

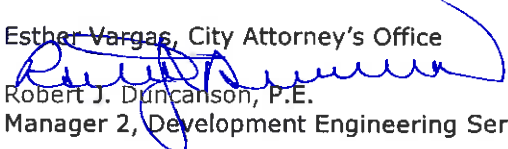


**DENVER**  
THE MILE HIGH CITY

**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](http://www.denvergov.org/pwprs)

## REQUEST FOR REVOCATION OF MAJOR ENCUMBRANCE PERMIT

**TO:** Esther Vargas, City Attorney's Office

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

**ROW NO.:** 2010-0418-08

**DATE:** September 23, 2011

**SUBJECT:** Request for revocation the Revocable Permits granted by Ordinance #689, Series of 1882; Ordinance #728, Series of 1986; Ordinance #525, Series of 1987; Ordinance #684, Ordinance #922, and the "Type B" Revocable permit recorded with the Clerk and Recorder at Reception #9900110651

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

This office has investigated the request from Chris D'Ascanio, dated August 19, 2011, on behalf of Sister of Charity of Leavenworth Health System, successor to the Permittees for revocation of the above-referenced permits. The reason for the revocation is the various items are being removed, and no longer needed. The successor permittee has waived any rights to a hearing and does not object to the revocation.

This matter has been checked by this office and has been coordinated with DES Construction Engineering to ensure the encroachments in question have been removed.

As a result of the investigations, it has been determined that there is no objection to revocations of the revocable permits.

Therefore, you are requested to initiate Council action for the revocation of the revocable permits granted by Ordinance #689, Series of 1882; Ordinance #728, Series of 1986; Ordinance #525, Series of 1987; Ordinance #684, Ordinance #922, and the "Type B" Revocable permit Recorded with the Clerk and Recorder with Reception #9900110651

RJD: VLH

cc: City Councilperson & Aides  
City Council Staff, Gretchen Williams  
Department of Law, Karen Aviles,  
Department of Law, Esther Vargas  
Department of Law, Arlene Dykstra  
Public Works, Christine Downs,  
Public Works, Debra Baca,  
Public Works Survey, Jeff Jones,  
Project File

Owner:  
Sisters of\_Charity of  
Leavenworth Health System  
c/o Allan Davis  
9801 Renner Blvd Suite 100  
Lenexa, KS 66219

Agent:  
Martin/Martin  
c/o Christopher D'Ascanio  
12499 W. Colfax Ave  
Lakewood Co 80215

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Daelene Mix at [daelene.mix@denvergov.org](mailto:daelene.mix@denvergov.org) by **NOON on Monday**.

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

Date of Request: September 23, 2011

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 – please 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.)

Request for revocation the Revocable Permits granted by Ordinance #689, Series of 1882; Ordinance #728, Series of 1986; Ordinance #525, Series of 1987; Ordinance #684, Ordinance #922, and the “Type B” Revocable permit recorded with the Clerk and Recorder at Reception #9900110651

3. Requesting Agency: PW Right of Way Engineering Services

4. Contact Person: (With actual knowledge of proposed ordinance/resolution.)

- Name: Vanessa Herman
- Phone: 720-913-0719
- Email: [vanessa.herman@denvergov.org](mailto:vanessa.herman@denvergov.org)

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

- Name: Stacie Loucks
- Phone: 720-865-8720
- Email: [Stacie.loucks@denvergov.org](mailto:Stacie.loucks@denvergov.org)

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

To revoke the revocable permits granted in the above references Ordinances, and permits, for the redevelopment of Exempla St. Josephs Hospital

**\*\*Please complete the following fields:** (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)

- a. Contract Control Number: N/A
- b. Duration: Permanent
- c. Location: Between 18<sup>th</sup> Ave and 21<sup>st</sup> Ave and Emerson St and Franklin St
- d. Affected Council District: Dist #8 Albus Brooks
- e. Benefits: N/A
- f. 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 Entered: \_\_\_\_\_



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title:**2010-0418-08 Exempla St. Joseph Hospital Revocation of MEPs

**Description of Proposed Project:**To revoke the revokable permits issued.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:**The Public Right of Way was being used, but is no longer needed.

**Has a Temp MEP been issued, and if so, what work is underway:**No

**What is the known duration of an MEP:**N/A

**Will land be dedicated to the City if the vacation goes through:**N/A

**Will an easement be placed over a vacated area, and if so explain:**N/A

**Will an easement relinquishment be submitted at a later date:**N/A

**Additional information:**This is for the development project Exempla St. Joseph Hospital. The items specified in the MEP's are no longer needed and have been/will be removed during the development.

BY AUTHORITY  
ORDINANCE NO. 889  
COUNCIL BILL NO. 790. SERIES  
OF 1982. INTRODUCED BY: SANDOZ,  
CRIDER, HACKWORTH,  
SCHEITLER AND HENTZELL.

A BILL  
FOR AN ORDINANCE GRANTING  
A REVOCABLE PERMIT OR  
LICENSE TO CHILDREN'S  
HOSPITAL ASSOCIATION, ITS  
SUCCESSORS AND ASSIGNS, TO  
ENCROACH INTO PORTIONS OF  
16TH AVENUE AND DOWNING  
STREET ADJOINING BLOCK 8,  
PARK AVENUE ADDITION TO  
DENVER WITH BUILDING CLAD-  
DING. SUBJECT TO CERTAIN  
TERMS AND CONDITIONS.

BE IT ENACTED BY THE COUNCIL  
OF THE CITY AND COUNTY OF  
DENVER:

Section 1. That the City and County of Denver hereby grants to Children's Hospital Association, its successors and assigns, a revocable permit or license to encroach with building cladding in the following described areas in the City and County of Denver and State of Colorado, to-wit:

- Those parts of 16th Avenue and Downing Street described as follows:
- Beginning at a point on the south line of Block 8, Park Avenue Addition to Denver, said point being 145.10 feet westerly of the southeast corner thereof;
- thence southerly and parallel with the easterly line of said Block 8 extended southerly 0.13 foot;
- thence easterly and parallel with the southerly line of said Block 8 and said southerly line extended easterly 145.23 feet;
- thence northerly and parallel with the easterly line of said Block 8 and said easterly line extended southerly 52.25 feet;
- thence westerly and parallel with the southerly line of said Block 8 extended easterly 0.13 foot to a point on the easterly line of said Block 8;
- thence southerly along said easterly line to the southeast corner of said Block 8;
- thence westerly along the southerly line of said Block 8 to the point of beginning.

Section 2. The revocable license or permit granted by this Ordinance is expressly granted upon and subject to each and all of the following terms and conditions:

- (a) All construction in, on or over the area of encroachment shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and specifications, governing the construction of said cladding, 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 locations and dimensions of the encroachment shall be filed with the Manager of Public Works.
- (b) The licensee shall pay all costs of construction and maintenance of said cladding and upon revocation of permit, as provided herein or upon abandonment shall pay all costs of removing the said structure from the encroachment area and return the streets to their original condition under the supervision of the City Engineer.
- (c) This revocable permit or license 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 16th Avenue and Downing Street as public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their installations within the said streets.
- Any costs that are incurred relocating facilities for the utility companies during construction within the encroachment area will have to be borne by the licensee.
- (d) The licensee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising out of the rights and privileges granted by this permit.

(e) During the existence of said encroachment, the licensee or permittee, its successors and assigns, at its or their expense, and without cost to the City and County of Denver, shall procure and maintain a liability policy or include liability and property damage on an occurrence basis, covering the premises and operations with bodily injury limits of not less than \$50,000.00 as to any one person and \$250,000.00 as to any one occurrence and with the property damage limit of not less than \$25,000.00 for any one occurrence. All coverages are to be arranged on the occurrence

basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage hereinabove enumerated constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the licensee or permittee, its successors or assigns, under the terms of this revocable license or permit; all of the insurance coverage required herein shall be written in form and by a company or companies approved by the Manager of Public Works 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 said Manager of Public Works and each such policy shall contain a statement therein or endorsement thereon that it will not be cancelled or materially changed or altered without at least thirty days prior written notice, by registered mail, to the said Manager of Public Works at least thirty days prior to the termination of the term; all such insurance policies shall be specifically endorsed to include all liability assumed by the licensee or permittee hereunder and shall name the City and County as beneficiary.

(f) The licensee shall also remove and replace any and all street paving, sidewalks and curb and gutter, both inside the area of encroachment and in the areas of the streets adjoining thereto, that become broken, damaged or unsightly during the course of construction without cost to the City.

In the future the licensee shall also remove, replace or repair any street 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 construction within the area of encroachment.

The work required to effect the said repairs shall be accomplished without cost to the City and under the supervision of the City Engineer.

(g) The City and County of Denver reserves the right to make an inspection of the said cladding and facilities contained within the confines of this encroachment for which an annual fee of \$50.00 shall be assessed.

Section 3. That the revocable permit or license hereby granted shall be revocable at any time that the Council of the City and County of Denver shall determine that the public convenience and necessity or the public health, safety or general welfare require such revocation, and the right to revoke the same is hereby expressly reserved to the City and County of Denver; provided however, at a reasonable time prior to Council action upon such revocation or proposed revocation opportunity shall be afforded to licensee or permittee, its successors and assigns, to be present at a hearing to be conducted by the Council upon such matters and thereat to present its or their views and opinions thereof and to present for consideration action or motions alternative to the revocation of such license or permit.

Section 4. That this license or permit shall be of no force or effect until the following things have been done and performed:

(a) The licensee or permittee shall have filed with the Manager of Public Works a written acceptance of the terms and conditions of this ordinance together with a fee for filing with the Clerk and Recorder in and for the City and County of Denver; said acceptance shall be in substantially the following form:

Date: \_\_\_\_\_  
We the undersigned do hereby accept all of the terms and conditions recited in Ordinance No. \_\_\_\_\_ Series of \_\_\_\_\_  
Signed by: \_\_\_\_\_  
(Permittee or Licensee)

By: \_\_\_\_\_  
(Name of Officer)

(b) The licensee or permittee shall have filed with the Manager of Public Works all insurance policies and certificates herein recited; and

(c) The Manager of Public Works shall have certified in writing that the foregoing requirements have been performed.

Passed by the Council December 6, 1982. CATHY DONOHUE, President.  
Approved: W. H. McNICHOLS, JR., Mayor, December 8, 1982. Attest: F. J. SERAFINI, Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver (Seal)

Published in The Daily Journal  
Dec. 3, 1982 and Dec. 10, 1982 330  
PREPARED BY: MAX F. ZALL, City Attorney, By W.H.V. 11-24-82

BY AUTHORITY  
ORDINANCE NO. 710  
COUNCIL BILL NO. 741, SERIES OF  
1988, COMMITTEE OF REFER-  
ENCE: PUBLIC WORKS.

A BILL  
FOR AN ORDINANCE AUTHORIZ-  
ING THE TRANSFER BY SPECIAL  
WARRANTY DEED, OF THE  
INTEREST OF THE CITY AND  
COUNTY OF DENVER, IN AND TO  
CERTAIN DESCRIBED REAL  
ESTATE TO KATIE MAES AND  
FRANCES SWEENEY.

BE IT ENACTED BY THE COUNCIL  
OF THE CITY AND COUNTY OF  
DENVER:

Section 1. That the Mayor and other proper officials of the City and County of Denver be and they hereby are authorized, empowered and directed in the name and on behalf of the City and County of Denver, to convey to Katie Maes and Frances Sweeney by Special Warranty Deed, in the words and figures contained and set forth in accordance with that form of memorandum, letter, legal description and map, filed in the Office of the Clerk of the City and County of Denver on the 9th day of October, 1988, Filing No. 85-740, and consummate and carry out the said agreement according to the terms thereof, including making the necessary conveyances pursuant thereto.

Passed by the Council October 27, 1988. WILLIAM SCHEITLER, President. Approved: FEDERICO PENA, Mayor, October 29, 1988. Attest: FELICIA MUFFIC, Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver. (Seal) Published in The Daily Journal Oct. 17, 1988 and Nov. 4, 1988. REVIEWED BY: PATRICIA WELLS, City Attorney, 10-8-88. PREPARED BY: HERMAN J. ATENCIO, Ass't. City Atty. 10-8-88.

BY AUTHORITY  
ORDINANCE NO. 724  
COUNCIL BILL NO. 761, SERIES OF  
1988, COMMITTEE OF REFER-  
ENCE: PUBLIC WORKS.

A BILL  
FOR AN ORDINANCE GRANTING A  
REVOCABLE PERMIT OR LI-  
CENSE, SUBJECT TO CERTAIN  
TERMS AND CONDITIONS, TO  
CHILDREN'S HOSPITAL, ITS  
SUCCESSORS AND ASSIGNS, TO  
ENCROACH INTO PORTIONS OF  
18TH AVENUE, DOWNING STREET  
AND ALLEY IN BLOCK 16, PARK  
AVENUE ADDITION TO DENVER,  
WITH FIBER OPTIC AND COPPER  
CABLES.

BE IT ENACTED BY THE COUNCIL  
OF THE CITY AND COUNTY OF  
DENVER:

Section 1. That the City and County of Denver hereby grants Children's Hospital, its successors and assigns, a revocable permit or license to encroach with fiber optic and copper cables in the following described areas:

Those parts of Downing Street, 18th Avenue and the alley in Block 16, Park Avenue Addition to Denver, more particularly described as follows:

18th Avenue and Alley Encroachment  
Those parts of 18th Avenue and the alley in Block 16, Park Avenue Addition to Denver, being 2 feet in width, and lying 2 feet on each side of a centerline described as follows:

Beginning at a point on the east line of the alley in said Block 16, said point being 75 feet south of the north line of said Block 16;  
thence westerly and parallel with the north line of said Block 16, 1 foot;  
thence northerly and parallel with the east line of said alley and said east line extended northerly 155 feet to a point on the south line of Block 8, Park Avenue Addition to Denver, and a point of terminus.

That part of Downing Street, being 2 feet in width, and lying 1 foot on each side of a centerline described as follows:

Beginning at a point on the west line of Block 9, Park Avenue Addition to Denver, said point being 105 feet north of the southwest corner of said Block 8;

thence westerly and parallel with the south line of said Block 9 extended westerly 84 feet, more or less;

thence northerly and parallel with the east line of Block 8, Park Avenue Addition to Denver, 200 feet;

thence westerly and parallel with the south line of said Block 8 extended easterly 10 feet, more or less, to a point on the east line of said Block 8 and a point of terminus.

Section 2. The Revocable Permit or license granted by this ordinance is expressly granted upon and subject to each and all of the following terms and conditions:

(a) All construction in, on or over the areas of encroachment shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and specifications, governing the construction of said fiber optic and copper cables, 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.

(b) The licensee shall pay all costs of construction and maintenance of said fiber optic and copper cables and upon revocation of permit as provided herein or upon abandonment shall pay all costs of removing the said structures from the encroachment areas and return the streets and alley to their original condition under the supervision of the City Engineer.

(c) This revocable permit or license 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 18th Avenue, Downing Street and the alley in Block 16, Park Avenue Addition to Denver, as public thoroughfares nor shall it operate to restrict the utility companies in exercising their right to construct, remove, operate and maintain their installations within the said streets and alley.

Any costs that are incurred relocating facilities for the utility companies during construction within the encroachment areas will have to be borne by the licensee.

(d) Children's Hospital is to assume full responsibility for any and all damages incurred to Water Department facilities due to activities authorized by the permit. Any and all replacement or repair of Water Department facilities attributed to the work shall be made by the Water Department at the sole expense of Children's Hospital.

(e) The sidewalks, streets and alley over the encroachment areas shall be capable of withstanding an HS-20 Loading in accordance with the latest AASHTO Specifications. The installations within the said encroachment areas shall be so constructed that the paved sections of the streets and alley can be widened without requiring additional structural modifications.

The sidewalks shall be constructed so that they can be removed and replaced without affecting structures within the encroachment areas.

(f) The licensee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising out of the rights and privileges granted by this permit.

(g) During the existence of said encroachment, the licensee or permittee, its successors and assigns, at its or their expense, and without cost to the City and County of Denver, shall procure and maintain a liability policy or include liability and property damage on an occurrence basis, covering the premises and operations with bodily injury limits of not less than \$50,000.00 as to any one occurrence and with the property damage limit of not less than \$25,000.00 for any one occurrence. All coverages are to be arranged on the occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage hereinabove enumerated constitutes a minimum requirement and such enu-

to limit or lessen the liability of the licensee or permittee, its successors or assigns, under the terms of this revocable license or permit; all of the insurance coverage required herein shall be written in form and by a company or companies approved by the Manager of Public Works 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 said Manager of Public Works, and each such policy shall contain a statement therein or endorsement thereon that it will not be cancelled or materially changed or altered without at least thirty days prior written notice, by registered mail, to the said Manager of Public Works at least thirty days prior to the termination of the term; all such insurance policies shall be specifically endorsed to include all liability assumed by the licensee or permittee hereunder and shall name the City and County of Denver as beneficiary.

(h) The licensee shall also remove and replace any and all street and alley paving, sidewalks and curb and gutter, both inside the areas of encroachment and in the areas of the streets and alley adjoining thereto, that become broken, damaged or unrightly during the course of construction without cost to the City.

In the future the licensee shall also remove, replace or repair any street and 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 construction within the areas of encroachment.

The work required to effect the said repairs shall be accomplished without cost to the City and under the supervision of the City Engineer.

(i) The City and County of Denver reserves the right to make an inspection of the said fiber optic and copper cables and facilities contained within the confines of these encroachments for which an annual fee of \$50.00 shall be assessed.

Section 3. That the revocable permit or license hereby granted shall be revocable at any time that the Council of the City and County of Denver shall determine that the public convenience and necessity or the public health, safety or general welfare require such revocation, and the right to revoke the same is hereby expressly reserved to the City and County of Denver; provided however, at a reasonable time prior to Council action upon such revocation or proposed revocation, opportunity shall be afforded to licensee or permittee, its successors and assigns, to be present at a hearing to be conducted by the Council upon such matters and thereat to present its or their views and opinions thereof and to present for consideration action or actions alternative to the revocation of such license or permit.

Section 4. That this license or permit shall be of no force or effect until the following things have been done and performed:

(a) The licensee or permittee shall have filed with the Manager of Public Works a written acceptance of the terms and conditions of this ordinance together with a fee for filing with the Clerk and Recorder in aid for the City and County of Denver; said acceptance shall be in substantially the following form:

Date: \_\_\_\_\_  
We the undersigned do hereby accept all of the terms and conditions recited in Ordinance No. \_\_\_\_\_

Series of 19 \_\_\_\_\_  
Signed \_\_\_\_\_  
by: \_\_\_\_\_

(Permittee or Licensee)

(b) The licensee or permittee shall have filed with the Manager of Public Works all insurance policies and certificates herein recited; and

(c) The Manager of Public Works shall have certified in writing that the foregoing requirements have been performed.

Passed by the Council October 27, 1988. WILLIAM SCHEITLER, President. Approved: FEDERICO PENA, Mayor, October 29, 1988. Attest: FELICIA MUFFIC, Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver. (Seal) Published in The Daily Journal (Seal) Oct. 24, 1988 and Nov. 4, 1988. REVIEWED BY: PATRICIA WELLS, City Attorney, 10-15-88. PREPARED BY: ROBERT M. KELLY, Ass't. City Atty. 10-16-88.

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BY AUTHORITY  
ORDINANCE NO. 525  
COUNCIL BILL NO. 553, SERIES OF  
1987. COMMITTEE OF REFER-  
ENCE: PUBLIC WORKS.

A BILL  
FOR AN ORDINANCE GRANTING A  
REVOCABLE PERMIT OR LI-  
CENSE, SUBJECT TO CERTAIN  
TERMS AND CONDITIONS, TO  
THE CHILDREN'S HOSPITAL, ITS  
SUCCESSORS AND ASSIGNS, TO  
ENCROACH BENEATH PORTIONS  
OF PARK AVENUE AND OGDEN  
STREET WITH CONDUITS FOR  
COMMUNICATION LINES.

BE IT ENACTED BY THE COUNCIL  
OF THE CITY AND COUNTY OF  
DENVER:

Section 1. That the City and County  
of Denver hereby grants The Child-  
ren's Hospital, its successors and  
assigns, a revocable permit or li-  
cense to encroach with conduits in  
the following described areas:

Those parts of Park Avenue and  
Ogden Street more particularly de-  
scribed as follows:

**Park Avenue Encroachment**  
That part of Park Avenue being 2  
feet in width and lying 1 foot on  
each side of a centerline described  
as follows:

Commencing at the intersection of  
the westerly line of Ogden Street  
with the northeasterly line of Park  
Avenue;

thence northwesterly along said  
northeasterly line of Park Avenue  
100 feet to the true point of begin-  
ning;

thence southwesterly and perpen-  
dicular to said northeasterly line  
100 feet to a point of terminus on  
the southwesterly line of Park  
Avenue.

**Ogden Street Encroachment**  
That part of Ogden Street being 2  
feet in width and lying 1 foot on  
each side of a centerline described  
as follows:

Commencing at the southwest cor-  
ner of Block 8, Park Avenue Addi-  
tion to Denver;

thence northerly along the westerly  
line of said Block 8, 117 feet to the  
true point of beginning;

thence westerly and perpendicular  
to said westerly line 70 feet to a  
point of terminus on the west line  
of Ogden Street.

Section 2. The Revocable Permit or  
License granted by this ordinance is  
expressly granted upon and subject  
to each and all of the following terms  
and conditions:

(a) All construction in, on or over  
the areas of encroachment shall be  
accomplished in accordance with the  
Building Code of the City and County  
of Denver. Plans and specifications,  
governing the construction of said  
conduits, shall be approved by the  
Manager of Public Works and the Di-  
rector of the Building Inspection Di-  
vision 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.

(b) The licensee shall pay all  
costs of construction and mainte-  
nance of said conduits and upon revo-  
cation of permit as provided herein  
or upon abandonment shall pay all  
costs of removing the said structures  
from the encroachment areas and re-  
turn the streets to their original con-  
dition under the supervision of the  
City Engineer.

(c) This revocable permit or li-  
cense shall not operate or be con-  
strued to abridge, limit or restrict the  
City and County of Denver in exercis-  
ing its right to make full use of Park  
Avenue and Ogden Street as public  
thoroughfares nor shall it operate to  
restrict the utility companies in ex-  
ercising their rights to construct,  
remove, operate and maintain their  
installations within the said streets.

Any costs that are incurred relo-  
cating facilities for the utility com-  
panies during construction within the  
encroachment areas will have to be  
borne by the licensee.

(d) The permittee is to assume full  
responsibility for any and all dam-  
ages incurred to Water Department  
facilities due to activities authorized  
by the permit. Any and all replace-  
ment or repair of Water Department  
facilities attributed to the work shall  
be made by the Water Department at  
the sole expense of the permittee.

(e) The sidewalks and streets over  
the encroachment areas shall be ca-  
pable of withstanding an H8-20 Load-  
ing in accordance with the latest  
AASHTO Specifications. The installa-  
tions within the said encroachment  
areas shall be so constructed that the  
paved sections of the streets can be  
widened without requiring additional  
structural modifications.

The sidewalks shall be construct-  
ed so that they can be removed and  
replaced without affecting structures  
within the encroachment areas.

(f) The licensee shall agree to in-  
demnify and always save the City and  
County of Denver harmless from all  
costs, claims or damages arising out  
of the rights and privileges granted  
by this permit.

(g) During the existence of said  
encroachment, the licensee or permit-  
tee, its successors and assigns, at its  
or their expense, and without cost to  
the City and County of Denver, shall  
procure and maintain a liability policy  
or include liability and property  
damage on an occurrence basis, cover-  
ing the premises and operations  
with bodily injury limits of not less  
than \$50,000.00 as to any one person  
and \$250,000.00 as to any one occur-  
rence and with the property damage  
limit of not less than \$25,000.00 for  
any one occurrence. All coverages  
are to be arranged on the occurrence  
basis and include coverage for those  
hazards normally identified as X.C.U.  
during construction. The insurance  
coverage hereinabove enumerated  
constitutes a minimum requirement  
and such enumeration shall in no  
way be deemed to limit or lessen the  
liability of the licensee or permittee,  
its successors or assigns, under the  
terms of this revocable license or  
permit; all of the insurance coverage  
required herein shall be written in  
form and by a company or companies  
approved by the Manager of Public  
Works of the City and County of Den-  
ver and authorized to do business in  
the State of Colorado. A certified  
copy of all such insurance policies  
shall be filed with the said Manager  
of Public Works, and each such policy  
shall contain a statement therein or  
endorsement thereon that it will not  
be cancelled or materially changed or  
altered without at least thirty days  
prior written notice, by registered  
mail, to the said Manager of Public  
Works at least thirty days prior to  
the termination of the term; all such  
insurance policies shall be specifi-  
cally endorsed to include all liability  
assumed by the licensee or permittee  
hereunder and shall name the City  
and County of Denver as beneficiary.

(h) The licensee shall also remove  
and replace any and all street paving,  
sidewalks and curb and gutter, both  
inside the areas of encroachment and  
in the areas of the streets adjoining  
thereto, that become broken, damaged  
or unsightly during the course of con-  
struction without cost to the City.

In the future the licensee shall  
also remove, replace or repair any  
street paving, sidewalks and curb and  
gutter that become broken or dam-  
aged when in the opinion of the City  
Engineer the damage has been caused  
by the construction within the areas  
of encroachment.

The work required to effect the  
said repairs shall be accomplished  
without cost to the City and under the  
supervision of the City Engineer.

(i) The City and County of Denver  
reserves the right to make an inspec-  
tion of the said conduits and facil-  
ities contained within the confines of  
these encroachments for which an an-  
nual fee of \$50.00 shall be assessed.

Section 3. That the revocable permit  
or license hereby granted shall be  
revocable at any time that the Coun-  
cil of the City and County of Denver  
shall determine that the public con-  
venience and necessity or the public  
health, safety or general welfare re-  
quire such revocation, and the right  
to revoke the same is hereby expres-  
sly reserved to the City and County of  
Denver; provided however, at a reason-  
able time prior to Council action  
upon such revocation or proposed re-  
vocation, opportunity shall be af-  
forded to licensee or permittee, its  
successors and assigns, to be present  
at a hearing to be conducted by the  
Council upon such matters and there-  
at to present its or their views and  
opinions thereof and to present for  
consideration action or actions alter-  
native to the revocation of such li-  
cense or permit.

Section 4. That this license or per-  
mit shall be of no force or effect until  
the following things have been done  
and performed:

(a) The licensee or permittee shall  
have filed with the Manager of Public  
Works a written acceptance of the  
terms and conditions of this ordi-  
nance together with a fee for filing  
with the Clerk and Recorder in and  
for the City and County of Denver;  
said acceptance shall be in substan-  
tially the following form:

Date: \_\_\_\_\_  
We the undersigned do hereby ac-  
cept all of the terms and conditions  
recited in Ordinance No. \_\_\_\_\_  
Series of 19 \_\_\_\_\_  
Signed \_\_\_\_\_  
by: \_\_\_\_\_  
(Permittee or Licensee)

By: \_\_\_\_\_  
(Name of Officer)

(b) The licensee or permittee shall  
have filed with the Manager of Public  
Works all insurance policies and cer-  
tificates herein recited; and

(c) The Manager of Public Works  
shall have certified in writing that  
the foregoing requirements have been  
performed.

Passed by the Council September  
14, 1987. STEPHANIE FOOTE, Presi-  
dent. Approved: FEDERICO PENA,  
Mayor, September 18, 1987. Attest:  
FELICIA MUFFIC, Clerk and Re-  
corder, Ex-Officio Clerk of the City  
and County of Denver (Seal)  
Published in The Daily Journal  
Sept. 11, 1987 and Sept. 22, 1987 393  
REVIEWED BY: PATRICIA WELLS,  
City Attorney, 9-2-87.  
PREPARED BY: ROBERT M. KELLY,  
Ass't. City Atty. 9-2-87.

ORDINANCE NO. 684 BY AUTHORITY  
 SERIES OF 1992

COUNCIL BILL NO. 695  
 COMMITTEE OF REFERENCE:  
PUBLIC WORKS

**A B I L L**

FOR AN ORDINANCE GRANTING A REVOCABLE PERMIT OR LICENSE, SUBJECT TO CERTAIN TERMS AND CONDITIONS, TO THE CHILDREN'S HOSPITAL, ITS SUCCESSORS AND ASSIGNS, TO ENCROACH INTO PART OF OGDEN STREET WITH UNDERGROUND FIBER OPTICS CABLE BETWEEN THE CHILDREN'S HOSPITAL AND SPALDING HOSPITAL.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the City and County of Denver hereby grants The Children's Hospital, its successors and assigns, a revocable permit or license to encroach into part of Ogden Street with underground fiber optics cable between The Children's Hospital and Spalding Hospital in the following described area:

A strip of Ogden Street, as platted in Park Avenue Addition to Denver, 4 feet in width, and lying 2 feet on each side of the following described centerline:

Commencing at the northeast corner of Block 2, said Park Avenue Addition to Denver;  
 thence southerly along the easterly line of said Block 2 a distance of 127 feet to the true point of beginning;  
 thence easterly on a deflection angle of 90° 00' 00" to the left, 70 feet to the easterly right-of-way line of Ogden Street and the point of terminus.

Section 2. The Revocable Permit or license granted by this ordinance is expressly granted upon and subject to each and all of the following terms and conditions:

(a) All construction in, on or over the area of encroachment shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and specifications, governing the construction of said encroachment, 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 encroachment shall be filed with the Manager of Public Works.

(b) The licensee shall pay all costs of construction and maintenance of said encroachment and upon revocation of permit as provided herein or upon abandonment shall pay all costs of removing the said structures from the encroachment area and return the street to its original condition under the supervision of the City Engineer.

(c) This revocable permit or license 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 Ogden Street as a public thoroughfare nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their installations within the said street.

Any costs that are incurred relocating facilities for the utility companies during construction within the encroachment area will have to be borne by the licensee.

(d) The licensee is to assume full responsibility 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. 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 work shall be made by the Water Department and/or the City and County of Denver at the sole expense of the licensee.

(e) The sidewalk and street over the encroachment area shall be capable of withstanding an HS-20 Loading in accordance with the latest AASHO Specifications. The installations within the said encroachment area shall be so constructed that the paved section of the street 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.

(f) The licensee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising out of the rights and privileges granted by this permit to the extent it is permitted by law.



(g) During the existence of said encroachment, the licensee or permittee, its successors and assigns, at its or their 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. All coverages are to be arranged on the occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage hereinabove enumerated constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the licensee or permittee, its successors or assigns, under the terms of this revocable license or permit; all of the insurance coverage required herein shall be written in form and by a company or companies approved by the Manager of Public Works 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 said Manager of Public Works, and each such policy shall contain a statement therein or endorsement thereon that it will not be cancelled or materially changed or altered without at least thirty days prior written notice, by registered mail, to the said Manager of Public Works at least thirty (30) days prior to the termination of the term; all such insurance policies shall be specifically endorsed to include all liability assumed by the licensee or permittee hereunder and shall name the City and County of Denver as an additional insured.

(h) The licensee shall also remove and replace any and all street paving, sidewalks and curb and gutter, both inside the area of encroachment and in the areas of the street adjoining thereto, that become broken, damaged or unsightly during the course of construction without cost to the City.

In the future the licensee shall also remove, replace or repair any street 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 construction within the area of encroachment.

The work required to effect the said repairs shall be accomplished without cost to the City and under the supervision of the City Engineer.

(i) The City and County of Denver reserves the right to make an inspection of the said encroachment and facilities contained within the confines of this encroachment for which an annual fee of \$50.00 shall be assessed.

(j) The right to revoke this license or permit is expressly reserved to the City and County of Denver.

Section 3. That the revocable permit or license hereby granted shall be revocable at any time that the Council of the City and County of Denver shall determine that the public convenience and necessity or the public health, safety or general welfare require such revocation, and the right to revoke the same is hereby expressly reserved to the City and County of Denver; provided however, at a reasonable time prior to Council action upon such revocation or proposed revocation, opportunity shall be afforded to licensee or permittee, its successors and assigns, to be present at a hearing to be conducted by the Council upon such matters and thereat to present its or their views and opinions thereof and to present for consideration action or actions alternative to the revocation of such license or permit.

Section 4. That this license or permit shall be of no force or effect until the following things have been done and performed:

(a) The licensee or permittee shall have filed with the Manager of Public Works a written acceptance of the terms and conditions of this ordinance together with a fee for filing with the Clerk and Recorder in and for the City and County of Denver; said acceptance shall be in substantially the following form:

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

We the undersigned do hereby accept  
all of the terms and conditions recited  
in Ordinance No. \_\_\_\_\_, Series of 19\_\_\_\_.

Signed by: \_\_\_\_\_  
(Permittee or Licensee)

By: \_\_\_\_\_  
(Name of Officer)

(b) The licensee or permittee shall have filed with the Manager of Public Works all insurance policies and certificates herein recited; and

(c) The Manager of Public Works shall have certified in writing that the foregoing requirements have been performed.

PASSED BY THE COUNCIL September 28, 1992

Samona Martin - PRESIDENT

APPROVED: Public Works - MAYOR September 29, 1992

ATTEST: Greg P. Kelly - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

PUBLISHED IN THE DAILY JOURNAL Sept. 25, 1992 Oct. 2, 1992

PREPARED BY: Robert M. Kelly, ASSISTANT CITY ATTORNEY 9/10/92

REVIEWED BY: Greg P. Kelly CITY ATTORNEY 9/11 1992

SPONSORED BY COUNCIL MEMBER(S) \_\_\_\_\_



WELLINGTON E. WEBB  
Mayor

## CITY AND COUNTY OF DENVER

DEPARTMENT OF PUBLIC WORKS | OFFICE OF CITY ENGINEER  
200 West 14th Ave., Ste303  
Denver, Colorado 80204-2700

Bond No.

Policy No.

File No. 98-130

Located: 1029 - 1047 East 20<sup>th</sup> Avenue

Revocable Permit for a sign at 1029 - 1047 East 20<sup>th</sup> Avenue. Minimum overhead clearance for pedestrian's is 8'0". Sign design must be approved by vital signs committee. A 1-C Building Permit is required.

Sign Permit from Zoning is required prior to release of Revocable Permit.

The construction shall be by a contractor duly authorized under the Building Code of this municipality.

All work in connection with the above must be done in compliance with the Rules and Regulations Governing Standard Construction Specifications and Drawings (Amended) issued in accordance with Authority of Article II of the Charter of the City and County of Denver, the Specifications of the Building Code and under the General Supervision of the Department of Public Works.

A Building Permit will be necessary before commencing the work. This permit may be obtained at the Building Department, 200 West 14th Avenue, First Floor, Denver, Colorado.

Prior to release of this permit, permittee must deposit with this office a bond issued by a surety company and executed by you, or an insurance policy, whichever you prefer. If a bond is used, it shall be in the sum of \$50,000 and in form will be your agreement to save harmless and defend the City and County of Denver from all suits, claims, demands or actions at law or in equity arising as the result of injury to persons or damage to property occasioned by the use and occupancy of public property. If an insurance policy is used, this municipality must be a named insured with minimum limits of coverage of \$50,000/\$100,000 for bodily injury and \$5,000 for property damage, covering the location of the encroachment on public property for which permit is issued. Said policy may not be canceled except on at least thirty (30) days notice to the municipality.

If bond or insurance policy is not maintained, the authorization herein conferred shall terminate immediately and the aforesaid construction shall forthwith be removed.

The authority herein conferred is revocable at any time and the right to revoke is expressly reserved to the municipality.

Any costs that are incurred relocating facilities for the utility companies during construction within the encroachment areas will have to be borne by the licensee.

The licensee shall pay all costs of construction and maintenance of the said encroachments and upon revocation of permit as provided herein or upon abandonment shall pay all costs of removing the said structures from the encroachment areas and return the streets/alleys to their original condition under the supervision of the City Engineer.

The licensee shall also remove and replace or repair any alley/street paving, sidewalks, curb and gutter that becomes broken or damaged when, in the opinion of the City Engineer, the damage has been caused by the construction within the areas of encroachment.

The licensee is to assume full responsibility for any and all damages incurred to facilities of the Water Department and/or to drainage facilities for water and sewage of the City and County of Denver due to activities authorized by the permit. Any and all replacement or repair of facilities of the Water Department and/or of drainage facilities for water and sewage of the City and County of Denver attributed to the work shall be made by the Water Department and/or the City and County of Denver at the sole expense of the licensee. In the event Licensee's facilities are damaged or destroyed due to the Denver Water Department's repair, replacement and/or operation of its facilities, repairs will be made by the Licensee at its sole expense.

No part hereof shall be of any force and effect until the acceptance hereinafter set forth has been executed. An annual fee of \$50.00 is required each year. These fees are those that are in effect at the time of permit application which are subject to revision and are authorized by Section 49-40(A), "Engineer's Schedule of Fees" of the Revised Municipal Code of the City and County of Denver.

The Licensee shall fully 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 or refusal to comply with any provision of this Article in said Chapter shall be a proper basis for revocation of this revocable permit or license.

NOTE: Disputes regarding this agreement shall be resolved by administrative hearing pursuant to R.M.C. 56-106.

Failure to comply may result in the imposition of civil penalties up to \$10,000 per day pursuant to R.M.C. 56-107.

Very truly yours,

Manager of Public Works

By RL

Date 5-28-99

Acceptance:

We accept the foregoing authority on the basis of the conditions herein set forth.

Signed by Miriam A. McClellan Date 4.9.99  
(Permittee/Licensee)