




REQUEST FOR REVOCATION OF REVOCABLE ENCROACHMENT PERMIT

TO: Ivone Avila-Ponce, City Attorney's Office

FROM: Glen Blackburn, PE, Director, Right of Way Services 

PROJECT NO.: 1989-ENCROACHMENT-0012301

DATE: 09/26/2024

SUBJECT: Request for revocation of Ordinance No. 130, Series of 1990 which granted a revocable permit to Pool Investment Company, their successors and assigns, to encroach into the Right-of-Way with brick veneer and canvas awning at 1305 Osage Street.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request from Becki Herman, dated May 09, 2024, on behalf of Osage Studios LLC for revocation of the above-subject permit. The reason for the revocation is the awning that hung over the sidewalk was removed and remaining brick veneer is a decorative feature which no longer requires a Tier III Encroachment permit.

This matter has been checked by this office and the subject permit can be revoked because the awning has been removed.

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 No. 130, Series of 1990.

GB: ry

Cc: City Council Office, Luke Palmisano
Councilperson and Aides
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 – Alaina McWhorter
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/rowplanreview
Phone: 720-865-3003

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at [MileHighOrdinance@DenverGov.org](mailto: MileHighOrdinance@DenverGov.org) by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: September 26, 2024

Please mark one: Bill Request or Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

Yes No

1. Type of Request:

Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment

Dedication/Vacation Appropriation/Supplemental DRMC Change

Other: Revocation of 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 No. 130, Series of 1990 which granted a revocable permit to Pool Investment Company, their successors and assigns, to encroach into the Right-of-Way with brick veneer and canvas awning at 1305 Osage Street.

3. **Requesting Agency:** Department of Transportation and Infrastructure, Right-of-Way Services, Engineering & Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Vanessa West	Name: Alaina McWhorter
Email: Vanessa.West@denvergov.org	Email: Alaina.mcwhorter@denvergov.org

5. **General description or background of proposed request. Attach executive summary if more space needed:** (who, what, why)

Request for revocation of Ordinance No. 130, Series of 1990 which granted a revocable permit to Pool Investment Company, their successors and assigns, to encroach into the Right-of-Way with brick veneer and canvas awning at 1305 Osage Street.

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

7. **City Council District:** District 3, Councilperson Jamie Torres

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

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

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

Vendor/Contractor Name (including any dba's):

Contract control number (legacy and new):

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

Project Title: 1989-ENCROACHMENT-0012301, 1305 Osage Street

Business/Owner name: Osage Studios LLC

Description of Encroachment: Brick veneer and canvas awning at 1305 Osage Street.

Explanation of why the Encroachment is no longer needed: The awning that hung over the sidewalk was removed and the remaining brick veneer is a decorative feature, which no longer requires a Tier III Encroachment permit.

When was the Encroachment removed/abandoned: May 2024

Additional Information: N/A

Location Map:



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/rowplanreview

Phone: 720-865-3003

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BY AUTHORITY

ORDINANCE NO. 130

SERIES OF 1990

COUNCIL BILL NO. 119

COMMITTEE OF REFERENCE:

PUBLIC WORKS,

TRANSPORTATION,

A B I L L

FOR AN ORDINANCE GRANTING A REVOCABLE PERMIT OR LICENSE, SUBJECT TO CERTAIN TERMS AND CONDITIONS, TO POOL INVESTMENT COMPANY, ITS SUCCESSORS AND ASSIGNS TO ENCROACH INTO PORTION OF STREET RIGHT-OF-WAY AT 1305 OSAGE STREET WITH BRICK VENEER AND CANVAS AWNING.

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

Section 1. That the City and County of Denver hereby grants Pool Investment Company, its successors and assigns, a revocable permit or license to encroach with brick veneer and canvas awning in the following described area:

That part of Osage Street more particularly described as follows:
Beginning at the southeast corner of the "Resubdivision of part of Block 7, Hunt's Addition";
thence northerly along the east line, said Resubdivision, 100 feet;
thence on an angle to the right of 90° 00' 00" a distance of 0.25 foot;
thence on an angle to the right of 90° 00' 00" a distance of 61 feet;
thence on an angle to the left of 90° 00' 00" a distance of 2.75 feet;
thence on an angle to the right of 90° 00' 00" a distance of 7 feet;
thence on an angle to the right of 90° 00' 00" a distance of 2.75 feet;
thence on an angle to the left of 90° 00' 00" a distance of 32 feet;
thence on an angle to the right of 90° 00' 00" a distance of 0.25 foot to the point of beginning.

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

(a) All construction in, on or over the area of encroachment shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and specifications, governing the construction of said brick veneer and canvas awning, shall be approved by the Manager of Public Works and the Director of the Building Inspection Division prior to construction. Upon completion, a reproducible copy of the exact location and dimensions of encroachments shall be filed with the Manager of Public Works.

(b) The licensee shall pay all costs of construction and maintenance of said brick veneer and canvas awning and upon revocation of permit as provided herein or upon abandonment shall pay all costs of removing the said structures from the encroachment area and return the street to its original condition under the supervision of the City Engineer.

(c) This revocable permit or license shall not operate or be construed to abridge, limit or restrict the City and County of Denver in exercising its right to make full use of Osage Street as a public thoroughfare nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their installations within the said street.

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

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

(e) The licensee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising out of the rights and privileges granted by this permit.

(f) During the existence of said encroachment, the licensee or permittee, its successors and assigns, at its or their expense, and without cost to the City and County of Denver, shall procure and maintain a single limit comprehensive general liability insurance policy with a limit of not less than \$500,000. All coverages are to be arranged on the occurrence basis and include coverage for those hazards normally identified as X.C.U. during

construction. The insurance coverage hereinabove enumerated constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the licensee or permittee, its successors or assigns, under the terms of this revocable license or permit; all of the insurance coverage required herein shall be written in form and by a company or companies approved by the Manager of Public Works of the City and County of Denver and authorized to do business in the State of Colorado. A certified copy of all such insurance policies shall be filed with the said Manager of Public Works, and each such policy shall contain a statement therein or endorsement thereon that it will not be cancelled or materially changed or altered without at least thirty days prior written notice, by registered mail, to the said Manager of Public Works at least thirty days prior to the termination of the term; all such insurance policies shall be specifically endorsed to include all liability assumed by the licensee or permittee hereunder and shall name the City and County of Denver as an additional insured.

(g) The licensee shall also remove and replace any and all street paving, sidewalks and curb and gutter, both inside the area of encroachment and in the area of the street adjoining thereto, that become broken, damaged or unsightly during the course of construction without cost to the City.

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

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

(h) The City and County of Denver reserves the right to make an inspection of the said brick veneer and canvas awning and facilities contained within the confines of this encroachment for which an annual fee of \$50.00 shall be assessed.

Section 3. That the revocable permit or license hereby granted shall be revocable at any time that the Council of the City and County of Denver shall determine that the public convenience and necessity or the public health, safety or general welfare require such revocation, and the right to revoke the same is hereby expressly reserved to the City and County of Denver; provided however, at a reasonable time prior to Council action upon such revocation or proposed revocation, opportunity shall be afforded to licensee or permittee, its successors and assigns, to be present at a hearing to be conducted by the Council upon such matters and thereat to present its or their views and opinions thereof and to present for consideration action or actions alternative to the revocation of such license or permit.

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

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

Date: _____

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

Signed by: _____
(Permittee or Licensee)

By: _____
(Name of Officer)

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

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

PASSED BY THE COUNCIL _____ February 26, _____ 1990
 _____ - PRESIDENT
 APPROVED: _____ - MAYOR Feb 27 _____ 1990
 ATTEST: _____ - CLERK AND RECORDER,

EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

PUBLISHED IN THE DAILY JOURNAL Feb 23, 1990 March 2, 1990

PREPARED BY: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 2/14/90

REVIEWED BY: Annica Wells - CITY ATTORNEY 2/14 1990

SPONSORED BY COUNCIL MEMBER(S) _____



The Daily Journal

No. _____

F.W. DODGE DIVISION
 McGraw-Hill Information Systems
 Company
 A Division of McGraw-Hill Inc.
Publisher's Affidavit
 STATE OF COLORADO,
 City and County of Denver } ss.

Carole Thurnau

I, Carole Thurnau of the City and County of Denver, State of Colorado, being duly sworn, upon oath say that I am the legal editor of The Daily Journal, that I have personal knowledge of all the facts set forth in this affidavit, that said The Daily Journal is a public daily newspaper of general circulation having its principal office and place of business situated in said City and County of Denver, that said The Daily Journal is printed and published daily except Saturdays, Sundays and legal holidays, that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado, approved April 7, 1921, and entitled, "An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act" and as amended by an act of said General Assembly, entitled, "An Act to Amend An Act Entitled 'An Act Concerning Legal Notices, Advertisements and Publications and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in conflict with the Provisions of this Act,'" approved March 30, 1923, and as amended by an act of said General Assembly, approved May 18, 1931, entitled, "An Act to Amend Section 4 of Chapter 139, Session Laws of Colorado, 1923, Relating to Legal Notices and Advertisements," which said Act took effect on and after the first day of January, 1932, and as amended by an act of said General Assembly, entitled, "An Act to Amend Chapter 139 of the Session Laws of 1923 Relating to Legal Notices and Advertisements, to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof, and to Provide That the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees," approved March 5, 1935; and as amended by an act of said General Assembly entitled, "An Act Relating to Legal Notices and Advertisements and Amending Section 1, of Chapter 113, Session Laws of 1931," approved March 25, 1935; and "An Act to Amend and as Amended by the General Assembly, concerning 'Rates for Legal Publications, 109-1-7 C.R.S. 1963 as amended, approved May 22, 1971, and effective January 1, 1972." That said newspaper had, prior to January 1, 1936, and has ever since said date, been admitted to the United States Mails as second class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, that said newspaper is printed and published in whole in said City and County of Denver and has a general circulation therein, that said newspaper has been so printed and published as a public daily newspaper of general circulation in said City and County of Denver, uninterruptedly and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement; that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for

One consecutive days, that the first publication of said legal notice and advertisement appeared in the regular edition of said

newspaper on the 2nd day of March, A D 19 90; that the last publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the

2nd day of March, A D 19 90;

and that, therefore, said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado

Carole Thurnau
 Subscribed and sworn to, at the City and County of Denver, State of Colorado, before me, a Notary Public, this 2nd day of March, A D 19 90

Witness my hand and notarial seal

Ray E. Parise
 Notary Public

101 University Blvd. #260
 Denver, Colorado 80206

324
ORDINANCE NO. 130, SERIES OF 1990
COUNCIL BILL NO. 119, SERIES OF 1990
 A bill for an ordinance granting a revocable permit or license, subject to certain terms and conditions, to Pool Investment Company, its successors and assigns, to encroach into portion of street right-of-way at 1305 Osage Street with brick veneer and canvas awning. (PUBLIC WORKS, TRANSPORTATION & PHYSICAL PLANT)
 Permits 4 inch encroachment for brick veneer and 3 foot overhead encroachment for canvas awning for building located at N.W. corner of Osage and West 13th Avenue. The full text of this ordinance is available in pamphlet form in the City Clerk's Office, Room 281, City and County Building.
 Passed by the Denver City Council on February 26, 1990.
 Published in The Daily Journal March 2, 1990

The Daily Journal

No. _____

F.W. DODGE DIVISION
McGraw-Hill Information Systems
Company

A Division of McGraw-Hill Inc.

Publisher's Affidavit

STATE OF COLORADO,
City and County of Denver) ss.

I, Carole Thurnau of the City and County of Denver, State of Colorado, being duly sworn, upon oath say that I am the legal editor of The Daily Journal, that I have personal knowledge of all the facts set forth in this affidavit, that said The Daily Journal is a public daily newspaper of general circulation having its principal office and place of business situated in said City and County of Denver, that said The Daily Journal is printed and published daily except Saturdays, Sundays and legal holidays, that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado, approved April 7, 1921, and entitled, "An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act" and as amended by an act of said General Assembly, entitled, "An Act to Amend An Act Entitled 'An Act Concerning Legal Notices, Advertisements and Publications and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of this Act', approved March 30, 1923, and as amended by an act of said General Assembly, approved May 18, 1931, entitled, "An Act to Amend Section 4 of Chapter 139, Session Laws of Colorado, 1923, Relating to Legal Notices and Advertisements," which said Act took effect on and after the first day of January, 1932, and as amended by an act of said General Assembly, entitled, "An Act to Amend Chapter 139 of the Session Laws of 1923 Relating to Legal Notices and Advertisements, to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof, and to Provide That the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees," approved March 5, 1935, and as amended by an act of said General Assembly entitled, "An Act Relating to Legal Notices and Advertisements and Amending Section 1, of Chapter 113, Session Laws of 1931," approved March 25, 1935, and "An Act to Amend and as Amended by the General Assembly, concerning 'Rates for Legal Publications,' 109-1-7 C R S 1963 as amended, approved May 22, 1971, and effective January 1, 1972." That said newspaper had, prior to January 1, 1936, and has ever since said date, been admitted to the United States Mails as second class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, that said newspaper is printed and published in whole in said City and County of Denver and has a general circulation therein, that said newspaper has been so printed and published as a public daily newspaper of general circulation in said City and County of Denver, uninterruptedly and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement; that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for

One consecutive days, that the first publication of said legal notice and advertisement appeared in the regular edition of said

newspaper on the 23rd day of

February, A. D. 19 90, that the last publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the

23rd day of

February, A. D. 19 90, and that, therefore, said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado

Carole Thurnau
Subscribed and sworn to, at the City and County of Denver, State of Colorado, before me, a Notary Public, this 23rd day of February, A. D. 19 90.

Witness my hand and notarial seal

Ray E. Paruel
Notary Public

101 University Blvd. #260
Denver, Colorado 80206

324
COUNCIL BILL NO. 119, SERIES OF 1990
A bill for an ordinance granting a revocable permit or license, subject to certain terms and conditions, to Pool Investment Company, its successors and assigns, to encroach into portion of street right-of-way at 1305 Osage Street with brick veneer and canvas awning. (PUBLIC WORKS, TRANSPORTATION & PHYSICAL PLANT)
Permits 4 inch encroachment for brick veneer and 3 foot overhead encroachment for canvas awning for building located at N.W. corner of Osage and West 13th Avenue. The full text of this bill is available in pamphlet form in the City Clerk's Office, Room 281, City and County Building.
Published in The Daily Journal February 23, 1990 324



CITY AND COUNTY OF DENVER

DEPARTMENT OF LAW
STEPHEN H. KAPLAN
CITY ATTORNEY

OFFICE OF CITY ATTORNEY
ROOM 353
CITY AND COUNTY BUILDING
DENVER, COLORADO 80202
PHONE (303) 575-2665

FEDERICO PEÑA
Mayor

February 14, 1990

MEMORANDUM

TO: Hon. Cathy Donohue
President
Denver City Council

FROM: Stephen H. Kaplan *[Signature]*
City Attorney

BY: Robert M. Kelly
Assistant City Attorney

SUBJECT: Ordinance granting a revocable permit to Pool
Investment Company.

Attached hereto is a Bill for an Ordinance granting a revocable permit or license, subject to certain terms and conditions, to Pool Investment Company, its successors and assigns to encroach into portion of street right-of-way at 1305 Osage Street with brick veneer and canvas awning.

Pursuant to Section 13-12, of the Revised Municipal Code, this proposed ordinance has been reviewed by the Office of the City Attorney. We find no irregularity in form, and we have no legal objection to this proposed ordinance.

This Bill was prepared by this office at the request of the Department of Public Works. It was discussed and authorized for filing at the Mayor-Council meeting of Tuesday, February 13, 1990.

attachment

cn

COUNCIL ROOM

14 FEB 50 11: 17

ORDINANCE NO. 130 Series 19 90

Council Bill No. 119 Series 19 90

Meeting Date 2-20 19 90

Read by Title, referred to Committee
on PUBLIC WORKS,
TRANSPORTATION,

Committee report adopted/~~referred~~: _____

Council Bill ordered published:

Meeting Date Feb. 20, 19 90

Council Bill passed/~~deferred~~ by the City Council:

Meeting Date Feb. 26, 19 90

VETOED: _____ 19 _____

- Sustained
- Overruled
- No Action Taken

ORDINANCE