

1 BY AUTHORITY

2 RESOLUTION NO. CR11-0570
3 SERIES OF 2011

COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

4 A RESOLUTION

5 **Granting a revocable permit to U.S. General Services Administration to encroach**
6 **into the right-of-way with various items at 1244 Speer Boulevard, 1300 Fox Street**
7 **and 13th Avenue.**

8
9 **BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** The City and County of Denver hereby grants to U.S. General Services
11 Administration, and its successors and assigns (“Permittee”), a revocable permit to:

12 (a) encroach into the W. 13th Ave. right-of-way with retaining wall (“Encroachments”) in the
13 following described area (“Encroachment Area”):

14 2010-0453-03-003

A PORTION OF W. 13TH AVE. RIGHT-OF-WAY (80 FEET WIDE) LOCATED BETWEEN ELATI ST. AND
SPEER BLVD. AS ESTABLISHED BY “PART OF WITTERS FIRST ADDITION TO THE CITY OF
DENVER”, RECORDED IN THE ORIGINAL COUNTY OF ARAPAHOE, TERRITORY OF COLORADO,
ON OCTOBER 14, 1875, IN BOOK OF PLATS AT PAGE 69 AND BEING LOCATED IN THE
NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH
PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF LOT 1, BLOCK 24 OF SAID
SUBDIVISION;

THENCE N00°11'53"E, 9.07 FEET;

THENCE N89°48'07"W, 5.47 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N89°48'12"W, 144.89 FEET;

THENCE N00°11'53"E, 3.00 FEET;

THENCE S89°48'12"E, 144.89 FEET;

THENCE S00°11'53"W, 3.00 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL OF LAND
CONTAINS 435 SQUARE FEET (0.0010 ACRES), MORE OR LESS.

BASIS OF BEARING: THE BEARING UTILIZED IN THIS DESCRIPTION ARE REFERENCE TO THE
21.25 FOOT RANGE LINE ALONG W. 13TH AVE. BETWEEN FOX ST. AND ELATI ST., BEING AN
ASSUMED BEARING OF S89°47'13"E, 331.74 FEET AND BEING MONUMENTED BY 1 ½ INCH
ALUMINUM CAP (ILLEGIBLE) IN A RANGE BOX AT BOTH INTERSECTIONS.

15
16 (b) encroach into the Fox Street, W. 13th Ave. and alley right-of-way with solar sculpture
17 canopy, garage entry canopy, garage screen, and foundation shoring (“Encroachments”) in the
18 following described area (“Encroachment Area”):

A PORTION OF W. 13TH AVE. RIGHT-OF-WAY (80 FEET WIDE) LOCATED BETWEEN ELATI ST. AND SPEER BLVD. AS ESTABLISHED BY "PART OF WITTERS FIRST ADDITION TO THE CITY OF DENVER", RECORDED IN THE ORIGINAL COUNTY OF ARAPAHOE, TERRITORY OF COLORADO, ON OCTOBER 14, 1875, IN BOOK OF PLATS AT PAGE 69; AND A PORTION OF FOX ST. RIGHT-OF-WAY (66 FEET WIDE) AND A PORTION OF THE PUBLIC ALLEY IN BLOCK 19, BOTH BEING ESTABLISHED BY "WITTERS FIRST ADDITION TO THE CITY OF DENVER", RECORDED IN THE ORIGINAL COUNTY OF ARAPAHOE, TERRITORY OF COLORADO ON JUNE 29, 1868, IN BOOK OF PLATS AT PAGE 4, AND ALL BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEASTERLY MOST CORNER OF LOT 20, BLOCK 19 OF SAID "WITTERS FIRST ADDITION TO THE CITY OF DENVER" RECORDED IN SAID BOOK OF PLATS AT PAGE 4;
THENCE ALONG THE WESTERLY LINE OF THE ALLEY ESTABLISHED IN SAID BLOCK 19, N00°11'17"E, 124.95 FEET TO THE NORTHEASTERLY MOST CORNER OF LOT 16 OF SAID BLOCK 19;
THENCE LEAVING SAID WESTERLY LINE S89°49'40"E, 7.00 FEET;
THENCE S00°11'17"W, 131.96 FEET;
THENCE N89°47'13"W, 138.87 FEET;
THENCE N00°11'17"E, 131.86 FEET;
THENCE S89°49'40"E, 7.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 16;
THENCE ALONG THE WESTERLY LINE OF SAID BLOCK 19 AND THE EASTERLY RIGHT-OF-WAY LINE OF FOX ST. S00°11'17"W, 124.86 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 20;
THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 20 AND THE NORTHERLY RIGHT-OF-WAY LINE OF W. 13TH AVE. S89°47'13"E, 124.87 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 2,721 SQUARE FEET (0.0625 ACRES), MORE OR LESS.

BASIS OF BEARING: THE BEARING UTILIZED IN THIS DESCRIPTION ARE REFERENCE TO THE 21.25 FOOT RANGE LINE ALONG W. 13TH AVE. BETWEEN FOX ST. AND ELATI ST., BEING AN ASSUMED BEARING OF S89°47'13"E, 331.74 FEET AND BEING MONUMENTED BY 1 ½ INCH ALUMINUM CAP (ILLEGIBLE) IN A RANGE BOX AT BOTH INTERSECTIONS.

(c) encroach into the W. 13th Ave right-of-way with six (6) electric conduits below grade ("Encroachments") in the following described area ("Encroachment Area"):

2010-0453-03-004

A PORTION OF W. 13TH AVE. RIGHT-OF-WAY (80 FEET WIDE) LOCATED BETWEEN ELATI ST. AND SPEER BLVD. AS ESTABLISHED BY "PART OF WITTERS FIRST ADDITION TO THE CITY OF DENVER", RECORDED IN THE ORIGINAL COUNTY OF ARAPAHOE, TERRITORY OF COLORADO, ON OCTOBER 14, 1875, IN BOOK OF PLATS AT PAGE 69 AND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF LOT 1, BLOCK 24 OF SAID SUBDIVISION;
THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF W. 13TH AVE. N89°47'13"W, 1.75 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID LOT 1 AND SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID W. 13TH AVE. N89°47'13"W, 6.00 FEET;
THENCE LEAVING SAID NORTHERLY LOT LINE N01°39'06"E, 80.03 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WEST 13TH AVENUE;
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE S89°47'13"E, 6.00 FEET;
THENCE S01°39'06"W, 80.03 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 480 SQUARE FEET (0.0110 ACRES), MORE OR LESS.

BASIS OF BEARING: THE BEARING UTILIZED IN THIS DESCRIPTION ARE REFERENCE TO THE 21.25 FOOT RANGE LINE ALONG W. 13TH AVE. BETWEEN FOX ST. AND ELATI ST., BEING AN ASSUMED BEARING OF S89°47'13"E, 331.74 FEET AND BEING MONUMENTED BY 1 ½ INCH ALUMINUM CAP (ILLEGIBLE) IN A RANGE BOX AT BOTH INTERSECTIONS.

1 (d) encroach into the W. 13th Ave. right-of-way with building element envelope
2 (“Encroachments”) in the following described area (“Encroachment Area”):

3 2010-0453-03-002

A PORTION OF W. 13TH AVE. RIGHT-OF-WAY (80 FEET WIDE) LOCATED BETWEEN ELATI ST. AND SPEER BLVD. AS ESTABLISHED BY “PART OF WITTERS FIRST ADDITION TO THE CITY OF DENVER”, RECORDED IN THE ORIGINAL COUNTY OF ARAPAHOE, TERRITORY OF COLORADO, ON OCTOBER 14, 1875, IN BOOK OF PLATS AT PAGE 69 AND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF LOT 1, BLOCK 24 OF SAID SUBDIVISION;
THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF W. 13TH AVE. N89°47'13"W, 1.75 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID LOT 1 AND SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID W. 13TH AVE. N89°47'13"W, 120.69 FEET;
THENCE LEAVING SAID NORTHERLY LOT LINE N00°12'47"E, 2.00 FEET;
THENCE S89°47'13"E, 120.69 FEET;
THENCE S00°12'47"W, 2.00 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 241 SQUARE FEET (0.0055 ACRES), MORE OR LESS.

BASIS OF BEARING: THE BEARING UTILIZED IN THIS DESCRIPTION ARE REFERENCE TO THE 21.25 FOOT RANGE LINE ALONG W. 13TH AVE. BETWEEN FOX ST. AND ELATI ST., BEING AN ASSUMED BEARING OF S89°47'13"E, 331.74 FEET AND BEING MONUMENTED BY 1 ½ INCH ALUMINUM CAP (ILLEGIBLE) IN A RANGE BOX AT BOTH INTERSECTIONS.

4
5 **Section 2.** The revocable permit (“Permit”) granted by this resolution is expressly granted
6 upon and subject to each and all of the following terms and conditions:

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

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

11 (c) If the Permittee intends to install any underground facilities in or near a public road,
12 street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification
13 Association of Owners and Operators of Underground Facilities by contacting the Utility Notification
14 Center of Colorado, 12600 West Colfax Avenue, Suite B-310, Lakewood, Colorado 80215, at 303-
15 232-1991. Further, Permittee shall contact the Utility Notification Center at 1-800-922-1987 to locate
16 underground facilities prior to commencing any work under this permit.

17 (d) Permittee is fully responsible for any and all damages incurred to facilities of the Water
18 Department and/or drainage facilities for water and sewage of the City and County of Denver due to
19 activities authorized by the permit. Should the relocation or replacement of any drainage facilities for
20 water and sewage of the City and County of Denver become necessary as determined by Manager of
21 Public Works, in the Manager's sole and absolute discretion, Permittee shall pay all cost and expense
22 of the portion of the sewer affected by the permitted structure. The extent of the affected portion to
23 be replaced or relocated by Permittee shall be determined by the Manager of Public Works. Any and

1 all replacement or repair of facilities of the Water Department and/or drainage facilities for water and
2 sewage of the City and County of Denver attributed to the Permittee shall be made by the Water
3 Department and/or the City and County of Denver at the sole expense of the Permittee. In the event
4 Permittee's facilities are damaged or destroyed due to the Water Department's or the City and County
5 of Denver's repair, replacement and/or operation of its facilities, repairs will be made by the Permittee
6 at its sole expense. Permittee agrees to defend, indemnify and save the City harmless and to repair
7 or pay for the repair of any and all damages to said sanitary sewer, or those damages resulting from
8 the failure of the sewer to properly function as a result of the permitted structure.

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

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

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

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

28 (i) Permittee shall remove and replace any and all street/alley paving, sidewalks, and curb
29 and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become
30 broken, damaged or unsightly during the course of construction. In the future, Permittee shall also
31 remove, replace or repair any street/alley paving, sidewalks, and curb and gutter that become broken
32 or damaged when, in the opinion of the City Engineer, the damage has been caused by the activity of

1 the Permittee within the Encroachment Area. All repair work shall be accomplished without cost to
2 the City and under the supervision of the City Engineer.

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

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

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

23 All such insurance policies shall be specifically endorsed to include all liability assumed by the
24 Permittee hereunder and shall name the City and County of Denver as an additional insured.

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

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

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

