THENCE S89°33'14"W
15 A DISTANCE OF 5.50 FEET TO THE POINT OF BEGINNING;
16 THENCE ALONG A LINE 5.50 WEST OF AND PARALLEL WITH WESTERLY
17 LINE OF BLOCK 3 AND THE EASTERLY LINE OF QUITMAN ST., S00°18'32"E A
18 DISTANCE OF 362.52 FEET;
19 THENCE S89°47'53"W A DISTANCE OF 11.50 FEET;
20 THENCE N00°18'08"W A DISTANCE OF 15.86 FEET;
21 THENCE 7.72 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A
22 RADIUS OF 12.00 FEET, A CENTRAL ANGLE OF 36°51'23", AND A CHORD
23 WHICH BEARS N18°07'34"E A DISTANCE OF 7.59 FEET;
24 THENCE 11.59 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE
25 LEFT HAVING A RADIUS OF 17.99 FEET, A CENTRAL ANGLE OF 36°54'05",
26 AND A CHORD WHICH BEARS N18°07'34"E A DISTANCE OF 11.39 FEET;
27 THENCE N00°18'32"W A DISTANCE OF 276.90 FEET;
28 THENCE 11.58 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A
29 RADIUS OF 18.00 FEET, A CENTRAL ANGLE OF 36°52'12", AND A CHORD
30 WHICH BEARS N18°44'38"W A DISTANCE OF 11.38 FEET TO A POINT OF
31 REVERSE CURVATURE;
32 THENCE 7.72 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A
33 RADIUS OF 12.00 FEET, A CENTRAL ANGLE OF 36°52'12", AND A CHORD
34 WHICH BEARS N18°44'38"W A DISTANCE OF 7.59 FEET;
35 THENCE N00°18'32"W A DISTANCE OF 33.70 FEET;
36 THENCE N89°33'14"E A DISTANCE OF 11.50 FEET TO THE POINT OF
37 BEGINNING.

38
39 PARCEL CONTAINS 0.055 ACRES OR 2,391 SQ. FT. MORE OR LESS

40
41 **BASIS OF BEARINGS**

42 BEARINGS ARE BASED ON THE WESTERLY LINE OF BOULEVARD ADDITION
43 TO THE CITY OF DENVER BEARING N00°18'49"W AND BEING MONUMENTED
44 BY A FOUND #5 REBAR W/ CAP PLS #20142 AT THE SOUTHWEST CORNER OF
45 BLOCK 1, BOULEVARD ADDITION TO THE CITY OF DENVER AND A FOUND
46 10 FOOT OFFSET CHISELED CROSS AT THE NORTHWEST CORNER OF BLOCK
47 3, BOULEVARD ADDITION TO THE CITY OF DENVER.

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49 and

PARCEL DESCRIPTION ROW NO. 2012-0486-08-005

Porous Landscape Detention Facility

A PARCEL OF LAND LYING WITHIN THE PUBLIC RIGHT-OF-WAY OF QUITMAN ST. AS PLATTED BY SOUTH SLOAN'S LAKE SUBDIVISION FILING NO. 1 LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 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 SOUTHEAST CORNER OF LOT 1, BLOCK 5, SOUTH SLOAN'S LAKE SUBDIVISION FILING NO. 1; THENCE N89°47'53"E A DISTANCE OF 5.50 FEET TO THE POINT OF BEGINNING;
THENCE ALONG A LINE 5.50 FEET EAST OF AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 1, BLOCK 5, N00°18'32"W A DISTANCE OF 370.19 FEET;
THENCE N89°47'53"E A DISTANCE OF 11.50 FEET;
THENCE S00°18'32"E A DISTANCE OF 20.93 FEET;
THENCE 7.85 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 12.01 FEET, A CENTRAL ANGLE OF 37°25'39", AND A CHORD WHICH BEARS S18°25'08"W A DISTANCE OF 7.71 FEET;
THENCE 11.46 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 18.00 FEET, A CENTRAL ANGLE OF 36°28'09", AND A CHORD WHICH BEARS S17°55'32"W A DISTANCE OF 11.26 FEET;
THENCE S00°18'32"E A DISTANCE OF 288.23 FEET;
THENCE 11.58 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 18.00 FEET, A CENTRAL ANGLE OF 36°52'12", AND A CHORD WHICH BEARS S18°44'38"E A DISTANCE OF 11.38 FEET TO A POINT OF REVERSE CURVATURE;
THENCE 7.72 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 12.00 FEET, A CENTRAL ANGLE OF 36°52'12", AND A CHORD WHICH BEARS S18°44'38"E A DISTANCE OF 7.59 FEET;
THENCE S00°18'32"E A DISTANCE OF 25.03 FEET;
THENCE S89°47'53"W A DISTANCE OF 11.50 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.055 ACRES OR 2,412 SQ. FT. MORE OR LESS

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE WESTERLY LINE OF BOULEVARD ADDITION TO THE CITY OF DENVER BEARING N00°18'49"W AND BEING MONUMENTED BY A FOUND #5 REBAR W/ CAP PLS #20142 AT THE SOUTHWEST CORNER OF BLOCK 1, BOULEVARD ADDITION TO THE CITY OF DENVER AND A FOUND 10 FOOT OFFSET CHISELED CROSS AT THE NORTHWEST CORNER OF BLOCK 3, BOULEVARD ADDITION TO THE CITY OF DENVER.

and

PARCEL DESCRIPTION ROW NO. 2012-0486-08-006

Porous Landscape Detention Facility

A PARCEL OF LAND LYING WITHIN THE PUBLIC RIGHT-OF-WAY OF QUITMAN ST. AS PLATTED BY SOUTH SLOAN'S LAKE SUBDIVISION FILING NO. 1 LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 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 SOUTHWEST CORNER OF LOT 2, BLOCK 4, SOUTH SLOAN'S LAKE SUBDIVISION FILING NO. 1; THENCE S89°47'53"W A DISTANCE OF 5.50 FEET TO THE POINT OF BEGINNING;
THENCE S89°47'53"W A DISTANCE OF 11.50 FEET;
THENCE N00°18'32"W A DISTANCE OF 25.09 FEET;
THENCE 7.72 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 12.00 FEET, A CENTRAL ANGLE OF 36°52'12", AND A CHORD WHICH BEARS N18°07'34"E A DISTANCE OF 7.59 FEET TO A POINT OF REVERSE CURVATURE;
THENCE 11.58 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 18.00 FEET, A CENTRAL ANGLE OF 36°52'12", AND A CHORD WHICH BEARS N18°07'34"E A DISTANCE OF 11.38 FEET;
THENCE N00°18'32"W A DISTANCE OF 288.23 FEET;
THENCE 9.82 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 18.00 FEET, A CENTRAL ANGLE OF 31°15' 58", AND A CHORD WHICH BEARS N15°56'31"W A DISTANCE OF 9.70 FEET;
THENCE 9.28 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 13.53 FEET, A CENTRAL ANGLE OF 39°17'47", AND A CHORD WHICH BEARS N22°08'33"W A DISTANCE OF 9.10 FEET;
THENCE N00°18'32"W A DISTANCE OF 21.08 FEET;
THENCE N89°47'53"E A DISTANCE OF 11.50 FEET;
THENCE ALONG A LINE 5.50 FEET WESTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 2, BLOCK 4 AND THE EASTERLY RIGHT-OF-WAY LINE OF QUITMAN ST., S00°18'32"E A DISTANCE OF 370.19 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.055 ACRES OR 2,412 SQ. FT. MORE OR LESS

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE WESTERLY LINE OF BOULEVARD ADDITION TO THE CITY OF DENVER BEARING N00°18'49"W AND BEING MONUMENTED BY A FOUND #5 REBAR W/ CAP PLS #20142 AT THE SOUTHWEST CORNER OF BLOCK 1, BOULEVARD ADDITION TO THE CITY OF DENVER AND A FOUND 10 FOOT OFFSET CHISELED CROSS AT THE NORTHWEST CORNER OF BLOCK 3, BOULEVARD ADDITION TO THE CITY OF DENVER.

and

1 PARCEL DESCRIPTION ROW NO. 2012-0486-08-007

2
3 CDS Manhole

4 A PARCEL OF LAND LYING WITHIN THE PUBLIC RIGHT-OF-WAY OF W.
5 CONEJOS PL. AS PLATTED BY BOULEVARD ADDITION TO DENVER,
6 RECORDED AT BOOK 2, PAGE 60, LOCATED IN THE SOUTHWEST QUARTER
7 OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE
8 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF
9 DENVER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS
10 FOLLOWS:

11
12 COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 5, SOUTH
13 SLOAN'S LAKE SUBDIVISION FILING NO. 1; THENCE S44°42'02"E A
14 DISTANCE OF 33.59 FEET TO THE POINT OF BEGINNING;

15
16 THENCE N90°00'00"E A DISTANCE OF 8.00 FEET;
17 THENCE S00°00'00"E A DISTANCE OF 8.00 FEET;
18 THENCE N90°00'00"W A DISTANCE OF 8.00 FEET;
19 THENCE N00°00'00"E A DISTANCE OF 8.00 FEET TO THE POINT OF
20 BEGINNING.

21
22 PARCEL CONTAINS 0.001 ACRES OR 64 SQ. FT. MORE OR LESS

23
24 BASIS OF BEARINGS

25 BEARINGS ARE BASED ON THE WESTERLY LINE OF BOULEVARD ADDITION
26 TO THE CITY OF DENVER BEARING N00°18'49"W AND BEING MONUMENTED
27 BY A FOUND #5 REBAR W/ CAP PLS #20142 AT THE SOUTHWEST CORNER OF
28 BLOCK 1, BOULEVARD ADDITION TO THE CITY OF DENVER AND A FOUND
29 10 FOOT OFFSET CHISELED CROSS AT THE NORTHWEST CORNER OF BLOCK
30 3, BOULEVARD ADDITION TO THE CITY OF DENVER.
31

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

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

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

38 (c) If the Permittee intends to install any underground facilities in or near a public road,
39 street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification
40 Association of Owners and Operators of Underground Facilities by contacting the Utility
41 Notification Center of Colorado, 12600 West Colfax Avenue, Suite B-310, Lakewood, Colorado
42 80215, at 303-232-1991. Further, Permittee shall contact the Utility Notification Center at 1-800-
43 922-1987 to locate underground facilities prior to commencing any work under this permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 COMMITTEE APPROVAL DATE: April 24, 2014 [by consent]

21 MAYOR-COUNCIL DATE: April 29, 2014

22 PASSED BY THE COUNCIL: _____, 2014

23 _____ - PRESIDENT

24 ATTEST: _____ - CLERK AND RECORDER,
25 EX-OFFICIO CLERK OF THE
26 CITY AND COUNTY OF DENVER
27

28 PREPARED BY: Brent A. Eisen, Assistant City Attorney

DATE: May 8, 2014

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

34
35 D. Scott Martinez, Denver City Attorney

36 BY: _____, Assistant City Attorney DATE: _____, 2014