

SUBMITTAL CHECKLIST

FOR ENCROACHMENTS & ENCUMBRANCES IN THE PUBLIC RIGHT-OF-WAY

Any Submittal not meeting all minimum checklist criteria herein will be rejected as incomplete.

Encroachments shall be in accordance with:

- [Rules and Regulations Governing Encroachments & Encumbrances in the Public Right-of-Way](#)
- [Transportation Standards and Details for the Engineering Division](#)

Application

- Signed by adjacent property owner** as owner of Encroachment or authorized Special District representative

Evidence of Adjacent Property Ownership & Property Legal Description

Required for all Encroachment Permit Applications

- Current Title Work/Warranty Deed confirming ownership and legal description for adjacent property
- Property Legal Description in Word format

Legal Description sealed and signed by a Professional Land Surveyor licensed in Colorado

Required for Tier II Underground Encroachments and all Tier III Encroachments, can be submitted after 1st review

- Encroachment Area Legal Description and Exhibit(s) in PDF format stamped and signed by PLS
- Encroachment Area Legal Description in Word format

Site Plans sealed and signed by a Professional Engineer licensed in Colorado

GENERAL

- Vicinity map
- North arrows and numerical and bar scales (Scale not to exceed 1" = 40')
- Legend
- PE stamp area
- Plan set date and revision number (if applicable)

PLAN VIEW

Show, label and dimension existing and proposed final site conditions, including but not limited to the following (aerial imagery is allowed; however, it does not replace requirement for accurately scaled engineering drawings):

- Property lines, right-of-way width
- Edge of pavement, curb and gutter, sidewalks, nearby driveways and alleys
- Street lights, pedestrian lights, signal poles, utility poles
- Surface utility features (e.g. cabinets, handholes, manholes, inlets, vaults, valves, fire hydrants)
- Regulatory Floodplain boundaries (FEMA)
- Underground and overhead utilities (e.g. water, sewer, power, communications, gas, irrigation)
- Trees and landscaping in the ROW
- Street names and adjacent property address(es)
- Regional Transportation District (RTD) bus stop with any amenities
- Location and size of Encroachment – Show and dimension limits of both above and below ground elements

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

- Construction Materials
- Projection from building
- Distance from Encroachment to the nearest flowline
- Distance from Encroachment to any other Streetscape feature/obstruction in the vicinity
- Distance from property line to back of curb
- Electrical service alignment, electrical connection location, and voltage/amps
- No proposed Encroachments located in the intersection clear zone per Transportation Std. Dwg. 7.9

ELEVATION OR CROSS-SECTION VIEWS

- Location and size of Encroachment – Show and dimension limits of both above and below ground elements
- Existing and final grade
- Existing utilities and their size and depth
- Vertical height/clearance of the Encroachment from finish grade

DETAIL SHEET(S)

- Manufacturer’s and/or construction detail(s)
- Referenced City detail(s) by drawing number on the appropriate plan and elevation view(s)
- Office of the Forester’s (OCF) tree protection detail and notes
- Special, non-standard, or modified City details

STRUCTURAL PLANS Not Applicable

- Structural plans
- Manufacturers certification

ADDITIONAL REQUIRED MATERIAL(S) Not Applicable

- Approval from applicable reviewing authorities (e.g. design review district, floodplain, Arts & Venues)
- For properties sharing the Encroachment, appropriate legal documentation for review by the City

COMMENT RESOLUTION SHEET(S) IF APPLICABLE Not Applicable for 1st Submittal

- Reviewer’s and Agency Name
- Review comments (reviewer comments must be verbatim)
- Formal written response to each comment

Fees:

Fees must be paid immediately after ER provides a project number and invoice for your application.

Fees (Non-Refundable):	Tier I Encroachment:	Tier II Encroachment:	Tier III Encroachment:
Initial Processing	No Fee	\$1,500.00	\$1,500.00
Legal Description Review	N/A	\$300.00	\$300.00
Resolution Review	N/A	N/A	\$300.00
Annual Permit	No Fee	\$200.00	\$200.00

Attestation:

I hereby attest that the above information is incorporated into the Encroachment Application and plan submittal:

SIGNATURE: Kevin Kennedy DATE: _____
 PRINT NAME: _____ EMAIL: _____
 COMPANY: _____



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

Is this project associated with a LAND DEVELOPMENT REVIEW?

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

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.)

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 sheet. Additionally, provide required application materials in accordance with the Permit Entrance Requirements. It is not acceptable to use "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 use "you want/need it" or other vague descriptors.

FOR ER INTERNAL USE ONLY:

Tier Determination: _____ Project Number: _____ Initials: _____

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.

ADJACENT PROPERTY

OWNER SIGNATURE:

Bart French

DATE:

PRINT NAME:

TITLE:

COMPANY:



APPLICATION

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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: Mid-America Apartments, L.P.
Contact Name: Bart French
Property Address: 3865 Cherry Creek N. Drive
Billing Address: 5040 Addison Circle, Suite 200 Addison, TX 75001
Telephone Number: 972-851-3222 Email Address: Bart.French@maac.com

OWNER REPRESENTATIVE: Check if the same as Adjacent Property Owner

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

ENCROACHMENT INFORMATION:

Project Name: 3865 Cherry Creek N. Drive
Adjacent Property Address: 3865 Cherry Creek N. Drive
Coordinates (Lat/Long): 39.708220N / -104.942560W
Encroachment Area, in SF: 25

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

Is this project associated with a LAND DEVELOPMENT REVIEW?

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

2016PM0000508

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.)

A private storm sewer pipe is located approximately at the northwest corner of the development property. The pipe is approximately 37' long, 8 inches in diameter.

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

The encroachment will be a proposed storm sewer line which is 8" in diameter. This line will convey detained storm water flows from a pumped underground detention facility to a proposed public storm sewer inlet within Cherry Creek N. Drive right-of-way.

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 use "you want/need it" or other vague descriptors.

There is limited existing infrastructure adjacent to the development parcel. An existing private storm sewer facility serving the development to the north of the site crosses Cherry Creek N. Drive right-of-way. It has been determined that adding a curb inlet to this storm sewer line would allow the city to claim the sewer line as public storm sewer. The curb inlet would also be considered public, and will help alleviate poor existing drainage conditions. This storm sewer inlet is the proposed point of connection for the detention facility outlet, and due to its location north of the Site, it is not feasible to tie-in to the storm sewer perpendicular to right-of-way.

FOR ER INTERNAL USE ONLY:

Tier Determination: _____ Project Number: _____ Initials: _____

ATTESTATION:

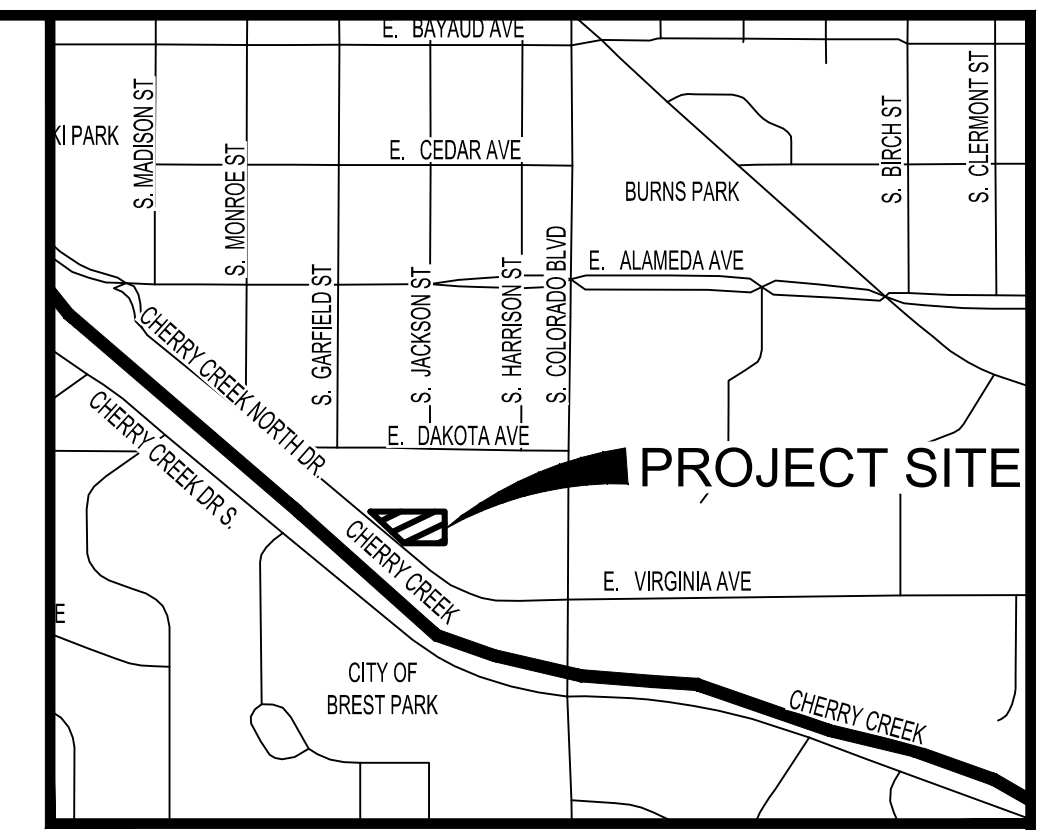
By submitting this permit application and signing below, I understand and agree to the following:

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.
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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.
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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.
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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.

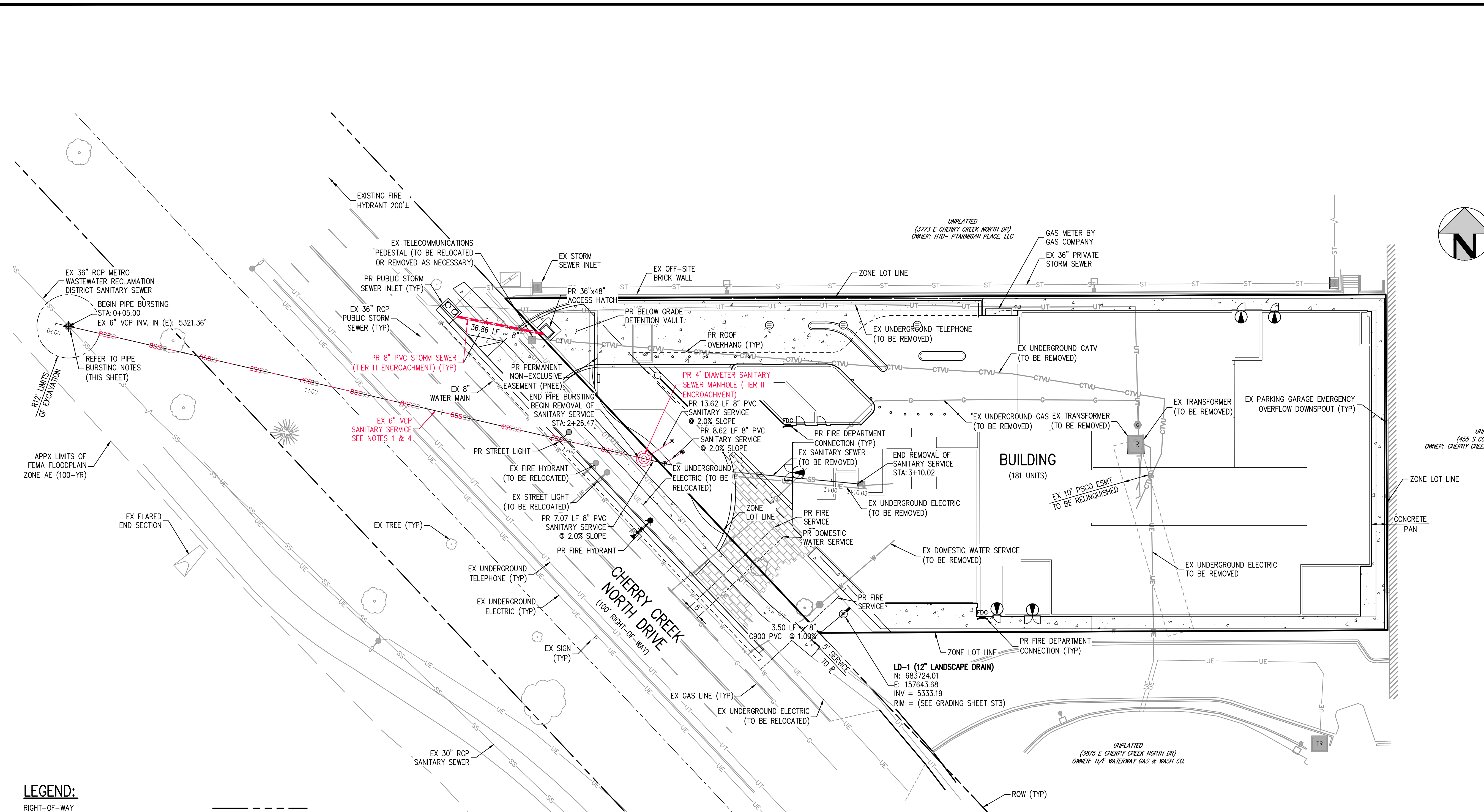
ADJACENT PROPERTY

OWNER SIGNATURE:	<i>Bart French</i>	DATE:	12/06/2021
PRINT NAME:	Bart French	TITLE:	Senior Vice President
COMPANY:	Mid-America Apartments, L.P.		

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



VICINITY MAP
SCALE: 1"=800'



LEGEND:

- RIGHT-OF-WAY
- PROPERTY BOUNDARY
- EXISTING STORM SEWER W/ INLET
- EXISTING SANITARY SEWER W/MANHOLE
- EXISTING WATER LINE W/ VALVE & METER
- EXISTING IRRIGATION LINE
- EXISTING GAS LINE & METER
- EXISTING UNDERGROUND ELECTRIC
- EXISTING UNDERGROUND TELEPHONE W/ PEDESTAL
- EXISTING FIRE HYDRANT
- EXISTING UTILITY POLE
- EXISTING STREET LIGHT
- EXISTING SIGN
- EXISTING TREE
- PROPOSED STORM SEWER W/ MANHOLE
- PROPOSED SANITARY CLEANOUT
- PROPOSED WATER SERVICE
- PROPOSED FIRE SERVICE
- PROPOSED FIRE DEPARTMENT CONNECTION
- APPROXIMATE LIMITS OF EXCAVATION FOR PIPE BURSTING OPERATIONS

NOTES:

1. EX SANITARY SEWER SERVICE TO BE PIPE BURST FROM EXISTING 6" VPC TO 8" PVC PER DENVER WASTEWATER CAPITAL PROJECTS MANAGEMENT STANDARD CONSTRUCTION SPECIFICATION NUMBER 10.20 "PIPE BURSTING". REFER TO PIPE BURSTING AND METRO WASTEWATER RECLAMATION DISTRICT NOTES (THIS SHEET) FOR ADDITIONAL INFORMATION.
2. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES IN THE VERTICAL/HORIZONTAL LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.
3. ALL ROOF DRAINS SHALL BE ROUTED TO THE WATER QUALITY AND DETENTION FACILITIES BY A DRAIN COLLECTION SYSTEM. REFER TO PLUMBING PLANS FOR ADDITIONAL INFORMATION.
4. PRIVATE PIPE TO BE A TIER III ENCROACHMENT.

PIPE BURSTING NOTES:

1. CORE DRILL AND GROUT EXISTING MANHOLE TO ALLOW FOR UPSIZING OF SANITARY SERVICE LINE. REPAIR CORROSION-RESISTANT LINER IN THE EXISTING METRO WASTEWATER RECLAMATION DISTRICT (MWRD) MANHOLE PER MWRD STANDARD SPECIFICATIONS.
2. PIPE BURSTING OF SANITARY SEWER SERVICE SHALL BEGIN NOT LESS THAN 5' UPSTREAM FROM EXISTING MWRD MANHOLE. CONNECTION TO EXISTING MWRD MANHOLE SHOULD BE MADE BY CORE DRILLING AND INSTALLING 8" PIPE PER MWRD DETAIL.
3. PRIOR TO EXCAVATING FOR PIPE BURSTING OF THE SANITARY SERVICE LINE, CONTRACTOR SHALL CONTACT ERIC ANDERSON WITH DENVER PARKS AND RECREATION AT 720-865-6975 IN ORDER TO OBTAIN A TEMPORARY CONSTRUCTION ACCESS PERMIT (TCAP).

METRO WASTEWATER RECLAMATION DISTRICT NOTE:

1. METRO WASTEWATER RECLAMATION DISTRICT (MWRD) MUST BE NOTIFIED AT LEAST 48 HOURS PRIOR TO STARTING EXCAVATION AROUND THE MWRD SEWER INTERCEPTOR IN ORDER FOR A MWRD INSPECTOR TO BE PRESENT DURING THE UPSIZING OF THE CONNECTION TO THE MWRD MANHOLE. CONTACT DOUG WOODS, TRANSMISSION SUPERINTENDENT, AT 303-286-3241 TO SCHEDULE AN INSPECTION.

FILE PATH: K:\21105\ENGINEERING\EXHIBIT\TIER III ENCROACHMENT EXHIBIT\DWG LAYOUT.LAYOUT.LAYOUT: LAYOUT: 5/15/2018 10:14:46A BY: KEVIN KENNEDY PLOTTED: THU 12/19/2018 10:14:46A



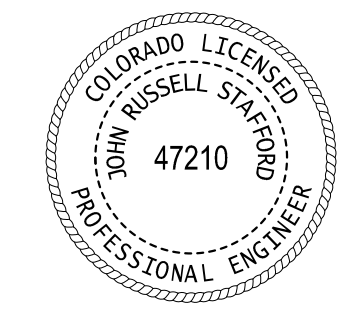
DESIGNED BY: KPK
CHECKED BY: JRS
DRAWN BY: KPK

ISSUE DATE: 12/19/2017	
DATE	REVISION COMMENTS
3/12/2018	PER CITY COMMENTS
6/15/2018	PER CITY COMMENTS
11/19/2021	PER CITY COMMENTS

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



3865 CHERRY CREEK N. DRIVE
OVERALL UTILITY PLAN - TIER III ENCROACHMENT EXHIBIT



PROJECT #: 211015
SHEET NUMBER
1
1 OF 1

EXHIBIT A
LAND DESCRIPTION
SHEET 1 OF 4

PARCEL 1

A PARCEL OF LAND BEING A PORTION OF CHERRY CREEK NORTH DRIVE AS DESCRIBED BY ORDINANCE NUMBER 108, SERIES OF 1954, SITUATED IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 13, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP IN MONUMENT BOX STAMPED: CDOT/ PLS 11434;
THENCE SOUTH 34°15'46" WEST, A DISTANCE OF 1202.87 FEET TO THE NORTHEAST RIGHT-OF-WAY LINE OF SAID CHERRY CREEK NORTH DRIVE AND THE **POINT OF BEGINNING**;

THENCE SOUTH 43°10'10" EAST, ALONG SAID NORTHEAST RIGHT-OF-WAY LINE, A DISTANCE OF 3.44 FEET;
THENCE NORTH 78°42'29" WEST, A DISTANCE OF 34.10 FEET;
THENCE NORTH 47°01'45" EAST, A DISTANCE OF 2.46 FEET;
THENCE SOUTH 78°42'29" EAST, A DISTANCE OF 29.86 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 64 SQUARE FEET, MORE OR LESS.

PARCEL 2

A PARCEL OF LAND BEING A PORTION OF CHERRY CREEK NORTH DRIVE AS DESCRIBED BY ORDINANCE NUMBER 108, SERIES OF 1954 AND A PORTION OF CHERRY CREEK AS DESCRIBED BY ORDINANCE NUMBER 3, SERIES OF 1954, SITUATED IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 13, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP IN MONUMENT BOX STAMPED: CDOT/ PLS 11434;
THENCE SOUTH 31°13'48" WEST, A DISTANCE OF 1218.96 FEET TO THE NORTHEAST RIGHT-OF-WAY LINE OF SAID CHERRY CREEK NORTH DRIVE AND THE **POINT OF BEGINNING**;

THENCE SOUTH 12°57'34" WEST, A DISTANCE OF 5.09 FEET;
THENCE NORTH 77°02'26" WEST, A DISTANCE OF 7.00 FEET;
THENCE NORTH 12°57'34" EAST, A DISTANCE OF 2.50 FEET;
THENCE NORTH 77°02'26" WEST, A DISTANCE OF 219.97 FEET;
THENCE NORTH 12°57'34" EAST, A DISTANCE OF 2.00 FEET;
THENCE SOUTH 77°02'26" EAST, A DISTANCE OF 219.97 FEET;

EXHIBIT A
LAND DESCRIPTION
SHEET 2 OF 4

THENCE NORTH 12°57'34" EAST, A DISTANCE OF 2.50 FEET;
THENCE SOUTH 77°02'26" EAST, A DISTANCE OF 4.16 FEET TO SAID
NORTHEAST RIGHT-OF-WAY LINE;
THENCE SOUTH 43°08'58" EAST ALONG SAID NORTHEAST RIGHT-OF-WAY
LINE, A DISTANCE OF 3.42 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 486 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE ASSUMPTION THAT THE
EAST LINE OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 4
SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN BEARS SOUTH
00°19'42" EAST WITH ALL BEARINGS REFERENCED HEREIN RELATIVE
THERE TO. BOTH THE NORTHEAST CORNER AND EAST QUARTER CORNER OF
SAID SECTION ARE MONUMENTED BY A 3-1/4" ALUMINUM CAP IN RANGE BOX
STAMPED; CDOT, 1990, PLS 11434.

PREPARED BY: AARON MURPHY
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300

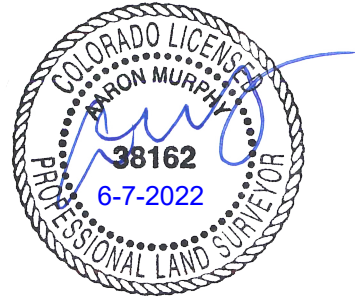
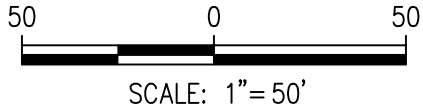


ILLUSTRATION FOR EXHIBIT A

SITUATED IN THE 1/4 OF SECTION 13,
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
CITY & COUNTY OF DENVER, STATE OF COLORADO

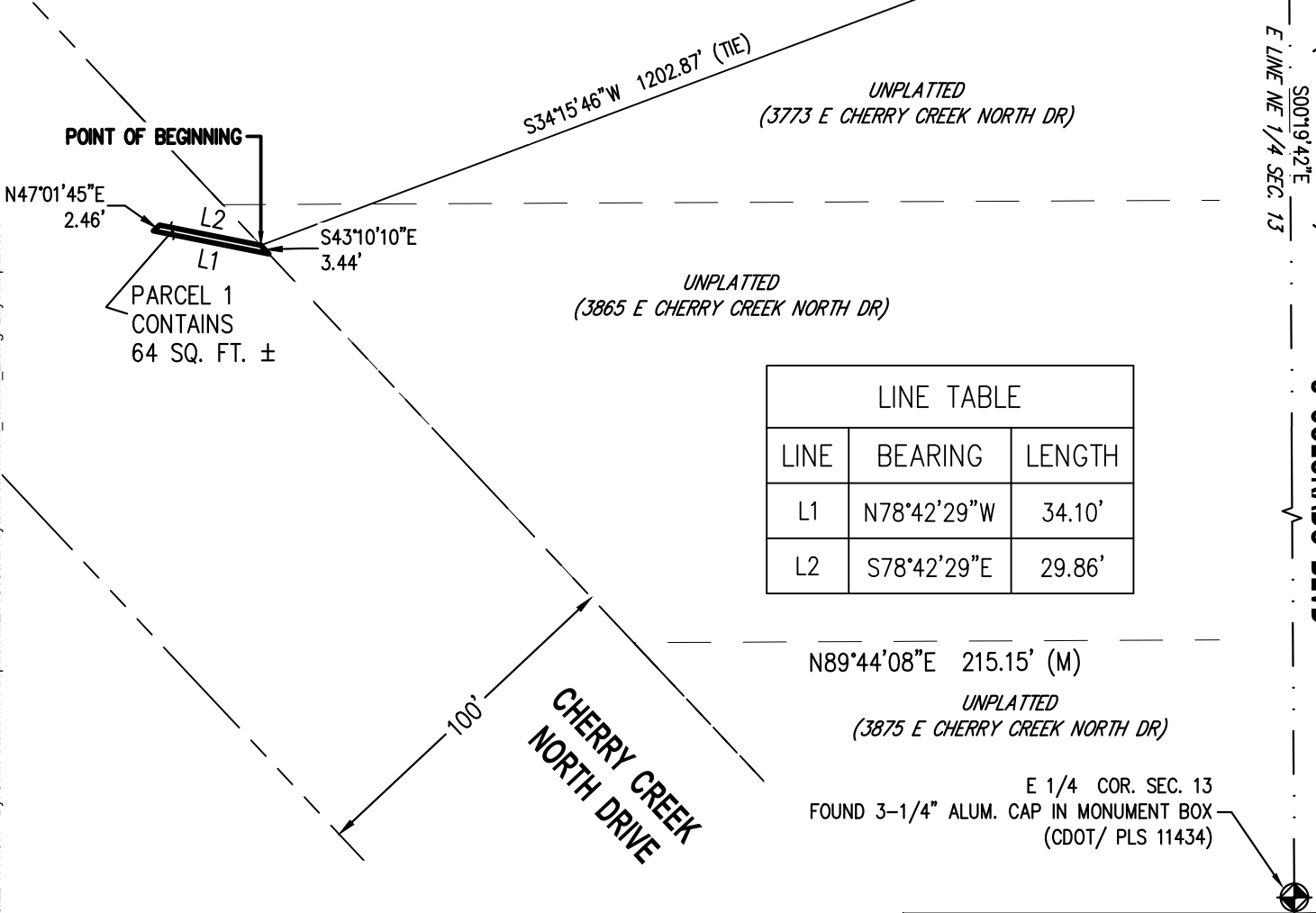


POINT OF COMMENCEMENT
NE COR. SEC. 13
FOUND 3-1/4" ALUM. CAP IN MONUMENT BOX
(CDOT/ PLS 11434)

ALAMEDA AVE

E LINE NE 1/4 SEC. 13
S00°19'42"E

S COLORADO BLVD



LINE TABLE		
LINE	BEARING	LENGTH
L1	N78°42'29"W	34.10'
L2	S78°42'29"E	29.86'

N89°44'08"E 215.15' (M)
UNPLATTED
(3875 E CHERRY CREEK NORTH DR)

E 1/4 COR. SEC. 13
FOUND 3-1/4" ALUM. CAP IN MONUMENT BOX
(CDOT/ PLS 11434)

Plotted: MON 06/06/22 1:41:37P By: John Stebbins Filepath: k:\211015survey\encroachment_exhibit_2.dwg Layout: parcel 1

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

ISSUE DATE: 6-6-2022	PROJECT #: 211015
DATE	REVISION COMMENTS

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

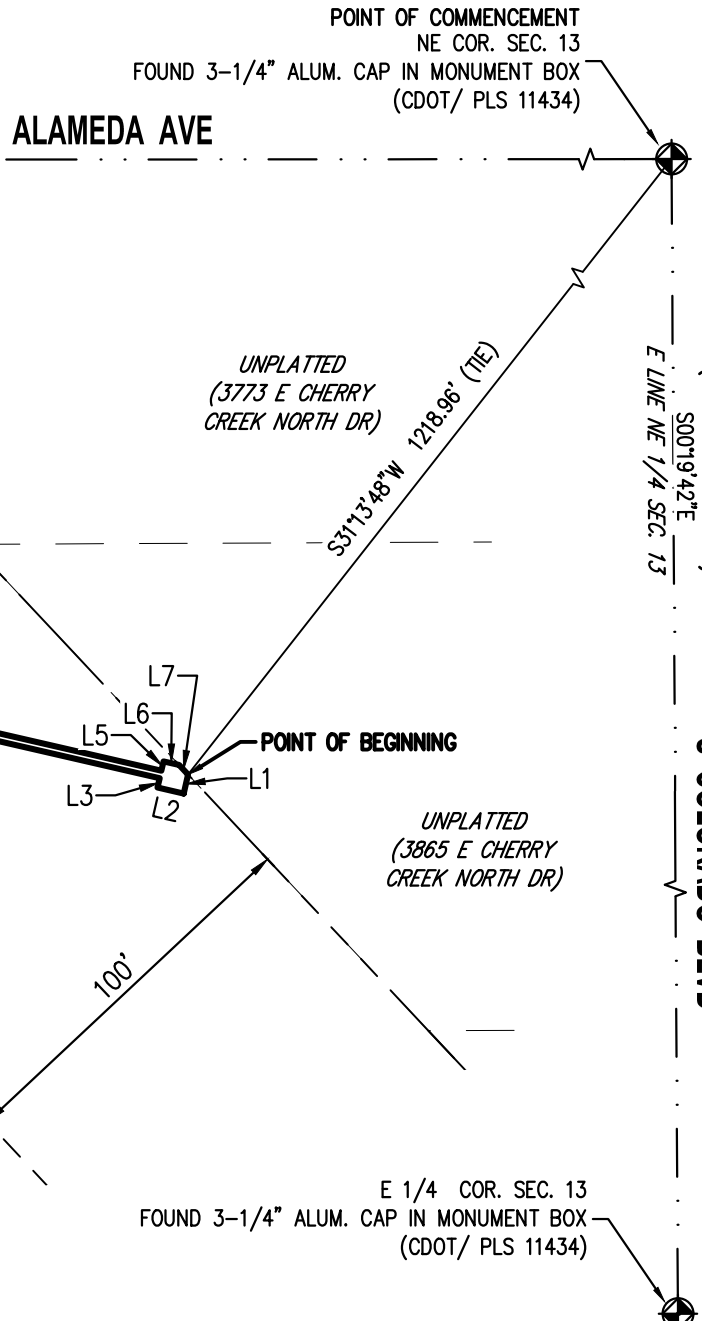
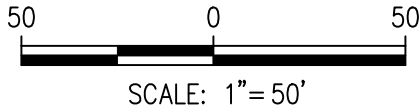
ILLUSTRATION
FOR EXHIBIT A

PROJECT #: 211015
CHECKED BY: AWM
DRAWN BY: JHS
SHEET NUMBER
3
3 OF 4

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

ILLUSTRATION FOR EXHIBIT A

SITUATED IN THE 1/4 OF SECTION 13,
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
CITY & COUNTY OF DENVER, STATE OF COLORADO



PARCEL 2
CONTAINS
486 SQ. FT.
OR 0.01 AC ±

LINE TABLE		
LINE	BEARING	LENGTH
L1	S12°57'34"W	5.09'
L2	N77°02'26"W	7.00'
L3	N12°57'34"E	2.50'
L4	N12°57'34"E	2.00'
L5	N12°57'34"E	2.50'
L6	S77°02'26"E	4.16'
L7	S43°08'58"E	3.42'

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

ISSUE DATE: 6-6-2022	PROJECT #: 211015
DATE	REVISION COMMENTS

Plotted: MON 06/06/22 1:41:37P By: John Stebbins Filepath: k:\211015survey\encroachment_exhibit_2.dwg Layout: parcel 2

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

S COLORADO BLVD

ILLUSTRATION FOR EXHIBIT A

PROJECT #: 211015
CHECKED BY: AWM
DRAWN BY: JS
SHEET NUMBER
4
4 OF 4

Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers

09/08/2022

Master ID: 2016-PROJMSTR-0000508 **Project Type:** Tier III Encroachment Resolution
Review ID: 2022-ENCROACHMENT-0000001 **Review Phase:**
Location: **Review End Date:** 01/26/2022

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 w/Conditions

Reviewers Name: Matt Farmen
Reviewers Email: matt.farmen@denvergov.org
Status Date: 01/24/2022
Status: Approved w/Conditions
Comments: TEP needs to be updated (TEP revision) to show and include the tier 3 encroachment permit # once approved

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

Reviewers Name: Olga Mikhailova
Reviewers Email: Olga.Mikhailova@denvergov.org
Status Date: 01/26/2022
Status: Approved - No Response
Comments:

Reviewing Agency: Survey Review **Review Status:** Approved

Reviewers Name: Thomas Breitnauer
Reviewers Email: Thomas.Breitnauer@denvergov.org
Status Date: 09/08/2022
Status: Approved
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers
 Reviewing Agency/Company: DOTI - Survey
 Reviewers Name: Thomas Breitnauer
 Reviewers Phone: 7208653211
 Reviewers Email: thomas.breitnauer@denvergov.org
 Approval Status: Approved
Comments:
Status Date: 01/27/2022
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers
 Reviewing Agency/Company: DOTI - Survey
 Reviewers Name: Thomas Breitnauer
 Reviewers Phone: 7208653211
 Reviewers Email: thomas.breitnauer@denvergov.org
 Approval Status: Approved with conditions

Comment Report

Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers

09/08/2022

Master ID: 2016-PROJMSTR-0000508 **Project Type:** Tier III Encroachment Resolution
Review ID: 2022-ENCROACHMENT-0000001 **Review Phase:**
Location: **Review End Date:** 01/26/2022

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

Comments:

Waiting for encroachment area description and illustration along with encroachment area description in word format to review.

Status Date: 01/21/2022

Status: Approved w/Conditions

Comments: Waiting for encroachment area description and illustration along with encroachment area description in word format to review.

Reviewing Agency: DES Wastewater Review

Review Status: Approved

Reviewers Name: Danny Harris

Reviewers Email: danny.harris@denvergov.org

Status Date: 01/20/2022

Status: Approved

Comments:

Reviewing Agency: City Council Referral

Review Status: Approved - No Response

Status Date: 01/26/2022

Status: Approved - No Response

Comments:

Reviewing Agency: CenturyLink Referral

Review Status: Approved

Status Date: 02/03/2022

Status: Approved

Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers

Reviewing Agency/Company: CenturyLink

Reviewers Name: Robert Rodgers

Reviewers Phone: 6023157656

Reviewers Email: Robert.rodgers@centurylink.com

Approval Status: Approved

Comments:

Please call 811 locates to identify utilities.

This encroachment approval is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the encroachment area as described, the Applicant will bear the cost of relocation and repair of said facilities.

Status Date: 01/26/2022

Status: Approved - No Response

Comments:

Reviewing Agency: Xcel Referral

Review Status: Approved w/Conditions

Status Date: 01/27/2022

Status: Approved w/Conditions

Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers

Reviewing Agency/Company: Public Service Company of Colorado (PSCo) dba Xcel Energy

Reviewers Name: Donna George

Comment Report

Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers

09/08/2022

Master ID: 2016-PROJMSTR-0000508 **Project Type:** Tier III Encroachment Resolution
Review ID: 2022-ENCROACHMENT-0000001 **Review Phase:**
Location: **Review End Date:** 01/26/2022

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

Reviewers Phone: 303-571-3306
Reviewers Email: donna.l.george@xcelenergy.com
Approval Status: Approved with conditions

Comments:

PSCo/Xcel Energy has existing natural gas and electric facilities within the project 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: 01/26/2022
Status: Approved - No Response
Comments:

Reviewing Agency: RTD Referral Review Status: Approved

Status Date: 01/27/2022
Status: Approved
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers
Reviewing Agency/Company: RTD
Reviewers Name: C. Scott Woodruff
Reviewers Phone: 303-299-2943
Reviewers Email: clayton.woodruff@rtd-denver.com
Approval Status: Approved

Comments:

Status Date: 01/26/2022
Status: Approved - No Response
Comments:

Reviewing Agency: Comcast Referral Review Status: Approved - No Response

Status Date: 01/26/2022
Status: Approved - No Response
Comments:

Reviewing Agency: Metro Wastewater Referral Review Status: Approved

Status Date: 08/16/2022
Status: Approved
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers
Reviewing Agency/Company: Metro Water Recovery
Reviewers Name: Myles Howard
Reviewers Phone: 7207033627
Reviewers Email: mhoward@metrowaterrecovery.com
Approval Status: Approved

Comment Report

Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers

09/08/2022

Master ID: 2016-PROJMSTR-0000508 **Project Type:** Tier III Encroachment Resolution
Review ID: 2022-ENCROACHMENT-0000001 **Review Phase:**
Location: **Review End Date:** 01/26/2022

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

Comments:
Comments have been taken into account. This project is now approved.

Status Date: 01/27/2022
Status: Denied
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers
Reviewing Agency/Company: Metro Water Recovery
Reviewers Name: Myles Howard
Reviewers Phone: 7207033627
Reviewers Email: MHoward@metrowaterrecovery.com
Approval Status: Denied

Comments:
Please review the attachment for Metro's comments regarding this project

Attachment: 2022-Encroachment-0000001 Comments.docx

Status Date: 01/26/2022
Status: Approved - No Response
Comments:

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

Status Date: 01/26/2022
Status: Approved - No Response
Comments:

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

Status Date: 01/26/2022
Status: Approved - No Response
Comments:

Reviewing Agency: Building Department Review Review Status: Approved

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

Status Date: 01/05/2022
Status: Approved
Comments:

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

Reviewers Name: KatherineRinehart
Reviewers Email: katherine.rinehart@denvergov.org
Status Date: 01/15/2022
Status: Approved
Comments:

Reviewing Agency: Denver Fire Department Review Review Status: Approved

Comment Report

Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers

09/08/2022

Master ID: 2016-PROJMSTR-0000508 **Project Type:** Tier III Encroachment Resolution
Review ID: 2022-ENCROACHMENT-0000001 **Review Phase:**
Location: **Review End Date:** 01/26/2022

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

Reviewers Name: Richard Tenorio
Reviewers Email: richard.tenorio@denvergov.org
Status Date: 01/27/2022
Status: Approved
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers
Reviewing Agency/Company: DFD / Fire Prevention Division
Reviewers Name: Rich Tenorio
Reviewers Phone: 7206333222
Reviewers Email: richard.tenorio@denvergov.org
Approval Status: Approved

Comments:
Denver Fire Dept. Approved - RT

Status Date: 01/25/2022
Status: Approved
Comments: Denver Fire Dept. Approved - RT

Reviewing Agency: Denver Water Referral **Review Status:** Approved
Status Date: 01/27/2022
Status: Approved
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers
Reviewing Agency/Company: Denver Water
Reviewers Name: Kela Naso
Reviewers Phone: 13036286302
Reviewers Email: kela.naso@denverwater.org
Approval Status: Approved

Comments:

Status Date: 01/26/2022
Status: Approved - No Response
Comments:

Reviewing Agency: Parks and Recreation Review **Review Status:** Approved w/Conditions
Reviewers Name: Greg Neitzke
Reviewers Email: greg.neitzke@denvergov.org
Status Date: 07/08/2022
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers
Reviewing Agency/Company: Parks Planning Design and Construction
Reviewers Name: Gregory Neitzke
Reviewers Phone: 3039162689

Comment Report

Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers

09/08/2022

Master ID: 2016-PROJMSTR-0000508 **Project Type:** Tier III Encroachment Resolution
Review ID: 2022-ENCROACHMENT-0000001 **Review Phase:**
Location: **Review End Date:** 01/26/2022

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

Reviewers Email: greg.neitzke@denvergov.org
Approval Status: Approved with conditions

Comments:
Contact Matthew Gutierrez at 720-865-6975 to schedule a pre-con and coordinate project activity in the park.

Status Date: 03/17/2022
Status: Approved
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers
Reviewing Agency/Company: Parks Planning Design and Construction
Reviewers Name: Gregory Neitzke
Reviewers Phone: 3039162689
Reviewers Email: greg.neitzke@denvergov.org
Approval Status: Approved

Comments:
Contact Matthew Gutierrez at 720-865-6975 to schedule a pre-con meeting and obtain a Temporary Construction and Access Permit for any work in or adjacent to City of Takayama Park.

Status Date: 01/13/2022
Status: Approved w/Conditions
Comments: DOTI will need to obtain a Utility Permit from the Parks Dept. for the portion of the sanitary sewer line that is located in City of Takayama Park. Please contact Greg Neitzke at greg.neitzke@denvergov.org for information to initiate the permit process.

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

Status Date: 01/26/2022
Status: Approved - No Response
Comments:

Reviewing Agency: Denver Office of Disability Rights Referral Review Status: Approved

Status Date: 01/27/2022
Status: Approved
Comments: PWPRS Project Number: 2022-ENCROACHMENT-0000001 - Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers
Reviewing Agency/Company: DODR
Reviewers Name: Juan Pasillas
Reviewers Phone: 720-913-3309
Reviewers Email: juan.pasillas@denvergov.org
Approval Status: Approved

Comments:
*Approved.

*Final construction, including any later modifications to the public sidewalk (which is considered a public Accessible Route), as well as any other areas open to the general public, must comply with all applicable 2010 ADA requirements.

Status Date: 01/26/2022
Status: Approved - No Response

Comment Report

Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers

09/08/2022

Master ID: 2016-PROJMSTR-0000508 **Project Type:** Tier III Encroachment Resolution
Review ID: 2022-ENCROACHMENT-0000001 **Review Phase:**
Location: **Review End Date:** 01/26/2022

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

Comments:

Reviewing Agency: Construction Engineering Review

Review Status: Approved

Reviewers Name: Kim Blair

Reviewers Email: Kim.Blair@denvergov.org

Status Date: 01/25/2022

Status: Approved

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: 01/26/2022

Status: Approved - No Response

Comments:

Reviewing Agency: City Forester Review

Review Status: Approved - No Response

Reviewers Name: Nick Evers

Reviewers Email: Nick.Evers@denvergov.org

Status Date: 01/26/2022

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: 01/26/2022

Status: Approved - No Response

Comments:

Reviewing Agency: CDOT Referral

Review Status: Approved - No Response

Status Date: 01/26/2022

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: 01/26/2022

Status: Approved - No Response

Comment Report

Tier III 3865 Cherry Creek N Dr Private Sanitary and Storm Sewers

09/08/2022

Master ID:	2016-PROJMSTR-0000508	Project Type:	Tier III Encroachment Resolution
Review ID:	2022-ENCROACHMENT-0000001	Review Phase:	
Location:		Review End Date:	01/26/2022

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

Comments: