

Tier III 200 Dahlia Fence

11/30/2021

Master ID: 2021-PROJMSTR-0000462 **Project Type:** Tier III Encroachment Resolution
Review ID: 2021-ENCROACHMENT-0000114 **Review Phase:**
Location: **Review End Date:** 09/03/2021

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

Reviewing Agency: DS Transportation Review

Review Status: Approved

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

Status Date: 11/19/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
 Reviewing Agency/Company: DOTI DES Transportation
 Reviewers Name: Matthew Farmen
 Reviewers Phone: 7203348205
 Reviewers Email: matt.farmen@denvergov.org
 Approval Status: Approved

Comments:

Status Date: 09/01/2021
Status: Denied
Comments:

1. Sidewalk can only be widened by 2 of the existing sidewalk is in good condition and meets CCD/ADA standards. If the existing sidewalk is damaged and/or does not meet current standards, full sidewalk replacement (curb, gutter, and 5 sidewalk) will be required. This will be at the direction of the ROW inspector
 - a. Your Row inspector is Izic Urbina, Izic.Urbina@denvergov.org
 - b. You will need to reach out to him before construction and to obtain a street occupancy permit
2. The fence along 2nd avenue needs 6 at back of walk before the fence
3. In the alley there is stone step and what looks like a door swinging into the alley right-of-way. This door needs to be removed, recessed, or swing inwards. Doors swinging into the ROW is not allowed
4. Sight Triangles need to be available at all curb cuts and intersections with lengths determined per AASHTO standards and shown on plans. Show the sight triangles. Add a note or label that describes the restriction placed on each sight triangle on each sheet.
 - a. There needs to be a 10 x 10 pedestrian sight triangle shown at each driveway and alley approach to a public street. This is at the edge of the driveway or alley and at the back of the sidewalk. No items that are wider than 18 inches may be taller than 30" within this triangle.
 - b. There needs to be a 30 x 30 corner sight triangle shown at each street intersection. This is along both street's flowlines. Corner triangles must be free of all items over 30" in height except for traffic control devices and equipment.
 - c. Roadway sight triangles based on AASHTO standards need to be available at each driveway and alley approach to a public street, and at street intersections, including signalized intersections. The short leg of the triangle is in the center of the exit lane of the driveway or intersecting street 18' back of the edge of travelled way and the long leg's length is sized per AASHTO guidelines for departure triangles and found in the center of the approaching lane. No items that are wider than 18 inches may be taller than 30" within this triangle except for street trees and traffic control devices and equipment.
5. Please add the following standard transportation notes to the site plan sheet

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- A. Repair or replace existing curb, gutter, sidewalk, and alley along the property frontage that is damaged or not to current city standards, as directed by row inspector during construction.
- B. The contractor must obtain all project ROW permits associated with construction in the ROW. Improvements made within the Public ROW totaling more than \$20,000 need a performance bond. Contact row construction inspection at 303-446-3469 or PWpermits@denvergov.org at least 2 weeks before any ROW permit needs.
- C. All work in the Public ROW shall conform to current City & County of Denver specifications, shall be performed by a licensed and bonded row contractor, and need inspection by the city prior issuance of a temporary or permanent Certificate Of Occupancy (TCO or CO).
- D. Contractor must supply and maintain adequate traffic control throughout the project, including proper traffic control devices and/or personnel as needed. A traffic control plan (TCP) is subject to City and County of Denver and/or CDOT approval prior to starting work on roadway row. A copy of approved TCP must be available on-site during work. Traffic control to be per MUTCD section VI.
- E. Per section 49-551.1 of the Denver municipal code, the property owner or lessee of any real property handles the continuing care, maintenance, repair, and replacement of all improvements installed in the public ROW between the property line and the curb line adjoining their property.

Reviewing Agency: DS Project Coordinator Review Review Status: Approved

Reviewers Name: James Larsen
Reviewers Email: James.Larsen@denvergov.org

Status Date: 09/08/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: City & County of Denver / DS Project Coordinator Review
Reviewers Name: Jim Larsen
Reviewers Phone: 7208652645
Reviewers Email: james.larsen@denvergov.org
Approval Status: Approved

Comments:

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Survey Review Review Status: Approved

Reviewers Name: John Clarke
Reviewers Email: John.Clarke@denvergov.org

Status Date: 11/04/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: DOTI/ROWS/Survey
Reviewers Name: John Clarke
Reviewers Phone: 3036253253
Reviewers Email: 007sjv@gmail.com
Approval Status: Approved

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Review ID: 2021-ENCROACHMENT-0000114 **Review Phase:**
Location: **Review End Date:** 09/03/2021

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

Comments:
Status Date: 08/30/2021
Status: Denied
Comments: Survey Comments: K:\PWDES\PROJECT\2020s\2021\ENCROACHMENT\2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence\Comments

Reviewing Agency: DES Wastewater Review Review Status: Approved

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

Status Date: 09/01/2021
Status: Approved
Comments:

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

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: ERA Transportation Review Review Status: Approved

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

Status Date: 11/30/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: DOTI ROWS ER Transportation
Reviewers Name: Paul Weller
Reviewers Phone: 720-913-0514
Reviewers Email: Paul.Weller@Denvergov.org
Approval Status: Approved

Comments:
The attached site plan, dated 11-22-21 and landscape plan dated 11-30-21 have been revised to address our comments. An approval letter from Xcel is also attached. This letter addresses the proximity of one of the corner posts to the adjacent street light.

Attachment: Bowlds - Site Plan A-0.3a - 11-22-2021.pdf

Attachment: Bowlds Residence Site Plan Revised 11.30.21.pdf

Attachment: 2021.11.16 21 Encroach 114 Xcel Approval.pdf

Status Date: 09/03/2021
Status: Denied
Comments: 1. See DS Transportation Comments

Comment Report

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2. Face of brick columns shall be 6" from back of ADA compliant walk. Provide dimension on architectural site plan (each street)
3. Provide consistent dimensions on Site Plan and Landscape Plan
4. Reference to Standard Drawing 5.1 is confusing. Replace with actual dimension from pan to fence/brick column (add dimension to 2nd Ave also)

REDLINES uploaded to E-review webpage

Reviewing Agency: ERA Wastewater Review Review Status: Approved

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

Status Date: 08/26/2021
Status: Approved
Comments: No impacts to sanitary or storm facilities.

Reviewing Agency: CenturyLink Referral Review Status: Approved

Status Date: 09/08/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: CenturyLink
Reviewers Name: Robert Rodgers
Reviewers Phone: 6023157656
Reviewers Email: Robert.rodgers@centurylink.com
Approval Status: Approved

Comments:
This encroachment approval is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the encroachment areas as described, the Applicant will bear the cost of relocation and repair of said facilities.

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Xcel Referral Review Status: Approved w/Conditions

Status Date: 11/24/2021
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: Public Service Company of Colorado dba Xcel Energy
Reviewers Name: Donna George
Reviewers Phone: 3035713306
Reviewers Email: donna.l.george@xcelenergy.com
Approval Status: Approved with conditions

Comments:

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PSCo/Xcel Energy has these existing facilities:

- gas service off of Dahlia
- gas main in Dahlia
- underground electric along 2nd
- overhead electric along alley

Please contact the Utility Notification Center of Colorado before excavating. Use caution and hand dig when excavating within 18-inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Applicant/Requestor.

Please also see the attached from Lynette Muncy for additional information.

Attachment: special letter.pdf

Status Date: 09/08/2021
Status: Denied
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: Public Service Company of Colorado dba Xcel Energy
Reviewers Name: Donna George
Reviewers Phone: 3035713306
Reviewers Email: donna.l.george@xcelenergy.com
Approval Status: Denied

Comments:

Please be aware PSCo/Xcel Energy has these existing facilities and requests that they are shown on the plans in relation to the proposed fencing:

- gas service off of Dahlia
- gas main in Dahlia
- underground electric along 2nd
- overhead electric along alley

Thank you.

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: RTD Referral Review Status: Approved

Status Date: 09/08/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: RTD
Reviewers Name: Clayton Scott Woodruff
Reviewers Phone: 3032992943
Reviewers Email: clayton.woodruff@rtd-denver.com

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Approval Status: Approved

Comments:

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Comcast Referral Review Status: Approved

Status Date: 09/08/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: Comcast
Reviewers Name: Tyler
Reviewers Phone: 7205257207
Reviewers Email: tyler_reschke@cable.comcast.com
Approval Status: Approved

Comments:

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Metro Wastewater Referral Review Status: Approved

Status Date: 09/08/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: Metro Wastewater Reclamation District
Reviewers Name: John Hayes
Reviewers Phone: 719-325-9755
Reviewers Email: jhayes@mwrddst.co.us
Approval Status: Approved

Comments:

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Street Maintenance Referral Review Status: Approved - No Response

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Office of Emergency Management Referral Review Status: Approved - No Response

Status Date: 09/04/2021
Status: Approved - No Response

Comment Report

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11/30/2021

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Review ID: 2021-ENCROACHMENT-0000114 **Review Phase:**
Location: **Review End Date:** 09/03/2021

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

Comments:

Reviewing Agency: Building Department Review Review Status: Approved

Reviewers Name: Keith Peetz
Reviewers Email: Keith.Peetz@denvergov.org

Status Date: 08/25/2021
Status: Approved

Comments:

Reviewing Agency: Division of Real Estate Referral Review Status: Approved

Status Date: 09/08/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: Asset Management DOF
Reviewers Name: David j Edwards
Reviewers Phone: 7209130889
Reviewers Email: david.edwards4873@gmail.com
Approval Status: Approved

Comments:

Status Date: 09/04/2021
Status: Approved - No Response

Comments:

Reviewing Agency: Denver Fire Department Review Review Status: Approved

Reviewers Name: Richard Tenorio
Reviewers Email: Richard.Tenorio@denvergov.org

Status Date: 09/08/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: Denver Fire Dept. / Fire Prevention Division
Reviewers Name: Rich Tenorio
Reviewers Phone: 720.633.3222
Reviewers Email: richard.tenorio@denvergov.org
Approval Status: Approved

Comments:

Denver Fire Dept. Approved - RT

Status Date: 09/01/2021
Status: Approved
Comments: Denver Fire Dept. Approved - RT

Reviewing Agency: Denver Water Referral Review Status: Approved

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Status Date: 09/08/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: Denver Water
Reviewers Name: Kela Naso
Reviewers Phone: 13036286302
Reviewers Email: kela.naso@denverwater.org
Approval Status: Approved

Comments:

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Parks and Recreation Review **Review Status:** Approved

Reviewers Name: Greg Neitzke
Reviewers Email: Greg.Neitzke@denvergov.org

Status Date: 08/17/2021
Status: Approved
Comments:

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

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

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

Status Date: 09/08/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: DODR
Reviewers Name: Juan Pasillas
Reviewers Phone: 720-913-3309
Reviewers Email: juan.pasillas@denvergov.org
Approval Status: Approved

Comments:
*Approved.

*Final construction for sidewalk modifications/alterations must comply with all applicable Accessible Route requirements per 2010 ADA, Chapter 4..

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

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

Reviewing Agency: Construction Engineering Review Review Status: Approved

Reviewers Name: Matthew Schwindt
Reviewers Email: Matthew.Schwindt@denvergov.org

Status Date: 10/21/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: Construction Engineering
Reviewers Name: Matthew Schwindt
Reviewers Phone: 303.446.3673
Reviewers Email: Matthew.Schwindt@denvergov.org
Approval Status: Approved

Comments:

Status Date: 09/02/2021
Status: Denied
Comments: 1. Any sidewalk panels damaged during construction will require full panel replacement.
2. Show all required sight triangles for pedestrians and the AASHTO sight triangle at the intersection.

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

Reviewers Name: Brittany Price
Reviewers Email: Brittany.Price@denvergov.org

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: City Forester Review Review Status: Approved

Reviewers Name: Nick Evers
Reviewers Email: Nick.Evers@denvergov.org

Status Date: 11/23/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: Denver Parks and Rec - Forestry
Reviewers Name: Nick Evers
Reviewers Phone: 7248319066720-675-9194
Reviewers Email: nick.evers@denvergov.org
Approval Status: Approved

Comments:

Approved. No expected PRW tree impact. Recommend referring to OCF Tree Protection notes and detail (can be found on Forestry website) to limit construction impact on private trees.

Status Date: 09/03/2021
Status: Approved
Comments: Approved. No expected PRW tree conflict.

Comment Report

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11/30/2021

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Review ID: 2021-ENCROACHMENT-0000114 **Review Phase:**
Location: **Review End Date:** 09/03/2021

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

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

Reviewers Name: Becca Dierschow
Reviewers Email: Becca.Dierschow@denvergov.org

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: CDOT Referral Review Status: Approved

Status Date: 09/08/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000114 - Tier III 200 Dahlia Fence
Reviewing Agency/Company: CDOT Region 1 Right of Way
Reviewers Name: Mitchell Olson
Reviewers Phone: 3037579917
Reviewers Email: m.john.olson@state.co.us
Approval Status: Approved

Comments:
This property, 2nd Avenue, and Dahlia Street are not on the CDOT System and CDOT R1 ROW has not comments

Status Date: 09/04/2021
Status: Approved - No Response
Comments:

Reviewing Agency: ERA Review Review Status: Approved - No Response

Reviewers Name: Rebecca Ynostrosa
Reviewers Email: Rebecca.Ynostrosa@denvergov.org

Status Date: 09/04/2021
Status: Approved - No Response
Comments:



APPLICATION

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

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

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

ENCROACHMENT OWNER/ADJACENT PROPERTY OWNER:

The adjacent property owner will be the Encroachment Owner and Permittee and is the responsible party for the Encroachment in accordance with the Rules and Regulations, including all fees and annual billing.

Company Name: _____

Contact Name: _____

Property Address: _____

Billing Address: _____

Telephone Number: _____ Email Address: _____

OWNER REPRESENTATIVE:

Check if the same as Adjacent Property Owner

Company Name: _____

Contact Name: _____

Address: _____

Telephone Number: _____ Email Address: _____

ENCROACHMENT INFORMATION:

Project Name: _____

Adjacent Property Address: _____

Coordinates (Lat/Long): _____

Encroachment Area, in SF: _____

City and County of Denver – Department of Transportation & Infrastructure
 Right-of-Way Services | Engineering & Regulatory
 201 West Colfax Ave. Dept. 507 | Denver, CO 80202
www.denvergov.org/doti
 Phone: 720-865-3003

Location Description: (e.g. Located on the South side of 23rd Ave, twenty (20) feet from face of curb, and ten (10) feet west of pavement on Private Drive.)

Is this project associated with a LAND DEVELOPMENT REVIEW?

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

Description of Encroachment:

Describe the proposed encroachment, including the type, dimensions, and quantity of objects. If the space below is not enough space to describe the encroachment, attach the description as a separate document. Additionally, provide required application materials in accordance with the Permit Entrance Requirements. It is not acceptable to simply state "please see attached plans" or other vague descriptors.

Justification for Private Improvements in the Public ROW:

Private improvements should be located on private property. Only in cases where there are physical constraints that preclude the placement of private improvements on private property that an encroachment may be considered within the right-of-way. Make your case as to why this is a good use of the public right-of-way. It is not acceptable to simply state "you want/need it" or other vague reasons.

Department of Transportation & Infrastructure: Tier 3 Encroachment Permit Application
Additional sheet for Justification for Private Improvements in the Public ROW.
200 Dahlia Street, Denver, CO 80220

Full Response: The owner purchased and moved into the house during the 4th quarter of the year 2020, believing that the enclosed yard with the existing wood fence would be a safe backyard for their children, ages 4 and 2, not knowing that the fence had been built beyond the property line on the 2nd Avenue. The owner would like to request that the existing wood fence to stay as is, remain unchanged. However, the owner is willing to remove the existing bushes next to the current 3-foot wide sidewalk outside of the wood fence, and to widen the sidewalk by 2 feet to achieve the total width of 5 feet. This will be the situation shown on the Transportation Standards and Details for the Engineering Division Std. Dwg. 5.3. Please refer to the Landscape Site Plan L1, (2) photos of the site condition, and the Architectural Site Plan A-0.2a.

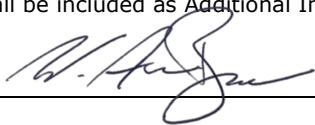
Additionally, the front yard fence is proposed by the landscape architect to create a safe environment for the owner's young children. The proportionally-balanced metal baluster fence will be transparent; however, it provides a security for their children to stay inside of the enclosed front yard at their corner lot. The owner is again willing to widen the currently 3-foot-wide sidewalk by 2 feet to achieve the total of 5-foot-wide sidewalk. This will create the condition similar to the Transportation Standards and Details Std. Dwg. 5.1. Please refer to the Landscape Site Plan L1 and the Architectural Site Plan A-0.2a.

ATTESTATION:

By submitting this permit application and signing below, I understand and agree to the following:

1. That I am the property owner adjacent to the Encroachment Area, or the authorized representative of a Special District, that is responsible for the placement, maintenance, repair, replacement, removal, site restoration, ownership, or is otherwise responsible for the Encroachment in accordance with the Rules & Regulations for Encroachments and Encumbrances in the Public Right-of-Way.
2. That it is the City's sole discretion to classify the Tier of an Encroachment and whether to grant an Encroachment Permit based on any facts the City feels are relevant. The issuance of an Encroachment Permit confers no rights to the Right-of-Way, the Encroachment Permit is revocable and DOTI can order the removal of the Encroachment and restoration of the Encroachment Area for any reason the City feels relevant.
3. Permittee agrees to defend, indemnify, reimburse and hold harmless the City, its appointed and elected officials, agents and employees for, from and against all liabilities, claims, judgments, suits or demands for damages to persons or property arising out of, resulting from, or relating to an Encroachment Permit and the Encroachment ("Claims"). This indemnity shall be interpreted in the broadest possible manner to indemnify City for any acts or omissions of Permittee or its subcontractors either passive or active, irrespective of fault, including City's negligence whether active or passive.
4. Permittee's duty to defend and indemnify City shall arise at the time written notice of the Claim is first provided to City regardless of whether claimant has filed suit on the Claim. Permittee's duty to defend and indemnify City shall arise even if City is the only party sued by claimant and/or claimant alleges that City's negligence or willful misconduct was the sole cause of claimant's damages.
5. Permittee will defend any and all Claims which may be brought or threatened against City and will pay on behalf of City any expenses incurred by reason of such Claims including, but not limited to, court costs and attorney fees incurred in defending and investigating such Claims or seeking to enforce this indemnity obligation. Such payments on behalf of City shall be in addition to any other legal remedies available to City and shall not be considered City's exclusive remedy.
6. Insurance coverage requirements specified in an Encroachment Permit shall in no way lessen or limit the liability of Permittee under the terms of this indemnification obligation. Permittee shall obtain, at its own expense, any additional insurance that it deems necessary for the City's protection.
7. This defense and indemnification obligation shall survive the expiration or termination of any issued Encroachment Permit.
8. Permittee is fully responsible for all costs to install, maintain, repair, replace, remove, and restore the Encroachment Area, including annual City Encroachment Permit Fees. A lien will be placed on the Permittee's property for failure to remove a revoked or abandoned Encroachment for cost incurred by CCD to remove the Encroachment and restore the Encroachment Area on behalf of the Permittee.
9. Indemnity and Insurance for Tier I and Tier II Encroachments: Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier I or Tier II Encroachment, the Owner of such Tier I or Tier II Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier I or Tier II Encroachment. Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.
10. Indemnity and Insurance for Tier III Encroachments: Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier III Encroachment, the Owner of such Tier III Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier III Encroachment. Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$5,000,000 policy aggregate. A combination of primary and excess coverage may be used to meet the aggregate limit. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.

SIGNATURE: _____



DATE: _____

PRINT NAME: _____

TITLE: _____

COMPANY: _____

FOR ER INTERNAL USE ONLY

Tier Determination: _____ Project Number: _____ Initials: _____