

1 BY AUTHORITY

2 RESOLUTION NO. CR14-0352
3 SERIES OF 2014

COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

4 A RESOLUTION

5 **Granting a revocable permit to Sloan's Lake Apartments, LLC, to encroach**
6 **into the right-of-way at approximately 1550 Raleigh Street.**

7
8 **NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY**
9 **OF DENVER:**

10 **Section 1.** The City and County of Denver hereby grants to Sloan's Lake Apartments,
11 LLC, and its successors and assigns ("Permittee"), a revocable permit to encroach into the right-
12 of-way with two pedestrian bridges ("Encroachments") across Raleigh Street between West
13 Conejos Place and West 16th Avenue at approximately 1550 Raleigh Street in the following
14 described area ("Encroachment Area"):

15 **PARCEL DESCRIPTION ROW NO. 2013-0431-04-001**

16
17 A PARCEL OF LAND BEING A PORTION OF THE RIGHT-OF-WAY OF RALEIGH
18 STREET BETWEEN WEST CONEJOS PLACE AND WEST 16TH AVENUE, SITUATED
19 IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68
20 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,
21 STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

22
23 COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 6, SOUTH
24 SLOAN'S LAKE SUBDIVISION FILING NO. 1, SAID POINT BEING ON THE SOUTH
25 LINE OF TRACT A AND ON THE WEST RIGHT-OF-WAY LINE OF RALEIGH
26 STREET;

27 THENCE SOUTH 00°18'32" EAST ALONG THE EAST LINE OF SAID LOT 1, A
28 DISTANCE OF 27.43 FEET TO THE POINT OF BEGINNING;

29 THENCE NORTH 89°41'28" EAST, A DISTANCE OF 67.00 FEET TO A POINT ON THE
30 WEST LINE OF LOT 1, BLOCK 5, SOUTH SLOAN'S LAKE SUBDIVISION FILING
31 NO. 1;

32 THENCE SOUTH 00°18'32" EAST ALONG SAID WEST LINE, A DISTANCE OF 18.00
33 FEET;

34 THENCE SOUTH 89°41'28" WEST, A DISTANCE OF 67.00 FEET TO A POINT ON THE
35 EAST LINE OF SAID BLOCK 6;

36 THENCE NORTH 00°18'32" WEST ALONG SAID EAST LINE, A DISTANCE OF 18.00
37 FEET TO THE POINT OF BEGINNING.

38
39 SAID PARCEL CONTAINS 1,206 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

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41 BEARINGS ARE BASED ON THE EAST LINE OF LOT 1, BLOCK 6, SOUTH SLOAN'S
42 LAKE SUBDIVISION FILING NO. 1, AS BEARING SOUTH 00°18'32" EAST, PER SAID
43 PLAT.

44 and

PARCEL DESCRIPTION ROW NO. 2013-0431-04-002

A PARCEL OF LAND BEING A PORTION OF THE RIGHT-OF-WAY OF RALEIGH STREET BETWEEN WEST CONEJOS PLACE AND WEST 16TH AVENUE, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 6, SOUTH SLOAN'S LAKE SUBDIVISION FILING NO. 1, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF WEST CONEJOS PLACE AND ON THE WEST RIGHT-OF-WAY LINE OF RALEIGH STREET;
THENCE NORTH 00°18'32" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 134.84 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 00°18'32" WEST ALONG SAID EAST LINE, A DISTANCE OF 18.00 FEET;
THENCE NORTH 89°41'28" EAST, A DISTANCE OF 67.00 FEET TO A POINT ON THE WEST LINE OF LOT 1, BLOCK 5, SOUTH SLOAN'S LAKE SUBDIVISION FILING NO. 1;
THENCE SOUTH 00°18'32" EAST ALONG SAID WEST LINE, A DISTANCE OF 18.00 FEET;
THENCE SOUTH 89°41'28" WEST, A DISTANCE OF 67.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,206 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF LOT 1, BLOCK 6, SOUTH SLOAN'S LAKE SUBDIVISION FILING NO. 1, AS BEARING SOUTH 00°18'32" EAST, PER SAID PLAT.

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

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

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

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

1 (d) Permittee is fully responsible for any and all damages incurred to facilities of the
2 Water Department and/or drainage facilities for water and sewage of the City and County of
3 Denver due to activities authorized by the permit. Should the relocation or replacement of any
4 drainage facilities for water and sewage of the City and County of Denver become necessary as
5 determined by the Manager of Public Works, in the Manager's sole and absolute discretion,
6 Permittee shall pay all cost and expense of the portion of the sewer affected by the permitted
7 structure. The extent of the affected portion to be replaced or relocated by Permittee shall be
8 determined by the Manager of Public Works. Any and all replacement or repair of facilities of the
9 Water Department and/or drainage facilities for water and sewage of the City and County of
10 Denver attributed to the Permittee shall be made by the Water Department and/or the City and
11 County of Denver at the sole expense of the Permittee. In the event Permittee's facilities are
12 damaged or destroyed due to the Water Department's or the City and County of Denver's repair,
13 replacement and/or operation of its facilities, repairs will be made by the Permittee at its sole
14 expense. Permittee agrees to defend, indemnify and save the City harmless and to repair or pay
15 for the repair of any and all damages to said sanitary sewer, or those damages resulting from the
16 failure of the sewer to properly function as a result of the permitted structure.

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

20 (f) All construction in, under, on or over the Encroachment Area shall be accomplished
21 in accordance with the Building Code of the City and County of Denver. Plans and Specifications
22 governing the construction of the Encroachments shall be approved by the Manager of Public
23 Works and the Director of Building Inspection Division prior to construction. Upon completion, a
24 reproducible copy of the exact location and dimensions of the Encroachments shall be filed with
25 the Manager of Public Works.

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

32 (h) Permittee shall pay all costs of construction and maintenance of the Encroachments.
33 Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the

1 Encroachments from the Encroachment Area and return the Encroachment Area to its original
2 condition under the supervision of the City Engineer.

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

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

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

17 (l) During the existence of the Encroachments and this permit, Permittee, its
18 successors and assigns, at its expense, and without cost to the City and County of Denver, shall
19 procure and maintain a single limit comprehensive general liability insurance policy with a limit of
20 not less than \$500,000.00. All coverages are to be arranged on an occurrence basis and include
21 coverage for those hazards normally identified as X.C.U. during construction. The insurance
22 coverage required herein constitutes a minimum requirement and such enumeration shall in no
23 way be deemed to limit or lessen the liability of the Permittee, its successors or assigns, under the
24 terms of this permit. All insurance coverage required herein shall be written in a form and by a
25 company or companies approved by the Risk Manager of the City and County of Denver and
26 authorized to do business in the State of Colorado. A certified copy of all such insurance policies
27 shall be filed with the Manager of Public Works, and each such policy shall contain a statement
28 therein or endorsement thereon that it will not be canceled or materially changed without written
29 notice, by registered mail, to the Manager of Public Works at least thirty (30) days prior to the
30 effective date of the cancellation or material change. All such insurance policies shall be
31 specifically endorsed to include all liability assumed by the Permittee hereunder and shall name
32 the City and County of Denver as an additional insured.

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

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

8 (o) Permittee shall agree to indemnify and always save the City and County of Denver
9 harmless from all costs, claims or damages arising, either directly or indirectly, out of the rights
10 and privileges granted by this permit.

11 **Section 3.** That the Permit hereby granted shall be revocable at any time that the
12 Council of the City and County of Denver shall determine that the public convenience and
13 necessity or the public health, safety or general welfare require such revocation, and the right to
14 revoke the same is hereby expressly reserved to the City and County of Denver; provided
15 however, at a reasonable time prior to Council action upon such revocation or proposed
16 revocation, opportunity shall be afforded to Permittee, its successors and assigns, to be present at
17 a hearing to be conducted by the Council upon such matters and thereat to present its views and
18 opinions thereof and to present for consideration action or actions alternative to the revocation of
19 such Permit.

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1 COMMITTEE APPROVAL DATE: April 24, 2014 [by consent]

2 MAYOR-COUNCIL DATE: April 29, 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: May 8, 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.

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16 D. Scott Martinez, Denver City Attorney

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