




REQUEST FOR REVOCATION OF REVOCABLE ENCROACHMENT PERMIT

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE
Director, DOTI Right of Way Services 

ROW NO.: 1995-ENCROACHMENT-0007301

DATE: September 8, 2020

SUBJECT: Request for revocation of Ordinance #829, Series of 1995 which granted a revocable permit to Karman, INC, their successors and assigns, to encroach into the right of way with an existing loading dock, parking lot and fence at 1420 Wynkoop 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 Oz Architecture, dated August 10, 2020, on behalf of Unico Properties LLC for revocation of the subject permit. The reason for the revocation is to make way for a new revocable Tier III Encroachment Permit for the existing loading dock because the parking lot and fence encroachments are no longer in the right-of-way.

This matter has been coordinated with Right of Way Services inspectors to ensure the parking lot and fence encroachments have been removed from the right-of-way, and the new Tier III Encroachment Permit Resolution request for the loading dock only has been submitted under separate cover.

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 #829, Series of 1995.

MB: bw

cc: City Councilperson & Aides
City Council Staff – Zach Rothmier
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 – Jason Gallardo
DOTI, Survey – Paul Rogalla

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 Jason Gallardo
at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Date of Request: September 8, 2020

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: Revocation of Tier III Encroachment Permit

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 #829, Series of 1995 which granted a revocable permit to Karman, INC, their successors and assigns, to encroach into the right of way with an existing loading dock, parking lot and fence at 1420 Wynkoop St.

3. Requesting Agency: DOTI Right of Way Services Engineering & Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brianne White	Name: Jason Gallardo
Email: Brianne.white@denvergov.org	Email: Jason.Gallardo@denvergov.org

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

Request for revocation of Ordinance #829, Series of 1995 which granted a revocable permit to Karman, INC, their successors and assigns, to encroach into the right of way with an existing loading dock, parking lot and fence at 1420 Wynkoop St.

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

7. City Council District: Councilperson CdeBaca, District 9

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

Key Contract Terms

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

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

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 (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (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 projects over or under the public Right-of-Way.

Project Title: 1995-ENCROACHMENT-0007301 1420 Wynkoop St.

Business/Owner name: Unico Properties LLC.

Description of Encroachment: Existing loading dock, parking lot, and fence.

Explanation of why the Encroachment is no longer needed: To make way for a new revocable Tier III Encroachment Permit for the existing loading dock because the parking lot and fence encroachments are no longer in the right-of-way.

When was the Encroachment removed/abandoned: Unknown, DOTI inspectors confirmed the parking lot and fence are removed from the right-of-way.

Additional Information: A new Tier III Encroachment Permit Resolution request for the loading dock only has been submitted under separate cover.

Location Map:



City and County of Denver Department of Transportation & Infrastructure
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117

BY AUTHORITY

ORDINANCE NO. 829

COUNCIL BILL NO. 825

SERIES OF 1995

'95 SEP 26 11 4 50

COMMITTEE OF REFERENCE:

PUBLIC WORKS

TRANSPORTATION

A BILL

FOR AN ORDINANCE GRANTING A REVOCABLE PERMIT OR LICENSE,
SUBJECT TO CERTAIN TERMS AND CONDITIONS, TO KARMAN, INC., FOR
EXISTING LOADING DOCK, PARKING LOT AND FENCE.

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

Section 1. That the City and County of Denver hereby grants
Karman, Inc., its successors and assigns, a revocable permit or license
to encroach with existing loading dock, parking lot and fence in the
following described area:

That part of Wynkoop Street, being 8 feet wide, and being more particularly
described as follows:

Beginning at the most northerly corner of Lot 9, Block 17, East Denver;
thence southwesterly along the northwesterly line of said Block 17 a
distance of 200 feet, more or less, to the intersection of the northeasterly
line of the Official Channel of Cherry Creek with the southeasterly line
of Wynkoop Street;
thence northwesterly on a deflection angle of 90° 00' 00" to the right
a distance of 8.00 feet;
thence northeasterly on a deflection angle of 90° 00' 00" to the right and
parallel with the said northwesterly line of said Block 17 a distance
of 200 feet, more or less;
thence southeasterly a distance of 8.00 feet to the point of beginning.

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

4 (a) The parking lot encroachment shall be for private use only.
5 No public parking shall be allowed within the encroachment area.

6 (b) Owners shall keep items in good repair.

7 (c) Proper permits must be obtained for any new work associated
8 with this proposal.

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

17 (e) The licensee shall pay all costs of construction and
18 maintenance of said encroachments and upon revocation of permit as
19 provided herein or upon abandonment shall pay all costs of removing the
20 said structures from the encroachment area and return the street to its
21 original condition under the supervision of the City Engineer.

22 (f) This revocable permit or license shall not operate or be
23 construed to abridge, limit or restrict the City and County of Denver in
24 exercising its right to make full use of Wynkoop Street as a public
25 thoroughfare nor shall it operate to restrict the utility companies in

1 exercising their rights to construct, remove, operate and maintain their
2 installations within the said street.

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

6 (g) The licensee is to assume full responsibility for any and
7 all damages incurred to facilities of the Water Department and/or drainage
8 facilities for water and sewage of the City and County of Denver due to
9 activities authorized by the permit. Any and all replacement or repair
10 of facilities of the Water Department and/or drainage facilities for water
11 and sewage of the City and County of Denver attributed to the work shall
12 be made by the Water Department and/or the City and County of Denver at
13 the sole expense of the licensee.

14 (h) The sidewalk and street over the encroachment area shall
15 be capable of withstanding an HS-20 Loading in accordance with the latest
16 AASHO Specifications. The installations within the said encroachment area
17 shall be so constructed that the paved sections of the street can be
18 widened without requiring additional structural modifications.

19 The sidewalk shall be constructed so that it can be removed
20 and replaced without affecting structures within the encroachment areas.

21 (i) The licensee shall agree to indemnify and always save the
22 City and County of Denver harmless from all costs, claims or damages
23 arising out of the rights and privileges granted by this permit to the
24 extent it is permitted by law.

25 (j) During the existence of said encroachments, the licensee

1 or permittee, his successors and assigns, at his expense, and without cost
2 to the City and County of Denver, shall procure and maintain a single
3 limit comprehensive general liability insurance policy with a limit of not
4 less than \$500,000.00. All overages are to be arranged on the occurrence
5 basis and include coverage for those hazards normally identified as X.C.U.
6 during construction. The insurance coverage hereinabove enumerated
7 constitutes a minimum requirement and such enumeration shall in no way be
8 deemed to limit or lessen the liability of the licensee or permittee, his
9 successors or assigns, under the terms of this revocable license or
10 permit; all of the insurance coverage required herein shall be written
11 in form and by a company or companies approved by the Manager of Public
12 Works of the City and County of Denver and authorized to do business in
13 the State of Colorado. A certified copy of all such insurance policies
14 shall be filed with the said Manager of Public Works, and each such policy
15 shall contain a statement therein or endorsement thereon that it will not
16 be cancelled or materially changed or altered without at least thirty (30)
17 days prior written notice, by registered mail, to the said Manager of
18 Public Works at least thirty (30) days prior to the termination of the
19 term; all such insurance policies shall be specifically endorsed to
20 include all liability assumed by the licensee or permittee hereunder and
21 shall name the City and County of Denver as an additional insured.

22 (k) The licensee shall also remove and replace any and all
23 street paving, sidewalks and curb and gutter, both inside the area of
24 encroachment and in the areas of the streets adjoining thereto, that
25 become broken, damaged or unsightly during the course of construction

1 without cost to the City.

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

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

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

13 (m) The right to revoke this license or permit is expressly
14 reserved to the City and County of Denver.

15 (n) The licensee shall fully comply with the provisions of
16 Article IV (Prohibition of Discrimination in Employment, Housing and
17 Commercial Space, Public Accommodations, Educational Institutions and
18 Health and Welfare Services) of Chapter 28 (Human Rights) of the Revised
19 Municipal Code of the City and County of Denver. The failure or refusal
20 to comply with any provisions of this Article in said Chapter shall be a
21 proper basis for revocation of this revocable permit or license.

22 Section 3. That the revocable permit or license hereby granted
23 shall be revocable at any time that the Council of the City and County of
24 Denver shall determine that the public convenience and necessity or the
25 public health, safety or general welfare require such revocation, and the

1 right to revoke the same is hereby expressly reserved to the City and
2 County of Denver; provided however, at a reasonable time prior to Council
3 action upon such revocation or proposed revocation, opportunity shall be
4 afforded to licensee or permittee, his successors and assigns, to be
5 present at a hearing to be conducted by the Council upon such matters and
6 thereat to present his views and opinions thereof and to present for
7 consideration action or actions alternative to the revocation of such
8 license or permit.

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

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

16 Date: _____

17 We, the undersigned do hereby accept all of the terms
18 and conditions recited in Ordinance No. _____, Series
19 of 19__.

20 Signed by: _____
21 (Permittee or Licensee)

22 By: _____
23 (Name of Officer)

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

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

3 PASSED BY THE COUNCIL October 10 1995

4 Cathy Reppel PRESIDENT

5 APPROVED: Wally Smith MAYOR October 12, 1995

6 ATTEST: Ellen Beeljewort CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 PUBLISHED IN THE DAILY JOURNAL October 06, 1995 October 13, 1995

10 PREPARED BY: ROBERT M. KELLY ASSISTANT CITY ATTORNEY 9/26/95

11 REVIEWED BY: [Signature] CITY ATTORNEY 9/26 1995

12 SPONSORED BY COUNCIL MEMBER(S) _____

