




REQUEST FOR REVOCATION OF REVOCABLE ENCROACHMENT PERMIT

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE 
Director, Right of Way Services

ROW NO.: 2017-ENCROACHMENT-0000068

DATE: March 11, 2021

SUBJECT: Request for revocation of Resolution No. 20180295, Series of 2018 which granted a revocable permit to New Cingular Wireless PCS, LLC d/b/a AT&T Wireless, their successors and assigns, to encroach into the right of way with a small cell pole and facilities to include a pole of 27 feet, 5 inches and the antenna on top of the pole at 2 feet, 8 inches, with a total height of 30 feet, 1 inch. The other items associated with the pole and antenna are: a foundation of 5 feet x 5 feet, 5 feet of electrical line with conduit, an underground fiber vault with fiber optic cable, and an integrated meter with disconnect at 1465 Wewatta Street.

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

This office has investigated the request from Black & Veatch, dated June 15, 2020, on behalf of New Cingular Wireless PCS, LLC d/b/a AT&T Wireless for revocation of the above-subject permit. The reason for the revocation is New Cingular Wireless PCS, LLC d/b/a AT&T Wireless was unable to construct at this location and was never built.

This matter has been checked by this office and has ensured the encroachment has never been built. 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 Resolution No. 20180295, Series of 2018.

Note:

WHEREAS, the Permittee, New Cingular Wireless PCS, LLC d/b/a AT&T Wireless requests that the revocable permit granted by Resolution No. 20180295 Series of 2018 ("Permit"), be revoked and further waives the right to a public hearing.

WHEREAS, the Permittee is being granted a new revocable permit pursuant to [resolution number] ("New Permit") concurrent with this revocation, which will replace the Permit.

WHEREAS, all sub-encroachment permits, such as Tier II encroachment permits, tied to and issued under the authority of the Permit will now be tied to and considered issued under the authority of the New Permit.

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

Section 1. That the Permit granted by Resolution No. 20180295, Series of 2018, is hereby revoked.

Section 2. All sub-encroachment permits, such as Tier II encroachment permits, tied to and issued under the authority of the Permit will now be tied to and considered issued under the authority of the New Permit pursuant to [resolution number], which is being granted concurrent with this revocation.

MB: je

cc: City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Bradley Beck
Department of Law – Deanne Durfee
Department of Law – Maureen McGuire
Department of Law – Martin Plate
DOTI, Manager’s Office – Alba Castro
DOTI, Legislative Services – Jason Gallardo
DOTI, Survey – Paul Rogalla

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo
at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact her with questions.

Date of Request: March 11, 2021

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 Tier III Encroachment

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 for revocation of Resolution No. 20180295, Series of 2018 which granted a revocable permit to New Cingular Wireless PCS, LLC d/b/a AT&T Wireless, their successors and assigns, to encroach into the right of way with a small cell pole and facilities to include a pole of 27 feet, 5 inches and the antenna on top of the pole at 2 feet, 8 inches, with a total height of 30 feet, 1 inch. The other items associated with the pole and antenna are: a foundation of 5 feet x 5 feet, 5 feet of electrical line with conduit, an underground fiber vault with fiber optic cable, and an integrated meter with disconnect at 1465 Wewatta Street.

3. Requesting Agency: Department of Transportation & Infrastructure, Engineering & Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Jessica Eusebio	Name: Jason Gallardo
Email: Jessica.Eusebio@denvergov.org	Email: Jason.Gallardo@denvergov.org

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

Revocation of Resolution No. 20180295, Series of 2018 which granted a revocable permit to New Cingular Wireless PCS, LLC d/b/a AT&T Wireless, their successors and assigns, to encroach into the right of way with a small cell pole and facilities to include a pole of 27 feet, 5 inches and the antenna on top of the pole at 2 feet, 8 inches, with a total height of 30 feet, 1 inch. The other items associated with the pole and antenna are: a foundation of 5 feet x 5 feet, 5 feet of electrical line with conduit, an underground fiber vault with fiber optic cable, and an integrated meter with disconnect at 1465 Wewatta Street.

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

7. City Council District: District 8, Christopher Herndon

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: _____

ENCROACHMENT REVOCATION 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: 2017-ENCROACHMENT-0000068, Tier III AT&T Black & Veatch, 1465 Wewatta St.

Business/Owner name: New Cingular Wireless PCS, LLC d/b/a AT&T Wireless

Description of Encroachment: Small Cell pole and associated facilities were never built at this location.

Explanation of why the Encroachment is no longer needed: Small Cell pole and associated facilities were not able to be constructed at this location.

When was the Encroachment removed/abandoned: N/A

Additional Information: New Cingular Wireless PCS, LLC d/b/a AT&T Wireless is requesting a new Tier III Resolution, under 2021-ENCROACHMENT-0000022, located at 4507 N. Havana St. The intent is to have the new Tier III replace the current Tier III Encroachment, 2017-ENCROACHMENT-0000068, Resolution No. 20180295 Series of 2018 as they were not able to construct the Small Cell pole and associated facilities at 1465 Wewatta St.

Location Map: Continued on next page.

