



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: _____
Contact Name: _____
Property Address: _____
Billing Address: _____
Telephone Number: _____ Email Address: _____

OWNER REPRESENTATIVE:

Check if the same as Adjacent Property Owner

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

ENCROACHMENT INFORMATION:

Project Name: _____
Adjacent Property Address: _____
Coordinates (Lat/Long): _____
Encroachment Area, in 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

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.)

Is this project associated with a LAND DEVELOPMENT REVIEW?

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

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

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 simply state "you want/need it" or other vague reasons.



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.

SIGNATURE: _____

DATE: 3/4/21

PRINT NAME: Todd Nicotra

TITLE: Vice President - Development

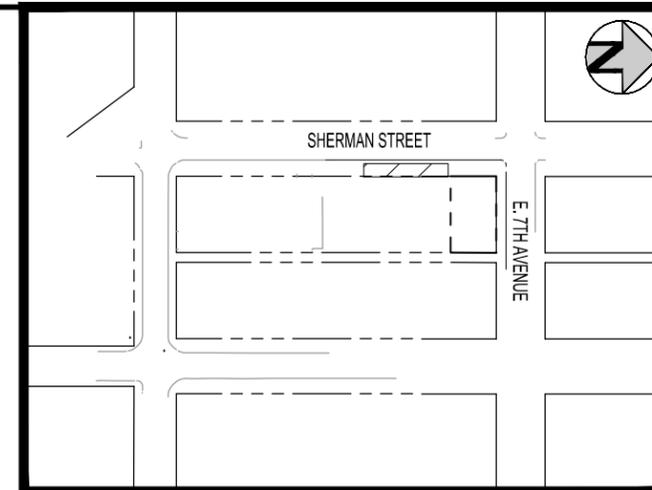
COMPANY: Avalon Bay Communities, Inc.

FOR ER INTERNAL USE ONLY

Tier Determination: _____ Project Number: _____ Initials: _____

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH

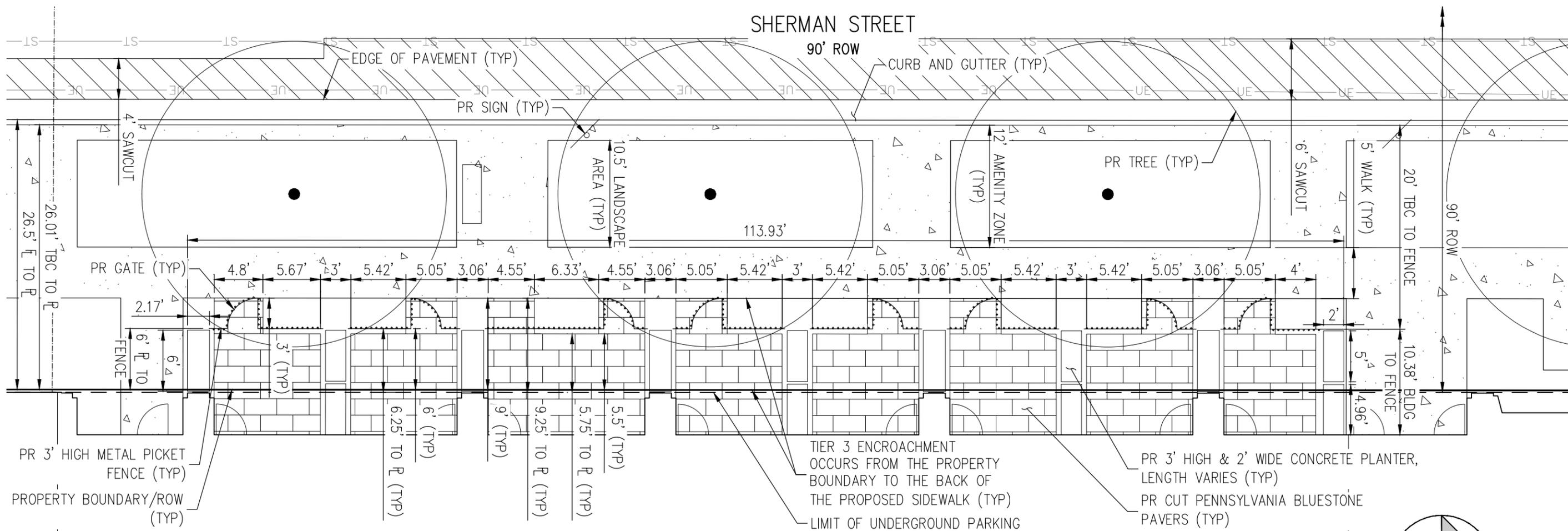
TIER III ENCROACHMENT DWG FRI 03/05/21 10:59:21A BY: MATT LONG



KEY MAP

SCALE: 1" = 300'

NOTE:
ENCROACHMENT IS LIMITED TO 650 SHERMAN STREET.

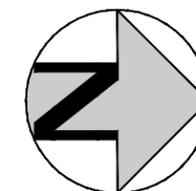


GOVERNOR'S PARK ROW EXHIBIT

SCALE: 1"=10'



1120 Lincoln Street, Suite 1000
 Denver, Colorado 80203
 P: 303.623.6300 F: 303.623.6311
 HarrisKocherSmith.com



SCALE: 1" = 10'

PROJECT #: 191118

Tier III Planter Fence and Patios 650 Sherman St Avalon Gov Park

05/13/2021

Master ID: 2021-PROJMSTR-0000162 **Project Type:** Tier II Encroachment Permit
Review ID: 2021-ENCROACHMENT-0000036 **Review Phase:**
Location: **Review End Date:** 04/12/2021

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: 05/18/2021
 Status: Approved
 Comments:

Status Date: 04/10/2021
 Status: Approved - No Response
 Comments:

Reviewing Agency: DS Project Coordinator Review Review Status: Approved - No Response

Reviewers Name: Tiffany Holcomb
 Reviewers Email: Tiffany.Holcomb@denvergov.org

Status Date: 04/13/2021
 Status: Approved - No Response
 Comments:

Reviewing Agency: Survey Review Review Status: Approved

Reviewers Name: Alan Lemke
 Reviewers Email: Alan.Lemke@denvergov.org

Status Date: 06/16/2021
 Status: Approved
 Comments:

Status Date: 05/26/2021
 Status: Denied
 Comments: Denying on behalf of survey as we do not have approved legal descriptions for the tier III encroachments.

05/19/2021
 Approved

Reviewing Agency: DES Wastewater Review Review Status: Approved

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

Status Date: 04/08/2021
 Status: Approved
 Comments:

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

Comment Report

Tier III Planter Fence and Patios 650 Sherman St Avalon Gov Park

05/13/2021

Master ID: 2021-PROJMSTR-0000162 **Project Type:** Tier II Encroachment Permit
Review ID: 2021-ENCROACHMENT-0000036 **Review Phase:**
Location: **Review End Date:** 04/12/2021

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

Status Date: 04/10/2021
Status: Approved - No Response
Comments:

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

Reviewers Name: Paul Weller
Reviewers Email: Paul.weller@denvergov.org

Status Date: 04/12/2021
Status: Approved
Comments: Active Site Development Plan
Defer to DES for review/approval

Status Date: 04/10/2021
Status: Approved - No Response
Comments:

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

Reviewers Name: Mike Sasarak
Reviewers Email: Mike.Sasarak@denvergov.org

Status Date: 04/09/2021
Status: Approved
Comments:

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

Status Date: 05/13/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000036 - Tier III Planter Fence and Patios 650 Sherman St Avalon Gov Park
Reviewing Agency/Company: Lumen f/k/a CenturyLink
Reviewers Name: Kandice Bremer
Reviewers Phone: 402-613-7933
Reviewers Email: kandice.bremer@Lumen.com
Approval Status: Approved

Comments:
Lumen approves of the encroachment into public right of way.

Attachment: P835955 Encroachment Agreement Letter.docx

Status Date: 04/13/2021
Status: Denied
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000036 - Tier II Planter Fence and Patios 650 Sherman St Avalon Gov Park
Reviewing Agency/Company: Lumen
Reviewers Name: Kandice Bremer

Comment Report

Tier III Planter Fence and Patios 650 Sherman St Avalon Gov Park

05/13/2021

Master ID: 2021-PROJMSTR-0000162 **Project Type:** Tier II Encroachment Permit
Review ID: 2021-ENCROACHMENT-0000036 **Review Phase:**
Location: **Review End Date:** 04/12/2021

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

Reviewers Phone: 402-613-7933
Reviewers Email: Kandice.Bremer@lumen.com
Approval Status: Denied

Comments:
Please contact Kandice Bremer regarding this request. The project number associated with this request is P835955.

Status Date: 04/10/2021
Status: Approved - No Response
Comments:

REDLINES uploaded to E-review webpage

Reviewing Agency: Xcel Referral Review Status: Approved w/Conditions

Status Date: 04/13/2021
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000036 - Tier II Planter Fence and Patios 650 Sherman St Avalon Gov Park
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 with conditions

Comments:
PSCo/Xcel Energy has existing underground electric distribution facilities within the proposed encroachment area. Please contact the Utility Notification Center of Colorado before excavating. Use caution and hand dig when excavating within 18-inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Applicant/Requestor.

Status Date: 04/10/2021
Status: Approved - No Response
Comments:

Reviewing Agency: RTD Referral Review Status: Approved

Status Date: 04/13/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000036 - Tier II Planter Fence and Patios 650 Sherman St Avalon Gov Park
Reviewing Agency/Company: RTD
Reviewers Name: Clayton Scott Woodruff
Reviewers Phone: 3032992943
Reviewers Email: clayton.woodruff@rtd-denver.com
Approval Status: Approved

Comments:

Status Date: 04/10/2021
Status: Approved - No Response

2021-ENCROACHMENT-0000036

Comment Report

Tier III Planter Fence and Patios 650 Sherman St Avalon Gov Park

05/13/2021

Master ID: 2021-PROJMSTR-0000162 **Project Type:** Tier II Encroachment Permit
Review ID: 2021-ENCROACHMENT-0000036 **Review Phase:**
Location: **Review End Date:** 04/12/2021

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

Comments:

Reviewing Agency: Comcast Referral Review Status: Approved

Status Date: 04/13/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000036 - Tier II Planter Fence and Patios 650 Sherman St Avalon Gov Park
Reviewing Agency/Company: Comcast
Reviewers Name: MINDY CHAMPION
Reviewers Phone: 303-204-4923
Reviewers Email: Mindy_Champion@cable.comcast.com
Approval Status: Approved

Comments:

Status Date: 04/10/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Metro Wastewater Referral Review Status: Approved - No Response

Status Date: 04/13/2021
Status: Approved - No Response
Comments:

Status Date: 04/10/2021
Status: Approved - No Response
Comments:

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

Status Date: 04/13/2021
Status: Approved - No Response
Comments:

Status Date: 04/10/2021
Status: Approved - No Response
Comments:

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

Status Date: 04/13/2021
Status: Approved - No Response
Comments:

Status Date: 04/10/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Building Department Review Review Status: Approved

Comment Report

Tier III Planter Fence and Patios 650 Sherman St Avalon Gov Park

05/13/2021

Master ID: 2021-PROJMSTR-0000162 **Project Type:** Tier II Encroachment Permit
Review ID: 2021-ENCROACHMENT-0000036 **Review Phase:**
Location: **Review End Date:** 04/12/2021

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

Reviewers Name: Keith Peetz
Reviewers Email: Keith.Peetz@denvergov.org

Status Date: 03/25/2021
Status: Approved
Comments:

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

Status Date: 04/13/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000036 - Tier II Planter Fence and Patios 650 Sherman St Avalon Gov Park
Reviewing Agency/Company: Asset Management DOF
Reviewers Name: David J Edwards
Reviewers Phone: 720-913-0889
Reviewers Email: davidj.edwards@denvergov.org
Approval Status: Approved

Comments:

Status Date: 04/10/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Denver Fire Department Review **Review Status:** Approved w/Conditions

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

Status Date: 04/13/2021
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000036 - Tier II Planter Fence and Patios 650 Sherman St Avalon Gov Park
Reviewing Agency/Company: Denver Fire Department
Reviewers Name: Rich Tenorio
Reviewers Phone: 720.633.3222
Reviewers Email: richard.tenorio@denvergov.org
Approval Status: Approved with conditions

Comments:

Denver Fire Dept. Approved with Conditions - RT
***The proposed fence and patios shall not restrict the ability for occupants to egress and fire dept. access to those buildings where these fixtures are placed.

Status Date: 04/08/2021
Status: Approved w/Conditions
Comments: Denver Fire Dept. Approved - RT

***The proposed fence and patios shall not restrict the ability for occupants to egress and fire dept. access to those buildings.

Comment Report

Tier III Planter Fence and Patios 650 Sherman St Avalon Gov Park

05/13/2021

Master ID: 2021-PROJMSTR-0000162 **Project Type:** Tier II Encroachment Permit
Review ID: 2021-ENCROACHMENT-0000036 **Review Phase:**
Location: **Review End Date:** 04/12/2021

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

Reviewing Agency: Denver Water Referral Review Status: Approved

Status Date: 05/13/2021
Status: Approved
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000036 - Tier II Planter Fence and Patios 650 Sherman St Avalon Gov Park
Reviewing Agency/Company: Denver Water
Reviewers Name: Kela Naso
Reviewers Phone: 13036286302
Reviewers Email: kela.naso@denverwater.org
Approval Status: Approved

Comments:

Per email from Will Woodard received 05/03/21 has addressed Denver Water's comments:
Avalon Governor's Park Encroachment submittal.
We can confirm that the encroachment is north of the proposed water service.
The planters are 24 wide and 36 tall concrete planters (QCP California Rectangle).

Status Date: 04/13/2021
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000036 - Tier II Planter Fence and Patios 650 Sherman St Avalon Gov Park
Reviewing Agency/Company: Denver Water
Reviewers Name: Kela Naso
Reviewers Phone: 303-628-6302
Reviewers Email: kela.naso@denverwater.org
Approval Status: Approved with conditions

Comments:

Please note that Denver Water does not allow planters over any DW facilities. It appears this encroachment is North of the proposed water service and therefore allowed. Please confirm the type of planters that will be near the proposed services on DW project #20893.

Status Date: 04/10/2021
Status: Approved - No Response
Comments:

Reviewing Agency: Parks and Recreation Review Review Status: Approved

Reviewers Name: Greg Neitzke
Reviewers Email: Greg.Neitzke@denvergov.org

Status Date: 03/25/2021
Status: Approved
Comments:

Reviewing Agency: Policy and Planning Referral Review Status: Approved - No Response

Status Date: 04/13/2021
Status: Approved - No Response

Comment Report

Tier III Planter Fence and Patios 650 Sherman St Avalon Gov Park

05/13/2021

Master ID: 2021-PROJMSTR-0000162 **Project Type:** Tier II Encroachment Permit
Review ID: 2021-ENCROACHMENT-0000036 **Review Phase:**
Location: **Review End Date:** 04/12/2021

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

Comments:

Status Date: 04/10/2021
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: 04/12/2021
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").

Status Date: 04/10/2021
Status: Approved - No Response

Comments:

Reviewing Agency: Construction Engineering Review Review Status: Approved

Reviewers Name: Michael Holm
Reviewers Email: Michael.Holm@denvergov.org

Status Date: 04/12/2021
Status: Approved
Comments:

Status Date: 04/10/2021
Status: Approved - No Response
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: 04/13/2021
Status: Approved - No Response
Comments:

Status Date: 04/10/2021
Status: Approved - No Response
Comments:

Reviewing Agency: City Forester Review Review Status: Approved

Reviewers Name: Nick Evers
Reviewers Email: Nick.Evers@denvergov.org

Status Date: 04/12/2021
Status: Approved

Comment Report

Tier III Planter Fence and Patios 650 Sherman St Avalon Gov Park

05/13/2021

Master ID: 2021-PROJMSTR-0000162 **Project Type:** Tier II Encroachment Permit
Review ID: 2021-ENCROACHMENT-0000036 **Review Phase:**
Location: **Review End Date:** 04/12/2021

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

Comments: Coordinate with Eric Huetig on SDP, ensure tree protection measures are followed.
Status Date: 04/10/2021
Status: Approved - No Response
Comments:

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

Reviewers Name: Becca Dierschow
Reviewers Email: Becca.Dierschow@denvergov.org

Status Date: 04/13/2021
Status: Approved - No Response
Comments:

Status Date: 04/10/2021
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: 04/10/2021
Status: Approved - No Response
Comments: