

BY AUTHORITY

RESOLUTION NO. CR14-0169
SERIES OF 2014

COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A RESOLUTION

Granting a revocable permit to the Regents of the University of Colorado to encroach into the right-of-way along Speer Boulevard near Larimer Street.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. The City and County of Denver hereby grants to the Regents of the University of Colorado, a body corporate and agency of the State of Colorado, and its successors and assigns (“Permittee”), a revocable permit to encroach into the right-of-way with steps with railings, ramps and a sixty-three foot concrete seat wall (“Encroachments”) along Speer Boulevard near Larimer Street in the following described area (“Encroachment Area”):

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1 PARCEL DESCRIPTION ROW NO. 2012-0363-06-001

2
3 A parcel of land in the Northwest one-quarter of the Southeast one-quarter and in the
4 Southwest one-quarter of the Northeast one-quarter of Section 33, Township 3 South,
5 Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of
6 Colorado described as follows:
7

8 **Commencing** at the intersection of the Northwesterly line of Lot 6, Block 2 of the plat of
9 West Denver and the Southwesterly Right-of-Way line of Speer Boulevard, monumented
10 by a #5 rebar with a yellow plastic cap stamped LS 16401, whence the intersection of the
11 Southeasterly line of Block 3 of the plat of West Denver and the Southerly line of Auraria
12 Parkway as defined in Ordinance 258 of 1989, monumented by a nail and 3/4" brass tag
13 stamped LS 16401 bears N32°40'37"W, 80.06 feet;

14
15 Thence Southeasterly along said Westerly Right of Way line of Speer Boulevard,
16 S38°36'50"E, 36.57 feet to the **Point of Beginning**;

17
18 Thence N59°29'41"E, 11.96 feet;

19
20 Thence S38°36'57"E, 247.81 feet;

21
22 Thence N59°33'05"E, 7.93 feet;

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24 Thence S38°35'17"E, 69.59 feet;

25
26 Thence N59°33'05"E, 10.00 feet;

27
28 Thence S38°14'35"E, 42.78 feet to a point on a curve, concave Westerly, with a radius of
29 30.01 feet;

30
31 Thence Southerly through a central angle of 93°16'16", along the arc of said curve 48.86
32 feet, said curve having a chord that bears S08°23'33"W, 43.64 feet to said Westerly
33 Right of Way line;

34
35 Thence along said Westerly Right of Way line the following three (3) courses;

- 36
37 1.) Thence N34°08'01"W, 29.97 feet to a point on a curve, concave Southwesterly,
38 with a radius of 709.94 feet;
- 39 2.) Thence Northwesterly through a central angle of 1°37'55", along the arc of said
40 curve 20.22 feet, said curve having a chord that bears N37°47'52"W, 20.22 feet;
- 41 3.) Thence N38°36'50"W, 344.07 feet to the **Point of Beginning**.

42
43 The above described contains 6,354 square feet (0.146 acres) more or less.

44
45 **Section 2.** The revocable permit ("Permit") granted by this Resolution is expressly
46 granted upon and subject to each and all of the following terms and conditions:

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

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

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

9 (d) Permittee is fully responsible for any and all damages incurred to facilities of the
10 Water Department and/or drainage facilities for water and sewage of the City and County of
11 Denver due to activities authorized by the permit. Should the relocation or replacement of any
12 drainage facilities for water and sewage of the City and County of Denver become necessary as
13 determined by the Manager of Public Works, in the Manager's sole and absolute discretion,
14 Permittee shall pay all cost and expense of the portion of the sewer affected by the permitted
15 structure. The extent of the affected portion to be replaced or relocated by Permittee shall be
16 determined by the Manager of Public Works. Any and all replacement or repair of facilities of the
17 Water Department and/or drainage facilities for water and sewage of the City and County of
18 Denver attributed to the Permittee shall be made by the Water Department and/or the City and
19 County of Denver at the sole expense of the Permittee. In the event Permittee's facilities are
20 damaged or destroyed due to the Water Department's or the City and County of Denver's repair,
21 replacement and/or operation of its facilities, repairs will be made by the Permittee at its sole
22 expense. Permittee agrees to the extent it legally may, and specifically subject to the Constitution
23 of the State of Colorado and the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et*
24 *seq.*, as may be amended, to be responsible for the repair of any and all damages to said sanitary
25 sewer, or those damages resulting from the failure of the sewer to properly function as a result of
26 the permitted structure.

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

30 (f) All construction in, under, on or over the Encroachment Area shall be accomplished
31 in accordance with the Building Code of the City and County of Denver. Plans and Specifications
32 governing the construction of the Encroachments shall be approved by the Manager of Public
33 Works and the Director of Building Inspection Division prior to construction. Upon completion, a

1 reproducible copy of the exact location and dimensions of the Encroachments shall be filed with
2 the Manager of Public Works.

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

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

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

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

22 (k) This revocable permit shall not operate or be construed to abridge, limit or restrict
23 the City and County of Denver in exercising its right to make full use of the Encroachment Area
24 and adjacent rights-of-way as public thoroughfares nor shall it operate to restrict the utility
25 companies in exercising their rights to construct, remove, operate and maintain their facilities
26 within the Encroachment Area and adjacent rights-of-way.

27 (l) During the existence of the Encroachments and this permit, Permittee, its
28 successors and assigns, at its expense, and without cost to the City and County of Denver, shall
29 procure and maintain a single limit comprehensive general liability insurance policy with a limit of
30 not less than \$500,000.00, or evidence satisfactory to the City of self insurance. All coverages are
31 to be arranged on an occurrence basis and include coverage for those hazards normally identified
32 as X.C.U. during construction. The insurance coverage required herein constitutes a minimum
33 requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the

1 Permittee, its successors or assigns, under the terms of this permit. All insurance coverage
2 required herein shall be written in a form and by a company or companies approved by the Risk
3 Manager of the City and County of Denver and authorized to do business in the State of Colorado.
4 A certified copy of all such insurance policies shall be filed with the Manager of Public Works, and
5 each such policy shall contain a statement therein or endorsement thereon that it will not be
6 canceled or materially changed without written notice, by registered mail, to the Manager of Public
7 Works at least thirty (30) days prior to the effective date of the cancellation or material change. All
8 such insurance policies shall be specifically endorsed to include all liability assumed by the
9 Permittee hereunder and shall name the City and County of Denver as an additional insured.

10 (m) Permittee shall comply with the provisions of Article IV (Prohibition of Discrimination
11 in Employment, Housing and Commercial Space, Public Accommodations, Educational
12 Institutions and Health and Welfare Services) of Chapter 28 (Human Rights) of the Revised
13 Municipal Code of the City and County of Denver. The failure to comply with any such provision
14 shall be a proper basis for revocation of this permit.

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

17 (o) Permittee shall, to the extent it legally may, and specifically subject to the
18 Constitution of the State of Colorado and the Colorado Governmental Immunity Act, C.R.S. § 24-
19 10-101, *et seq.*, as may be amended, agree to be solely responsible for all costs, claims or
20 damages arising, either directly or indirectly, out of the rights and privileges granted by this Permit.
21 Permittee shall require its contractors, for the work allowed under this permit, to indemnify and
22 always save the City and County of Denver harmless from all costs, claims or damages arising,
23 either directly or indirectly, out of the rights and privileges granted by this Permit.

24 **Section 3.** That the Permit hereby granted shall be revocable at any time that the
25 Council of the City and County of Denver shall determine that the public convenience and
26 necessity or the public health, safety or general welfare require such revocation, and the right to
27 revoke the same is hereby expressly reserved to the City and County of Denver; provided
28 however, at a reasonable time prior to Council action upon such revocation or proposed
29 revocation, opportunity shall be afforded to Permittee, its successors and assigns, to be present at
30 a hearing to be conducted by the Council upon such matters and thereat to present its views and
31 opinions thereof and to present for consideration action or actions alternative to the revocation of
32 such Permit.

33

1 COMMITTEE APPROVAL DATE: March 6, 2014 [by consent]

2 MAYOR-COUNCIL DATE: March 11, 2014

3 PASSED BY THE COUNCIL: _____, 2014

4 _____ - PRESIDENT

5 ATTEST: _____ - CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER
8

9 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: March 13, 2014

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11 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.

15

16 D. Scott Martinez, Denver City Attorney

17 BY: _____, Assistant City Attorney DATE: _____, 2014