



Department of Public Works
Engineering Regulatory & Analytics
201 W Colfax Ave, Dept. 507
Denver, CO 80202
p: 720.865.3003
www.denvergov.org/PWpermits

REQUEST FOR REVOCATION OF REVOCABLE ENCROACHMENT PERMIT

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner
Interim Director, Public Works Right of Way Services

ROW NO.: 2004-ENCROACHMENT-0093801

DATE: June 7, 2018

SUBJECT: Request to revoke Ordinance #176, Series of 2005 which granted a revocable permit to Grand American, Inc., their successors and assigns, to encroach into the right of way with a Parking Lot at 1701 Platte St.

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

This office has investigated the request from Public Works, for revocation of the above-subject permit. The reason for the revocation is no longer needed.

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

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

Therefore, you are requested to initiate Council action for the revocation of a revocable permit granted by Ordinance # 176, Series of 2005.

MB: vw

cc: City Councilperson & Aides
Department of Law - Brent Eisen
Department of Law - Deanne Durfee
Public Works - Alba Castro
Public Works - Sarah Stanek
Public Works Survey - Paul Rogalla
Project File

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Angela Casias

at angela.casias@DenverGov.org by **12:00pm on Monday**. Contact her with questions

Date of Request: June 7, 2018

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
 Dedication/Vacation Appropriation/Supplemental DRMC Change
 Other: Revocation of Encroachment Resolution

2. Title: (Start with *approves*, *amends*, *dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Request to revoke Ordinance #176, Series of 2005 which granted a revocable permit to Grand American, Inc., their successors and assigns, to encroach into the right of way with a Parking Lot at 1701 Platte St.

3. Requesting Agency: Public Work Right of Way Services, Engineering Regulatory & Analytics

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Vanessa West & Warren Ruby	Name: Sarah Stanek
Email: Vanessa.west@denvergov.org & Warren.ruby@denvergov.org	Email: Sarah.Stanek@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

Revoke Ordinance #176, Series of 2005 which granted a revocable permit to Grand American, Inc., their successors and assigns, to encroach into the right of way with a Parking Lot at 1701 Platte St

6. City Attorney assigned to this request (if applicable):

Brent Eisen

7. City Council District:

Dist 1 Espinoza

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____



REVOCATION OF ENCROACHMENT EXECUTIVE SUMMARY

What is an Encroachment: A privately owned improvement that is located in, or project over or under the public Right-of-Way.

Project Title: 2004-ENCROACHMENT-0093801, 1701 Platte Revocation of MEP

Business name: Grand American Inc

Description of Encroachment to be revoked: Ordinance #176, Series of 2005 which granted a revocable permit to Grand American, Inc., their successors and assigns, to encroach into the right of way with a Parking Lot at 1701 Platte St

Reason for revocation: no longer needed

Additional Information: N/A

Location map on next page

Location Map:



BY AUTHORITY

ORDINANCE NO. 176
SERIES OF 2005

COUNCIL BILL NO. 147
COMMITTEE OF REFERENCE:

A BILL

Public Works

For an ordinance granting a revocable permit to Grand American, Inc., to encroach into dedicated right-of-way at 1701 Platte Street with a parking lot.

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

Section 1. The City and County of Denver hereby grants to Grand American, Inc., its successors and assigns ("Permittee"), a revocable permit to encroach with a parking lot in the following described area ("Encroachment Area"):

A parcel of land lying in the Northeast ¼ of the Southwest ¼ and the Northwest ¼ of the Southeast ¼ of Section 28, Township 3 South, Range 68 West of the 6th. Principal Meridian, in particular Lots 1, 2, 3, 4, 5, 29, 30 and portions of Lot 6 and Lot 28, Block 7, Kasserman's Addition and portions of Lot 5 and Lot 6, Block 18, Central Subdivision. City and County of Denver, State of Colorado. Said parcel is more particularly described as follows;

Commencing at a Denver Range Point, located at the intersection of a 5.0 foot Range Line and a 21.5 foot Range Line at the intersection of 17th. Street and Platte Street. a found 3.25" aluminum cap, stamped Denver Range Point, 1988, PLS 23524; thence N44°33'10"E, along the 5.0 foot Range Line, 46.50 feet; thence N45°26'08"W, along a line parallel to the 21.5 foot Range Line, 14.71 feet to the Point of Beginning; thence N45°26'08"W along the Valley Highway Right of Way line as established by Ordinance No. 3, 1962, 143.34 feet; thence N44°33'52"E, 132.56 feet; thence N56°23'52"E, 176.72 feet; thence S45°26'08"E, 102.81 feet to a point being 5.0 feet westerly of the existing Valley Highway Right of Way line as established by Ordinance No. 3, 1962; thence S44°33'52"W, 5.0 westerly and parallel to the said Right of Way line, also 10.0 feet westerly and parallel to the 5.0 foot Range Line, 192.69 feet; thence S50°00'43"W, 49.65 feet to a point being 14.71 feet westerly of the existing said Right of Way line; thence S44°33'52"W, along a line that is 14.71 feet westerly and parallel to the said Right of Way line. 63.40 feet to the Point of Beginning.

Area of Parcel = 38,934 square feet or 0.890 acres

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

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

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

7 (c) If the Permittee intends to install any underground facilities in or near a public road,
8 street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification
9 Association of Owners and Operators of Underground Facilities by contacting the Utility Notification
10 Center of Colorado, 12600 West Colfax Avenue, Suite B-310, Lakewood, Colorado 80215, at 303-
11 232-1991.

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

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

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

1 and the Director of Building Inspection Division prior to construction. Upon completion, a
2 reproducible copy of the exact location and dimensions of the Encroachments shall be filed with the
3 Manager of Public Works.

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

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

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

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

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

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

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

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

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

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

20 (p) Permittee shall pay all applicable fees including current right-of-way parking fees for
21 the duration of this permit.

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

30 COMMITTEE APPROVAL DATE: N/A

31 MAYOR-COUNCIL DATE: March 1, 2005.

32 PASSED BY THE COUNCIL March 14 2005

33  - PRESIDENT

1 APPROVED: [Signature] - MAYOR 3/15 2005
2 ATTEST: [Signature] - CLERK AND RECORDER ACTING MAYOR
3 EX-OFFICIO CLERK OF THE
4 CITY AND COUNTY OF DENVER
5

6 NOTICE PUBLISHED IN THE DAILY JOURNAL MAR. 11, 2005; MAR. 18, 2005
7 PREPARED BY: KAREN A. AVILES, ^{KA} ASSISTANT CITY ATTORNEY; 3/1/05

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

13 Cole Finegan, City Attorney

14
15 BY: [Signature], Asst City Attorney

16 DATE: 2 Mar 2005
17

