

1 BY AUTHORITY

2 RESOLUTION NO. CR13-0517
3 SERIES OF 2013

COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

4 A RESOLUTION

5 **Granting a revocable permit to White Lodging Services Corp. to encroach into the**
6 **right-of-way at 440 14th Street.**

7
8 **NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF**
9 **DENVER:**

10 **Section 1.** The City and County of Denver hereby grants to White Lodging Services Corp.
11 and its successors and assigns ("Permittee"), a revocable permit to encroach into the right-of-way
12 with flag signs and canopies ("Encroachments") at 440 14th Street in the following described area
13 ("Encroachment Area"):

14 **PARCEL DESCRIPTION ROW 2012-0487-04-001**

15
16 **PROPERTY DESCRIPTION**
17 **MAJOR ENCUMBRANCE PERMIT PARCEL**

18
19 TWO PARCELS OF LAND BEING A PORTION OF GLENARM PLACE AND 14TH STREET
20 RIGHTS-OF-WAY IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, AS SHOWN
21 ON THE MAP OF DENVER CITY (ALSO KNOWN AS EAST DENVER), RECORDED FEBRUARY
22 26, 1876 IN BOOK 1 AT PAGE 14 OF MAPS, IN THE CLERK AND RECORDER'S OFFICE OF SAID
23 CITY AND COUNTY, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP
24 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY
25 DESCRIBED AS FOLLOWS:

26
27 **PARCEL 1**

28
29 **BEGINNING** AT THE MOST NORTHERLY CORNER OF LOT 1, BLOCK 198 SAID MAP OF
30 DENVER CITY, SAID CORNER ALSO BEING THE INTERSECTION OF THE SOUTHEASTERLY
31 RIGHT-OF-WAY OF GLENARM PLACE AND THE SOUTHWESTERLY RIGHT-OF-WAY OF 14TH
32 STREET;
33 THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY OF GLENARM PLACE, SOUTH
34 44°34'46" WEST, 147.02 FEET;
35 THENCE DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY, NORTH 45°25'14" WEST, 6.00
36 FEET;
37 THENCE NORTH 44°34'46" EAST, 151.01 FEET TO A LINE PARALLEL WITH AND DISTANT
38 NORTHEASTERLY 4.00 FEET, MEASURED AT RIGHT ANGLES, FROM SAID SOUTHWESTERLY
39 RIGHT-OF-WAY OF 14TH STREET;
40 THENCE ALONG SAID PARALLEL LINE, SOUTH 45°26'46" EAST, 62.30 FEET;
41 THENCE NORTH 44°33'14" EAST, 8.00 FEET;
42 THENCE SOUTH 45°26'46" EAST, 24.00 FEET;
43 THENCE SOUTH 44°33'14" WEST, 12.00 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF
44 14TH STREET;
45 THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY, NORTH 45°26'46" WEST, 80.30
46 FEET TO THE **POINT OF BEGINNING**.

47
48 CONTAINS 1,419 SQUARE FEET OR 0.033 ACRES, MORE OR LESS.

49 and
50

1 **PARCEL 2**

2
3 **COMMENCING** AT THE MOST EASTERLY CORNER OF LOT 1, BLOCK 198 SAID MAP OF
4 DENVER CITY, SAID CORNER ALSO BEING THE INTERSECTION OF THE SOUTHWESTERLY
5 RIGHT-OF-WAY OF 14TH STREET AND THE NORTHWESTERLY RIGHT-OF-WAY OF THE
6 ALLEY;

7 THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY OF 14TH STREET, NORTH 45°26'46"
8 WEST, 2.15 FEET TO THE **POINT OF BEGINNING**;

9 THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY OF 14TH STREET,
10 NORTH 45°26'46" WEST, 3.00 FEET;

11 THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY OF 14TH STREET, NORTH
12 44°33'11" EAST, 2.25 FEET;

13 THENCE SOUTH 45°26'46" EAST, 3.00 FEET;

14 THENCE SOUTH 44°33'11" WEST, 2.25 FEET TO THE **POINT OF BEGINNING**.

15
16 CONTAINS 7 SQUARE FEET OR 0.000 ACRES, MORE OR LESS
17

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

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

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

24 (c) If the Permittee intends to install any underground facilities in or near a public road,
25 street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification
26 Association of Owners and Operators of Underground Facilities by contacting the Utility Notification
27 Center of Colorado, 12600 West Colfax Avenue, Suite B-310, Lakewood, Colorado 80215, at 303-
28 232-1991. Further, Permittee shall contact the Utility Notification Center at 1-800-922-1987 to locate
29 underground facilities prior to commencing any work under this permit.

30 (d) Permittee is fully responsible for any and all damages incurred to facilities of the Water
31 Department and/or drainage facilities for water and sewage of the City and County of Denver due to
32 activities authorized by the permit. Should the relocation or replacement of any drainage facilities for
33 water and sewage of the City and County of Denver become necessary as determined by the
34 Manager of Public Works, in the Manager's sole and absolute discretion, Permittee shall pay all cost
35 and expense of the portion of the sewer affected by the permitted structure. The extent of the
36 affected portion to be replaced or relocated by Permittee shall be determined by the Manager of
37 Public Works. Any and all replacement or repair of facilities of the Water Department and/or drainage
38 facilities for water and sewage of the City and County of Denver attributed to the Permittee shall be
39 made by the Water Department and/or the City and County of Denver at the sole expense of the
40 Permittee. In the event Permittee's facilities are damaged or destroyed due to the Water

1 Department's or the City and County of Denver's repair, replacement and/or operation of its facilities,
2 repairs will be made by the Permittee at its sole expense. Permittee agrees to defend, indemnify and
3 save the City harmless and to repair or pay for the repair of any and all damages to said sanitary
4 sewer, or those damages resulting from the failure of the sewer to properly function as a result of the
5 permitted structure.

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

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

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

21 (h) Permittee shall pay all costs of construction and maintenance of the Encroachments.
22 Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the
23 Encroachments from the Encroachment Area and return the Encroachment Area to its original
24 condition under the supervision of the City Engineer.

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

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

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

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

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

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

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

30 **Section 3.** That the Permit hereby granted shall be revocable at any time that the Council of
31 the City and County of Denver shall determine that the public convenience and necessity or the public
32 health, safety or general welfare require such revocation, and the right to revoke the same is hereby
33 expressly reserved to the City and County of Denver; provided however, at a reasonable time prior to

1 Council action upon such revocation or proposed revocation, opportunity shall be afforded to
2 Permittee, its successors and assigns, to be present at a hearing to be conducted by the Council
3 upon such matters and thereat to present its views and opinions thereof and to present for
4 consideration action or actions alternative to the revocation of such Permit.

5 COMMITTEE APPROVAL DATE: August 1, 2013 [by consent]

6 MAYOR-COUNCIL DATE: August 6, 2013

7 PASSED BY THE COUNCIL: _____, 2013

8 _____ - PRESIDENT

9 ATTEST: _____ - CLERK AND RECORDER,
10 EX-OFFICIO CLERK OF THE
11 CITY AND COUNTY OF DENVER
12

13 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: August 8, 2013

14
15 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of the
16 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
17 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §
18 3.2.6 of the Charter.

19
20 Douglas J. Friednash, Denver City Attorney

21 BY: _____, Assistant City Attorney DATE: _____, 2013

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