



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

REQUEST FOR RESOLUTION FOR MAJOR ENCUMBRANCE PERMIT

TO: Karen Walton, City Attorney's Office

FROM: Robert J. Duncanson, P.E. *to and through for Ed D.*
Manager 2, Development Engineering Services

ROW NO.: 2012-0101-05

DATE: October 10, 2013

SUBJECT: Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to Union Bridge Apartments, LLC, their successors and assigns, to encroach into the right-of-way with four (4) directional signs at the corner of Chestnut Pl. and 18th 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 Aaron Hayne of Norris Design dated May 9, 2013, on behalf of Union Bridge Apartments, LLC for the granting of the above-subject permit.

This matter has been checked by this office and has been coordinated with Asset Management; Colorado Department of Transportation (if required); Comcast Corporation; Commission For People With Disabilities; Councilperson Judy Montero; CPD: Building & Construction Services, Planning Services, and Zoning & Development Review; Denver Water Board; Environmental Services (if required); Fire Department (if required); Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks and Recreation; Public Works: City Engineer, DES Construction Engineering, DES Engineering, DES Survey, IPP Infrastructure Engineering, and Street Maintenance; Qwest Corporation; Regional Transportation District; and Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

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

Therefore, you are requested to initiate Council action for the granting of a revocable permit, subject to certain terms and conditions, to Union Bridge Apartments, LLC, their successors and assigns, to encroach with four (4) directional signs at the corner of Chestnut Pl. and 18th St.

INSERT PARCEL DESCRIPTION ROW 2012-0101-05-001 HERE

STANDARD PROVISIONS

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, and 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 Ave, 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.
- (d) Permittee is fully responsible 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. Should the relocation or replacement of any drainage facilities for water and sewage of the City and County of Denver become necessary as determined by the Manager of Public Works, in the Manager's sole and absolute discretion, Permittee shall pay all cost and expense of the portion of the sewer affected by the permitted structure. The extent of the affected portion to be replaced and relocated by Permittee shall be determined by the Manager of Public Works. 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 Permittee shall be made by the Water Department and/or the City and County of Denver at the sole expense of the Permittee. In the event Permittee's facilities are damaged or destroyed due to the Water Department's or the City and County of Denver's repair, replacement and/or operation of its facilities, repairs will be made by Permittee at its sole expense. Permittee agrees to defend, indemnify and save the City harmless and to repair or pay for the repair of any and all damages to said sanitary sewer, or those damages resulting from the failure of the sewer to properly function as a result of the permitted structure.
- (e) Permittee shall comply with all requirements of affected utility companies and pay for all costs of removal, relocation, replacement or rearrangement of utility company facilities. Existing telephone facilities shall not be utilized, obstructed or disturbed.
- (f) All construction in, under, on or over the Encroachment Area shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and Specifications governing the construction of the Encroachments 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.

- (g) The sidewalk and street/alley over the Encroachment Area shall be capable of withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The installations within the Encroachment Area shall be constructed so that the paved section of the street/alley 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.
- (h) Permittee shall pay all costs of construction and maintenance of the Encroachment. Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the Encroachment from the Encroachment Area, and return the Encroachment Area to its original condition under the supervision of the City Engineer.
- (i) Permittee shall remove and replace any and all street/alley paving, sidewalks, and curb and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become broken, damaged or unsightly during the course of construction. In the future, Permittee shall also remove, replace or repair any street/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 activity of the Permittee within the Encroachment Area. All repair work shall be accomplished without cost to the City and under the supervision of the City Engineer.
- (j) The City reserves the right to make an inspection of the Encroachments contained within the Encroachment Area. An annual fee, subject to change, of \$200.00 shall be assessed.
- (k) This revocable permit 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 the Encroachment Area and adjacent rights-of-way as public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their facilities within the Encroachment Area and adjacent rights-of-way.
- (l) During the existence of the Encroachments and this permit, Permittee, its successors and assigns, at its 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 \$500,000.00. All coverage's are to be arranged on an occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage required herein constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the Permittee, its successors or assigns, under the terms of this permit. All insurance coverage required herein shall be written in a form and by a company or companies approved by the Risk Manager 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 Manager of Public Works, and each such policy shall contain a statement therein or

endorsement thereon that it will not be canceled or materially changed without written notice, by registered mail, to the Manager of Public Works at least thirty (30) days prior to the effective date of the cancellation or material change. All such insurance policies shall be specifically endorsed to include all liability assumed by the Permittee hereunder and shall name the City and County of Denver as an additional insured.

- (m) Permittee shall 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 to comply with any such provision shall be a proper basis for revocation of this permit.
- (n) The right to revoke this permit is expressly reserved to the City and County of Denver.
- (o) Permittee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising, either directly or indirectly, out of the rights and privileges granted by this permit.

SPECIAL CONDITIONS FOR THIS PERMIT

- (p) none

A map of the area is attached hereto.

RJD: Ira

cc: Asset Management, Steve Wirth
City Council Office, Gretchen Williams
Councilperson Judy Montero and Aides
CPM, Michael Anderson
Department of Law, Shaun Sullivan
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Karen Walton
Public Works, Alba Castro
Public Works, Nancy Kuhn
Public Works Solid Waste, Mike Lutz
Public Works Survey, Paul Rogalla
Public Works Street Maint. William Kennedy
Project File #: 2012-0101-05

Property Owner:
Union Bridge Apartments,
LLC
C/O: David Jaudes
of Wood Partners
5299 DTC Boulevard #
700
Greenwood Village, CO
80111

Agent:
Norris Design
C/O: Aaron Hayne
1101 Bannock St.
Denver, CO 80204

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at
Nancy.kuhn@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: October 10, 2013

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.)*

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3. **Requesting Agency:** PW Right of Way Engineering Services

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

- **Name:** Lisa R. Ayala
- **Phone:** 720-865-3153
- **Email:** lisa.ayala@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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** nancy.kuhn@denvergov.org

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

Encroach with four (4) directional signs at the corner of Chestnut Pl. and 18th St.

****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:** NO
- b. **Duration:** Permanent
- c. **Location:** corner of Chestnut Pl. and 18th St.
- d. **Affected Council District:** # 9, Judy Montero
- 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: _____



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EXECUTIVE SUMMARY

Project Title: 2012-0101-05 MEP at the corner of Chestnut Pl. and 18th St.

Description of Proposed Project: Encroach with four (4) directional signs.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The zoning in the Commons District requires a 0 setback from the ROW making traditional building mounted signage difficult to read for motorist on Chestnut Pl. The City House site plan requires that the access to our new resident parking comes from the 18th Street. 18th Street is a unique street that is primarily designed for buses to access the new multi-modal bus facility. The Woods Partners feel that their prospective tenants will be confused about how to access their leasing center and will be reluctant about turning onto 18th Ave., unless, the signage is not only clear, but also visible.

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

What is the known duration of an MEP: Permanent

Will land be dedicated to the City if the vacation goes through: NO

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: The Wood Partners is building an upscale, luxury, urban apartment project in the Commons District.

LAND DESCRIPTION

FOUR PARCELS OF LAND BEING PORTIONS OF THE RIGHT-OF-WAY OF 18TH ST. AND CHESTNUT PL., ADJACENT TO BLOCK 1, THE COMMONS SUBDIVISION-FILING NO. 4, RECORDED AT RECEPTION NO. 2003197650 IN THE CITY AND COUNTY OF DENVER OFFICE OF CLERK AND RECORDER, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

COMMENCING AT THE SOUTH CORNER OF PARCEL 2 OF THE RIGHT-OF-WAY VACATION RECORDED AT RECEPTION NO. 2006197704 AND 2010152058 IN THE CITY AND COUNTY OF DENVER OFFICE OF CLERK AND RECORDER; THENCE NORTH 45°29'00" WEST ALONG THE SOUTHWEST LINE OF SAID RIGHT-OF-WAY VACATION AND CONTINUING ALONG THE NORTHEAST RIGHT-OF-WAY LINE OF 18TH ST., A DISTANCE OF 88.44 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 83°41'58" WEST, A DISTANCE OF 8.66 FEET;

THENCE NORTH 07°41'58" WEST, A DISTANCE OF 8.74 FEET TO A POINT ON SAID NORTHEAST RIGHT-OF-WAY LINE;

THENCE SOUTH 45°29'00" EAST ALONG SAID NORTHEAST RIGHT-OF-WAY LINE, A DISTANCE OF 13.72 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

PARCEL B:

COMMENCING AT THE SOUTH CORNER OF PARCEL 2 OF SAID RIGHT-OF-WAY VACATION; THENCE NORTH 45°29'00" WEST ALONG THE SOUTHWEST LINE OF SAID RIGHT-OF-WAY VACATION AND CONTINUING ALONG THE NORTHEAST RIGHT-OF-WAY LINE OF 18TH ST., A DISTANCE OF 29.25 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 83°43'05" WEST, A DISTANCE OF 6.13 FEET;

THENCE NORTH 07°40'51" WEST, A DISTANCE OF 6.19 FEET TO A POINT ON SAID NORTHEAST RIGHT-OF-WAY LINE;

THENCE SOUTH 45°29'00" EAST ALONG SAID NORTHEAST RIGHT-OF-WAY LINE, A DISTANCE OF 9.71 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

PARCEL C:

COMMENCING AT THE SOUTH CORNER OF PARCEL 2 OF SAID RIGHT-OF-WAY VACATION; THENCE NORTH 44°18'02" EAST ALONG THE SOUTHEAST LINE OF SAID RIGHT-OF-WAY VACATION, A DISTANCE OF 53.35 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 44°18'02" EAST CONTINUING ALONG SAID SOUTHEAST LINE, A DISTANCE OF 24.85 FEET;

THENCE SOUTH 19°42'27" WEST, A DISTANCE OF 13.66 FEET;

THENCE SOUTH 68°53'34" WEST, A DISTANCE OF 13.66 FEET TO THE POINT OF BEGINNING.

FILEPATH: F:\2012\120-120101\PROJECT\DWG\DESCRIBING\LAND_LAYOUT.DWG
 2 SHEET: 001 OF 001 (120-120101-05-001) (120101)
 PLOTTED: SAT 12/16/11 10:06:31A BY: JAWON MURPHY

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE: 8-15-13	PROJECT #: 120107
DATE	REVISION COMMENTS

DESCRIPTION

CITY HOUSE
UNION BRIDGE

HKS HARRIS KOCHER SMITH
 1120 Lincoln Street, Suite 1000
 Denver, Colorado 80203
 P: 303-623-6300 F: 303-623-6311
 HarrisKocherSmith.com

CHK'D BY: AWM DRAWN BY: JPB
SHEET NO. 1
1 OF 3

LAND DESCRIPTION

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

PARCEL D:

COMMENCING AT THE SOUTH CORNER OF PARCEL 2 OF SAID RIGHT-OF-WAY VACATION; THENCE SOUTH 89°02'33" EAST, A DISTANCE OF 15.35 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 44°18'02" EAST, A DISTANCE OF 3.50 FEET;

THENCE SOUTH 45°41'58" EAST, A DISTANCE OF 4.80 FEET;

THENCE SOUTH 44°18'02" WEST, A DISTANCE OF 3.50 FEET;

THENCE NORTH 45°41'58" WEST, A DISTANCE OF 4.80 FEET TO THE POINT OF BEGINNING.

SAID PARCELS CONTAIN A TOTAL OF 143 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTHEAST LINE OF PARCEL 2 OF THE RIGHT-OF-WAY VACATION RECORDED AT RECEPTION NO. 2006197704 AND 2010152058 IN THE CITY AND COUNTY OF DENVER OFFICE OF CLERK AND RECORDER ASSUMED TO BEAR NORTH 44°18'02" EAST.

PREPARED BY: AARON MURPHY
 PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
 1120 LINCOLN STREET, SUITE 1000
 DENVER, CO 80203
 303-623-6300



\\P:\PATH\PL\2012\LD-120107\LEGAL DESCRIPTION.DWG LAYOUT: DESC (2)
 PLOTTED: SAT 09/28/13 10:00:39A BY: AARON MURPHY

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE: 8-15-13	PROJECT # 120107
DATE	REVISION COMMENTS

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CHKD BY: AWM
 DRAWN BY: JPB
 SHEET NO.
 2
 2 OF 3

