



**DENVER**  
THE MILE HIGH CITY

Department of Public Works  
Permit Operations and Right of Way Enforcement  
201 W. Colfax Avenue, Dept. 507  
Denver, CO 80202  
P: 720-865-2782  
F: 720-865-3280  
www.denvergov.org/pwprs

## REQUEST FOR RESOLUTION FOR MAJOR ENCUMBRANCE PERMIT

**TO:** Melinda Oliveira, City Attorney's Office

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

**ROW NO.:** 2010-0104-01

**DATE:** August 12, 2010

**SUBJECT:** Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to Engine House 5, LLC, their successors and assigns, to encroach into the right-of-way with an exterior stair and railing, a sign, awnings, exterior door swing, planters, and 4 foot fence, at 1331 19<sup>th</sup> St

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

This office has investigated the request from William Eller of Slaterpaul Architects dated 3/4/2010, on behalf of Engine House 5, LLC, 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 granting of a revocable permit, subject to certain terms and conditions, to Engine House 5, LLC, their successors and assigns, to encroach with an exterior stair and railing, a sign, awnings, exterior door swing, planters, and 4 foot fence, at 1331 19<sup>th</sup> St.

**INSERT PARCEL DESCRIPTION ROW 2010-0104-001 HERE**

## **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 3<sup>rd</sup> 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: VLH

cc: Councilperson Montero and Aides  
Karen Aviles, Department of Law  
Daelene Mix, Public Works  
Christine Downs, Public Works  
Gretchen Williams, City Council Office  
Steve Wirth, Asset Management  
Melinda Olivarez, Department of Law  
Project File

Property Owner:  
Engine House 5, LLC  
c/o James C. Pedler  
One Park Central Suite  
400  
1515 Arapahoe St  
Denver, Co 80202

Agent:  
Slaterpaul Architects  
c/o William Eller  
Once Park Central Suite 400  
1515 Arapahoe St  
Denver, Co 80202

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to the Mayor's Legislative Team  
at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by NOON on Tuesday.

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

Date of Request: \_\_\_\_\_

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 - 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.)

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3. **Requesting Agency:** PW Right of Way Engineering Services

4. **Contact Person:** (with actual knowledge of proposed ordinance)

- **Name:** Vanessa Herman
- **Phone:** 720-913-0719
- **Email:** vanessa.herman@denvergov.org

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

- **Name:** Daelene Mix
- **Phone:** 720-865-8720
- **Email:** Daelene.mix@denvergov.org

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

Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to Engine House 5, LLC, their successors and assigns, to encroach into the right-of-way with an exterior stair and railing, a sign, awnings, exterior door swing, planters, and 4 foot fence, at 1331 19<sup>th</sup> St

*Please include the following:*

- a. **Duration:** N/A
- b. **Location:** 1331 19<sup>th</sup> St
- c. **Affected Council District:** N/A
- d. **Benefits:** N/A
- e. **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: \_\_\_\_\_

Ordinance Request Number: \_\_\_\_\_

Date: \_\_\_\_\_

**LEGAL DESCRIPTION FOR MAJOR ENCUMBRANCE**

A parcel of land located in the rights-of-way of Market Street and 19<sup>th</sup> Street adjacent to Block 50, East Denver, said parcel being located in the Northwest Quarter of Section 34, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado more particularly described as follows:

**Commencing** at a 3 ¼" aluminum cap stamped "LS 25379" in a range box located in the intersection of 19<sup>th</sup> and Market Streets, from which another 3 ¼" aluminum cap stamped LS 25379" in a range box located in the intersection of 20<sup>th</sup> and Market Streets bears North 44°58'33" East a distance of 480.80 feet with all bearings herein relative thereto;

thence North 65°30'17" East a distance of 171.10 feet to the north corner of Lot 13, Block 50, said north corner being the **True Point of Beginning**;

thence South 44°58'33" West along the northwest line of Block 50 a distance of 100.20 feet to the west corner of Lot 16, Block 50;

thence South 45°03'00" East a distance of 100.56 feet along the southwest line of said Lot 16;

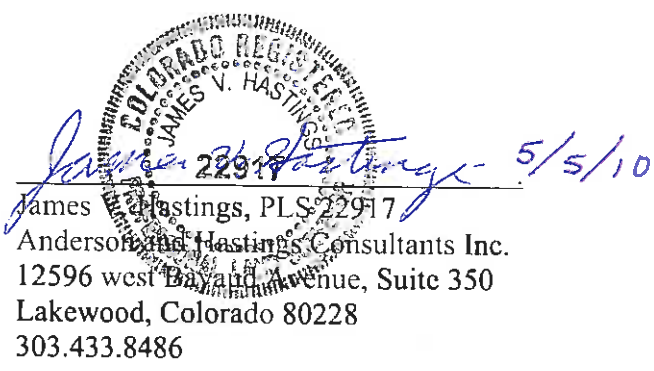
thence South 44°58'33" West a distance of 5.50 feet;

thence North 45°03'00" West a distance of 106.06 feet;

thence North 44°58'33" East a distance of 105.70 feet;

thence South 45°03'18" West a distance of 5.50 feet to the north corner of said Lot 13 being the **True Point of Beginning**.

Said parcel contains .0260 acres (1,134 square feet) more or less.



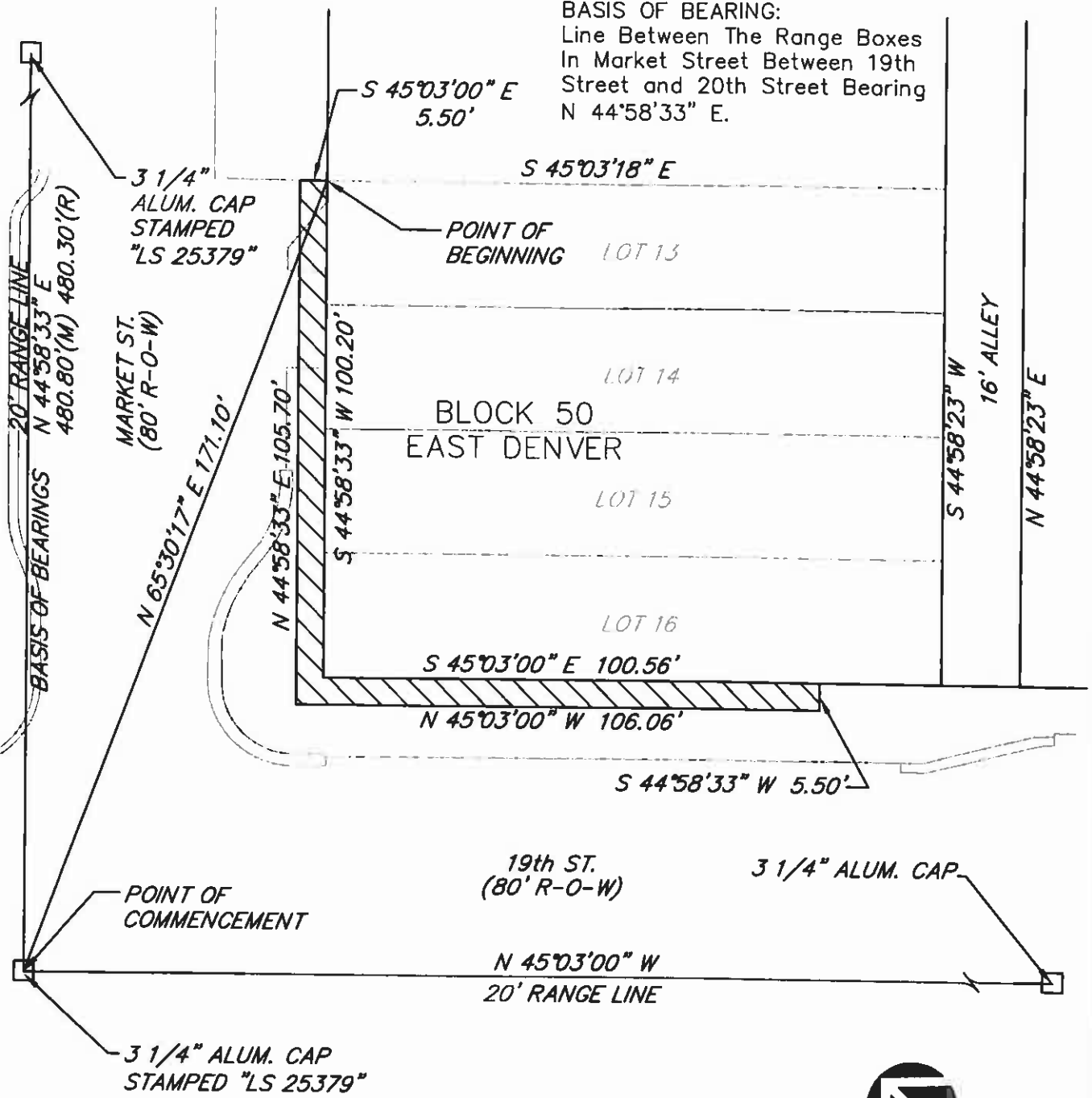
James V. Hastings, PLS 22917  
Anderson and Hastings Consultants Inc.  
12596 west Bayland Avenue, Suite 350  
Lakewood, Colorado 80228  
303.433.8486

*James V. Hastings 5/5/10*

2010-0104-001

# EXHIBIT FOR MAJOR ENCUMBRANCE PERMIT

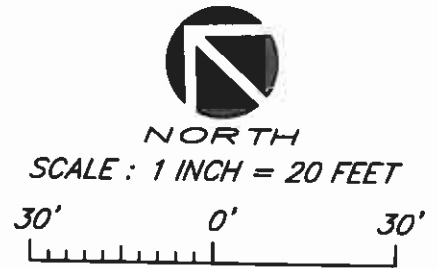
BASIS OF BEARING:  
Line Between The Range Boxes  
In Market Street Between 19th  
Street and 20th Street Bearing  
N 44°58'33" E.



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.  
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

PARCEL CONTAINS 1,134 SQ. FT. (0.0260 ACRES)

2010-0104-001



## ANDERSON & HASTINGS

DRAFTED BY: MBB	SCALE: 1" = 30'
CHECKED BY: JVH	DATE: 19 APR 2010
	JOB NO.: 090-1296

A PARCEL OF LAND SITUATED IN THE  
THE NORTHWEST 1/4 OF  
SECTION 34, T 3 S, R 68 W OF 6TH P.M.  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO