

REQUEST FOR RESOLUTION FOR TIER III ENCROACHMENT PERMIT

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner
Senior Engineer Manager
Public Works, Right of Way Services

ROW NO.: 2018-ENCROACHMENT-0000008

DATE: July 16, 2018

SUBJECT: Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to RAFMO LLC c/o Stan Spiegelman, their successors and assigns, to encroach into the right-of-way with an underground parking garage and a canopy connected to two buildings over the alleyway for the Grant Street Hotel at 1840 Grant 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 Becky Stone and Darcey Vertuca of OZ Architecture dated January 1, 2018, on behalf of RAFMO LLC c/o Stan Spiegelman for the granting of the above-subject permit.

This matter has been checked by this office and has been coordinated with Asset Management; Colorado Department of Transportation (if required); Comcast Corporation; Commission For People With Disabilities; Councilperson Wayne New; CPD: Building & Construction Services, Planning Services, and Zoning & Development Review; Denver Water Board; Environmental Services (if required); Fire Department (if required); Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks and Recreation; Public Works: City Engineer, DES Construction Engineering, DES Engineering, DES Survey, IPP Infrastructure Engineering, and Street Maintenance; Qwest Corporation; Regional Transportation District; and Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

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

Therefore, you are requested to initiate Council action for the granting of a revocable permit, subject to certain terms and conditions, to RAFMO LLC c/o Stan Spiegelman, their successors and assigns, to encroach with an underground parking garage and a canopy connected to two buildings over the alleyway for the Grant Street Hotel, located at 1840 Grant St.

INSERT PARCEL DESCRIPTION ROW 2018-ENCROACHMENT-0000008-001 HERE

INSERT PARCEL DESCRIPTION ROW 2018-ENCROACHMENT-0000008-002 HERE

STANDARD PROVISIONS

The revocable permit ("Permit") granted by this resolution is expressly granted upon and subject to each and all of the following terms and conditions:

- (a) Permittee shall obtain a street occupancy permit from Public Works Permit Operations at 2000 West 3rd Avenue, 303.446.3759, and prior to commencing construction.
- (b) Permittee shall be responsible for obtaining all other permits and shall pay all costs that are necessary for installation and construction of items permitted herein.
- (c) If the Permittee intends to install any underground facilities in or near a public road, street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification Association of Owners and Operators of Underground Facilities by contacting the Utility Notification Center of Colorado, 12600 West Colfax Ave, Suite B-310, Lakewood, Colorado, 80215 at 303.232.1991. Further, Permittee shall contact the Utility Notification Center at 1-800-922-1987 to locate underground facilities prior to commencing any work under this permit.
- (d) Permittee is fully responsible for any and all damages incurred to facilities of the Water Department and/or drainage facilities for water and sewage of the City and County of Denver due to activities authorized by the permit. Should the relocation or replacement of any drainage facilities for water and sewage of the City and County of Denver become necessary as determined by the Manager of Public Works, in the Manager's sole and absolute discretion, Permittee shall pay all cost and expense of the portion of the sewer affected by the permitted structure. The extent of the affected portion to be replaced and relocated by Permittee shall be determined by the Manager of Public Works. Any and all replacement or repair of facilities of the Water Department and/or drainage facilities for water and sewage of the City and County of Denver attributed to the Permittee shall be made by the Water Department and/or the City and County of Denver at the sole expense of the Permittee. In the event Permittee's facilities are damaged or destroyed due to the Water Department's or the City and County of Denver's repair, replacement and/or operation of its facilities, repairs will be made by Permittee at its sole expense. Permittee agrees to defend, indemnify and save the City harmless and to repair or pay for the repair of any and all damages to said sanitary sewer, or those damages resulting from the failure of the sewer to properly function as a result of the permitted structure.
- (e) Permittee shall comply with all requirements of affected utility companies and pay for all costs of removal, relocation, replacement or rearrangement of utility company facilities. Existing telephone facilities shall not be utilized, obstructed or disturbed.
- (f) All construction in, under, on or over the Encroachment Area shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and Specifications governing the construction of the Encroachments shall be approved by the Manager of Public Works and the Director of the 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.

- (g) The sidewalk and street/alley over the Encroachment Area shall be capable of withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The installations within the Encroachment Area shall be constructed so that the paved section of the street/alley can be widened without requiring additional structural modifications. The sidewalk shall be constructed so that it can be removed and replaced without affecting structures within the Encroachment Area.
- (h) Permittee shall pay all costs of construction and maintenance of the Encroachment. Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the Encroachment from the Encroachment Area, and return the Encroachment Area to its original condition under the supervision of the City Engineer.
- (i) Permittee shall remove and replace any and all street/alley paving, sidewalks, and curb and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become broken, damaged or unsightly during the course of construction. In the future, Permittee shall also remove, replace or repair any street/alley 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 activity of the Permittee within the Encroachment Area. All repair work shall be accomplished without cost to the City and under the supervision of the City Engineer.
- (j) The City reserves the right to make an inspection of the Encroachments contained within the Encroachment Area. An annual fee, subject to change, of \$200.00 shall be assessed.
- (k) This revocable permit 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 the Encroachment Area and adjacent rights-of-way as public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their facilities within the Encroachment Area and adjacent rights-of-way.
- (l) During the existence of the Encroachments and this permit, Permittee, its successors and assigns, at its expense, and without cost to the City and County of Denver, shall procure and maintain a single limit comprehensive general liability insurance policy with a limit of not less than \$500,000.00. All coverage's are to be arranged on an occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage required herein constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the Permittee, its successors or assigns, under the terms of this permit. All insurance coverage required herein shall be written in a form and by a company or companies approved by the Risk Manager 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 Manager of Public Works, and each such policy shall contain a statement therein or

endorsement thereon that it will not be canceled or materially changed without written notice, by registered mail, to the Manager of Public Works at least thirty (30) days prior to the effective date of the cancellation or material change. All such insurance policies shall be specifically endorsed to include all liability assumed by the Permittee hereunder and shall name the City and County of Denver as an additional insured.

- (m) Permittee shall comply with the provisions of Article IV (Prohibition of Discrimination in Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions and Health and Welfare Services) of Chapter 28 (Human Rights) of the Revised Municipal Code of the City and County of Denver. The failure to comply with any such provision shall be a proper basis for revocation of this permit.
- (n) The right to revoke this permit is expressly reserved to the City and County of Denver.
- (o) Permittee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising, either directly or indirectly, out of the rights and privileges granted by this permit.

SPECIAL CONDITIONS FOR THIS PERMIT

- (p) NONE

A map of the area is attached hereto.

MB: bp

cc: Asset Management, Steve Wirth
City Council Office, Zach Rothmier
Councilperson Wayne New and Aides
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Deanne Durfee
Department of Law, Caroline Martin
Public Works, Alba Castro
Public Works, Sarah Stanek
Project File 2018-ENCROACHMENT-0000008

Property Owner:
RAFMO LLC
c/o Stan Spiegelman
140 Broadway, 41st FL
New York, NY 10005

Agent:
OZ Architecture
c/o Becky Stone and Darcey
Vertuca
3003 Larimer St.
Denver, CO 80205

ORDINANCE/RESOLUTION REQUEST

Please email requests to Sarah Stanek

at Sarah.Stanek@DenverGov.org by **12:00pm on Monday**. Contact the her with questions.

Date of Request: July 16, 2018

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: Tier III Encroachment Resolution

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 a Resolution granting a revocable permit, subject to certain terms and conditions, to RAFMO LLC c/o Stan Spiegelman, their successors and assigns, to encroach into the right-of-way with an underground parking garage and a canopy connected to two buildings over the alleyway for the Grant Street Hotel at 1840 Grant St.

3. Requesting Agency: Public Works Right of Way Services; Engineering, Regulatory and Analytics

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brittany Pirtle	Name: Sarah Stanek
Email: Brittany.Pirtle@denvergov.org	Email: Sarah.Stanek@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to RAFMO LLC c/o Stan Spiegelman, their successors and assigns, to encroach into the right-of-way with an underground parking garage and a canopy connected to two buildings over the alleyway for the Grant Street Hotel at 1840 Grant St.

6. City Attorney assigned to this request (if applicable): Brent Eisen

7. City Council District: District 10; Councilman New

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

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

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

Vendor/Contractor Name:

Contract control number:

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> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<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: _____



TIER III ENCROACHMENT EXECUTIVE SUMMARY

Denver Public Works
Right-of-Way Engineering Services
Engineering, Regulatory & Analytics Office

201 W Colfax Ave, Dept. 507
Denver, CO 80202
720-865-3003
www.denvergov.org

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

Project Title: 2018-ENCROACHMENT-0000008, Tier III Grant St Hotel, 1840 Grant St

Business name: RAFMO LLC c/o Stan Spiegelman

Description of Encroachment: An underground parking garage and a canopy connected to two buildings over the alleyway for the Grant Street Hotel at 1840 Grant St.

Explanation of why the Public Right of Way must be utilized for a private improvement: Right of Way is needed to provide an underground parking garage and a canopy over the adjacent alleyway to provide protection from weather to pedestrians/guests of hotel.

Duration of the Encroachment: Permanent

Annual Fees: \$200.00 per year.

Additional Information: None.

Location Map: See next page.



SHEET 1 OF 2

LAND DESCRIPTION

A PARCEL OF LAND, LOCATED IN THE ALLEY RIGHT OF WAY ADJACENT TO LOTS 3 AND 4, BLOCK 71, BROWN'S ADDITION, LOTS 3 AND 4, BLOCK 248, CLEMENTS' ADDITION, AND THE 4 FOOT ALLEY DEDICATION RECORDED AT RECEPTION NO. 2018064723, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 71, BROWN'S ADDITION, THENCE ALONG THE EASTERLY LINE OF SAID BLOCK 71, BROWN'S ADDITION, $S00^{\circ}15'30''E$ A DISTANCE OF 56.33 FEET TO THE POINT OF BEGINNING;
THENCE $N89^{\circ}49'37''E$ A DISTANCE OF 20.00 FEET TO THE EASTERLY LINE OF THE 4 FOOT ALLEY DEDICATION RECORDED AT RECEPTION NO. 2018064723;
THENCE ALONG THE EASTERLY LINE OF SAID 4 FOOT ALLEY DEDICATION, $S00^{\circ}15'30''E$ A DISTANCE OF 40.00 FEET;
THENCE $S89^{\circ}49'37''W$ A DISTANCE OF 20.00 FEET TO THE EASTERLY LINE OF SAID LOT 4, BLOCK 71, BROWN'S ADDITION;
THENCE ALONG SAID EASTERLY LINE OF SAID LOTS 3 AND 4, BLOCK 71, BROWN'S ADDITION, $N00^{\circ}15'30''W$ A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 800 SF (0.0184 ACRES) MORE OR LESS.

ALL THE LINEAL DISTANCES ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE 20 FOOT RANGE LINE IN EAST 19TH AVENUE ASSUMED TO BEAR $N89^{\circ}52'12''E$ AND BEING MONUMENTED BY A FOUND 3" ALUMINUM CAP AT THE INTERSECTION OF EAST 19TH AVENUE AND GRANT STREET AND A FOUND 2" ALUMINUM CAP IN RANGE BOX PLS #28283 AT THE INTERSECTION OF EAST 19TH AVENUE AND LOGAN STREET.

PREPARED BY: MEGAN WELLS
REVIEWED BY: SCOTT A. AREHART, PLS
FOR AND ON BEHALF OF MARTIN/MARTIN, INC
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
PROJECT NO. 16.1198
JUNE 22, 2018



EXHIBIT A

SHEET 2 OF 2



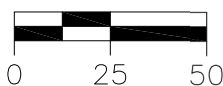
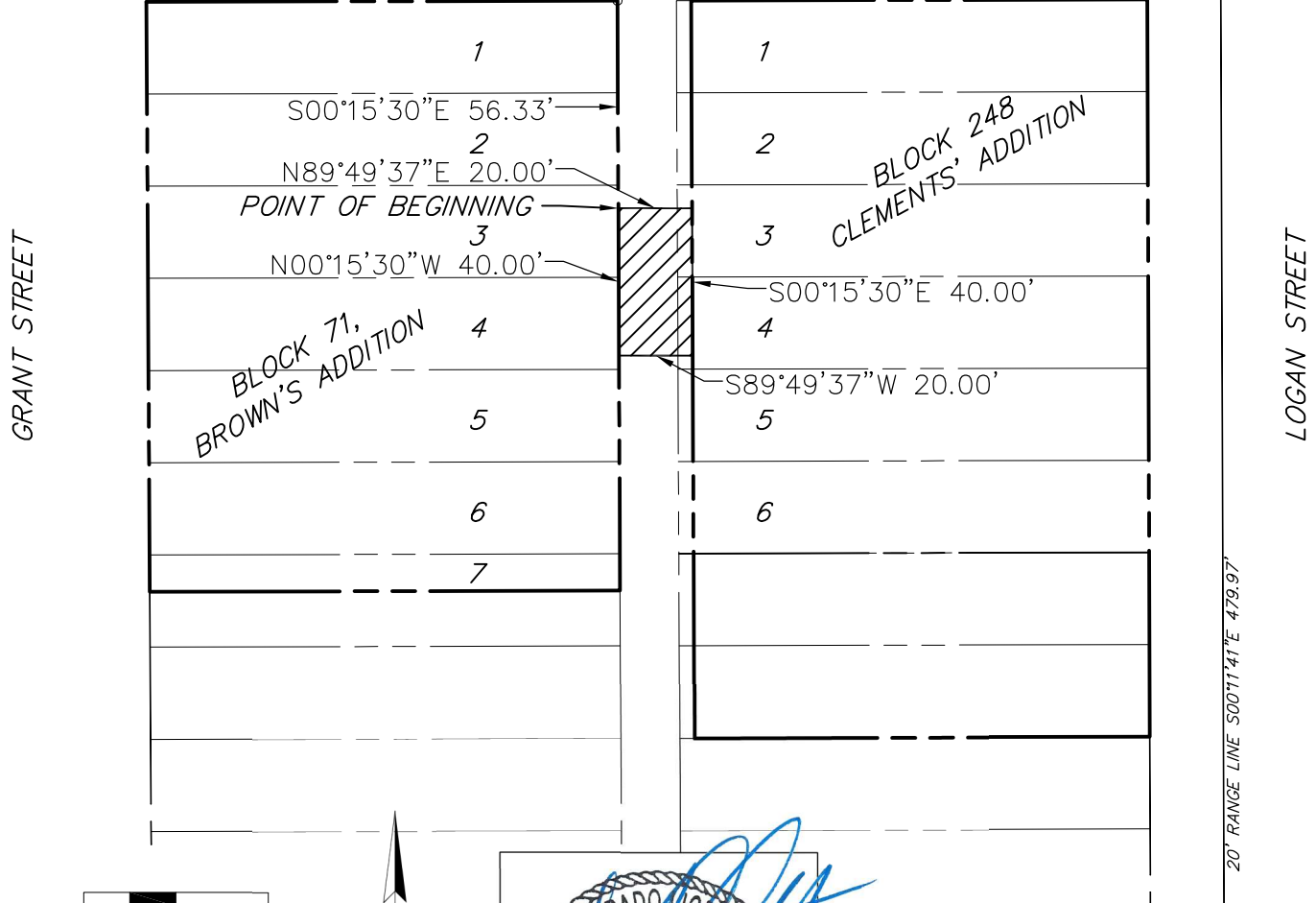
20' RANGE LINE N89°52'12"E 361.85' (BASIS OF BEARINGS)

EAST 19TH AVENUE

FOUND 2"
ALUM. CAP
IN RANGE BOX
PLS #28283

4.00' ALLEY DEDICATION
REC. NO. 2018064723

POINT OF COMMENCEMENT



SCALE: 1"=50'
ALL DIMENSIONS ARE
U.S. SURVEY FEET



06/22/2018

MARTIN/MARTIN
CONSULTING ENGINEERS
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

DRAWING LOCATION: G:\Thornborough\16.1198-Cathedral - Ace Hotel\PLANS\EXHIBITS\TIER III EASEMENT - ALLEY CANOPY\Exhibit_TIER III ALLEY OVERHANG.dwg

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

EXHIBIT B

SHEET 1 OF 2

LAND DESCRIPTION

A PARCEL OF LAND, LOCATED IN THE LOGAN STREET RIGHT OF WAY ADJACENT TO LOTS 1 THROUGH 6, BLOCK 248, CLEMENTS' ADDITION, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1 SAID POINT BEING THE POINT OF BEGINNING;

THENCE N89°48'19"E A DISTANCE OF 12.00 FEET;

THENCE S00°11'41"E A DISTANCE OF 150.00 FEET ALONG A LINE 12.00 FEET EASTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID BLOCK 248;

THENCE S89°48'19"W A DISTANCE OF 12.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6;

THENCE ALONG THE EASTERLY LINE OF SAID LOTS 1-6 N00°11'41"W A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1800 SF (0.0413 ACRES) MORE OR LESS.

ALL THE LINEAL DISTANCES ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE 20 FOOT RANGE LINE IN EAST 19TH AVENUE ASSUMED TO BEAR N89°52'12"E AND BEING MONUMENTED BY A FOUND 3" ALUMINUM CAP AT THE INTERSECTION OF EAST 19TH AVENUE AND GRANT STREET AND A FOUND 2" ALUMINUM CAP IN RANGE BOX PLS #28283 AT THE INTERSECTION OF EAST 19TH AVENUE AND LOGAN STREET.

PREPARED BY: MEGAN WELLS
REVIEWED BY: SCOTT A. AREHART, PLS
FOR AND ON BEHALF OF MARTIN/MARTIN, INC
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
PROJECT NO. 16.1198
JUNE 22, 2018



EXHIBIT B

SHEET 2 OF 2

20' RANGE LINE N89°52'12"E 361.85' (BASIS OF BEARINGS)

EAST 19TH AVENUE

FOUND 2"
ALUM. CAP
IN RANGE BOX
PLS #28283

N89°48'19"E 12.00'

POINT OF
BEGINNING

1

2

3

4

5

6

BLOCK 248
CLEMENTS' ADDITION

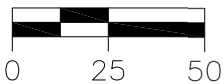
N00°11'41"W 150.00'

S00°11'41"E 150.00'

LOGAN STREET

S89°48'19"W 12.00'

20' RANGE LINE S00°11'41"E 479.97'



SCALE: 1"=50'
ALL DIMENSIONS ARE
U.S. SURVEY FEET



06/22/2018



MARTIN/MARTIN
CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

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

DRAWING LOCATION: G:\Thornborough\16.1198-Cathedral - Ace Hotel\PLANS\EXHIBITS\TIER III EASEMENT - PARKING GARAGE\Exhibit TIER III.dwg