



REQUEST FOR REVOCATION OF REVOCABLE ENCROACHMENT PERMIT

TO: Ivone Avila-Ponce, City Attorney's Office

FROM: Glen Blackburn, PE, Director, Right of Way Services by Ralph Pettit, City Surveyor
by Ralph Pettit, City Surveyor (May 14, 2024 12:28 MDT)

PROJECT NO.: 1984-ENCROACHMENT-0004101

DATE: May 13, 2024

SUBJECT: Request for revocation of Ordinance #366, Series of 1984 which granted a revocable permit to Leprino Foods, their successors and assigns, to encroach into the right of way with security closed circuit television cable at 3756 Quivas St.

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

This office has investigated the request from Bryan Mendenhall, dated 4/23/2024, on behalf of Leprino Foods Co. for revocation of the above-subject permit. The reason for the revocation is cameras and cables were removed and no longer in use.

This matter has been checked by this office and has ensured the encroachment in question has been removed.

As a result of the investigations, it has been determined that there is no objection to revocation of the revocable permit.

Therefore, you are requested to initiate Council action for the revocation of a revocable permit granted by Ordinance #366, Series of 1984.

GB: vw

Cc: City Council Office, Luke Palmisano
Councilperson and Aides Dist #1
Department of Law – Bradley Beck
Department of Law – Deanne Durfee
Department of Law – Maureen McGuire
Department of Law – Martin Plate
DOTI, Manager's Office – Alba Castro
DOTI, Legislative Services – Nicholas Williams

City and County of Denver Department of Transportation & Infrastructure

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

www.denvergov.org/doti

Phone: 720-865-3003

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ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: May 13, 2024

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
 Dedication/Vacation Appropriation/Supplemental DRMC Change
 Other: Ordinance for Revocation of encroachment

2. Title: (Start with *approves*, *amends*, *dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Request for revocation of Ordinance #366, Series of 1984 which granted a revocable permit to Leprino Foods, their successors and assigns, to encroach into the right of way with security closed circuit television cable at 3756 Quivas St.

3. Requesting Agency: DOTI ROWS Engineering & Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Vanessa West	Name: Nicholas Williams
Email: Vanessa.west@denvergov.org	Email: Nicholas.Williams@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed: (who, what, why)

Request for revocation of Ordinance #366, Series of 1984 which granted a revocable permit to Leprino Foods, their successors and assigns, to encroach into the right of way with security closed circuit television cable at 3756 Quivas St.

6. City Attorney assigned to this request (if applicable): Martin Plate

7. City Council District: Dist # 1 - Sandoval

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

Key Contract Terms

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name (including any dba's):

Contract control number (legacy and new):

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> <i>(A)</i>	<i>Additional Funds</i> <i>(B)</i>	<i>Total Contract Amount</i> <i>(A+B)</i>
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

ENCROACHMENT REVOCATION EXECUTIVE SUMMARY

What is an Encroachment: A privately owned improvement that is located in, or project over or under the public Right-of-Way.

Project Title: 1984-ENCROACHMENT-0004101, Leprino Foods Security Cameras

Business/Owner name: Leprino Foods Co

Description of Encroachment: Security closed circuit television cable at 3756 Quivas St

Explanation of why the Encroachment is no longer needed: The cameras and cables were removed.

When was the Encroachment removed/abandoned: 2024

Additional Information: N/A

Location Map:



City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services | Engineering and Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202

www.denvergov.org/doti

Phone: 720-865-3003

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BY AUTHORITY

ORDINANCE NO. 366

SERIES OF 1984

COUNCIL BILL NO. 377

COMMITTEE OF REFERENCE:

PUBLIC WORKS

A B I L L

FOR AN ORDINANCE GRANTING A REVOCABLE PERMIT OF LICENSE TO LEPRINO FOODS, ITS SUCCESSORS AND ASSIGNS, TO ENCROACH BENEATH A PORTION OF QUIVAS STREET BETWEEN 37TH AVENUE AND WEST 38TH AVENUE WITH SECURITY CLOSED CIRCUIT TELEVISION CABLE, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the City and County of Denver hereby grants Leprino Foods, its successors and assigns, a revocable permit or license to encroach with security closed circuit television cable in the following described area:

That part of Quivas Street between West 37th Avenue and West 38th Avenue being 2.0 feet in width and lying 1.0 foot on each side of a centerline described as follows:

Commencing at the northwest corner of Block 36, Eicholtz's Re-Subdivision of Blocks 33, 34, 35, 36, H. Witter's N.D. Addition; thence southerly along the west line of said Block 36, 6.00 feet to the true point of beginning; thence westerly and parallel with the north line of said Block 36 extended westerly, 66.00 feet to a point on the east line of Block 34, said Re-Subdivision of Blocks 33, 34, 35, 36, H. Witter's N.D. Addition, and a point of terminus.

Section 2. The revocable license or permit granted by this Ordinance is expressly granted upon and subject to each and all of the following terms and conditions:

(a) All construction in, on or over the area of encroachment shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and specifications governing the construction of said cable, shall be approved by the Manager of Public Works and the Director of Building Inspection Division prior to construction. Upon completion, a reproducible copy of the exact location and dimensions of the encroachments shall be filed with the Manager of Public Works.

(b) The licensee shall pay all costs of construction and maintenance of said cable and upon revocation of permit as provided herein or upon abandonment shall pay all costs of removing the said cable from the encroachment area and return the street to its original condition under the supervision of the City Engineer.

(c) This revocable permit or license shall not operate or be construed to abridge, limit or restrict the City and County of Denver in exercising its right to make full use of Quivas Street as a public thoroughfare nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their installations within the said street.

Any costs that are incurred relocating facilities for the utility companies during construction within the encroachment area will have to be borne by the licensee.

(d) Leprino Foods is to assume full responsibility for any and all damages incurred to Water Department facilities due to activities authorized by the permit. Any and all replacement or repair of Water Department facilities attributed to the work shall be made by the Water Department at the sole expense of Leprino Foods.

(e) The sidewalk and street over the encroachment area shall be capable of withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The installations within the said encroachment area shall be so constructed that the paved section of the street can be widened without requiring additional structural modifications.

(f) The licensee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising out of the rights and privileges granted by this permit.

(g) During the existence of said encroachment, the licensee or permittee, its successors and assigns, at its or their expense, and without cost to the City and County of Denver, shall procure and maintain a liability policy or include liability and property damage on an occurrence basis, covering the premises and operations with bodily injury limits of not less than \$50,000.00 as to any one person and \$250,000.00 as to any one occurrence and with the property damage limit of not less than \$25,000.00 for any one occurrence. All coverages are to be arranged on the occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage hereinabove enumerated constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the licensee or permittee, its successors or assigns, under the terms of this revocable license or permit; all of the insurance coverage required herein shall be written in form and by a company or companies approved by the Manager of Public Works of the City and County of Denver and authorized to do business in the State of Colorado, a certified copy of all such insurance policies shall be filed with the said Manager of Public Works and each such policy shall contain a statement therein or endorsement thereon that it will not be cancelled or materially changed or altered without at least thirty days prior written notice, by registered mail, to the said Manager of Public Works at least thirty days prior to the termination of the term; all such insurance policies shall be specifically endorsed to include all liability assumed by the licensee or permittee hereunder and shall name the City and County as beneficiary.

(h) The licensee shall also remove and replace any and all street paving, sidewalks and curb and gutter, both inside the areas of encroachment and in the area of the streets adjoining thereto, that become broken, damaged or unsightly during the course of construction without cost to the City.

In the future the licensee shall also remove, replace or repair any street paving, sidewalks and curb and gutter that become broken or damaged when in the opinion of the City Engineer the damage has been caused by the construction within the area of encroachment.

The work required to effect the said repairs shall be accomplished without cost to the City and under the supervision of the City Engineer.

(i) The City and County of Denver reserves the right to make an inspection of the said cable and facilities contained within the confines of these encroachments for which an annual fee of \$50.00 shall be assessed.

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

Section 4. That this license or permit shall be of no force or effect until the following things have been done and performed:

(a) The licensee or permittee shall have filed with the Manager of Public Works a written acceptance of the terms and conditions of this ordinance together with a fee for filing with the Clerk and Recorder in and for the City and County of Denver; said acceptance shall be in substantially the following form:

Date: _____

We the undersigned do hereby accept all of the terms and conditions recited in Ordinance No. _____ Series of _____.

Signed by: _____ (Permittee or Licensee)

By: _____ (Name of Officer)

(b) The licensee or permittee shall have filed with the Manager of Public Works all insurance policies and certificates herein recited; and

(c) The Manager of Public Works shall have certified in writing that the foregoing requirements have been performed.

PASSED by the Council July 16, 1984
Cathy Reynolds - President

APPROVED: Edward Davis - Mayor July 23 1984

ATTEST: [Signature] - Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver

PUBLISHED in the Daily Journal July 13, 1984 July 26, 1984

REVIEWED by: Patricia Wells - City Attorney 7/3 1984

PREPARED by: Robert M. Kelly - July 3, 1984
City Attorney's Office

SPONSORED by Council Member(s): _____ 1984



The Daily Journal

F.W. DODGE DIVISION
McGraw-Hill Information Systems
Company
A Division of McGraw-Hill Inc.

Publisher's Affidavit

STATE OF COLORADO
City and County of Denver } ss.

I, Bertil Ljung, of the City and County of Denver, State of Colorado, being duly sworn, upon oath say that I am the legal editor of The Daily Journal, that I have personal knowledge of all the facts set forth in this affidavit; that said The Daily Journal is a public daily newspaper of general circulation having its principal office and place of business situated in said City and County of Denver; that said The Daily Journal is printed and published daily except Saturdays, Sundays and legal holidays; that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado, approved April 7, 1921, and entitled, "An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act," and as amended by an act of said General Assembly, entitled, "An Act to Amend An Act Entitled 'An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of this Act,'" approved March 30, 1923, and as amended by an act of said General Assembly, approved May 18, 1931, entitled, "An Act to Amend Section 4 of Chapter 139, Session Laws of Colorado, 1923, Relating to Legal Notices and Advertisements," which said Act took effect on and after the first day of January, 1932, and as amended by an act of said General Assembly, entitled, "An Act to Amend Chapter 139 of the Session Laws of 1923 Relating to Legal Notices and Advertisements, to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof, and to Provide That the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees," approved March 5, 1935, and as amended by an act of said General Assembly, entitled, "An Act Relating to Legal Notices and Advertisements and Amending Section 1, of Chapter 113, Session Laws of 1931," approved March 25, 1935, and "An Act to Amend and as Amended by the General Assembly, concerning Rates for Legal Publications," 109-1-7-C.R.S. 1963 as amended, approved May 22, 1971, and effective January 1, 1972. That said newspaper had, prior to January 1, 1936, and has ever since said date, been admitted to the United States Mails as second class matter under the provisions of the Act of March 3, 1879, or any amendments thereof; that said newspaper is printed and published in whole in said City and County of Denver; that said newspaper has been so printed and published as a public daily newspaper of general circulation in said City and County of Denver, uninterrupted and continuously during the period of more than fifty-two consecutive next days next to the first issue thereof containing the annexed legal notice and advertisement; that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for

One consecutive days, that the first publication of said legal notice and advertisement appeared in the regular edition of said

newspaper or July the last public advertisement of said news

26th and that, their advertisement paper duly qualified the meaning of the General, Colorado

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Subscribed and sworn to at the City and County of Denver, State of Colorado, before me, a Notary Public, this 26th day of July A.D. 19 84

Witness my hand and notarial seal

Patricia Summers
Notary Public

My Commission Expires June 16, 1988 101 Union Denver

11/82 5M FORM #DJ-1

No. _____

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(b) The licensee shall pay all costs of construction and maintenance of said cable and upon revocation of permit as provided herein or upon abandonment shall pay all costs of removing the said cable from the encroachment area and return the street to its original condition under the supervision of the City Engineer.

(c) This revocable permit or license shall not operate or be construed to abridge, limit or restrict the City and County of Denver in exercising its right to make, alter, improve, widen, or reconstruct any public thoroughfare nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their installations within the said street.

Any costs that are incurred relocating facilities for the utility companies during construction within the encroachment area will have to be borne by the licensee.

(d) Leprino Foods is to assume full responsibility for any and all damages incurred to the City and County facilities due to activities authorized by the permit. Any and all replacement or repair of Water Department facilities attributed to the work shall be made by the Water Department at the sole expense of Leprino Foods.

(e) The sidewalk and area within the encroachment area shall be capable of withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The installations within the said encroachment area shall be so constructed that the paved section of the street can be widened without requiring additional structural modifications.

(f) The licensee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising out of the rights and privileges granted by this permit.

(g) During the existence of said encroachment, the licensee or permittee, its successors and assigns, at its or their expense, and without cost to the City and County of Denver, shall procure and maintain a liability policy or include liability and property damage on an occurrence basis, covering the premises and operations with bodily injury limits of not less than \$50,000.00 as to any one person and \$250,000.00 as to any one occurrence and with the property damage limit of not less than \$25,000.00 for any one occurrence. All coverages are to be arranged on the occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage hereinabove enumerated constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the licensee or permittee, its successors or assigns, under the terms of this revocable license or permit; all of the insurance coverage required herein shall be written in form and by a company or companies approved by the Manager of Public Works of the City and County of Denver and authorized to do business in the State of Colorado; a certified copy of all such insurance policies shall be filed with the said Manager of Public Works and each such policy shall contain a statement therein or endorsement thereon that it will not be cancelled or materially changed or altered without at least thirty days prior written notice, by registered mail, to the said Manager of Public Works at least thirty days prior to the termination of the term; all such insurance policies shall be specifically endorsed to include all liability assumed by the licensee or permittee hereunder and shall name the City and County as beneficiary.

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The work required to effect the said repairs shall be accomplished without cost to the City and under the supervision of the City Engineer.

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Section 3. That the revocable permit or license hereby granted shall be revocable at any time that the Council of the City and County of Denver shall determine that the public convenience and necessity or the public health, safety or general welfare require such revocation, and the right to revoke the same is hereby expressly reserved to the City and County of Denver; provided however, at a reasonable time prior to Council action upon such revocation or proposed revocation opportunity shall be afforded to licensee or permittee, its successors and assigns, to be present at a hearing to be conducted by the Council upon such matters and thereat to present its or their views

and opinions thereof and to present for consideration action or actions alternative to the revocation of such license or permit.

Section 4. That this license or permit shall be of no force or effect until the following things have been done and performed:

(a) The licensee or permittee shall have filed with the Manager of Public Works a written acceptance of the terms and conditions of this ordinance together with a fee for filing with the Clerk and Recorder in and for the City and County of Denver; said acceptance shall be in substantially the following form:

Date: _____
We the undersigned do hereby accept all of the terms and conditions recited in Ordinance No. _____ Series of _____
Signed by: _____ (Permittee or Licensee)

By: _____ (Name of Officer)

(b) The licensee or permittee shall have filed with the Manager of Public Works all insurance policies and certificates herein recited; and (c) The Manager of Public Works shall have certified in writing that the foregoing requirements have been performed.

Passed by the Council July 16, 1984, CATHY REYNOLDS, President, Approved: FEDERICO FENA, Mayor, July 23, 1984. Attest: FELICIA MUE-TIC, Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver.

Published in The Daily Journal July 13, 1984 and July 26, 1984 REVIEWED BY: PATRICIA WELLS, City Attorney, 7-3-84. PREPARED BY: ROBERT M. KELLY, City Attorney's Office, 7-3-84.

The Daily Journal

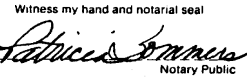
F.W. DODGE DIVISION
 McGraw-Hill Information Systems
 Company
 A Division of McGraw-Hill Inc
Publisher's Affidavit
 STATE OF COLORADO,
 City and County of Denver) ss

No. _____

I, Bertil Ljung of the City and County of Denver, State of Colorado, being duly sworn, upon oath say that I am the legal editor of The Daily Journal, that I have personal knowledge of all the facts set forth in this affidavit, that said The Daily Journal is a public daily newspaper of general circulation having its principal office and place of business situated in said City and County of Denver, that said The Daily Journal is printed and published daily except Saturdays, Sundays and legal holidays, that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado, approved April 7, 1921 and entitled, "An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act" and as amended by an act of said General Assembly, entitled, "An Act to Amend An Act Entitled 'An Act Concerning Legal Notices, Advertisements and Publications and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act' approved March 30, 1923, and as amended by an act of said General Assembly, approved May 18, 1931, entitled, "An Act to Amend Section 4 of Chapter 139, Session Laws of Colorado, 1923, Relating to Legal Notices and Advertisements," which said Act took effect on and after the first day of January, 1932, and as amended by an act of said General Assembly, entitled, "An Act to Amend Chapter 139 of the Session Laws of 1923 Relating to Legal Notices and Advertisements, to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof, and to Provide That the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees," approved March 5, 1935, and as amended by an act of said General Assembly, entitled, "An Act Relating to Legal Notices and Advertisements and Amending Section 1, of Chapter 113, Session Laws of 1931," approved March 25, 1935, and "An Act to Amend and as Amended by the General Assembly concerning Rates for Legal Publications," (C.R.S. 1963) as amended, approved May 22, 1971, and effective January 1, 1972. That said newspaper had, prior to January 1, 1936, and has ever since said date, been admitted to the United States Mails as second class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, that said newspaper is printed and published in whole in said City and County of Denver and has a general circulation therein, that said newspaper has been so printed and published as a public daily newspaper of general circulation in said City and County of Denver, that said newspaper has been so printed and published for more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement, that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for

One days, that the first publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 13th day of July AD 19 84, that the last publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 13th day of July AD 19 84 and that, therefore, said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado

Bertil Ljung
 Subscribed and sworn to of the City and County of Denver, State of Colorado, before me, a Notary Public, this 13th day of July AD 19 84

Witness my hand and notarial seal

 Notary Public

My Commission Expires June 16, 1988

101 University Bldg
 Denver, Colorado

11/82 5M FORM #DJ-1

BY AUTHORITY OF THE COUNCIL OF THE CITY AND COUNTY OF DENVER, COUNCIL BILL NO. 377, SERIES OF 1984, COMMITTEE OF REFERENCE: PUBLIC WORKS.

A BILL FOR AN ORDINANCE GRANTING A REVOCABLE PERMIT OR LICENSE TO LEPRINO FOODS, ITS SUCCESSORS AND ASSIGNS, TO ENCROACH BENEATH A PORTION OF QUIVAS STREET BETWEEN 37TH AVENUE AND WEST 38TH AVENUE WITH SECURITY CLOSED CIRCUIT TELEVISION CABLE SUBJECT TO CERTAIN TERMS AND CONDITIONS.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the City and County of Denver hereby grants Leprino Foods, its successors and assigns, a revocable permit or license to encroach with security closed circuit television cable in the following described area:

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(a) All construction in, on or over the area of encroachment shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and specifications governing the construction of said cable, shall be approved by the Manager of Public Works and the Director of Building Inspection Division prior to construction. Upon completion, a reproducible copy of the exact location and dimensions of the encroachments shall be filed with the Manager of Public Works.

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(d) Leprino Foods is to assume full responsibility for any and all damages incurred to Water Department facilities due to activities authorized by the permit, and all replacement or repair of Water Department facilities attributed to the work shall be made by the Water Department at the sole expense of Leprino Foods.

(e) The sidewalk and street over the encroachment area shall be capable of withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The installations within the said encroachment area shall be so constructed that the paved section of the street can be widened without requiring additional structural modifications.

(f) The licensee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising out of the rights and privileges granted by this permit.

(g) During the existence of said encroachment, the licensee or permittee, its successors and assigns, at its or their expense, and without cost to the City and County of Denver, shall procure and maintain a liability policy or include liability and property damage on an occurrence basis, covering the premises and operations with bodily injury limits of not less than \$50,000.00 as to any one person and \$250,000.00 as to any one occurrence and with the property damage limit of not less than \$25,000.00 for any one occurrence. All coverages are to be arranged on the occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage hereinabove enumerated constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the licensee or permittee, its successors or assigns, under the terms of this revocable license or permit; all of the insurance coverage required herein shall be written in form and by a company or companies approved by the Manager of Public Works of the City and County of Denver and authorized to do business in the State of Colorado; a certified copy of all such insurance policies shall be filed with the said Manager of Public Works and each such policy shall contain a statement therein or endorsement thereon that it will not be cancelled or materially changed or altered without at least thirty days prior written notice, by registered mail, to the said Manager of Public Works at least thirty days prior to the termination of the term; all such insurance policies shall be specifically endorsed to include all liability assumed by the licensee or permittee hereunder and shall name the City and County as beneficiary.

(h) The licensee shall also remove and replace any and all street paving, sidewalks and curb and gutter, both inside the areas of encroachment and in the area of the streets adjoining thereto, that become broken, damaged or unsightly during the course of construction without cost to the City.

In the future the licensee shall also remove, replace or repair any street paving, sidewalks and curb and gutter that become broken or damaged when in the opinion of the City Engineer the damage has been caused by the construction within the area of encroachment.

The work required to effect the said repairs shall be accomplished without cost to the City and under the supervision of the City Engineer.

(i) The City and County of Denver reserves the right to make an inspection of the said cable and facilities contained within the confines of these encroachments for which an annual fee of \$50.00 shall be assessed.

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

Section 4. That this license or permit shall be of no force or effect until the following things have been done and performed:

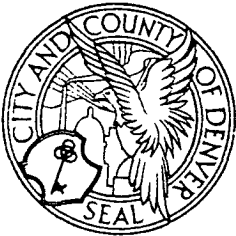
(a) The licensee or permittee shall have filed with the Manager of Public Works a written acceptance of the terms and conditions of this ordinance together with a fee for filing with the Clerk and Recorder in and for the City and County of Denver; said acceptance shall be in substantially the following form:

Date: _____
 We the undersigned do hereby accept all of the terms and conditions recited in Ordinance No. _____ Series of _____
 Signed by: _____ (Permittee or Licensee)
 By: _____ (Name of Officer)

(b) The licensee or permittee shall have filed with the Manager of Public Works all insurance policies and certificates herein recited; and

(c) The Manager of Public Works shall have certified in writing that the foregoing requirements have been performed.

Published in The Daily Journal
 July 13, 1984 388
 REVIEWED BY: PATRICIA M. KELLY,
 City Attorney, 7-3-84.
 PREPARED BY: ROBERT M. KELLY,
 City Attorney's Office, 7-3-84.



FEDERICO PEÑA
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF PUBLIC WORKS

INTER-OFFICE MEMORANDUM

DESIGN ENGINEERING DIVISION
5440 ROSLYN STREET
DENVER, COLORADO 80216

June 13, 1984

TO: Stephen H. Kaplan, City Attorney
Attn: Robert M. Kelly, Assistant City Attorney

THROUGH: John S. Mrozek, Manager of Public Works
John A. Bruce, Deputy Manager of Public Works and City Engineer

FROM: John J. Stamm, Director of Design
and Construction Engineering Divisions

SUBJECT: Granting Revocable Permit to Leprino Foods to Encroach Beneath a Portion
of Quivas Street Between West 37th Avenue and West 38th Avenue With
Security Closed Circuit Television Cable

This office has investigated the request of Richard J. Whipple, Leprino Foods, 1830 West 38th Avenue, P.O. Box 8400, Denver, Colorado 80201, dated April 19, 1984, for the granting of the above subject permit.

This matter has been checked on the ground by this office and has been coordinated with the Land, Parks, Fire, Police, Planning, Emergency Preparedness, Wastewater Management, Water, Zoning, Building and Traffic Departments of the City and with the affected utility companies, all of whom have returned our questionnaires indicating their agreement.

As a result of these investigations, it has been determined that there is no objection to granting the subject permit.

Therefore, you are requested to initiate Council action to grant a revocable permit to Leprino Foods to encroach with security closed circuit television cable in the following described area:

That part of Quivas Street between West 37th Avenue and West 38th Avenue being 2.0 feet in width and lying 1.0 foot on each side of a centerline described as follows:

Commencing at the northwest corner of Block 36, Eicholtz's Re-Subdivision of Blocks 33, 34, 35, 36, H. Witter's N.D. Addition; thence southerly along the west line of said Block 36, 6.00 feet to the true point of beginning; thence westerly and parallel with the north line of said Block 36 extended westerly, 66.00 feet to a point on the east line of Block 34, said Re-Subdivision of Blocks 33, 34, 35, 36, H. Witter's N.D. Addition, and a point of terminus.

Stephen H. Kaplan, City Attorney
Attn: Robert M. Kelly, Asst. City Attorney
June 13, 1984
Page 2

This license or permit is granted subject to the following terms and conditions:

1. All construction in, on or over the area of encroachment shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and Specifications, governing the construction of said cable, shall be approved by the Manager of Public Works and the Chief Building Inspector prior to construction. Upon completion, a reproducible copy of the exact location and dimensions of the encroachments shall be filed with the Manager of Public Works.
2. The licensee shall pay all costs of construction and maintenance of said cable and upon revocation of permit as provided herein or upon abandonment shall pay all costs of removing the said cable from the encroachment area and return the street to its original condition under the supervision of the City Engineer.
3. This revocable permit or license shall not operate or be construed to abridge, limit or restrict the City and County of Denver in exercising its right to make full use of Quivas Street as a public thoroughfare nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their installations within the said street.

Any costs that are incurred relocating facilities for the utility companies during construction within the encroachment area will have to be borne by the licensee.

4. Leprino Foods is to assume full responsibility for any and all damages incurred to Water Department facilities due to activities authorized by the permit. Any and all replacement or repair of Water Department facilities attributed to the work shall be made by the Water Department at the sole expense of Leprino Foods.
5. The sidewalk and street over the encroachment area shall be capable of withstanding an HS-20 loading in accordance with the latest AASHO Specifications. The installations within the said encroachment area shall be so constructed that the paved section of the street can be widened without requiring additional structural modifications.
6. The licensee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising out of the rights and privileges granted by this permit.
7. The licensee shall acquire and always carry insurance to protect and always save the City and County of Denver harmless from all costs and claims that may arise out of the rights and privileges granted by this permit.

The insurance shall name the City and County of Denver as beneficiary and shall be of the kind and amount deemed adequate by the Manager of Public Works .

This policy will not be altered, materially changed or canceled without giving 30 days prior written notice, via registered mail, to the Manager of Public Works of the City and County of Denver.

Stephen H. Kaplan, City Attorney
Attn: Robert M. Kelly, Asst. City Attorney
June 13, 1984
Page 3

8. The licensee shall also remove and replace any and all street paving, sidewalks and curb and gutter, both inside the areas of encroachment and in the area of the streets adjoining thereto, that become broken, damaged or unsightly during the course of construction without cost to the City.

In the future the licensee shall also remove, replace or repair any street paving, sidewalks and curb and gutter that become broken or damaged when in the opinion of the City Engineer the damage has been caused by the construction within the area of encroachment.

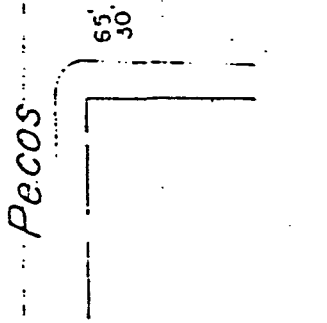
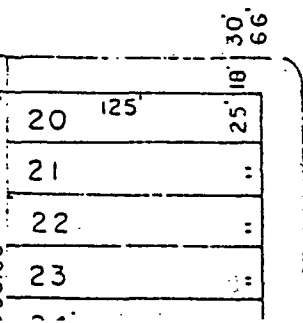
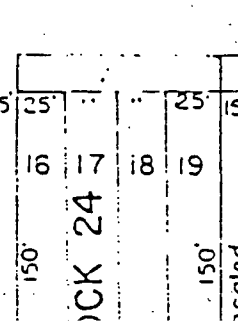
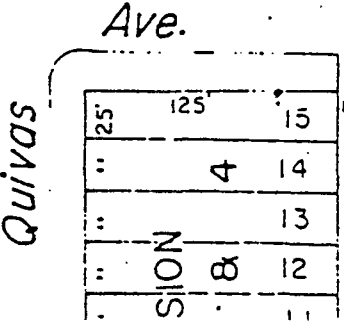
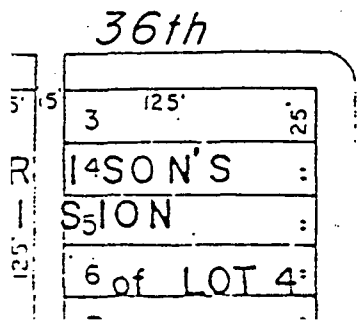
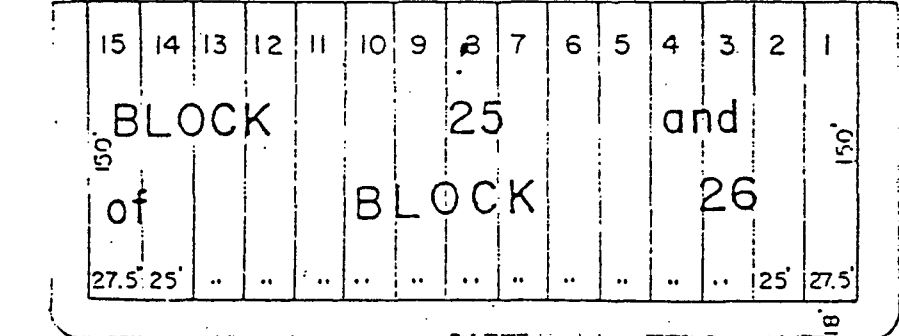
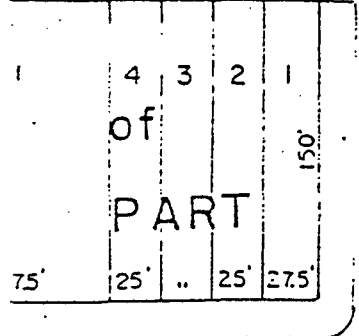
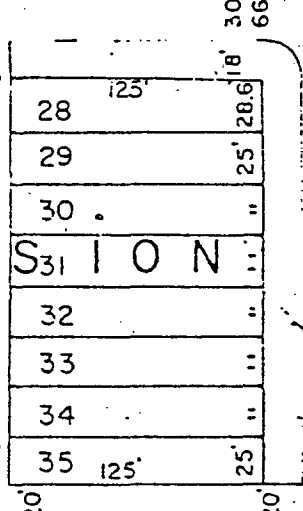
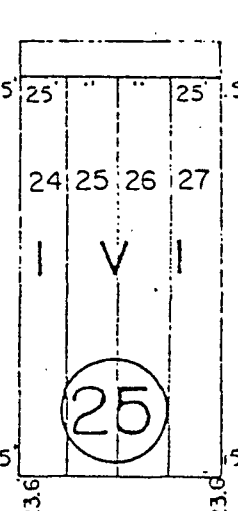
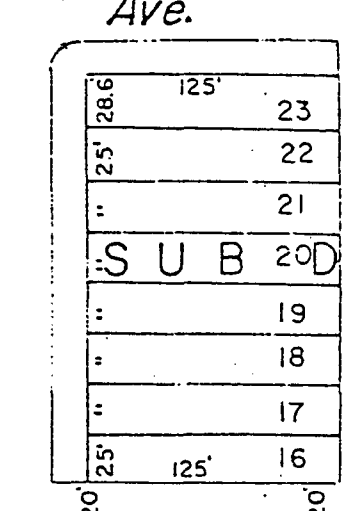
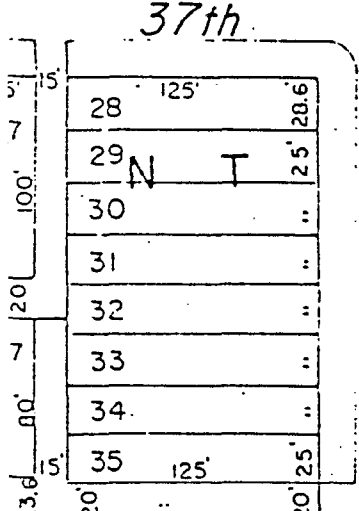
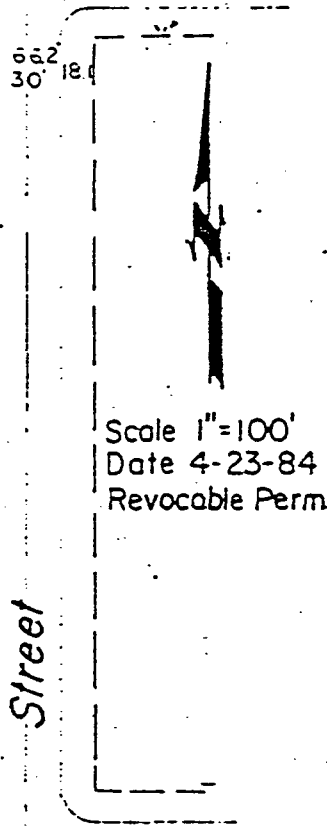
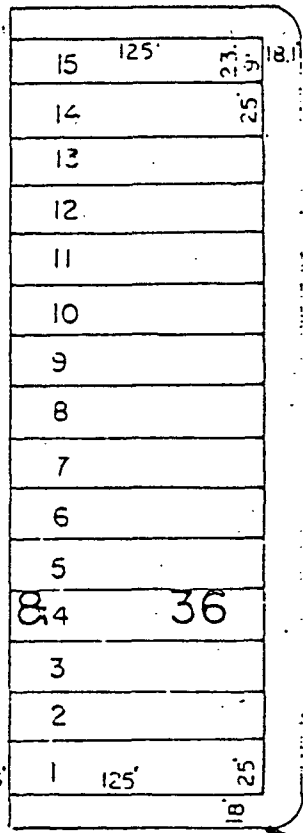
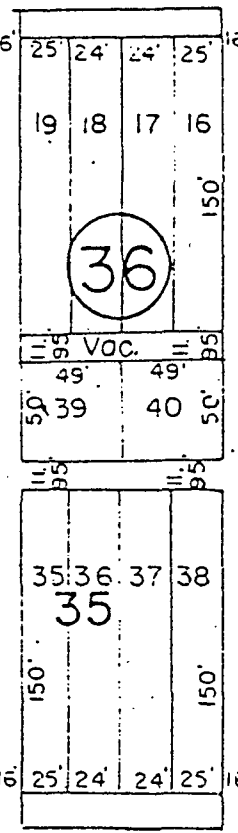
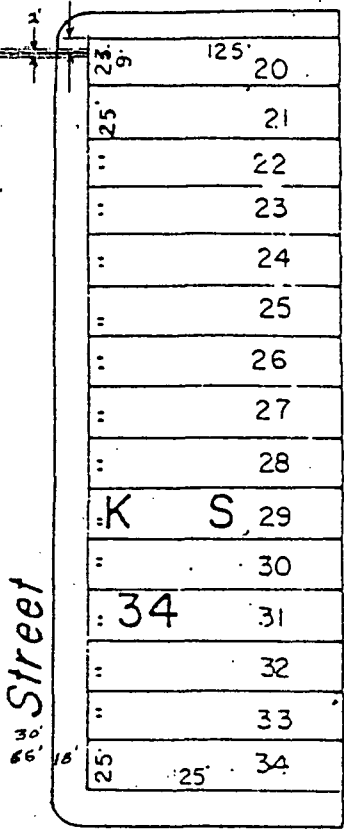
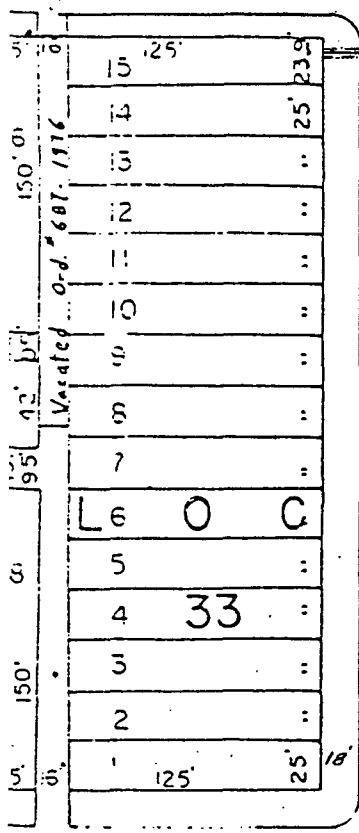
The work required to effect the said repairs shall be accomplished without cost to the City and under the supervision of the City Engineer.

9. The City and County of Denver reserves the right to make an inspection of the said cable and facilities contained within the confines of these encroachments for which an annual fee of \$50.00 shall be assessed.
10. The right to revoke this license or permit is expressly reserved to the City and County of Denver.

A map of the area is attached hereto.

AR:ep
Att.

cc: Bruce
Mrozek
Kelly ✓
Garramone
Carpio
Foote
Silchia
Davis
McIntire
Sandos
Donohue
Archuleta





FEDERICO PEÑA
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF LAW
STEPHEN H. KAPLAN
CITY ATTORNEY

OFFICE OF CITY ATTORNEY
CITY AND COUNTY BUILDING
DENVER, COLORADO 80202
PHONE (303) 575-2665

July 2, 1984

MEMORANDUM

TO: Hon. Cathy Reynolds
President
Denver City Council

FROM: Stephen H. Kaplan *SHK*
City Attorney

BY: Robert M. Kelly *RMK*
Assistant City Attorney

SUBJECT: Ordinance Granting Revocable Permit to Leprino Foods.

Attached hereto is a Bill for an Ordinance granting a Revocable Permit or License to Leprino Foods to encroach beneath a portion of Quivas Street between West 37th Avenue and West 38th Avenue with security closed circuit television cable.

Pursuant to Section 13-12. of the Revised Municipal Code, this proposed ordinance has been reviewed by the Office of the City Attorney. We find no irregularity in form, and we have no legal objection to this proposed ordinance.

This Bill was prepared by this Office at the request of the Department of Public Works. It was discussed and authorized for filing at the Mayor-Council meeting of Tuesday, July 3, 1984.

ej

Attachments

CITY COUNCIL
CITY & COUNTY OF DENVER
RECEIVED

JUL 5 1984

AM PM
7,8,9,10,11,12,1,2,3,4,5,6



Ordinance No. 366 Series 19 84

Councilman's Bill No. 377

Meeting Date JUL 8, 19 84
Read in full to the Board of Councilmen and referred to the Committee on

Public Works

Committee report adopted and bill ordered published.

Meeting Date 7-9, 19 84

Read by title and passed.

Meeting Date 7-16, 19 84

CITY COUNCIL
CITY & COUNTY OF DENVER
RECEIVED

JUL 5 1984

AM 7:59:10 PM
JUL 11 12:12:34 '84