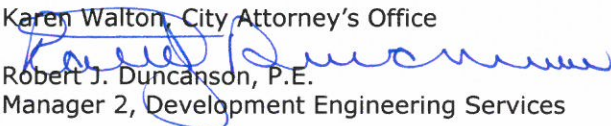




REQUEST TO AMEND A RESOLUTION FOR MAJOR ENCUMBRANCE PERMIT

TO: Karen Walton, City Attorney's Office

FROM: 
Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services

ROW NO.: 2004-0837-06

DATE: January 8, 2014

SUBJECT: Request to **amend** Resolution No. 154, Series of 2012, for a Resolution granting a revocable permit, subject to certain terms and conditions, to U.S. General Services Agency, their successors and assigns, to encroach into the right-of-way with new guard booth, protective bollards, and electrical communications that encroaches into Champa St between 19th and 20th

****NOTE:** This is to amend the current Resolution No. 154, Series of 2012. The new items are in the area of the previous legal description, and there is not a new legal description.

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

This office has investigated the request from Margaret Brown of Brown Civil Engineering dated 5/9/2013, on behalf of U.S. General Services Agency for the granting of the above-subject permit.

This matter has been checked by this office and has been coordinated with Asset Management; Colorado Department of Transportation (if required); Comcast Corporation; Commission For People With Disabilities; Councilperson Montero; CPD: Building & Construction Services, Planning Services, and Zoning & Development Review; Denver Water Board; Environmental Services (if required); Fire Department (if required); Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks and Recreation; Public Works: City Engineer, DES Construction Engineering, DES Engineering, DES Survey, IPP Infrastructure Engineering, and Street Maintenance; Qwest Corporation; Regional Transportation District; and Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

As a result of the investigations, it has been determined that there is no objection to the granting of the revocable permit.

Therefore, you are requested to initiate Council action for the amending of a revocable permit, subject to certain terms and conditions, to to U.S. General Services Agency, their successors and assigns, to encroach into the right-of-way with new guard booth, protective bollards, and electrical communications that encroaches into Champa St between 19th and 20th

NO ADDITIONAL LEGAL DESCRIPTION

STANDARD PROVISIONS

The revocable permit ("Permit") granted by this resolution is expressly granted upon and subject to each and all of the following terms and conditions:

- (a) Permittee shall obtain a street occupancy permit from Public Works Permit Operations at 2000 West 3rd Avenue, 303.446.3759, and prior to commencing construction.
- (b) Permittee shall be responsible for obtaining all other permits and shall pay all costs that are necessary for installation and construction of items permitted herein.
- (c) If the Permittee intends to install any underground facilities in or near a public road, street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification Association of Owners and Operators of Underground Facilities by contacting the Utility Notification Center of Colorado, 12600 West Colfax Ave, Suite B-310, Lakewood, Colorado, 80215 at 303.232.1991. Further, Permittee shall contact the Utility Notification Center at 1-800-922-1987 to locate underground facilities prior to commencing any work under this permit.
- (d) Permittee is fully responsible 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. Should the relocation or replacement of any drainage facilities for water and sewage of the City and County of Denver become necessary as determined by the Manager of Public Works, in the Manager's sole and absolute discretion, Permittee shall pay all cost and expense of the portion of the sewer affected by the permitted structure. The extent of the affected portion to be replaced and relocated by Permittee shall be determined by the Manager of Public Works. 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 Permittee shall be made by the Water Department and/or the City and County of Denver at the sole expense of the Permittee. In the event Permittee's facilities are damaged or destroyed due to the Water Department's or the City and County of Denver's repair, replacement and/or operation of its facilities, repairs will be made by Permittee at its sole expense. Permittee agrees to defend, indemnify and save the City harmless and to repair or pay for the repair of any and all damages to said sanitary sewer, or those damages resulting from the failure of the sewer to properly function as a result of the permitted structure.
- (e) Permittee shall comply with all requirements of affected utility companies and pay for all costs of removal, relocation, replacement or rearrangement of utility company facilities. Existing telephone facilities shall not be utilized, obstructed or disturbed.
- (f) All construction in, under, on or over the Encroachment Area shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and Specifications governing the construction of the Encroachments 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 the Encroachments shall be filed with the Manager of Public Works.

- (g) The sidewalk and street/alley over the Encroachment Area shall be capable of withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The installations within the Encroachment Area shall be constructed so that the paved section of the street/alley can be widened without requiring additional structural modifications. The sidewalk shall be constructed so that it can be removed and replaced without affecting structures within the Encroachment Area.
- (h) Permittee shall pay all costs of construction and maintenance of the Encroachment. Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the Encroachment from the Encroachment Area, and return the Encroachment Area to its original condition under the supervision of the City Engineer.
- (i) Permittee shall remove and replace any and all street/alley paving, sidewalks, and curb and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become broken, damaged or unsightly during the course of construction. In the future, Permittee shall also remove, replace or repair any street/alley 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 activity of the Permittee within the Encroachment Area. All repair work shall be accomplished without cost to the City and under the supervision of the City Engineer.
- (j) The City reserves the right to make an inspection of the Encroachments contained within the Encroachment Area. An annual fee, subject to change, of \$200.00 shall be assessed.
- (k) This revocable permit 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 the Encroachment Area and adjacent rights-of-way as public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their facilities within the Encroachment Area and adjacent rights-of-way.
- (l) During the existence of the Encroachments and this permit, Permittee, its successors and assigns, at its 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 \$500,000.00. All coverage's are to be arranged on an occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage required herein constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the Permittee, its successors or assigns, under the terms of this permit. All insurance coverage required herein shall be written in a form and by a company or companies approved by the Risk Manager 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 Manager of Public Works, and each such policy shall contain a statement therein or

endorsement thereon that it will not be canceled or materially changed without written notice, by registered mail, to the Manager of Public Works at least thirty (30) days prior to the effective date of the cancellation or material change. All such insurance policies shall be specifically endorsed to include all liability assumed by the Permittee hereunder and shall name the City and County of Denver as an additional insured.

- (m) Permittee shall comply with the provisions of Article IV (Prohibition of Discrimination in Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions and Health and Welfare Services) of Chapter 28 (Human Rights) of the Revised Municipal Code of the City and County of Denver. The failure to comply with any such provision shall be a proper basis for revocation of this permit.
- (n) The right to revoke this permit is expressly reserved to the City and County of Denver.
- (o) Permittee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising, either directly or indirectly, out of the rights and privileges granted by this permit.

SPECIAL CONDITIONS FOR THIS PERMIT

- (p) None

A map of the area is attached hereto.

RJD: vlw

cc: Asset Management, Steve Wirth
City Council Office, Gretchen Williams
Councilperson Montero and Aides
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Shaun Sullivan
Department of Law, Karen Walton
Public Works, Alba Castro
Public Works, Nancy Kuhn
Project File # 2004-0837-06

Property Owner:
U.S. General Services Agency
c/o Sheila Cross
W. 6th Ave and Kipling St
Lakewood, Co 80225

Agent:
Brown Civil Engineering
c/o Margaret Brown
1300 Plaza Cr North Suite 101
Lafayette, Co 80026

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at
Nancy.kuhn@denvergov.org by **NOON on Monday**.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: January 8, 2014

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. **Title:** *(Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)*

Request to amend Resolution No. 154, Series of 2012, for a Resolution granting a revocable permit, subject to certain terms and conditions, to U.S. General Services Agency, their successors and assigns, to encroach into the right-of-way with new guard booth, protective bollards, and electrical communications that encroaches into Champa St between 19th and 20th

3. **Requesting Agency:** Public Works Plan Review Services

4. **Contact Person:** *(With actual knowledge of proposed ordinance/resolution.)*

- **Name:** Vanessa West
- **Phone:** 720-913-0719
- **Email:** vanessa.west@denvergov.org

5. **Contact Person:** *(With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)*

- **Name:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** nancy.kuhn@denvergov.org

6. **General description of proposed ordinance including contract scope of work if applicable:**

To amend a current Resolution to include the following items: guard booth, protective bollards, and electrical communications

****Please complete the following fields:** *(Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** Champa St between 19th and 20th
- d. **Affected Council District:** Dist #9 Montero
- e. **Benefits:** N/A
- f. **Costs:** N/A

7. **Is there any controversy surrounding this ordinance?** *(Groups or individuals who may have concerns about it?)* **Please explain.**

None

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2004-0837-06 Amend MEP for Byron Rogers Federal Building

Description of Proposed Project: To amend a current Resolution to include the following items: guard booth, protective bollards, and electrical communications

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Renovations to the building

Has a Temp MEP been issued, and if so, what work is underway: No

What is the known duration of an MEP: Permanent

Will land be dedicated to the City if the vacation goes through: N/A

Will an easement be placed over a vacated area, and if so explain: N/A

Will an easement relinquishment be submitted at a later date: N/A

Additional information: This is an amendment. Need to include the new items to the current Resolution # 154, Series of 2012. These new items are in the same area of the current resolution thus there is not a new legal description for the amendment.

1 CC Res 154

BY AUTHORITY

2 RESOLUTION NO. CR12-0659

COMMITTEE OF REFERENCE:

3 SERIES OF 2012

Land Use, Transportation & Infrastructure

4 A RESOLUTION

5 **Granting a revocable permit to the United States General Services**
6 **Administration to encroach into the right-of-way with various items on**
7 **19th Street, 20th Street, Stout Street and Champa Street.**

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 the United States
11 General Services Administration and its successors and assigns ("Permittee"), a revocable
12 permit to encroach into the right-of-way with utility service lines, sanitary sewer service,
13 sewer manholes, planter beds with under drains, retaining walls and permanent and
14 removable bollards ("Encroachments") on 19th Street, 20th Street, Stout Street and
15 Champa Street ("Encroachment Area"):

16 **PARCEL DESCRIPTION ROW 2004-0837-04-003**

A PARCEL OF LAND IN THE CHAMPA ST, STOUT ST, 19TH ST. AND 20TH ST. RIGHT-OF-WAY
ADJACENT TO BLOCK 126, EAST DENVER LOCATED IN THE NORTHWEST QUARTER OF
SECTION 34, TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WESTERLY MOST CORNER OF SAID BLOCK 126 SAID POINT BEING
THE POINT OF BEGINNING, THENCE S45°05'00"E ALONG THE SOUTHWESTERLY LINE OF
SAID BLOCK 126, A DISTANCE OF 153.28 FEET; THENCE S44°55'00"W A DISTANCE OF 12.80
FEET; THENCE N44°59'41"W A DISTANCE OF 150.67 FEET; THENCE N04°43'28"E A DISTANCE
OF 16.46 FEET; THENCE N45°01'30"W A DISTANCE OF 25.99 FEET; THENCE N44°58'30"E
ALONG A LINE THAT IS 34 FEET NORTHWESTERLY OF AND PARALLEL WITH THE
NORTHWESTERLY LINE OF SAID BLOCK 126, A DISTANCE OF 421.72 FEET; THENCE
S45°03'14"E ALONG A LINE THAT IS 21.00 FEET NORTHEASTERLY OF AN PARALLEL WITH
THE NORTHEASTERLY LINE OF SAID BLOCK 126, A DISTANCE OF 300.74 FEET; THENCE
S44°56'46"W A DISTANCE OF 13.68 FEET; THENCE S18°00'27"E A DISTANCE OF 19.25 FEET;
THENCE S45°00'19"W A DISTANCE OF 101.04 FEET; THENCE N44°59'41"W A DISTANCE OF
17.12 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID BLOCK 126; THENCE
N44°59'30"E ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 102.45 FEET TO THE
EASTERLY MOST CORNER OF SAID BLOCK 126; THENCE ALONG THE NORTHEASTERLY
AND NORTHWESTERLY LINE OF SAID BLOCK 126 THE FOLLOWING TWO (2) CONSECUTIVE
COURSES; 1.) N45°03'14"W A DISTANCE OF 266.75 FEET TO THE NORTHERLY MOST CORNER
OF SAID BLOCK 126; 2.) THENCE S44°58'30"W A DISTANCE OF 400.74 FEET TO THE POINT OF
BEGINNING.

SAID PARCEL CONTAINS 0.545 ACRES OR 23,724 SQUARE FEET MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE NORTHWESTERLY RIGHT-OF-LINE OF CHAMPA STREET
BEING MONUMENTED BY A FOUND NAIL WITH DISC LS #28291 AT THE SOUTHWEST
CORNER OF BLOCK 111 EAST DENVER AND A FOUND CHISELED CROSS AT THE
SOUTHWEST CORNER OF BLOCK 112 EAST DENVER.

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

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

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

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

14 (d) Permittee is fully responsible for any and all damages incurred to facilities of
15 the Water Department and/or drainage facilities for water and sewage of the City and
16 County of Denver due to activities authorized by the permit. Should the relocation or
17 replacement of any drainage facilities for water and sewage of the City and County of
18 Denver become necessary as determined by the Manager of Public Works, in the
19 Manager's sole and absolute discretion, Permittee shall pay all cost and expense of the
20 portion of the sewer affected by the permitted structure. The extent of the affected portion
21 to be replaced or relocated by Permittee shall be determined by the Manager of Public
22 Works. Any and all replacement or repair of facilities of the Water Department and/or
23 drainage facilities for water and sewage of the City and County of Denver attributed to the
24 Permittee shall be made by the Water Department and/or the City and County of Denver at
25 the sole expense of the Permittee. In the event Permittee's facilities are damaged or
26 destroyed due to the Water Department's or the City and County of Denver's repair,
27 replacement and/or operation of its facilities, repairs will be made by the Permittee at its
28 sole expense. Permittee agrees to defend, indemnify and save the City harmless and to
29 repair or pay for the repair of any and all damages to said sanitary sewer, or those
30 damages resulting from the failure of the sewer to properly function as a result of the
31 permitted structure.

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

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

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

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

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

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

31 (k) This revocable permit shall not operate or be construed to abridge, limit or
32 restrict the City and County of Denver in exercising its right to make full use of the

1 Encroachment Area and adjacent rights-of-way as public thoroughfares nor shall it operate
2 to restrict the utility companies in exercising their rights to construct, remove, operate and
3 maintain their facilities within the Encroachment Area and adjacent rights-of-way.

4 (l) During the existence of the Encroachments and this permit, Permittee, its
5 successors and assigns, at its expense, and without cost to the City and County of Denver,
6 shall procure and maintain a single limit comprehensive general liability insurance policy
7 with a limit of not less than \$500,000.00. All coverages are to be arranged on an
8 occurrence basis and include coverage for those hazards normally identified as X.C.U.
9 during construction. The insurance coverage required herein constitutes a minimum
10 requirement and such enumeration shall in no way be deemed to limit or lessen the liability
11 of the Permittee, its successors or assigns, under the terms of this permit. All insurance
12 coverage required herein shall be written in a form and by a company or companies
13 approved by the Risk Manager of the City and County of Denver and authorized to do
14 business in the State of Colorado. A certified copy of all such insurance policies shall be
15 filed with the Manager of Public Works, and each such policy shall contain a statement
16 therein or endorsement thereon that it will not be canceled or materially changed without
17 written notice, by registered mail, to the Manager of Public Works at least thirty (30) days
18 prior to the effective date of the cancellation or material change. All such insurance
19 policies shall be specifically endorsed to include all liability assumed by the Permittee
20 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
22 Discrimination in Employment, Housing and Commercial Space, Public Accommodations,
23 Educational Institutions and Health and Welfare Services) of Chapter 28 (Human Rights) of
24 the Revised Municipal Code of the City and County of Denver. The failure to comply with
25 any such provision shall be a proper basis for revocation of this permit.

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

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

31 **Section 3.** That the Permit hereby granted shall be revocable at any time that the
32 Council of the City and County of Denver shall determine that the public convenience and

1 necessity or the public health, safety or general welfare require such revocation, and the
2 right to revoke the same is hereby expressly reserved to the City and County of Denver;
3 provided however, at a reasonable time prior to Council action upon such revocation or
4 proposed revocation, opportunity shall be afforded to Permittee, its successors and
5 assigns, to be present at a hearing to be conducted by the Council upon such matters and
6 thereat to present its views and opinions thereof and to present for consideration action or
7 actions alternative to the revocation of such Permit.

8 **[THE REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]**

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13 COMMITTEE APPROVAL DATE: September 6, 2012 [by consent]

14 MAYOR-COUNCIL DATE: September 11, 2012

15 PASSED BY THE COUNCIL: September 17

16 2012 Mary Beth Johnson - PRESIDENT

17
18 ATTEST: Denise Johnson - CLERK AND RECORDER,
19 EX-OFFICIO CLERK OF THE
20 CITY AND COUNTY OF DENVER

21 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE:
22 September 13, 2012

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

27 Douglas J. Friednash, Denver City Attorney

28 BY: [Signature], Assistant City Attorney DATE: 13 Sep, 2012

29

