

REQUEST FOR RESOLUTION FOR A TIER III ENCROACHMENT PERMIT

TO: Katie Ehlers, City Attorney's Office

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

PROJECT NO.: 2024-ENCROACHMENT-0000200

DATE: August 5, 2025

SUBJECT: Request for a Resolution granting a revocable permit, subject to certain terms and

conditions, to Margaret Ann Ryan Sippel and Jeffrey M. Sippel, their successors and assigns, to encroach into the right-of-way with a 6-foot-tall cedar fence at 670 North

Columbine Street.

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

This office has investigated the request from Margaret Ann Ryan Sippel dated December 20, 2024, for the granting of the above subject permit.

This matter has been checked by this office and has been coordinated with DOTI ROWS DES Transportation; CPD DS Project Review Coordinator; DOTI ROWS Survey; DOTI ROWS DES Wastewater; City Council District 10; DOTI ROWS ER Transportation & Wastewater; CenturyLink/Lumen; Xcel Energy; Regional Transportation District; Comcast; Metro Water Recovery; DOTI Street Maintenance; Office of Emergency Management; CPD Building Department; DOF Real Estate; Denver Fire Department; Denver Water; Parks & Recreation; DOTI Policy & Planning; Office of Disability Rights; DOTI ROWS Construction Engineering; DOTI TES Sign & Stripe; City Forester; Historic Preservation/Landmark; Colorado Department of Transportation; Environmental Services, all of whom have indicated no objection for the proposed encroachment.

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 Margaret Ann Ryan Sippel and Jeffrey M. Sippel, their successors and assigns, to encroach into the right-of-way with a 6-foot-tall cedar fence at 670 North Columbine Street.

INSERT ENCROACHMENT AREA LEGAL DESCRIPTION ROW 2024-ENCROACHMENT-0000200-001 HERE

And benefitting the following described parcel of property:

INSERT PARCEL LEGAL DESCRIPTION ROW 2025-ENCROACHMENT-0000200-002 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 (terms not defined herein are defined in the Rules and Regulations Governing Encroachments & Encumbrances in the Public Right of Way):

City and County of Denver Department of Transportation & Infrastructure Right-of-Way Services | Engineering & Regulatory 201 W Colfax Ave, Dept 507 | Denver, CO 80202 www.denvergov.org/rowplanreview

Phone: (720) 865-3003



- (a) Permittee shall obtain a street occupancy permit, street cut permit, and/or ROW construction permit from the City's Department of Transportation and Infrastructure ("DOTI") Permit Operations through www.denvergov.org/dotipermits prior to commencing construction.
- (b) Permittee shall be responsible for obtaining all necessary permits and shall pay all costs 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, ROW 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 (Colorado 811) through https://colorado811.org/ or at 303-232-1991, 16361 Table Mountain Pkwy, Golden, Colorado, 80403. Further, Permittee shall contact the Utility Notification Center (Colorado 811) at https://colorado811.org/ or 303-232-1991 to request locates for existing underground facilities prior to commencing excavation.
- Permittee is fully responsible for any and all damages incurred to facilities of Denver Water and any other Utility Company, and/or drainage facilities for water and sewage of the City and County of Denver due to activities authorized by the Permits. 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 City's Executive Director of DOTI ("Executive Director"), in the Executive Director's sole and absolute discretion, Permittee shall pay all cost and expense of the portion of the water and/or sewer facilities affected by the Encroachment(s). The extent of the affected portion to be replaced and relocated by Permittee shall be determined by the Executive Director. Any and all replacement or repair of facilities of Denver Water and any other Utility Company, and/or drainage facilities for water and sewage of the City and County of Denver attributed to the Permittee shall be made by Denver Water, Utility Company, and/or the City and County of Denver at the sole expense of the Permittee. In the event the Permittee's facilities are damaged or destroyed due to Denver Water's, Utility Company'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 hold the City harmless and to repair or pay for the repair of any and all damages to said water, storm, sanitary sewer facilities or other Utility Company facilities, or those damages resulting from the failure of the water, storm, sanitary sewer facilities or other Utility Company facilities to properly function because of the Encroachment(s).
- (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 utility 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 and <u>City and County of Denver Department of Transportation & Infrastructure Transportation Standards and Details for the Engineering Division.</u>
- (g) Permittee shall observe and comply with all Federal, State and local laws, regulations, ordinances, and public safety requests regarding the use of the Encroachment Area.

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- (h) Plans and Specifications governing the construction of the Encroachment(s) shall be approved by DOTI prior to construction.
- (i) Permittee shall pay all costs of construction and maintenance of the Encroachment(s). Upon revocation of the Permit or upon abandonment, Permittee shall pay all costs of removing the Encroachment(s) from the Encroachment Area and restore the Encroachment Area to a condition in accordance with <u>City and County of Denver Department of Transportation & Infrastructure Transportation Standards and Details for the Engineering Division</u> under the supervision of DOTI.
- (j) Permittee shall remove and replace any and all street/alley paving, Sidewalks, Streetscapes, Amenity Zones, and curb and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become broken, damaged or unsightly during, in the opinion of DOTI, the course of construction or maintenance of the Encroachment(s). 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 DOTI, the damage has been caused by the Encroachment(s) or 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 DOTI.
- (k) The City reserves the right to make an inspection of the Encroachment(s) and the Encroachment Area.
- (I) During the existence of the Encroachment(s) and the Permit, Permittee, its successors and assigns, at its expense, and without cost to the City, shall procure and maintain Commercial General Liability insurance policy with a limit of not less than \$1,000,000 per occurrence. All coverages 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 authorized to do business in the State of Colorado. A certified copy of all such insurance policies shall be filed with the Executive Director, 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 Executive Director at least thirty (30) days prior to the effective date of the cancellation or material change. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.
- (m) In addition to the requirement herein to comply with all laws, 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 DRMC. The failure to comply with any such provision shall be a proper basis for revocation of the Encroachment(s).

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- (n) The right to revoke the Permit at any time for any reason and require the removal of the Encroachment(s) is expressly reserved to the City.
 - (o) By Permittee's use of this Permit and the Encroachment Area, Permittee agrees to the following:
- i. Permittee agrees to defend, indemnify, reimburse and hold harmless 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 this Permit and the Encroachment(s) ("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.
- ii. 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.
- iii. 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.
- iv. Insurance coverage requirements specified in this 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.
- v. This defense and indemnification obligation shall survive the expiration or termination of this Permit.
- (p) Pursuant to Chapter 49 of the DRMC, DOTI is authorized to remove or to order the removal of any article, vehicle, object or thing whatsoever encroaching into any street, alley, Sidewalk, or other public way or place.
- (q) No third party, person or agency, except for an authorized Special District, may place the Encroachment(s) in front of a property without written permission of the adjacent property owner.
- (r) Permittee's use of the ROW for placement of the Encroachment(s) does not create a property right or ownership interest of any kind in the Encroachment Area to the Permittee.
- (s) All Encroachment(s) in Amenity Zones containing existing Public Trees and/or with the potential to impact tree roots or tree canopy must be pre-approved by the Office of the City Forester (OCF), by contacting them at forestry@denvergov.org or 720-913-0651. Encroachment(s) cannot be attached to or damage any Public Tree, and any damage shall be reported to the OCF immediately for mitigation. All trenching, excavation and grading activities within the Dripline of any Public Tree must be pre-approved by the OCF. City permits are



required for the planting or removal of any Public Trees and can be obtained by emailing forestry@denvergov.org.

- (t) All disturbances associated with construction of the Encroachment(s) shall be managed as required by City standards for erosion control which may require standard notes or CASDP permitting depending on location and scope of project.
- (u) Encroachment(s) proposed adjacent to a designated park or within a dedicated parkway shall require the City's Department of Parks and Recreation approval prior to installation.
- (v) Encroachment(s) attached to a building may require building and/or zoning permits from the City's Department of Community Planning and Development.
- (w) Encroachment(s) in the regulatory floodplain shall require a SUDP and comply with Chapter 4 Floodplain Regulations of the "Storm Drainage Design and Technical Criteria", Chapter 12 Floodplain Management of the "DOTI Rules and Regulations Governing Sewerage Charges and Fees and Management of Wastewater" and the City Floodplain Ordinance in DRMC Section 56-200 through 56-206. Above ground Encroachment(s) in a Floodway require a No-Rise Certification sealed and signed by a Professional Engineer licensed in the State of Colorado. If there is any rise in Base Flood Elevations, a Conditional Letter of Map Revision (CLOMR) and LOMR will be required.
- (x) Only clean soil may be brought onto an Encroachment Area. Verification of soil quality must be provided if requested. Material removed from an Encroachment Area must be properly disposed and is the responsibility of the Permittee.

SPECIAL CONDITIONS FOR THIS PERMIT

(a) None

A map of the area is attached hereto.

GB: sb

cc: Asset Management,
City Council Office, Luke Palmisano
Councilperson and Aides
Department of Law, Bradley Beck
Department of Law, Martin Plate
Department of Law, Katie Ehlers
DOTI, Alba Castro
DOTI, Alaina McWhorter
Project File

Property Owner: Margaret Ann Ryan Sippel and Jeffrey M. Sippel 670 Columbine St. Denver, CO 80206

AUGAUGORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at MileHighOrdinance@DenverGov.org by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Please mark one: Bill	Request or	⊠ Resolution F	Date of Request: August 5, 2025		
=			cracts, resolutions, or bills that involve property n to southern boundary? (Check map HERE)		
☐ Yes ⊠ No					
1. Type of Request:					
☐ Contract/Grant Agreement	☐ Intergovernmental A	greement (IGA)	☐ Rezoning/Text Amendment		
☐ Dedication/Vacation	☐ Appropriation/Supple	emental	☐ DRMC Change		
Other: Tier III Encroachment F	Resolution				
acceptance, contract execution, Approves a request for a Resolu	contract amendment, municution granting a revocable p	cipal code change permit, subject to	y or contractor and indicate the type of request: grant e, supplemental request, etc.) certain terms and conditions, to Margaret Ann Ryan the right-of-way with a 6-foot-tall cedar fence at 670		
3. Requesting Agency: DOTI, Rig	ght-of-Way Services, Engir	neering and Regul	atory		
4. Contact Person:					
Contact person with knowledge of ordinance/resolution (e.g., subject		Contact pers	on for council members or mayor-council		
Name: Shari Bills	matter expert)	Name: Alain	na McWhorter		
Email: shari.bills@denvergov.org		Email: Alain	Email: Alaina.mcwhorter@denvergov.org		
Request for a Resolution grantic	ng a revocable permit, subjors and assigns, to encroad	ect to certain tern h into the right-of	ive summary if more space needed: as and conditions, to Margaret Ann Ryan Sippel and E-way with a 6-foot-tall cedar fence at 670 No0rth		
	· · · · · · · · · · · · · · · · · · ·	viarum Plate			
7. City Council District: Council	lperson Hinds, District 10				
8. **For all contracts, fill out an	d submit accompanying l	Key Contract Te	rms worksheet**		
	To be completed.	Mayou'a I: 1	uting Togus		
D 14: /D:11 N 1	To be completed by	/ Mayor s Legisla			
Resolution/Bill Number:			Date Entered:		

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):								
Vendor/Contractor Name (including any dba's): Contract control number (legacy and new):								
Is this a new	contract? Yes No Is t	his an Amendment? Yes N	o If yes, how many?					
Contract Te	rm/Duration (for amended contra	cts, include <u>existing</u> term dates and	amended dates):					
Contract Am	nount (indicate existing amount, a	mended amount and new contract to	otal):					
	Current Contract Amount	Additional Funds	Total Contract Amount					
	(A)	<i>(B)</i>	(A+B)					
	Current Contract Term	Added Time	New Ending Date					
Scope of wor								
Was this con	Was this contractor selected by competitive process? If not, why not?							
Has this cont	tractor provided these services to	the City before? Yes No						
Source of fur	nds:							
Is this contra	act subject to: W/MBE	DBE SBE X0101 AC	DBE N/A					
WBE/MBE/I	DBE commitments (construction,	design, Airport concession contracts	s):					
Who are the	subcontractors to this contract?							
		e completed by Mayor's Legislative Te						
Resolution/Ri	ill Number	Data I	Intered:					



RESOLUTION FOR A TIER III ENCROACHMENT EXECUTIVE SUMMARY

An Encroachment is a privately-owned improvement located in or projecting over or under the public right-of-way.

Application Title: 2024-ENCROACHMENT-0000200 - Tier III 670 N Columbine St Fence

Encroachment Owner: Margaret Ann Ryan Sippel and Jeffrey M. Sippel

Description of Proposed Encroachment: A 6-foot-tall cedar fence at 670 North Columbine Street.

Applicant's explanation of why the Public Right-of-Way must be utilized for their private improvement: "We want to preserve the existing mature Oak tree that is located inside the current fence line."

Annual Fees: \$200.00 per year

Location Map:



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www.denvergov.org/rowplanreview Phone: (720) 865-3003

EXHIBIT A LEGAL DESCRIPTION

A PARCEL OF LAND OVER AND ACROSS A PORTION OF THE SOUTHERN RIGHT-OF-WAY OF EAST 7TH AVENUE PARKWAY, ADJACENT TO THE NORTH LOT LINE OF LOT 4, BLOCK 175, SOUTH DIVISION OF CAPITOL HILL, AS RECORDED IN BOOK 3, PAGE 10, DATED AUGUST 26, 1882, IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO: BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE ASSUMPTION THAT THE SOUTH RIGHT-OF-WAY LINE OF EAST 7TH AVENUE PARKWAY, BEARS NORTH 89'45'30" WEST. USING THE CHISELED "+" PLUS FOUND AT THE SOUTH PROPERTY LINE, EXTENDED 14.75' WEST, WE HELD NOO $^\circ$ 00'00"W FOR THE EAST RIGHT-OF-WAY LINE OF COLUMBINE STREET, THENCE TURNED TO THE RIGHT AT AN ANGLE OF 89'45'30", AS SHOWN ON THE RECORDED PLAT; SOUTH DIVISION OF CAPITOL HILL, BOOK 06, PAGE 93

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4, BLOCK 175, SOUTH DIVISION OF CAPITOL HILL:

THENCE NORTH 89°45'30" WEST, A DISTANCE OF 72.23 FEET;

THENCE NORTH 00"16'03" EAST, A DISTANCE OF 2.99 FOOT;

THENCE SOUTH 89'43'58" EAST, A DISTANCE OF 72.22 FEET;

THENCE SOUTH 00'00'00" EAST, A DISTANCE OF 2.96 FEET TO THE POINT OF BEGINNING.

OR WAN R

THE ABOVE DESCRIBED PARCEL CONTAINS 215 SQUARE FEET, OR 0.0049 ACRES MORE OR LESS.

THE DISTANCES ON THIS EXHIBIT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.

I, JONATHAN R. LANGE, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE LEGAL DESCRIPTION OF THE SUBJECT PARCEL DESCRIBED ABOVE WAS MADE BY ME OR DIRECTLY UNDER MY SUPERVISION, IN COMPLIANCE WITH COLORADO REVISED STATUTES TITLE 38 ARTICLES 50, 51, 53, WHERE APPLICABLE, AND THAT THIS LEGAL DESCRIPTION ACCURATELY AND PROPERLY SHOWS THE BOUNDARY OF PARCEL DESCRIBED ABOVE.

Jonathan R. Lange Digitally signe to 3:26:11 -06'00' 37908

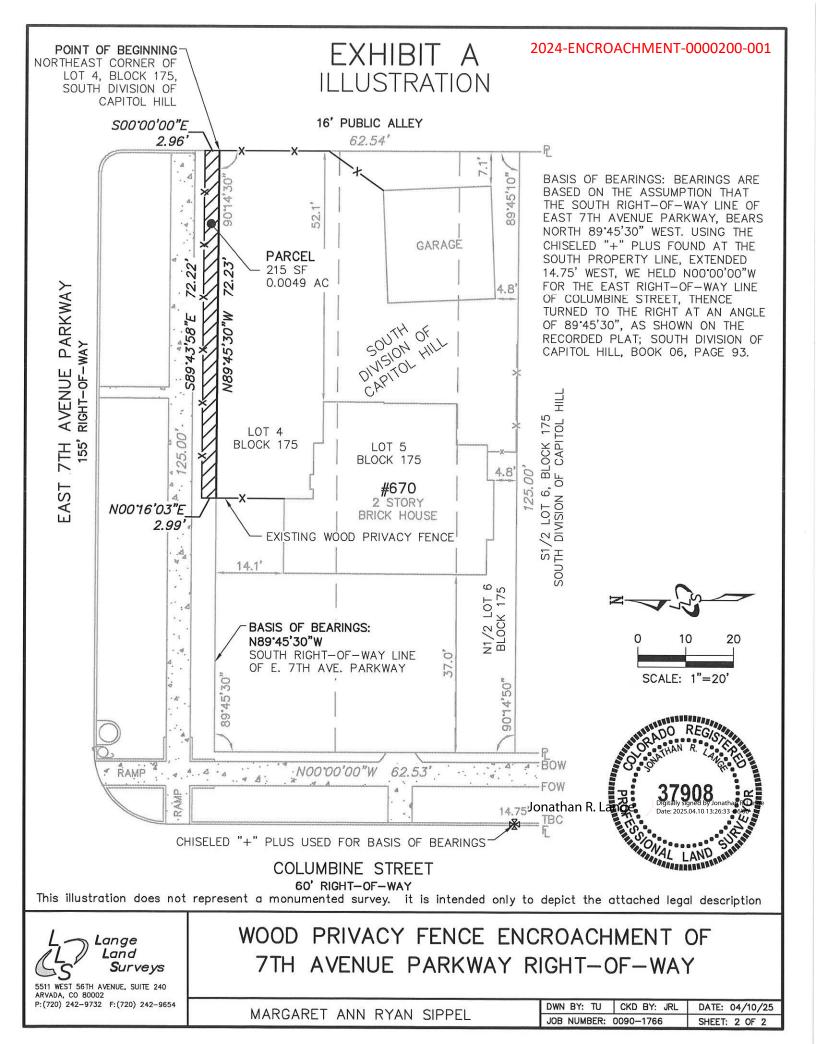
JONATHAN R. LANGE, P.L.S. 37908 FOR AND ON BEHALF OF LANGE LAND SURVEYS, LLC. 5511 WEST 56TH AVENUE, SUITE 240 ARVADA, CO 80002

Lange Land Surveys

5511 WEST 56TH AVENUE, SUITE 240 ARVADA, CO 80002 P:(720) 242-9732 F:(720) 242-9654 WOOD PRIVACY FENCE ENCROACHMENT OF 7TH AVENUE PARKWAY RIGHT-OF-WAY

MARGARET ANN RYAN SIPPEL

DWN BY: TU CKD BY: JRL DATE: 04/10/25 JOB NUMBER: 0090-1766 SHEET: 1 OF 2



City & County of Denver **Electronically Recorded**

D \$0.00

QUITCLAIM DEED

THIS DEED, made this 1st day of April, 2016, between Margaret Ann Ryan Sippel

of the County of Denver and State of Colorado, grantor, and Margaret Ann Ryan Sippel and Jeffery M. Sippel. NO DOC FEE FOR TITLE PURPOSES ONLY

whose legal address is 670 Columbine Street Denver CO 80206

of the County of Denver and State of Colorado, grantees:

WITNESS, that the grantor, for and in consideration of the sum of TEN DOLLARS AND NO / 100 (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM, unto the grantees, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the right, title, interest, claim and demand which the grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Denver and State of Colorado, described as follows:

LOTS 4 AND 5, AND THE NORTH HALF OF LOT 6, BLOCK 175, SOUTH DIVISION OF CAPITOL HILL, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known by street and number as: 670 Columbine St, Denver, CO 80206

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, all the estate, right, title, interest and claim whatsoever of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantees, their heirs and assigns forever.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Margaret	Ann	Kyan	Sippel	
•		•	177	

STATE OF COLORADO

COUNTY OF DONG The foregoing instrument was acknowledged before me this _____

day of April, 2016, by Margaret Ann Ryan Sippel.

My Commission expires: 07-31-7017

Witness my hand and official seal.

Notary Public

CARRIE L QUINN NOTARY PUBLIC - STATE OF COLORADO Notary Identification #20014023568

My Commission Expires 7/31/2017

HOMESTEAD title