BY AUTHORITY

ordinance no. 332

SERIES OF 1982

COUNCIL BILL NO. 370

INTRODUCED BY:

SANDOS, CRIDER, CARPIO HACKWORTH, SWALM

\underline{A} \underline{B} \underline{I} \underline{L} \underline{L}

FOR AN ORDINANCE GRANTING A REVOCABLE PERMIT OR LICENSE TO 1480 WELTON, INC., ITS SUCCESSORS AND ASSIGNS, TO ENCROACH INTO PORTION OF WEST 10TH AVENUE ADJOINING BLOCK 7, WHITSITT'S ADDITION TO DENVER, WITH UNDERGROUND TRANSFORMER VAULT, 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 1480 Welton, Inc., its successors and assigns, a revocable permit or license to encroach with an underground transformer vault in the following described area in the City and ounty of Denver and State of Colorado, to wit:

That part of West 10th Avenue described as follows:

Beginning at a point on the north line of Block 7, Whitsitt's Addition to Denver, said point being 77.01 feet east of the northwest corner of said Block 7;

thence northerly and parallel with the west line of said Block 7 extended northerly 17.66 feet;

thence easterly and parallel with the north line of said Block 7, 29.66 feet;

thence southerly and parallel with the west line of said Block 7 extended northerly 17.66 feet to a point on the north line of said Block 7; thence westerly along said north line to the point of beginning.

Section 2. The revocable license 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 the subject transformer vault, 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 transformer vault 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 street to its original condition under the supervision of the City Engineer.
- or be construed to abridge, limit or restrict the City and County of Denver in exercising its right to make full use of West 10th Avenue 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) 1480 Welton, Inc., 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 1480 Welton, Inc.

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(e) The sidewalk and streets over the encroachment areas shall be capable of withstanding an HS-20 Loading in accordance with the latest AASHO Specifications.

The installations 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 sidewalk shall be constructed so that it can be cremoved 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 granted by this permit.
- 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 public 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.

(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 area 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 transformer vault 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 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:

We the undersigned do hereby accept all of the

terms and conditions recited in Ordinance No. .

Series of

Signed by:
(Permittee or Licensee)
Ву
(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 June 21 1982
William Reduct - President
APPROVED: Why Duchoff, -Mayor UNL 23, 1982
ATTEST: -Clerk and Recorder, Ex-Officio Clerk of the City and County of
Denver
PUBLISHED IN The Daily Journal 1118, 1982 and 1111 25, 1982
DINOP
PREPARED BY: Mar p. 1011 -City Attorney 6-9 1982

The Daily Journal

F.W. DODGE DIVISION McGraw-Hill Information Systems Company
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Publisher's Affidavit STATE OF COLORADO, City and County of Denver ss.

and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement; that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for

<u>One</u> the first publication of said legal notice and advertisement appeared in the regular edition of said

newspaper on the 25th day of

the last publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the

and that, therefore, said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado.

Buttil Lynnic
Subscribed and sworn to at the City and
County of Denver, State of Colorado, before

me, a Notary Public, this 25th day of

<u>June</u> ____AD 1982 Witness-my hand and notarial seal

Notary Public My Commission expires June 16, 1984

8-79 5M-D-DHB 1443

101 University Blvd. #260 Denver, Colorade 80206

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of said Block 7;

BY AUTHORITY
ORDINANCE NO. 332
COUNCIL BILL NO. 370. SERIES
OF 1982. INTRODUCED BY: SANDOS. CRIDER, CARPIO.
HACKWORTH AND SWALM.

FOR AN ORDINANCE GRANTING
A REVOCABLE PERMIT OR
LICENSE TO 1480 WELTON. INC..
ITS SUCCESSORS AND
ASSIGNS. TO ENCROACH INTO
PORTION OF WEST 10TH
AVENUE ADJOINING BLOCK 7.
WHITSITT'S ADDITION TO
DENVER, WITH UNDERGROUND
TRANSFORMER VAULT. SUBJECT
TO CERTAIN TERMS AND CONDITIONS.

DITIONS.

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 1480 Welton, Inc., its successors and assigns, a revocable permit or license to encroach with an underground transformer vault in the following described area in the City and County of Denver and State of Colorado, to-wit: That part of West 10th Avenue described as follows:

Beginning at a point on the north line of Block 7, Whitsitt's Addition to Denver, said point being 77.01 feet east of the northwest corner

or said Block 7; thence northerly and parallel with the west line of said Block 7 extended northerly 17.66 feet; thence easterly and parallel with the north line of said Block 7. 29.66 feet; thence southerly and parallel with the west line of said Block 7. 29.66 feet; thence southerly and parallel with the west line of said Block 7 extended northerly 17.66 feet to a point on the north line of said Block 7; thence westerly along said north line 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 the subject transformer vault, 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 transformer vault 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 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 West 10th Avenue 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 in exercising the rights to construct and all damages incurred to Water Department facilities attri

(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 granted by this permit.

from all costs, claims or damages arising out of the rights 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 public 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 internations 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 therein or endorsement therein or endorsement therein that it will not be cancelled or materially changed or altered without at least thirty days prior 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. (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 area 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 of 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 transformer vault 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 revocation or proposed revocation opportun

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.

Signed by:

(Permittee of 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 June 21, 1982. WILLIAM R. ROBERTS, President. Approved: W. H. Mc-NICHOLS, JR., Mayor. June 23, 1982. Attest: F. J. SERAFINI, Clerk and Recorder; Ex-Officio Clerk of the City and County of Denver (Seal) Published in The Daily Journal June 18, 1982 and June 25, 1982 313 PREPARED BY: MAX P. ZALL, City Attorney, By W.H.V. 6-9-82

The Daily Journal

F.W. DODGE DIVISION
McGraw-Hill Information Systems Company

A Division of McGraw-Hill Inc.

Publisher's Affidavit

STATE OF COLORADO, City and County of Denver ss.

daily newspaper of general circulation in said City and County of Denver, uninterruptedly and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement; that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for said newspaper for

One the first publication of said legal notice and advertisement appeared in the regular edition

newspaper on the 18th __day of

June A.D. 19 **82** that the last publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the

<u>18th</u>

and that, therefore, said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado.

Buttle Lynnag
Subscribed and swork o, at the City and
County of Denver, State of Colorado, before me, a Notary Public, this_ 18th_day of

<u>June</u> AD 1982 Witness my hand and notarial seal.

mmer **Notary Public**

My Commission expires June 16, 1984 101 University Blvd. #260 8/79 5M-D-DHB 1443 Denver, Colorado 80206

BY AUTHORITY
COUNCIL BILL NO. 370. SERIES
OF 1982: INTRODUCED BY: SAN.
DOS. CRIDER, CARPIO.
HACKWORTH AND SWALM.
FOR AN ORDINANCE GRANTING
A REVOCABLE PERMIT OR
LICENSE TO 1480. WELTON. INC..
ITS SUCCESSORS AND
ASSIGNS, TO ENCROACH INTO
PORTION OF WEST 10TH

AVENUE ADJOINING BLOCK 7, WHITSITT'S ADDITION TO DENVER, WITH UNDERGROUND TRANSFORMER VAULT, 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 1480
Welton. Inc., its successors and assigns, a revocable permit or license to encroach with an underground transformer vault in the following described area in the City and County of Denver and State of Colorado, to-wit.
That part of West 10th Avenue described as follows:
Beginning at apoint on the north line of Block 7, Whitsitt's Addition to Denver, said point being 77.01 feet east of the northwest corner of said Block 7, whitsitt's Addition to Denver, said point being 77.01 feet east of the northwest corner of said Block 7, thence northerly 17.68 feet; thence easterly and parallel with the west line of said Block 7 extended northerly 17.68 feet to a point on the north line of said Block 7.
29.68 feet; thence southerly and parallel with the west line of said Block 7 extended northerly 17.68 feet to a point on the north line of said Block 7; thence westerly along said north line 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 Scoting 1.

(a) All construction in, on or over the area of encroachment shall be accomplished in accordance with the Building Code of the City and Scoting of the subject transformer vault, 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 and the Director of the Building Inspection of the encroachment shall be filed with the Manager of Public Works.

(b) The licensee shall pay all costs of removing the said struction of the city and all replacement or repair of water location

structures within the encroamment 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 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 all procure shall procure and maintain all procures and property damage on the occurrence and operations with body injury limits of not less than \$55.00.00.00 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 requirement constitute a minimum requirement constitute a minimum shall in no way to desert to limit 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 Dusivers and authorized to do constitute shall be filed with such policy shall contain a statement therein or endorsement therein or endorsement therein hat 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 an asach such policy shall contain a statement therein or endorsement therein hat 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 and said such losurance policies shall be all shill be shall be shall be appropriated by the construction will name thereon and received and all street paving, sidewalks and curb and guiter, both inside the area of encroachment.

The license shall all ship of the course of construction will not cost to the City and County of Denver and all street paving, sidewalks and curb and guiter, but have a complished without cost to the City and County of Den

Signed by:
(Permittee of Licensee)

Signed by:

(Permittee of Licensee)

By:

(Name of Officer)

(b) The licensee or permittee shan 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.
Published in The Daily Journal June 18, 1982

PREPARED BY: MAX P. ZALL, City Attorney. By W.H.V., 6-9-82.



Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF LAW

MAX P. ZALL CITY ATTORNEY OFFICE OF CITY ATTORNEY CITY AND COUNTY BUILDING DENVER, COLORADO 80202 PHONE (303) 575-2665

June 10, 1982

MEMORANDUM

TO:

William R. Roberts

President

Denver City Council

FROM:

Max P. Zall

City Attorney

BY:

Robert M. Kelly - Robert M. Kelly

Assistant City Attorney

SUBJECT:

Ordinance Granting a Revocable Permit to 1480 Welton,

Inc.

Attached is a Bill for an Ordinance granting a Revocable Permit to 1480 Welton, Inc., to encroach into portion of West 10th Avenue adjoining Block 7, Whitsitt's Addition to Denver, with underground transformer vault.

This Bill was prepared by this office at the request of the Department of Public Works. It was discussed and authorized for filing at the Mayor-Council meeting of Tuesday, June 8, 1982.

еj

Attachment

CITY COUNCIL

JUN 10 1982 7,8,9,10,11,12,1,2,3,4,5,6

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AM

City & County of Denver

Backloaded 8752531

332 Series 19. Ordinance No. __

Councilman's Bill No. -

Meeting Date_

Read in full to the Board of Councilmen and referred to the Committee on

Committee report adopted and bill ordered published.

Meeting Date_

Read by title and passed.

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Meeting Date_

CITY COUNCIL CITY & COUNTY OF DENVER

AM 7.8.9.10.11.12,1.12,13,4,5,6> JUN 101982

Form 46 (Rev. 9/75) C/R