



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: Rose MOB LLC
Contact Name: Andrew Shearer
Property Address: 880 N Cherry Street
Billing Address: 1623 Blake Street, Suite 300, Denver, CO 80202
Telephone Number: 303-893-0250 Email Address: andrew.shearer@devsolgrp.com

OWNER REPRESENTATIVE:

☐ *Check if the same as Adjacent Property Owner*

Company Name: _____
Contact Name: _____
Address: _____
Telephone Number: _____ Email Address: _____

ENCROACHMENT INFORMATION:

Project Name: 880 N. Cherry
Adjacent Property Address: Dexter Street Surface Parking Lot
Coordinates (Lat/Long): 39.43.49/104.55.59
Encroachment Area, in SF: 400 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

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Is this project associated with a LAND DEVELOPMENT REVIEW?

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

2020-PROJMSTR-0000187

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.)

The rerouted a"L" alley between Cherry Street and Dexter Street. Approximately 85' west of the Dexter Street flowline.

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 sheet. Additionally, provide required application materials in accordance with the Permit Entrance Requirements. It is not acceptable to use "please see attached plans" or other vague descriptors.

This encroachment is for a buried utility piping across the rerouted alley. Twenty linear feet of 12" PVC roof drain will connect from the proposed building on the north side of the alley to the proposed underground detention vault on the south side of the alley. In addition, (3) 1" schedule 80 PVC conduits will be installed for electric lines.

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 use "you want/need it" or other vague descriptors.

Per city standards, water quality and detention is required for projects of this magnitude. We are proposing to consolidate the detention in a single underground system, however, the project site is split by a public alley. This roof drain piping is required to convey flows from the north lot to the underground detention vault that will be located on the south lot.

Power is required for the site lighting and storm detention pumps on the south lot. Lines will be run from the electrical room within the building, across the alley to the south lot.

It is not anticipated that these utilities will negatively impact the intended use of the ROW.

FOR ER INTERNAL USE ONLY:

Tier Determination: _____ Project Number: _____ Initials: _____

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.

**ADJACENT PROPERTY
OWNER SIGNATURE:**

PRINT NAME:

COMPANY:


ANDREW E. SHEARER
ROSE MOB LLC

DATE:

TITLE:

10/18/21

MANAGING MEMBER OF MANAGER
(Ground Lessee of adjacent property)

Tier III 880 N Cherry St - Roof Drain and Conduits

02/07/2022

Master ID: 2020-PROJMSTR-0000187 **Project Type:** Tier III Encroachment Resolution
Review ID: 2021-ENCROACHMENT-0000140 **Review Phase:**
Location: **Review End Date:** 11/18/2021

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: 12/21/2021

Status: Approved

Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000140 - Tier III 880 N Cherry St - Roof Drain and Conduits

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: 11/15/2021

Status: Denied

Comments: 1. 12" PVC to be 10 inches below grade. The alley is inverted crowned. Where is this minimum distance, at the center?
2. going off standard roadway cross sections and alley pavement thickness, we will want a minimum of 11 inches from top of grade at the lowest point. 8" alley concrete thickness, 3 " Utility Service Crossing Zone.
3. would be helpful to see a cross section including alley design, SS, and these 2 encroachments

Reviewing Agency: DS Project Coordinator Review

Review Status: Approved

Reviewers Name: Tiffany Holcomb

Reviewers Email: Tiffany.Holcomb@denvergov.org

Status Date: 11/19/2021

Status: Approved

Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000140 - Tier III 880 N Cherry St - Roof Drain and Conduits

Reviewing Agency/Company: Development Services / Project Coordination

Reviewers Name: Tiffany Holcomb

Reviewers Phone: 720-865-3018

Reviewers Email: Tiffany.Holcomb@denvergov.org

Approval Status: Approved

Comments:

Request is tied to SDP that is in formal review (2021-SDP-0000281). SDP has not been approved yet, but encroachment is needed for SDP to move forward. If SDP does not become approved or is not constructed, then the encroachment is not needed.

Reviewing Agency: Survey Review

Review Status: Approved

Comment Report

Tier III 880 N Cherry St - Roof Drain and Conduits

02/07/2022

Master ID: 2020-PROJMSTR-0000187 **Project Type:** Tier III Encroachment Resolution
Review ID: 2021-ENCROACHMENT-0000140 **Review Phase:**
Location: **Review End Date:** 11/18/2021

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

Reviewers Name: Thomas Breitnauer
Reviewers Email: Thomas.Breitnauer@denvergov.org

Status Date: 02/07/2022
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000140 - Tier III 880 N Cherry St - Roof Drain and Conduits
Reviewing Agency/Company: DOTI - Survey
Reviewers Name: Thomas Breitnauer
Reviewers Phone: 7208653211
Reviewers Email: thomas.breitnauer@denvergov.org
Approval Status: Approved

Comments:

Status Date: 01/21/2022
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000140 - Tier III 880 N Cherry St - Roof Drain and Conduits
Reviewing Agency/Company: DOTI - Survey
Reviewers Name: Thomas Breitnauer
Reviewers Phone: 7208653211
Reviewers Email: thomas.breitnauer@denvergov.org
Approval Status: Approved

Comments:

Placed required documents in the Legal Description APPROVED folder.

Status Date: 11/19/2021
Status: Denied
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000140 - Tier III 880 N Cherry St - Roof Drain and Conduits
Reviewing Agency/Company: DOTI/ Survey
Reviewers Name: Thomas Breitnauer
Reviewers Phone: 720-865-3211
Reviewers Email: thomas.breitnauer@denvergov.org
Approval Status: Denied

Comments:

Redline comments are in project folder and have been uploaded.

Attachment: 2021-ENCROACHMENT-0000140_Survey Comments_11-16-2021.pdf

Attachment: LEGAL DESCRIPTION_Survey Comments_11-16-2021.pdf

Status Date: 11/16/2021
Status: Denied
Comments: Redline comments in project folder.

Reviewing Agency: DES Wastewater Review

Review Status: Approved

Comment Report

Tier III 880 N Cherry St - Roof Drain and Conduits

02/07/2022

Master ID: 2020-PROJMSTR-0000187 **Project Type:** Tier III Encroachment Resolution
Review ID: 2021-ENCROACHMENT-0000140 **Review Phase:**
Location: **Review End Date:** 11/18/2021

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

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

Status Date: 11/17/2021
Status: Approved
Comments:

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

Status Date: 11/19/2021
Status: Approved - No Response
Comments:

Reviewing Agency: ERA Transportation Review **Review Status:** Under Review

Status Date: 11/19/2021
Status: Approved - No Response
Comments:

Reviewing Agency: ERA Wastewater Review **Review Status:** Under Review

Status Date: 11/19/2021
Status: Approved - No Response
Comments:

Reviewing Agency: CenturyLink Referral **Review Status:** Approved

Status Date: 11/23/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000140 - Tier III 880 N Cherry St - Roof Drain and Conduits
Reviewing Agency/Company: Qwest Corporation dba CenturyLink QC
Reviewers Name: VeShon Sheridan
Reviewers Phone: 804-234-6825
Reviewers Email: veshon.sheridan@lumen.com
Approval Status: Approved

Comments:

Status Date: 11/19/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Xcel Referral **Review Status:** Approved

Status Date: 11/19/2021

2021-ENCROACHMENT-0000140

Comment Report

Tier III 880 N Cherry St - Roof Drain and Conduits

02/07/2022

Master ID: 2020-PROJMSTR-0000187 **Project Type:** Tier III Encroachment Resolution
Review ID: 2021-ENCROACHMENT-0000140 **Review Phase:**
Location: **Review End Date:** 11/18/2021

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

Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000140 - Tier III 880 N Cherry St - Roof Drain and Conduits
Reviewing Agency/Company: Public Service Company of Colorado (PSCo) dba Xcel Energy
Reviewers Name: Donna George
Reviewers Phone: 303-571-3306
Reviewers Email: donna.l.george@xcelenergy.com
Approval Status: Approved

Comments:

Reviewing Agency: RTD Referral Review Status: Approved - No Response

Status Date: 11/19/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Comcast Referral Review Status: Approved - No Response

Status Date: 11/19/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Metro Wastewater Referral Review Status: Approved

Status Date: 11/19/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000140 - Tier III 880 N Cherry St - Roof Drain and Conduits
Reviewing Agency/Company: Metro Water Recovery
Reviewers Name: Myles Howard
Reviewers Phone: 720-703-3627
Reviewers Email: MHoward@mwr.dst.co.us
Approval Status: Approved

Comments:

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

Status Date: 11/19/2021
Status: Approved - No Response
Comments:

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

Status Date: 11/19/2021
Status: Approved - No Response
Comments:

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

Status Date: 11/19/2021
Status: Approved - No Response

Comment Report

Tier III 880 N Cherry St - Roof Drain and Conduits

02/07/2022

Master ID: 2020-PROJMSTR-0000187 **Project Type:** Tier III Encroachment Resolution
Review ID: 2021-ENCROACHMENT-0000140 **Review Phase:**
Location: **Review End Date:** 11/18/2021

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: 11/04/2021
Status: Approved
Comments:

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

Status Date: 11/19/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000140 - Tier III 880 N Cherry St - Roof Drain and Conduits
Reviewing Agency/Company: CCD Real Estate
Reviewers Name: David J Edwards
Reviewers Phone: 7209130889
Reviewers Email: Davidj.Edwards@denvergov.org
Approval Status: Approved

Comments:

Reviewing Agency: Denver Fire Department Review Review Status: Approved

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

Status Date: 11/19/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000140 - Tier III 880 N Cherry St - Roof Drain and Conduits
Reviewing Agency/Company: DFD / Fire Prevention Division
Reviewers Name: Rich Tenorio
Reviewers Phone: 7206333222
Reviewers Email: richard.tenorio@denvergov.org
Approval Status: Approved

Comments:
Denver Fire Dept. Approved - RT

Status Date: 11/18/2021
Status: Approved
Comments: Denver Fire Dept. Approved - RT

Reviewing Agency: Denver Water Referral Review Status: Approved

Status Date: 11/19/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000140 - Tier III 880 N Cherry St - Roof Drain and Conduits
Reviewing Agency/Company: Denver Water

Comment Report

Tier III 880 N Cherry St - Roof Drain and Conduits

02/07/2022

Master ID: 2020-PROJMSTR-0000187 **Project Type:** Tier III Encroachment Resolution
Review ID: 2021-ENCROACHMENT-0000140 **Review Phase:**
Location: **Review End Date:** 11/18/2021

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

Reviewers Name: Kela Naso
Reviewers Phone: 13036286302
Reviewers Email: kela.naso@denverwater.org
Approval Status: Approved

Comments:

Reviewing Agency: Parks and Recreation Review

Review Status: Approved

Reviewers Name: Emily McKee
Reviewers Email: Emily.McKee@denvergov.org

Status Date: 11/02/2021
Status: Approved
Comments:

Reviewing Agency: Policy and Planning Referral

Review Status: Approved - No Response

Status Date: 11/19/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Denver Office of Disability Rights Referral

Review Status: Approved

Reviewers Name: Juan Pasillas
Reviewers Email: juan.pasillas@denvergov.org
Status Date: 11/18/2021
Status: Approved
Comments: *Approved.

*Final construction (including any later modifications to the current design) shall continue to adhere with all applicable accessibility requirements of this review (2010 Americans with Disabilities Act "ADA").

Reviewing Agency: Construction Engineering Review

Review Status: Approved

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

Status Date: 11/18/2021
Status: Approved
Comments:

Reviewing Agency: TES Sign and Stripe Review

Review Status: Approved - No Response

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

Status Date: 11/19/2021
Status: Approved - No Response
Comments:

Reviewing Agency: City Forester Review

Review Status: Approved

Comment Report

Tier III 880 N Cherry St - Roof Drain and Conduits

02/07/2022

Master ID: 2020-PROJMSTR-0000187 **Project Type:** Tier III Encroachment Resolution
Review ID: 2021-ENCROACHMENT-0000140 **Review Phase:**
Location: **Review End Date:** 11/18/2021

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

Reviewers Name: Nick Evers
Reviewers Email: Nick.Evers@denvergov.org
Status Date: 11/18/2021
Status: Approved
Comments: Approved. No expected PRW tree conflict.

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

Reviewers Name: Becca Dierschow
Reviewers Email: Becca.Dierschow@denvergov.org
Status Date: 11/19/2021
Status: Approved - No Response
Comments:

Reviewing Agency: CDOT Referral **Review Status:** Approved - No Response

Status Date: 11/19/2021
Status: Approved - No Response
Comments:

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

Reviewers Name: Shari Bills
Reviewers Email: Shari.Bills@denvergov.org
Status Date: 11/19/2021
Status: Approved - No Response
Comments: