



APPLICATION

FOR ENCROACHMENTS & ENCUMBRANCES IN THE PUBLIC RIGHT-OF-WAY

An Encroachment Permit is required prior to placing privately-owned improvements (“Encroachment” or “Encumbrance”) in the public Right-of-Way (ROW). Only Encroachment Permit Applications in accordance with [Rules and Regulations](#) and [Permit Entrance Requirements](#) for Encroachments in the Public Right-of-Way will be considered by the Department of Transportation & Infrastructure (DOTI). **It is the City’s sole discretion whether to grant an Encroachment Permit based on any facts the City feels are relevant. Approval is not guaranteed.**

To apply, complete this application and submit together with required application materials in accordance with the [Permit Entrance Requirements](#) to DOTI.ER@denvergov.org. Please type or print clearly. If necessary, attach additional sheets to fully answer any of the following sections. Incomplete applications packages will not be accepted. Questions on this application or the process can be sent to DOTI.ER@denvergov.org.

Check if this application is for Tier Determination only. If checked, the project will not be submitted for full review until confirmation, and remaining submittal requirements, are received by owner.

ADJACENT PROPERTY OWNER:

The adjacent property owner or Authorized Special District will be the Encroachment Owner and Permittee and is the responsible party for the Encroachment in accordance with the Rules and Regulations, including all fees and annual billing.

Company Name: 245 Italian Partners, LLC
Contact Name: Jennifer Rackoff
Property Address: 245 Columbine Street, Denver, CO 80206
Billing Address: 460 Park Avenue, 12th Floor, New York City, NY 10022
Phone: 917-699-9426 Email: jrackoff@qualitybranded.com

PRIMARY CONTACT:

Check if the same as Adjacent Property Owner

Company Name: _____
Contact Name: _____
Address: _____
Phone: 917-699-9426 Email: _____

City and County of Denver – Department of Transportation & Infrastructure
Right-of-Way Services | Engineering & Regulatory
201 West Colfax Ave. Dept. 507 | Denver, CO 80202
www.denvergov.org/doti
[Email: DOTI.ER@denvergov.org](mailto:DOTI.ER@denvergov.org)
Phone: 720-865-3003



ENCROACHMENT INFORMATION:

| | |
|----------------------------|--|
| Project Name: | Patio @ 245 Columbine |
| Adjacent Property Address: | 245 Columbine Street, Denver, CO 80206 |
| Coordinates (Lat/Long): | 39°43'13"N 104°57'28"W |
| Encroachment Area, in SF: | 445 |

Is this project associated with a LAND DEVELOPMENT REVIEW?

Yes No If 'Yes', provide Project Master, Site Plan and/or Concept Development Project Numbers:

Is the proposed encroachment located in Future Right-of-Way?

Finalizing permit and/or processing resolution for the Encroachment will not occur until the ROW dedication is finalized.

Yes No If 'Yes', provide ROW Dedication Project Number:

Location Description: (e.g. Located on the South side of 23rd Ave, twenty (20) feet from face of curb, and ten (10) feet west of pavement on Private Drive.)

Located on West side of Columbine Street in the curb lawn, above the curb, and on-street parking.

Description of Encroachment:

Describe the proposed encroachment, including the type and quantity of objects.

1 dining patio.

Reason for Private Improvements in the Public ROW:

Private improvements should be located on private property. Only in cases where there are physical constraints that preclude the placement of private improvements on private property that an encroachment may be considered within the right-of-way. Make your case as to why this is a good use of the public right-of-way.

Dining patios improve street vibrancy. Restaurant owners are encouraged to apply for such improvements through the Outdoor Places Program.



ATTESTATION:

By submitting this permit application and signing below, I understand and agree to the following:

1. That I am the property owner adjacent to the Encroachment Area, or the authorized representative of a Special District, that is responsible for the placement, maintenance, repair, replacement, removal, site restoration, ownership, or is otherwise responsible for the Encroachment in accordance with the Rules & Regulations for Encroachments and Encumbrances in the Public Right-of-Way.
2. That it is the City's sole discretion to classify the Tier of an Encroachment and whether to grant an Encroachment Permit based on any facts the City feels are relevant. The issuance of an Encroachment Permit confers no rights to the Right-of-Way, the Encroachment Permit is revocable and DOTI can order the removal of the Encroachment and restoration of the Encroachment Area for any reason the City feels relevant.
3. Permittee agrees to defend, indemnify, reimburse and hold harmless the City, its appointed and elected officials, agents and employees for, from and against all liabilities, claims, judgments, suits or demands for damages to persons or property arising out of, resulting from, or relating to an Encroachment Permit and the Encroachment ("Claims"). This indemnity shall be interpreted in the broadest possible manner to indemnify City for any acts or omissions of Permittee or its subcontractors either passive or active, irrespective of fault, including City's negligence whether active or passive.
4. Permittee's duty to defend and indemnify City shall arise at the time written notice of the Claim is first provided to City regardless of whether claimant has filed suit on the Claim. Permittee's duty to defend and indemnify City shall arise even if City is the only party sued by claimant and/or claimant alleges that City's negligence or willful misconduct was the sole cause of claimant's damages.
5. Permittee will defend any and all Claims which may be brought or threatened against City and will pay on behalf of City any expenses incurred by reason of such Claims including, but not limited to, court costs and attorney fees incurred in defending and investigating such Claims or seeking to enforce this indemnity obligation. Such payments on behalf of City shall be in addition to any other legal remedies available to City and shall not be considered City's exclusive remedy.
6. Insurance coverage requirements specified in an Encroachment Permit shall in no way lessen or limit the liability of Permittee under the terms of this indemnification obligation. Permittee shall obtain, at its own expense, any additional insurance that it deems necessary for the City's protection.
7. This defense and indemnification obligation shall survive the expiration or termination of any issued Encroachment Permit.
8. Permittee is fully responsible for all costs to install, maintain, repair, replace, remove, and restore the Encroachment Area, including annual City Encroachment Permit Fees. A lien will be placed on the Permittee's property for failure to remove a revoked or abandoned Encroachment for cost incurred by CCD to remove the Encroachment and restore the Encroachment Area on behalf of the Permittee.
9. Indemnity and Insurance for Tier I and Tier II Encroachments: Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier I or Tier II Encroachment, the Owner of such Tier I or Tier II Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier I or Tier II Encroachment. Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.
10. Indemnity and Insurance for Tier III Encroachments: Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier III Encroachment, the Owner of such Tier III Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier III Encroachment. Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$5,000,000 policy aggregate. A combination of primary and excess coverage may be used to meet the aggregate limit. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.

ADJACENT PROPERTY
OWNER SIGNATURE:

DATE: July 22, 2025

PRINT NAME:

Tamre F. Edwards

TITLE: Authorized Officer

COMPANY:

RB Cherry Creek LLC

PATIO @ 245 COLUMBINE

TWEED STUDIO

1322 N. EMERSON ST. #301, DENVER, CO 80218
303-886-5864
WWW.TWEED-STUDIO.COM



PLAN REVIEW

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PATIO @ 245 COLUMBINE
245 COLUMBINE ST. DENVER, CO 80206

PRINTED: 7/9/2025 7:24:55 AM

| | |
|-------------------|-----------|
| ORIGINALLY ISSUED | DATE |
| PERMIT REVIEW | 1/22/2025 |
| REVISION | DATE |
| REV 1 | 4/25/2025 |

PROJECT NUMBER: 2430
SHEET TITLE:

COVER SHEET

SHEET NUMBER: **A-000**

PROJECT ABBREVIATIONS

| | | | | | |
|--------|---------------------------------------|---------|---|-------|----------------------------------|
| # | POUND(S) or NUMBER | FUR | FURRED or FURRING | REIN | REINFORCED |
| & | AND | FUT | FUTURE | REQD | REQUIRED |
| (E) | EXISTING | FVC | FIRE VALVE CABINET | RESIL | RESILIENT |
| (N) | NEW | GA | GAUGE | REV | REVERSE, REVERSED or REVISION(S) |
| (R) | REMOVE | GALV | GALVANIZED | RF | RESILIENT FLOORING |
| < | ANGLE | GB | GRAB BAR | RFG | ROOFING |
| @ | AT | GC | GENERAL CONTRACTOR | RFL | REFLECTED |
| A-V | AUDIO/VISUAL | GC&J | GLAZED CONCRETE MASONRY UNITS(S) | RH | RIGHT HAND |
| AB | ANCHOR BOLT | GL | GLASS or GLAZING | RL | RAIN LEADER |
| ABV | ABOVE | GND | GROUND | RM | ROOM |
| ACOUS | ACOUSTICAL | GR | GRADE | RO | ROUGH OPENING |
| ACT | ACOUSTICAL CEILING TILE | GRT | GROUT | ROD | ROOF OVERFLOW DRAIN |
| AD | AREA DRAIN or ACCESS DOOR | GWB | GYPSPUM WALLBOARD | ROW | RIGHT OF WAY |
| ADD | ADDENDUM | GYP | GYPSPUM | RPM | REVOLUTIONS PER MINUTE |
| ADJ | ADJACENT or ADJUSTABLE | GYP BD. | GYPSPUM BOARD | RVS | REVERSE (SIDE) |
| AF | ABOVE FINISHED FLOOR | HAS | HEADED ANCHOR STUD | RWC | RAIN WATER CONDUCTOR |
| AGG | AGGREGATE | HB | HOSE BIB | S | SOUTH or SEALED |
| AHJ | AIR HANDLING UNIT | HC | HOLLOW CORE or HANDICAPPED | SC | SOLID CORE |
| ALT | ALTERNATE | HDS | HEADED DEFORMED ANCHOR STUD | SDP | SITE DEVELOPMENT PLAN |
| ALUM | ALUMINUM | HDR | HEADER | SEC | SECTION |
| ANOD | ANODIZED | HWIR | HARDWARE | SF | SQUARE FEET |
| APPROX | APPROXIMATE | HM | HOLLOW METAL | SHT | SHEET |
| ARCH | ARCHITECTURAL | HORIZ | HORIZONTAL | SHTG | SHEATHING |
| AS1 | ARCHITECT'S SUPPLEMENTAL INSTRUCTIONS | HR | HOUR | SHWR | SHOWER |
| ASPH | ASPHALT | HT | HEIGHT | SIM | SIMILAR |
| AUTO | AUTOMATIC | HTR | HEATER | SOFF | SOFFIT |
| AVE | AVENUE | HVAC | HEATING, VENTILATION and AIR CONDITIONING | SPECS | SPECIFICATIONS(S) |
| AVG | AVERAGE | HW | HOT WATER | SPKL | SPEAKER |
| AWP | ACOUSTICAL WALL PANEL | HWI | HOT WATER HEATER | SPRT | SUPPORT |
| B | BASE | HWY | HIGHWAY | SQ | SQUARE |
| B.O. | BOTTOM OF | IBC | INTERNATIONAL BUILDING CODE | SR | SINK RECEPTACLE |
| B.O.F. | BY OWNER, FUTURE | ID | INSIDE DIAMETER | SS | STAINLESS STEEL |
| BD | BOARD | IN | INCHES | SSK | SERVICE SINK |
| BIT | BITUMINOUS | INCAND | INCANDESCENT | STA | STATION |
| BLDG | BUILDING | INCLD | INCLUDED | STD | STANDARD |
| BLKG | BLOCKING | INFO | INFORMATION | STL | STEEL |
| BM | BEAM or BENCH MARK | INSUL | INSULATION or INSULATED | STOR | STORAGE |
| BOT | BOTTOM | INTD | INTERIOR | STRCT | STRUCTURE or STRUCTURAL |
| BRG | BEARING | INTMED | INTERMEDIATE | SUSP | SUSPENDED |
| BSMT | BASEMENT | INV | INVERT | SYMP | SYMMETRICAL |
| C | CALKING | JC | JANITOR CLOSET | SYS | SYSTEM |
| C.L. | CENTERLINE | JST | JOIST | T | TREAD |
| CAB | CABINET | JT | JOINT | T&B | TOP AND BOTTOM |
| CATV | CABLE TELEVISION | KD | KNOCKDOWN | T&G | TONGUE AND GROOVE |
| CCD | CONSTRUCTION CHANGE DIRECTIVE | KIT | KITCHEN | T&C | TOP OF BACK OF CURB |
| CCTV | CLOSED CIRCUIT TELEVISION | KO | KNOCKOUT | TEL | TELEPHONE |
| CDOT | COLORADO DEPARTMENT OF TRANSPORTATION | KP | KICK PLATE | TEMP | TEMPERARY or TEMPERATURE |
| CEM | CEMENTITIOUS | LAB | LABORATORY | TG | TEMPERED GLASS |
| CTL | COUNTERFLASHING | LAM | LAMINATE | THERM | THERMOSTAT |
| CG | CORNER GUARD | LAV | LAVATORY | THK | THICK or THICKNESS |
| CIP | CAST IN PLACE | LBL | LABEL | THLD | THRESHOLD |
| CIRC | CIRCUMFERENCE | LDR | LEADER | TO | TOP OF |
| CJ | CONTROL JOINT | LH | LEFT HAND | TOC | TOP OF CONCRETE |
| CLG | CEILING | LKR | LOCKER | TOS | TOP OF STEEL |
| CLOS | CLOSET | LP | LIGHTING PANEL or LIGHT PROOF | TOW | TOP OF WALL |
| CLR | CLEAR | LT | LIGHT | TPD | TOILET PAPER DISPENSER |
| CM | CENTIMETERS | LTL | LIMIT | TPN | TOILET PARTITION |
| CMU | CONCRETE MASONRY UNIT | LVR | LOUVER | TS | TUBE STEEL |
| CO | CHANGE ORDER or CLEANOUT | MACH | MACHINERY | TV | TELEVISION |
| COL | COLUMN | MAG | MAGNETIC | TYP | TYPICAL |
| CONC | CONCRETE | MAS | MASONRY | UL | UNDERWRITER'S LABORATORY |
| CONF | CONFERENCE | MATL | MATERIAL | UNFN | UNFINISHED |
| CONN | CONNECTION | MAX | MAXIMUM | UNL | UNLESS OTHERWISE NOTED |
| CONSTR | CONSTRUCTION | MB | MOISTURE BARRIER | UR | URNAL |
| CONT | CONTINUOUS | MEDH | MECHANICAL | USGS | U.S. GEOLOGICAL SURVEY |
| CONTR | CONTRACTOR | MED | MEDIUM | V | VOL. |
| CORR | CORRIDOR or CORRUGATED | MEMB | MEMBRANE | VAR | VARY or VARIES |
| CPT | CARPET | MEP | MECHANICAL, ELECTRICAL and PLUMBING | VB | VAPOR BARRIER |
| CT | CERAMIC TILE | MEZZ | MEZZANINE | VCT | VINYL COMPOSITION TILE |
| CTR | COUNTER | MFR | MANUFACTURER | VENT | VENTILATION |
| CU | CUBIC | MH | MANHOLE | VERY | VERY |
| CY | CUBIC YARD | MN | MINIMUM | VERT | VERTICAL |
| DAMP | DAMPENING | MIN | MINIMUM | VEST | VESTIBULE |
| DBL | DOUBLE | MISR | MISCELLANEOUS | VFI | VERY IN FIELD |
| DEG | DEGREE | MISC | MISCELLANEOUS | VIN | VINYL or SHEET VINYL |
| DEMO | DEMOLISH or DEMOLITION | MM | MILLIMETERS | VOL | VOLUME |
| DEPT | DEPARTMENT | MO | MASONRY OPENING | VTR | VENT THROUGH ROOF |
| DF | DRINKING FOUNTAIN | MTD | MOUNT(D) | VWC | VINYL WALL COVERING |
| DIA | DIAMETER | MTL | METAL | W | WEST or WIDE |
| DIAG | DIAGONAL | MUTCD | MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES | W.O. | WHERE OCCURS |
| DIM | DIMENSION | N | NORTH | W/ | WITH |
| DISP | DISPENSER | NIC | NOT IN CONTRACT | W/C | WATER CLOSET |
| DIV | DIVISION | NOM | NUMBER | W/D | WITHOUT |
| DN | DOWN | NOM | NOMINAL | WR | WATER RESISTANT |
| DR | DOOR | NRC | NOISE REDUCTION COEFFICIENT | WC | WALL COVERING |
| DS | DOWNSPOUT | NTS | NOT TO SCALE | WD | WOOD |
| DTL | DETAIL | OA | OVERALL | WDO | WINDOW |
| DWG | DRAWING | OC | ON CENTER | WF | WIDE FLANGE or WOOD FLOORING |
| DWR | DRAINER | OD | OUTSIDE DIAMETER | WGL | WIRE GLASS |
| E | EAST | OC | ON CENTER | WP | WATERPROOFING |
| EA | EACH | OF | OUTSIDE FACE | WPT | WORKING POINT |
| EB | EXPANSION BOLT | OFF | OFFICE | WSCT | WAINSCOT |
| ED | EXHAUST DUCT | OH | OPPOSITE HAND | WT | WEIGHT |
| EF | EXHAUST FAN or EACH FACE | OPNG | OPENING | WWF | WELDED WIRE FABRIC |
| EJ | EXPANSION JOINT | OPP | OPPOSITE | YARD | YARD |
| EL | ELEVATION | OTO | OUTSIDE-TO-OUTSIDE | | |
| ELEC | ELECTRICAL | P | PAINTED | | |
| ELEV | ELEVATOR | P/L | PROPERTY LINE | | |
| EMER | EMERGENCY | PAC | PREVIOUSLY AWARDED CONTRACT | | |
| ENGR | ENGINEER | PAR | PARALLEL | | |
| EGS | EDGE OF SLAB | PRO | PROVIDED BY OTHERS | | |
| EQ | EQUAL | PC | PRECAST | | |
| EQUIP | EQUIPMENT | PERF | PERFORATED | | |
| ES | EACH SIDE | PERM | PERMETER | | |
| EST | ESTIMATE | PKG | PARKING | | |
| EW | EACH WAY | PL | PLATE | | |
| EWC | ELECTRIC WATER COOLER | PLAM | PLASTIC LAMINATE | | |
| EWI | ELECTRIC WATER HEATER | PLAS | PLASTER | | |
| EXT | EXTERIOR | PLBS | PLUMBING | | |
| F | FARENHEIT | PLY | PLYWOOD | | |
| FA | FIRE ALARM | PNL | PANEL | | |
| FAC | FIRE ALARM CABINET | POL | POLISHED | | |
| FACP | FIRE ALARM CONTROL PANEL | PR | PAIR or PROPOSAL REQUEST | | |
| FBO | FURNISHED BY OTHER(S) | PREFAB | PREFABRICATED | | |
| FD | FLOOR DRAIN or FIRE DAMPER | PREFIN | PREFINISHED | | |
| FDN | FOUNDATION | PRESTR | PRESTRESSED | | |
| FE | FIRE EXTINGUISHER | PRIM | PRIMARY | | |
| FEC | FIRE EXTINGUISHER CABINET | PROJ | PROJECT | | |
| FF | FINISHED FLOOR | PSF | POUNDS PER SQUARE FOOT | | |
| FFL | FINISHED FLOOR LINE | PSI | POUNDS PER SQUARE INCH | | |
| FH | FIRE HYDRANT | PT | POST TENSIONED or PORCELAIN TILE | | |
| FHC | FIRE HOSE CABINET | PTD | PAINTED | | |
| FHMS | FLAT HEAD MACHINE SCREW | PTDR | PAPER TOWEL DISPENSER AND RECEPTACLE | | |
| FHV | FIRE HOSE VALVE | PTN | PARTITION | | |
| FHW | FLAT HEAD WOOD SCREW | PTR | PAPER TOWEL RECEPTACLE | | |
| FIN | FINISH(ED) | PVC | POLYVINYL CHLORIDE | | |
| FIXT | FIXTURE | PVMT | PAVEMENT | | |
| FLG | FLASHING | QT | QUARRY TILE | | |
| FLR | FLOORING | QTY | QUANTITY | | |
| FLUOR | FLUORESCENT | R | RISER | | |
| FOC | FACE OF CONCRETE | RAD | RADIUS | | |
| FOF | FACE OF FINISH | RB | RUBBER BASE | | |
| FOM | FACE OF MASONRY | RBC | RUBBER BASE COVE | | |
| FOS | FACE OF STUD | RBS | RUBBER BASE STRAIGHT | | |
| FR | FIRE RESISTIVE or FIRE RATED | RBT | RUBBER TILE | | |
| FRP | FIBERGLASS REINFORCED PANEL(ING) | RO | ROOF DRAIN or ROAD | | |
| FRT | FIRE RETARDANT TREATED | RE | REFER TO or REFERENCE | | |
| FT | FOOT (FEET) | REC | RECESS(ED) | | |
| FTG | FOOTING | RECP | RECEPTACLE | | |
| FURN | FURNISHED | REF | REFRIGERATOR or REFRIGERATED | | |

GENERAL SYMBOL LEGEND

| | | |
|---------------------------------|--|-----------------|
| BUILDING ELEVATION: | | SHEET # |
| INTERIOR ELEVATION: | | SHEET # |
| STRUCTURAL GRID: | | GRID # |
| BUILDING SECTION: | | DRAWING # |
| WALL SECTION: | | DRAWING # |
| CALL OUT DETAIL: | | DRAWING # |
| SPOT ELEVATION / DATUM: | | ELEVATION |
| REVISION TAG: | | REVISION # |
| ROOM TAG: | | ROOM # |
| ROOM NAME: | | AREA |
| LEVEL: | | LEVEL NAME |
| ELEVATION: | | ELEVATION |
| MATERIAL TAG: | | MATERIAL MARK |
| DOOR TAG: | | DOOR # |
| CEILING TAG: | | CEILING TYPE |
| CEILING TAG: | | CEILING HEIGHT |
| WALL TAG: | | WALL TYPE |
| WINDOW TAG: | | WINDOW TYPE |
| ROOF TAG: | | ROOF TYPE |
| SPECIALTY EQUIPMENT TAG: | | EQUIPMENT TYPE |
| STAIR RISER TAG: | | RISER HEIGHT |
| STAIR RISER TAG: | | # OF RISERS |
| PLUMBING FIXTURE TAG: | | FIXTURE TYPE |
| KEYNOTE TAG: | | KEYNOTE # |
| FLOOR TAG: | | FLOOR TYPE |
| FURNITURE TAG: | | FURNITURE TYPE |
| LIGHT FIXTURE TAG: | | FIXTURE TYPE |
| LIGHT FIXTURE TAG: | | LEAD TAP LENGTH |

VICINITY MAP



DESCRIPTION OF WORK

NEW PATIO CONSTRUCTED IN THE RIGHT OF WAY. NON-COMPLIANT BENCH TO BE DEMOLISHED.

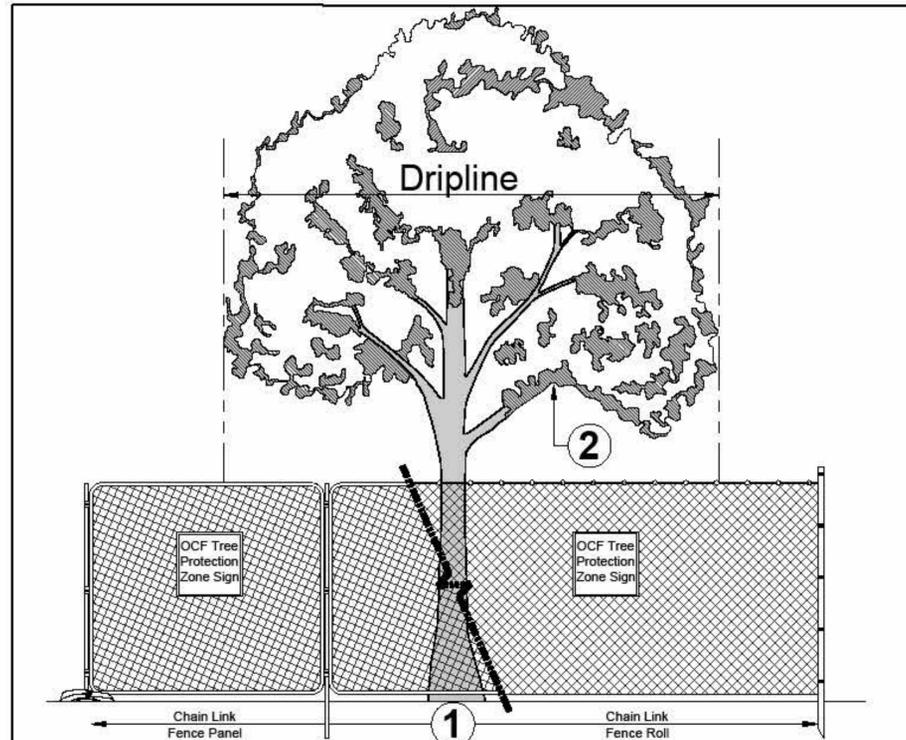
Cherry Creek North Design Advisory Board Approved
July 9, 2025
2025-LOG-0003112
2025-ENCROACHMENT-12
by Olga Mikhailova

7/9/2025 7:24:55 AM



PLAN REVIEW

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Any work in these areas must have written approval of OCF prior to commencement of activity. Contact OCF for instruction.

Area 1: Tree Protection Zone and Critical Root Zone Protection

The Tree Protection Zone (TPZ) shall be equal to dripline or 1.5 feet radially from the tree for every one inch of trunk diameter at breast height (DBH = 4.5" above soil line), whichever is greater.

A. Min 6' in height steel chain link fence is required unless otherwise approved by the Office of the City Forester (OCF). Steel chain link fence panels or rolls are acceptable.

1. When chain link panels are installed, anchor to ground or weight with sandbags to hold panels in place.
2. When chain link rolls are installed, it shall be fastened to heavy duty steel posts with safety caps at minimum five (5) attachment points with 12-gauge wire, including points at top and bottom. Weave wire through top of roll to eliminate sag.
3. Posts shall be driven 2' to 3' below grade and spaced at max. five to ten foot (5' - 10') o.c. intervals. Fencing must be kept taut at all times.
4. "Tree Protection Zone" signs shall be placed one (1) per each tree protection zone minimum or more per direction of the OCF; maintain in the location and condition in which approved.
5. TPZ, including signage, shall be maintained in the location and condition in which approved.
6. Trunk protection may be required and shall be installed at the direction of the OCF.

Area 2: Canopy Protection

Contact OCF if potential for damage exists and/or if pruning is needed for any clearance issues prior to performing work.

Notes

1. OCF Tree Retention and Protection Specifications shall be followed throughout duration of work.
2. After TPZ is approved;
 - A. TPZ shall not be resized, modified, removed, or altered in any manner without prior written approval. TPZ shall be maintained in place as approved until removal is authorized by OCF.
 - B. Entrance/access to the TPZ is not permitted without prior written approval from the OCF.
 - C. No materials, debris, equipment, or site amenities shall be stored within the TPZ without prior written approval from the OCF.
3. While TPZ fencing is in place, trees shall be deep-root watered at an interval of once every two weeks when temperatures are at or above 40 degrees F. Trees shall be watered at the rate of twenty-five (25) gallons per inch DBH. OCF may ask for proof of watering.
4. Violation of TPZ or damage to protected trees is subject to penalty per City Ordinance.

| | | | |
|---|--|---|------------------------------------|
| <p>DENVER THE MILE HIGH CITY</p> | <p>City and County of Denver Office of the City Forester 101 W. Colfax Ave, Denver, CO 80202</p> | <p>Tree Protection Zone - Public Space Fencing Detail</p> | <p>Detail: OCF-TPZ 1</p> |
| | | | <p>Effective: 4-01-2022</p> |

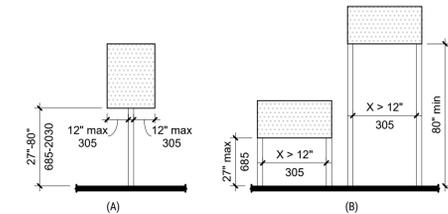


FIGURE 307.3 POST MOUNTED PROTRUDING OBJECTS

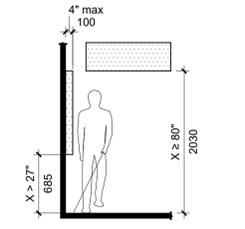


FIGURE 307.2 LIMITS OF PROTRUDING OBJECTS

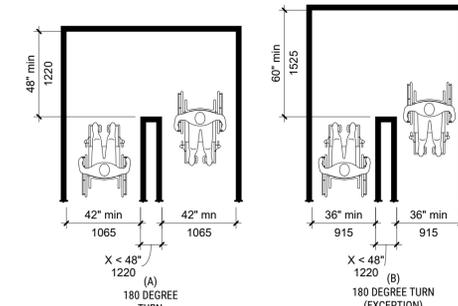


FIGURE 403.5.2 CLEAR WIDTH AT TURN

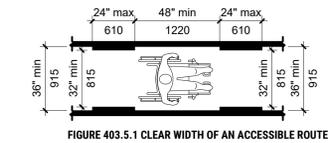


FIGURE 403.5.1 CLEAR WIDTH OF AN ACCESSIBLE ROUTE

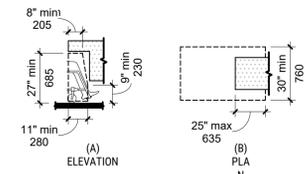


FIGURE 306.3 KNEE CLEARANCE

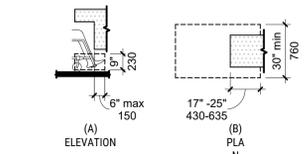


FIGURE 306.2 TOE CLEARANCE

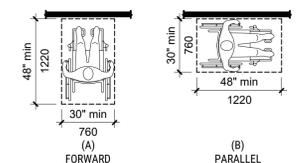


FIGURE 305.5 POSITION OF CLEAR FLOOR OR GROUND SPACE

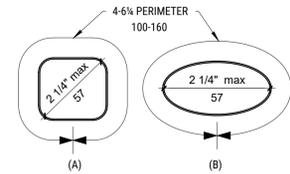


FIGURE 505.7.2 HANDRAIL NON-CIRCULAR CROSS SECTION

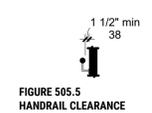


FIGURE 505.5 HANDRAIL CLEARANCE



FIGURE 505.6 HORIZONTAL PROJECTIONS BELOW GRIPPING SURFACE

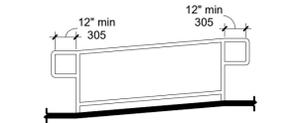


FIGURE 505.10.1 TOP AND BOTTOM HANDRAIL EXTENSION AT RAMP

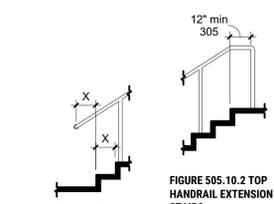


FIGURE 505.10.2 TOP HANDRAIL EXTENSION AT STAIRS

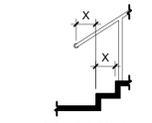


FIGURE 505.10.3 BOTTOM HANDRAIL EXTENSION AT STAIRS

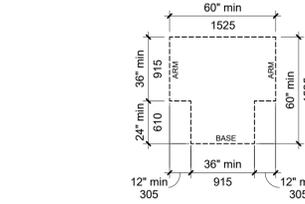


FIGURE 304.3.2 T-SHAPED TURNING SPACE

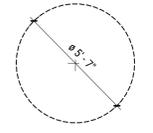


FIGURE 304.3.1 CIRCULAR TURNING SPACE

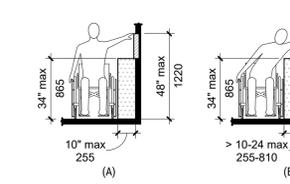


FIGURE 308.3.2 OBSTRUCTED HIGH SIDE REACH

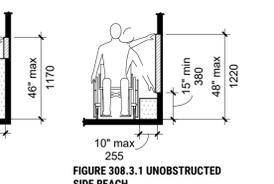


FIGURE 308.3.1 UNOBSTRUCTED SIDE REACH

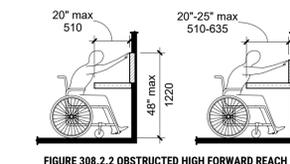


FIGURE 308.2.2 OBSTRUCTED HIGH FORWARD REACH

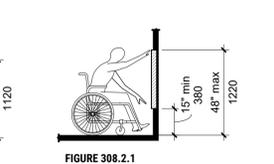


FIGURE 308.2.1 UNOBSTRUCTED FORWARD REACH

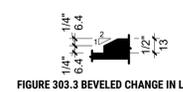


FIGURE 303.3 BEVELED CHANGE IN LEVEL



FIGURE 303.2 VERTICAL CHANGE IN LEVEL

PATIO @ 245 COLUMBINE
245 COLUMBINE ST. DENVER, CO 80206

ORIGINAL ISSUE: N/A
DATE: AUGUST 17, 2022

REVISION: 1 REV 1
DATE: 4/25/2025

PROJECT NUMBER: 2430
SHEET TITLE: STANDARDS DETAILS

SHEET NUMBER: A-080



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| 1 | REV 1 | 4/25/2025 |
| 2 | REV 2 | 4/29/2025 |
| 3 | REV 3 | 5/6/2025 |
| 6 | REV 6 | 7/9/2025 |

PROJECT NUMBER: 2430
SHEET TITLE: CODE ANALYSIS, SITE PLAN, & ELEVATIONS
SHEET NUMBER: A-100

CODE ANALYSIS

APPLICABLE CODES:

- Outdoor Places Program Requirements December, 2023
 - Below Curb Design Standards and Above Curb Design Standards (re park type)
- Denver Revised Municipal Code (DRMC) Chapter 49, Street, Sidewalks, and Other Public Ways.
- Rules and Regulations Governing Encroachments & Encumbrances in the Public Right-of-Way.
- Transportation Standards and Details for the Engineering Division.

Location:
245 Columbine Street, Denver, CO 80206

A parcel of land in Block 63 of Harmans Subdivision located in the north half of Section 12, Township 4 South, Range 68 West of the Sixth Principle Meridian City and County of Denver, State of Colorado.

Site is not within a regulatory floodplain boundary.

Type 3 - Extended Parklet

Above Curb Design Standards
Delineated Type.

- B.1 Patio integrated into block.
- S.1 No change to PAR route or width.
- S.2 Curb Clearance N/A because Type 3
- S.3 Pedestrian accesses maintained. Patio length less than 40'.
- S.4 Intersection Visibility: No sight triangles are in conflict with structure.
- S.5 Clearance from Public Transit: N/A.
- S.6 Entrance Clearances: no issue.
- S.7 Clearances from Other Elements: Existing bench to be removed. No other issue.
- S.8 Exit Aisle: clear width provided.
- S.9 Patio Furniture: no conflicts for sidewalk.
- S.10 Delineating Elements: barrier provided. See section. Maximum height above ROW including plantings: 36"
- E.1 Emergency Access: no conflict.
- E.2 Fire Hydrant and FDC Clearance: no conflict.
- E.3 Heating Elements: none
- U.1 Stormwater impact: none
- U.2 Utility access impact: none
- U.3 Patio is removable
- U.4 Patio meets all utility clearances
- U.5 Patio does not obstruct utility access cover.
- A.1 Accessible Pathway: provided. Ramp complies with ICC A117.1 Section 405.
- A.2 Gates: N/A.
- A.3 Accessible Seating: provided. 2 of 24 seats is accessible which is greater than 5%. See patio plan.
- A.4 Turning Space: provided. See patio plan.
- A.5 Accessible Table: provided.
- L.1 Landscaping impact: 1 shrub to be removed for access to patio. No other impact.
- L.2 Mitigate tree impacts: Patio above existing flatwork which is less than 5' from existing tree. See plan.
- L.3 Tree maintenance: no impact.
- L.4 Softscape and permeability impact: Access Ramp is above existing softscape. No change to softscape surface. Impact is minimum possible.
- L.5 Irrigation impact: emitter head for shrub to be removed.
- D.1 Enhance Public Realm: Patio barrier has cladding detail to match existing building.
- D.2 Barrier has planter integrated into railing.
- D.3 Materials all appropriate for outdoor use.
- D.4 Patio located relative to context.
- D.5 No lighting.
- D.6 No signage.
- M.1 Removability: Patio to be removed within 24 hours. Patio is to be removed during winter season.
- M.2 General Maintenance: Owner to maintain patio.
- M.3 Furniture and Equipment: Hazards to be avoided.
- M.4 Operating Hours: Use will end by 11:00pm.

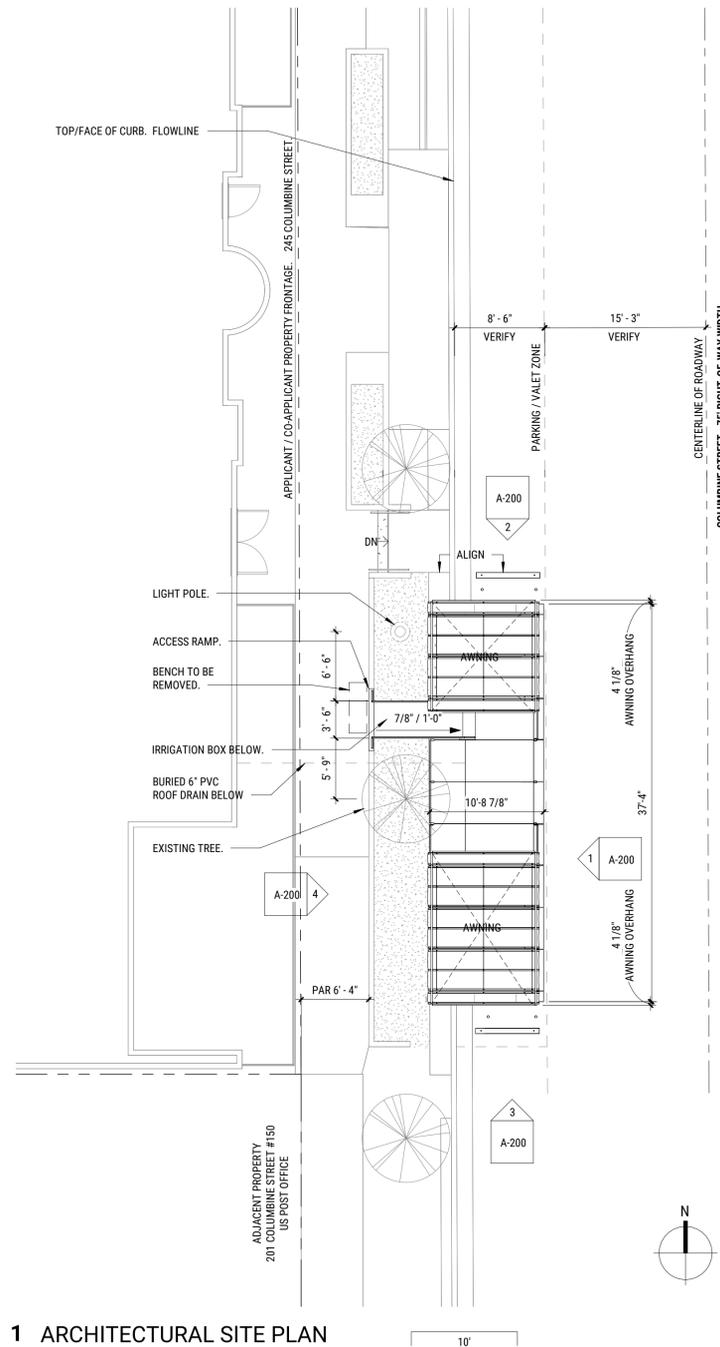
Neighborhood Impacts Review: None required because not less than 50 from Protected Zone District.

Below Curb Design Standards

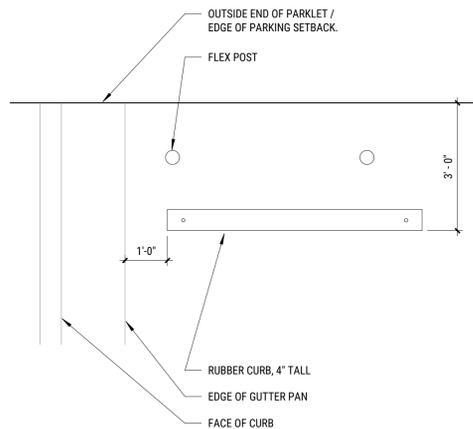
- B.1 Parklet integrated into existing block.
- S.1 Adjacent travel lane >10' wide.
- S.2 Parklet length: 40'. Parklet is less than width of business' frontage.
- S.3 Parklet width: 10'-9". Width of parking and travel lanes per original SDP.
- S.4 Intersection Visibility: No sight triangles are in conflict with structure.
- S.5 Setback: new parking setback provided. See detail 2 on this sheet.
- S.6 Clearance from Public Transit: N/A.
- S.7 Delineating Elements: Barrier provided. (RE S.10 per Above curb)
- S.8 Retroreflective Elements: See elevation.
- S.9 Clearance from Street Elements: Existing flatwork concrete extends closer to the listed elements than the required setback. Patio sits on existing concrete and does not further reduce the setback. Street Trees: Required: 5 feet Proposed: 2'-3" Light Poles: Required: 5 feet Proposed: 2'-10" Benches: 2 feet Relocate existing bench.
- S.10 Parklet Furnishings: Owner responsible to provide furniture per requirement.
- E.1 Emergency Access: Provided with removable barrier per detail.
- E.2 Fire Hydrants: none within 20'.
- E.3 Heating Elements: none
- U.1 Drainage: gutter pan will be unobstructed.
- U.2 Utility Access: no issue.
- U.3 Electrical: Not provided because of infeasibility.
- A.1 Accessible Pathway: Provided
- A.2 Threshold Design: Not flush, necessary to achieve accessibility.
- A.3 Accessible Seating: Provided
- A.4 Gates and Openings: No gates.
- A.5 Turning Space: Provided.
- A.6 Accessible Table: Provided.
- L.1 Street Trees: Patio extends over hardscaped area that is within 5' of tree.
- L.2 No softscape disturbance.
- D.1 Parklet enhances public realm.
- D.2 Design includes integrated planters.
- D.3 Design includes integrated planters.
- D.4 Materials: Exterior grade MDF with paint.
- D.5 Parklet aligns with entries to adjacent patio.
- D.6 No lighting.
- D.7 No signage.
- M.1 Removability: Can be removed within 24 hours.
- M.2 General Maintenance: BY OWNER.
- M.3 Furniture and Equipment: No furniture to be stored when not in regular use.
- M.4 Operating Hours: Use will end by 11:00pm.

Notes:
Basis of understanding of site. Site visits and site Development Plan / SDP # 2014131242

Canopy is NOT designed to be capable of supporting local snow loads and is to be removed October to May every year.



1 ARCHITECTURAL SITE PLAN
SCALE: 1/8" = 1'-0"



2 PARKING SETBACK DETAIL
SCALE: 1/2" = 1'-0"

NOTE: FLEX POST AND RUBBER CURB TO BE INSTALLED WITH HILTI SCREW BOLT OR SIMILAR APPROVED BY DOT.



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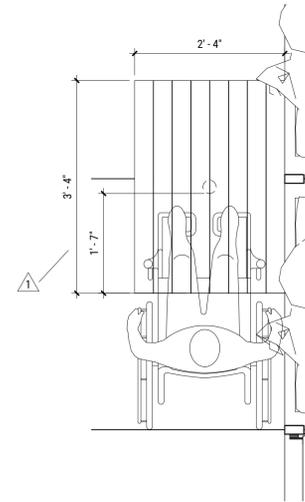
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| 3 | REV 3 | 5/6/2025 |
| 4 | REV 4 | 5/13/2025 |

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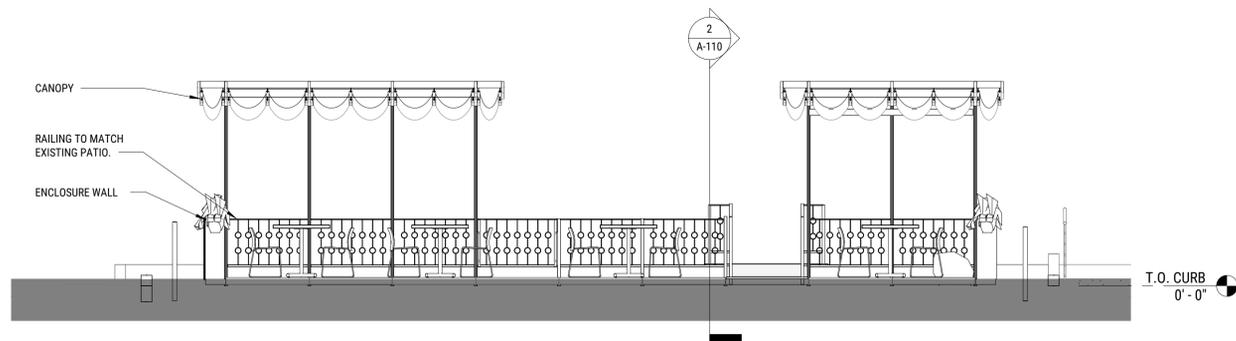
SHEET TITLE:
PATIO PLAN & SECTIONS

SHEET NUMBER:

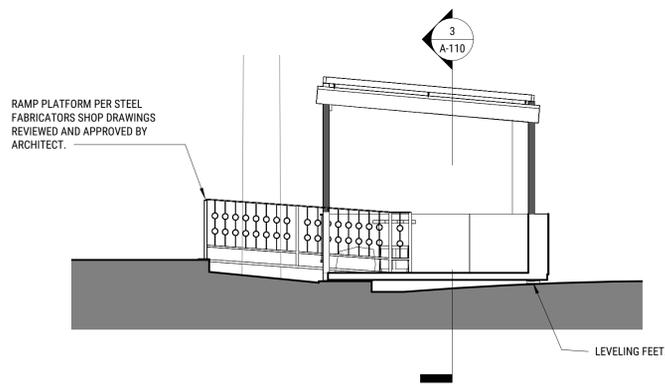
A-110



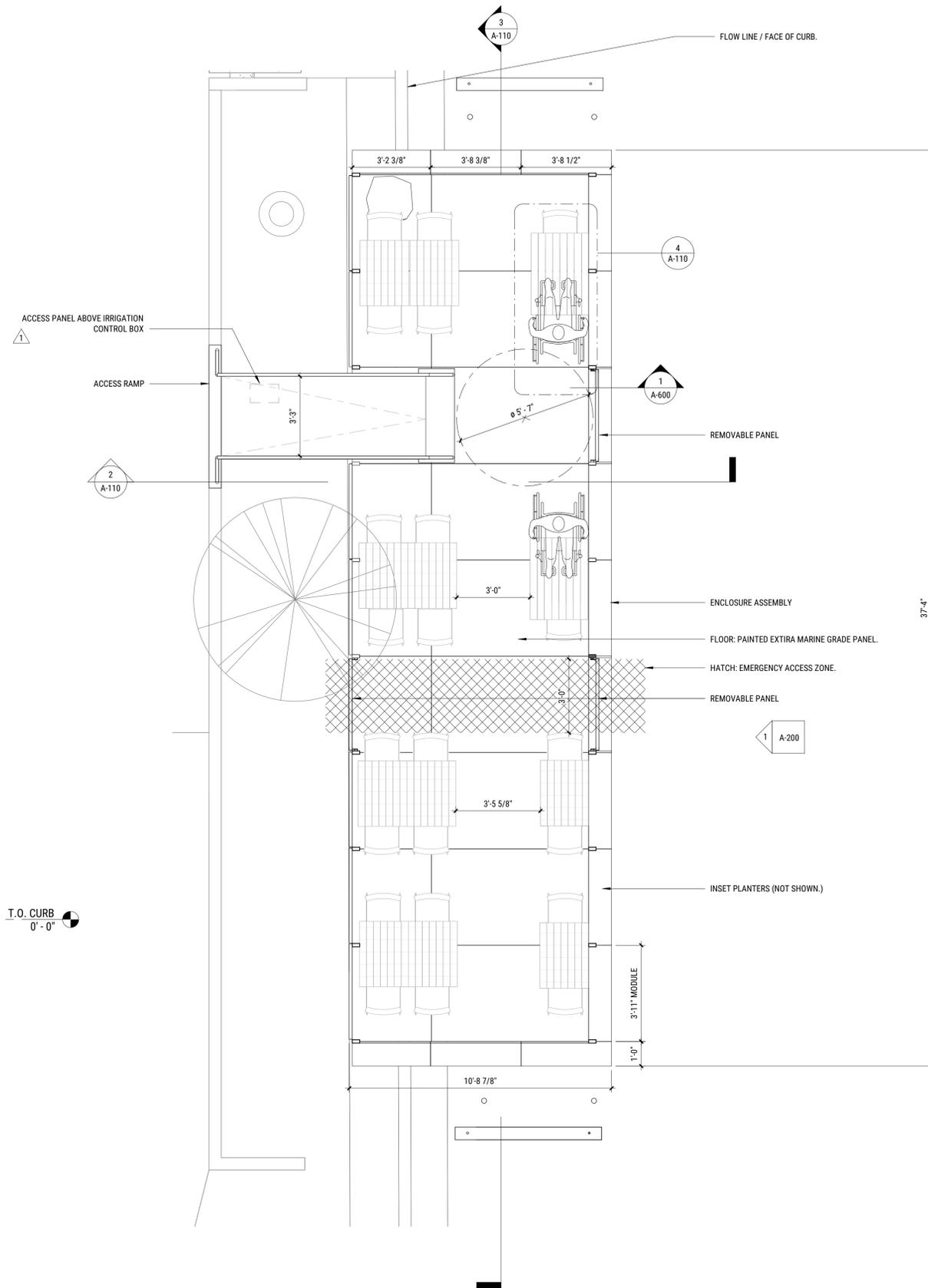
4 ACCESSIBLE TABLE
SCALE: 3/4" = 1'-0"



3 LONG SECTION
SCALE: 1/4" = 1'-0"



2 CROSS SECTION
SCALE: 1/4" = 1'-0"



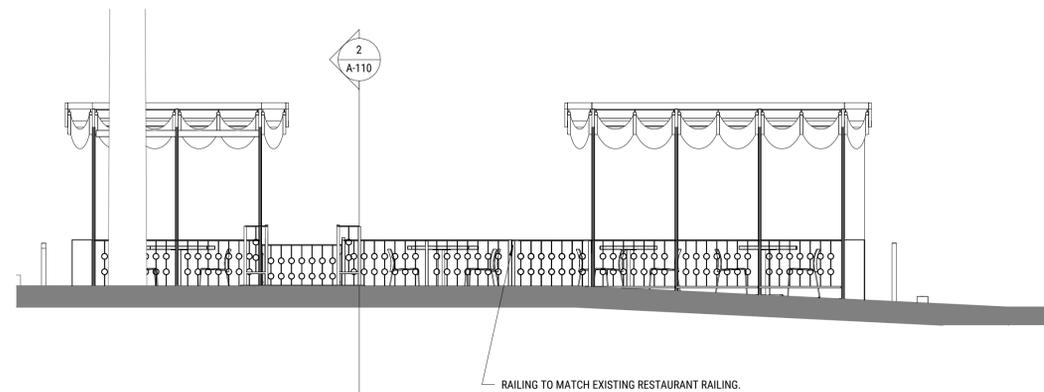
1 PATIO PLAN
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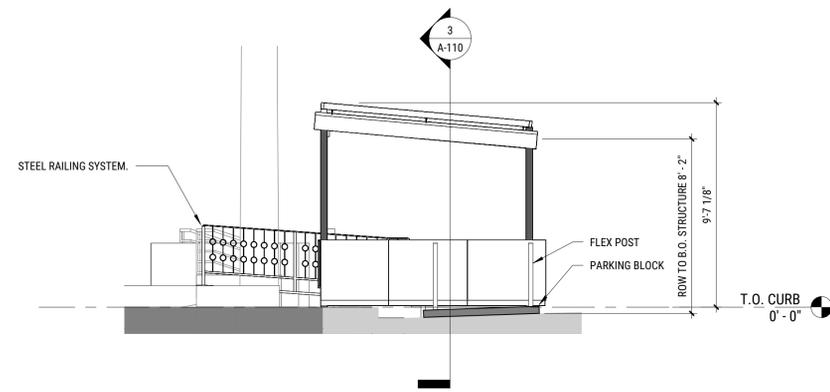


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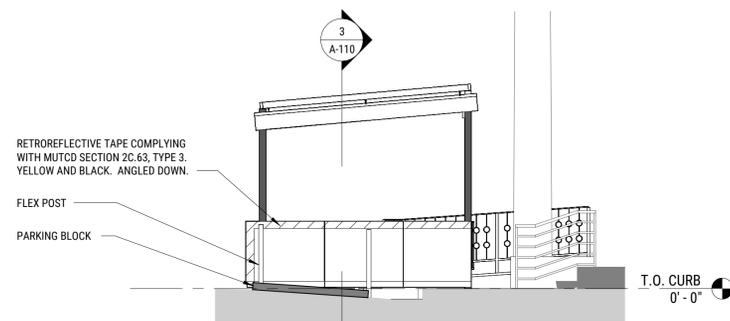
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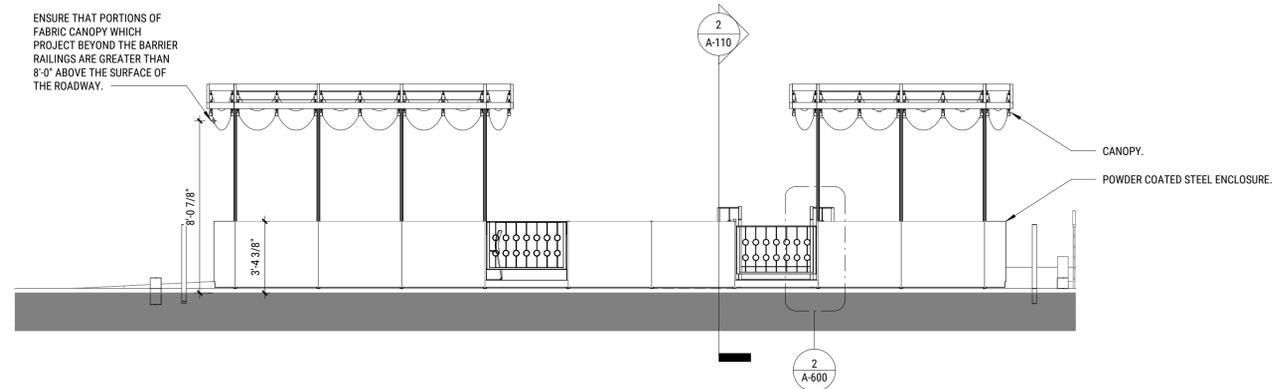
4 WEST ELEVATION
SCALE: 1/4" = 1'-0"



3 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



1 EAST ELEVATION
SCALE: 1/4" = 1'-0"

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ELEVATIONS

SHEET NUMBER:

A-200



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Structure includes:

1. Standard base:

1. re-ply 2.0 Water-filled Typical Roadway Barriers
2. re-ply 2.0 Water-filled End Roadway Barriers
3. 36" recycled plastic planter inserts or recycled steel lid
4. Painted exterior-grade MDF (custom color included) or Powder-coated recycled steel cladding (custom color available at an additional price)
5. re-ply 2.0 Lifting Platform Panels

Optional items at an additional price:

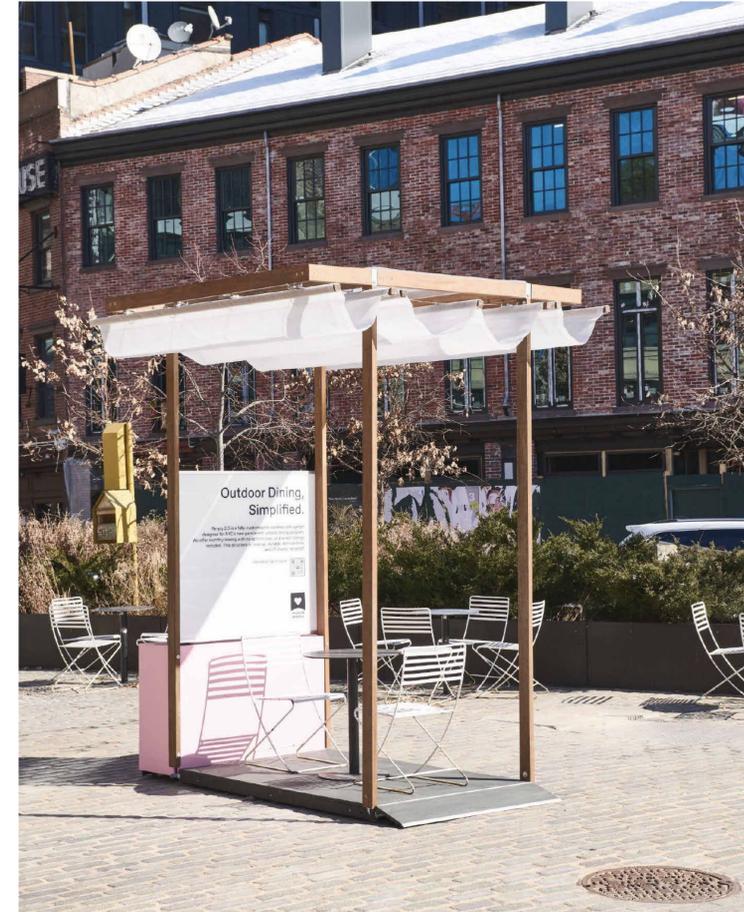
6. Trash enclosure
7. Bench seating
8. Screening - 6' high
9. Adhesive vinyl signage

re-ply standard colors:



2. Modular roofing:

1. re-ply Standard Roofing
2. Posts & ancillary hardware
3. Optional detachable & retractable waterproof sun shades, at an additional price



PHOTOS ARE FOR ILLUSTRATIVE PURPOSES TO SHOW THE RE-PLY SYSTEM. CONTEXT, COLORS, OPTIONAL FEATURES, SIGNAGE, ETC ARE NOT INTENDED TO DEPICT THE PROPOSED CONDITIONS.



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SHEET TITLE:

RE-PLY SYSTEM

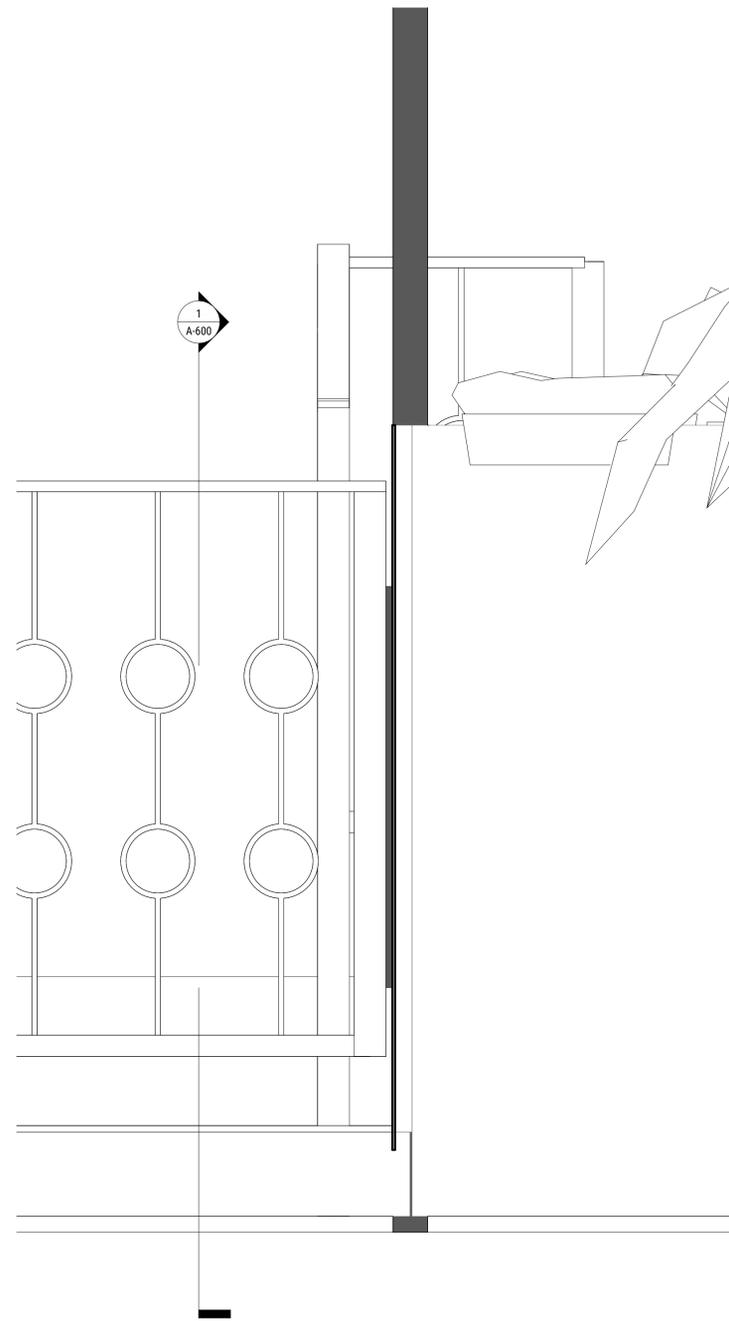
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A-500

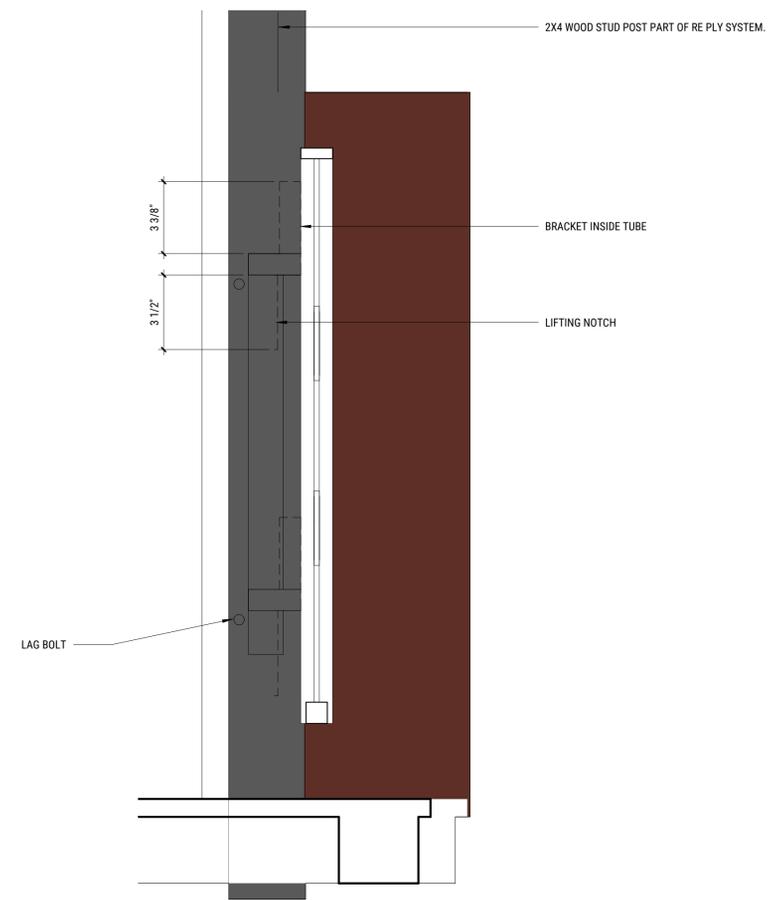


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2 REMOVABLE GATE PARTIAL ELEVATION
SCALE: 3" = 1'-0"



1 REMOVABLE GATE SECTION
SCALE: 3" = 1'-0"

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SHEET TITLE:

METAL FABRICATION DETAILS

SHEET NUMBER:

A-600



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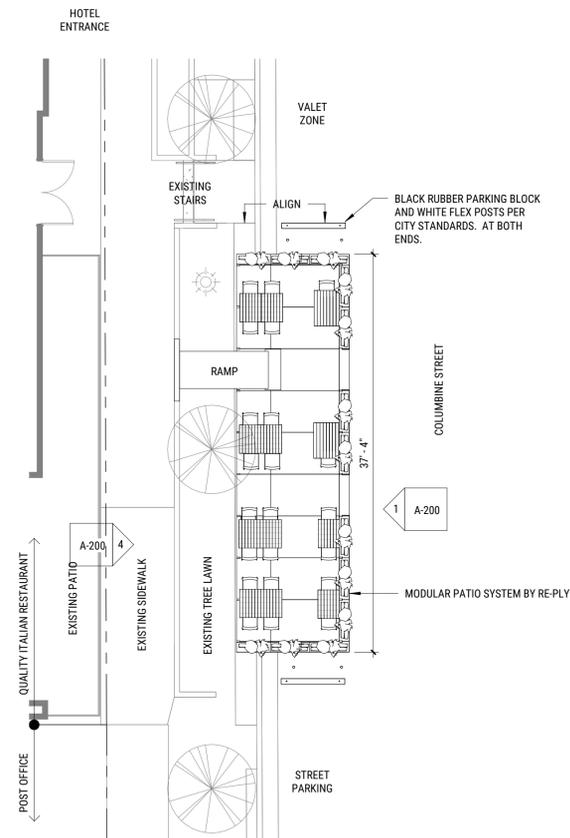
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4 MATERIAL SAMPLES
SCALE: 1" = 1'-0"



3 RENDERING
SCALE: 1 1/2" = 1'-0"



2 SITE PLAN - PRESENTATION
SCALE: 1/8" = 1'-0"



1 CHERRY CREEK NORTH CONTEXT PLAN
SCALE: 3/4" = 1'-0"

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| 5 | REV 5 | 5/29/2025 |
| 6 | REV 6 | 7/9/2025 |

PROJECT NUMBER: 2430
SHEET TITLE:

CHERRY CREEK NORTH EXHIBITS

SHEET NUMBER: CCN-1

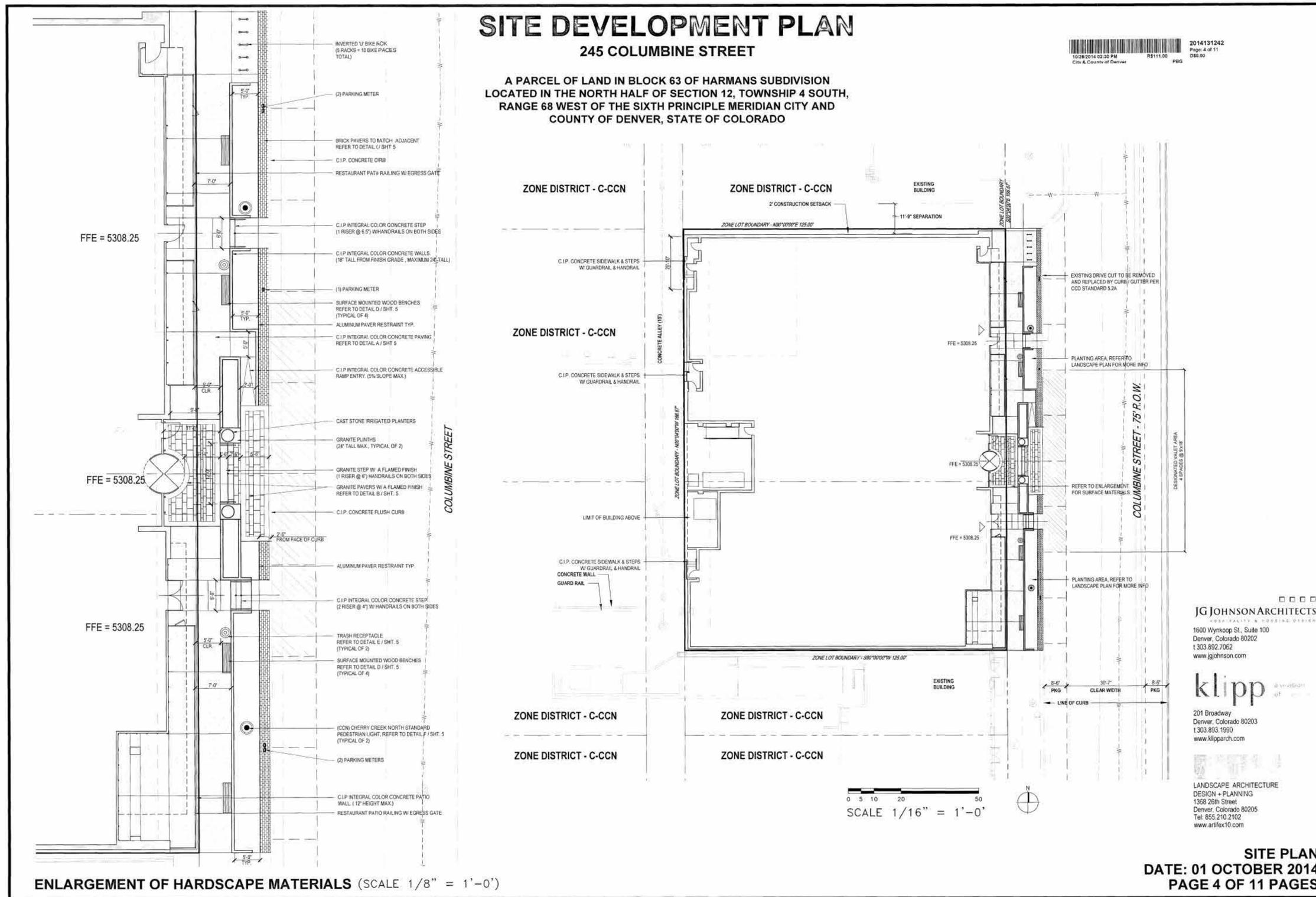
- 1. ALL SITE FEATURES RELEVANT TO PROJECT ARE SHOWN ON THE EXISTING SDP. KEY SHEETS ARE EXCEPTED HERE.
- 2. NO UTILITIES INDICATED UNDER THE AREA OF WORK.
- 3. CONTRACTOR TO CALL FOR UTILITY LOCATES.

SITE DEVELOPMENT PLAN

245 COLUMBINE STREET

A PARCEL OF LAND IN BLOCK 63 OF HARMANS SUBDIVISION
LOCATED IN THE NORTH HALF OF SECTION 12, TOWNSHIP 4 SOUTH,
RANGE 68 WEST OF THE SIXTH PRINCIPLE MERIDIAN CITY AND
COUNTY OF DENVER, STATE OF COLORADO

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Page 4 of 11
10/28/2014 02:30 PM
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SITE PLAN
DATE: 01 OCTOBER 2014
PAGE 4 OF 11 PAGES

245 COLUMBINE DEVELOPMENT

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PROJECT NUMBER:

2430

SHEET TITLE:

SDP - 4

SHEET NUMBER:

REF SDP-4

Fidelity National Title



8055 E Tufts Ave, Suite 900
Denver, CO 80237
Phone: (303) 291-9977

DATE: April 7, 2025
FILE NUMBER: 100-N0013996-020-LM1, Amendment No. 1
PROPERTY ADDRESS: Halcyon Hotel - 245 Columbine Street, Denver, CO 80206
BUYER/BORROWER: Purchaser with contractual rights under a purchase agreement with the vested owner identified at Item 4 below
OWNER(S): RB CHERRY CREEK LLC, a Delaware limited liability company
YOUR REFERENCE NUMBER:
ASSESSOR PARCEL NUMBER: 05122-23-038-000

PLEASE TAKE NOTE OF THE FOLLOWING REVISED TERMS CONTAINED HEREIN:

WIRED FUNDS ARE REQUIRED ON ALL CASH PURCHASE TRANSACTIONS. FOR WIRING INSTRUCTIONS, PLEASE CONTACT YOUR ESCROW OFFICE AS NOTED ON THE TRANSMITTAL PAGE OF THIS COMMITMENT.

| | |
|---|--|
| TO: Escrow Officer | ATTN: Lindsey Mann PHONE: (720) 200-1227 FAX: (303) 633-7624 E-MAIL: lindsey.mann@fnf.com |
| Escrow Assistant | ATTN: Emily Tucker PHONE: (303) 291-9923 E-MAIL: emily.tucker@fnf.com |
| Title Officer | ATTN: Darrin Kunselman PHONE: (720) 200-1233 E-MAIL: darrin.kunselman@fnf.com |
| Sales Executive | ATTN: Mindy Humphrey E-MAIL: mindy.humphrey@fnf.com |
| TO: Quality Branded | ATTN: Jennifer Rackoff PHONE: FAX: E-MAIL: jrackoff@qualitybranded.com |
| TO: Quality Branded | ATTN: Michael Stillman PHONE: FAX: E-MAIL: MStillman@qualitybranded.com |
| TO: BMC Investments 205 Detroit Street Suite 400 Denver, CO 80206 | ATTN: Matthew Joblon PHONE: (303) 996-2324 FAX: (000) 000-0000 E-MAIL: |
| TO: National Commercial Services Main 8055 E Tufts Ave Suite 900 Denver, CO 80237 | ATTN: Lindsey Mann PHONE: (303) 291-9977 FAX: (303) 633-7720 E-MAIL: lindsey.mann@fnf.com |



END OF TRANSMITTAL

Fidelity National Title Insurance Company
COMMITMENT
SCHEDULE A

Commitment No: 100-N0013996-020-LM1, Amendment No. 1

1. Effective Date: March 25, 2025 at 7:00 A.M.

2. Policy or policies to be issued:

| Proposed Insured | Policy Amount |
|--|----------------------|
| (a) ALTA Extended Owner's Policy (7-1-21) | \$100,000.00 |
| Purchaser with contractual rights under a purchase agreement with the vested Owner identified at Item 4 below | |
| (b) None | \$0.00 |
| | \$ |

3. The estate or interest in the land described or referred to in this Commitment is:

A Fee Simple as to Parcel One and Easement as to Parcel Two

4. Title to the estate or interest in the land is at the Effective Date vested in:

RB CHERRY CREEK LLC, a Delaware limited liability company

5. The land referred to in this Commitment is described as follows:

See Attached Legal Description

(for informational purposes only) Halcyon Hotel - 245 Columbine Street, Denver, CO 80206

PREMIUMS:

| | |
|---|---------------|
| Owners Policy | 629.00 |
| Deletions of 1-3 upon requirements met, 4 will remain based on evidence of recent construction in research of land | 95.00 |
| Tax Certificate (1) | 18.00 |



Attached Legal Description

Parcel One:

Plot 7 and the North 2/3 of Plot 8, Block 63, Harmans Subdivision,
City and County of Denver, State of Colorado.

Parcel Two:

Those easement rights as created in Easement Agreement recorded April 15, 2008 at [Reception No. 2008051675](#)
and Assignment of Easement Agreement recorded April 4, 2014 at [Reception No. 2014037583](#) and Amended and
Restated Easement Agreement recorded February 17, 2015 at [Reception No. 2015019478](#).

SCHEDULE B – Section 1
Requirements

The following requirements must be met:

- a. Pay the agreed amounts for the interest in the land and/or for the mortgage to be insured.
- b. Pay us the premiums, fees and charges for the policy.
- c. Obtain a certificate of taxes due from the county treasurer or the county treasurer's authorized agent.
- d. Evidence that any and all assessments for common expenses, if any, have been paid.
- e. The Company will require that an Affidavit and Indemnity Agreement be completed by the party(s) named below before the issuance of any policy of title insurance.

Party(s): RB CHERRY CREEK LLC, a Delaware limited liability company

The Company reserves the right to add additional items or make further requirements after review of the requested Affidavit.

- f. This commitment is subject to such further exceptions and/or requirements as may appear necessary when the name of the proposed insured has been disclosed.
- g. The actual value of the estate or interest to be insured must be disclosed to the Company, and subject to approval by the Company, entered as the amount of the policy to be issued. Until the amount of the policy to be issued shall be determined and entered as aforesaid, it is agreed that as between the Company, the applicant for this Commitment, and every person relying on this Commitment, the Company cannot be required to approve any such evaluation in excess of \$50,000.00, and the total liability of the Company on account of this Commitment shall not exceed said amount.
- h. Deed sufficient to convey the fee simple estate or interest in the Land described or referred to herein, to the Proposed Insured Purchaser.
- i. Furnish for recordation a full release of deed of trust:

Amount: \$41,719,560.00
Trustor/Grantor: RB CHERRY CREEK LLC, a Delaware limited liability company
Trustee: Public Trustee of Denver County
Beneficiary: Wells Fargo Bank, National Association
Recording Date: March 12, 2019
Recording No: [Reception No. 2019029295](#)
- j. Intentionally deleted.
- k. Intentionally deleted.

- l. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below:

Limited Liability Company: RB CHERRY CREEK LLC, a Delaware limited liability company

- a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member
- b) If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendments thereto with the appropriate filing stamps
- c) If the Limited Liability Company is member-managed, a full and complete current list of members certified by the appropriate manager or member
- d) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e) If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- m. Recordation of Statement of Authority for RB CHERRY CREEK LLC, a Delaware limited liability company pursuant to Colorado Revised Statutes evidencing the existence of the entity and authority of the person(s) authorized to execute and deliver instruments affecting title to real property on behalf of the entity and containing other information required by Colorado Revised Statutes.
- n. The Company will require a survey of the subject Land, which is in compliance with minimum technical standards, prepared by a duly registered and licensed surveyor. If the owner of the Land the subject of this transaction is in possession of a survey, the Company will require that said survey be submitted for review and approval; otherwise, a new survey, satisfactory to the Company, must be submitted to the Company for examination. In order to prevent delays, please furnish the survey at least 10 days prior to the close of this transaction.

If an existing survey is to be relied upon, an affidavit from the seller(s)/mortgagor(s) must be furnished to the Company stating that no improvements have been made on the Land the subject of this transaction or adjacent thereto subsequent to the survey presented to the Company.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- o. Intentionally deleted.

Note: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

END OF REQUIREMENTS

SCHEDULE B – Section 2
Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

1. Any facts, rights, interests or claims that are not shown by the Public Records but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachments, encumbrances, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by Public Records.
4. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for the value the estate or interest or mortgage thereon covered by this Commitment.
6. Water rights, claims of title to water, whether or not these matters are shown by the Public Records.
7. All taxes and assessments, now or heretofore assessed, due or payable.
8. Any existing leases or tenancies, and any and all parties claiming by, through or under said lessees.
9. An easement for electric transmission, distribution and service lines and incidental purposes granted to Public Service Company of Colorado by the instrument recorded May 1, 1959 in [Book 8347 at Page 118](#).
10. Ordinance No. 60, Series of 1968, for restrictions pertaining to the preservation of mountain views, recorded March 14, 1968 in [Book 9854 at Page 231](#), as amended by Ordinance No. 357, Series of 1968, recorded December 4, 1968 in [Book 9963 at Page 506](#), as amended by Ordinance No. 436, Series of 1968, recorded January 6, 1969 in [Book 9975 at Page 351](#), and as amended by Ordinance No. 442, Series of 1973, recorded July 30, 1973 in [Book 738 at Page 127](#).
11. Any tax, lien, fee or assessment by reason of inclusion of subject property in the Cherry Creek North Business Improvement District No. 1, as evidenced by instrument recorded December 9, 1988 at [Reception No. R-88-0340235](#) and October 29, 2014 at [Reception No. 2014131983](#).
12. Any tax, lien, fee or assessment by reason of inclusion of subject property in the Cherry Creek North Special Improvement District No. 1114, as evidenced by instruments recorded June 17, 1987 at [Reception No. 00147274](#), January 4, 1990 at [Reception No. R-90-0001139](#) and rerecorded January 8, 1990 at [Reception No. R-90-0002332](#).
13. All items as set forth and shown on the Planned Building Group Map of 2nd & Josephine, recorded January 10, 2001 at [Reception No. 4736](#), and any and all supplements and amendments

thereto.

14. An easement for sidewalk, traffic control devices, street lights, landscaping, utilities and incidental purposes granted to the City and County of Denver by the instrument recorded January 26, 2001 at [Reception No. 2001011003](#), together with the terms, conditions, stipulations, provisions and obligations as set forth therein.
15. An easement for telecommunications facilities and incidental purposes granted to QWEST Corporation, a Delaware corporation by the instrument recorded June 20, 2001 at [Reception No. 2001101085](#), together with the terms, conditions, stipulations, provisions and obligations as set forth therein.
16. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement Agreement recorded April 15, 2008 at [Reception No. 2008051675](#).
Assignment of Easement Agreement recorded April 4, 2014 at [Reception No. 2014037583](#).
Amended and Restated February 17, 2015 at [Reception No. 2015019478](#)
17. Terms, conditions, provisions, obligations and agreements as set forth in the Zoning Ordinance recorded February 21, 2013 at [Reception No. 2013023955](#).
18. Terms, conditions, provisions, obligations and agreements as set forth in the Regulating Plan recorded April 4, 2013 at [Reception No. 2013047689](#).
19. Terms, conditions, provisions, obligations and agreements as set forth in the Site Development Plan recorded October 28, 2014 at [Reception No. 2014131242](#).
Site Development Plan Modification #2 recorded February 7, 2025 at [Reception No. 2025011244](#).
20. An easement for utility easement and incidental purposes granted by the instrument recorded October 13, 2015 at [Reception No. 2015144446](#), together with the terms, conditions, stipulations, provisions and obligations as set forth therein.
21. The effect of a recorded Administrative Modification Request recorded September 22, 2016 at [Reception No. 128862](#).
22. Intentionally deleted.
23. Terms, conditions, provisions, agreements and obligations contained in Declaration of Covenants Imposing and Implementing The Halcyon Hotel Improvement Fee as set forth below:

Recording Date: April 12, 2018
Recording No.: [Reception No. 2018042897](#)

Assignment and Assumption of Declarant's Rights
Recording Date: March 12, 2019
Recording No.: [Reception No. 2019029294](#)

24. Terms, conditions, provisions, agreements and obligations contained in the Resolution of the Board of Directors of Cherry Creek North Business Improvement District Imposing a Lodging Fee as set forth below:

Recording Date: June 28, 2023
Recording No.: [Reception No. 2023060309](#)

END OF EXCEPTIONS



Fidelity National Title[®] Insurance Company

COMMITMENT FOR TITLE INSURANCE

Issued by

Fidelity National Title Insurance Company

Fidelity National Title Insurance Company, a California corporation (“Company”), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedule A and B and to the Conditions of this Commitment.

The Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate 6 months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not fault of the Company.

The Company will provided a sample of the policy form upon request.

IN WITNESS WHEREOF, Fidelity National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Countersigned by:

John Miller
Authorized Signature

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policies or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org>.

DISCLOSURE STATEMENT

- Pursuant to Section 38-35-125 of Colorado Revised Statutes and Colorado Division of Insurance Regulation 3-5-1 (Section 7), if the parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction, then all funds submitted for disbursement must be available for immediate withdrawal.
- Colorado Division of Insurance Regulation 3-5-1, Paragraph G of Section 7, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owners policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed". Provided that Fidelity National Title, National Commercial Services conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 5 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy when issued.
- Colorado Division of Insurance Regulation 3-5-1, Paragraph L of Section 7, requires that prospective insured(s) of a single family residence be notified in writing that the standard exception from coverage for unfilled Mechanics or Materialmans Liens may or may not be deleted upon the satisfaction of the requirement(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment.
- If the sales price of the subject property exceeds \$100,000.00 the seller shall be required to comply with the Disclosure of Withholding Provisions of C.R.S. 39-22-604.5 (Nonresident Withholding).
- Section 39-14-102 of Colorado Revised Statutes requires that a Real Property Transfer Declaration accompany any conveyance document presented for recordation in the State of Colorado. Said Declaration shall be completed and signed by either the grantor or grantee.
- Recording statutes contained in Section 30-10-406(3)(a) of the Colorado Revised Statutes require that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one-half of an inch. The clerk and recorder may refuse to record or file a document that does not conform to requirements of this paragraph.
- Section 38-35-109 (2) of the Colorado Revised Statutes, 1973, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.
- Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.
- Pursuant to Section 10-11-122 of the Colorado Revised Statutes, 1987 the Company is required to disclose the following information:
 - The subject property may be located in a special taxing district.
 - A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.
 - Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder or the County Assessor.
- Pursuant to Section 10-11-123 of the Colorado Revised Statutes, when it is determined that a mineral estate has been severed from the surface estate, the Company is required to disclose the following information: that there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and that such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

FIDELITY NATIONAL FINANCIAL, INC. PRIVACY NOTICE

Effective January 1, 2020

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, “FNF,” “our,” or “we”) respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary’s website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver’s license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an “FNF Website”) from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a “cookie” may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer’s hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to “Do Not Track” features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates’, and others’ products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;

- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We do share Personal Information among affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as

required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice. We may use comments or feedback that you submit to us in any manner without notice or compensation to you.

Accessing and Correcting Information; Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

ENCROACHMENT EXHIBIT

245 COLUMBINE STREET, DENVER, CO 80206
THIS IS NOT A LAND SURVEY PLAT
SHEET 1 OF 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE 20' RANGE LINE OF NORTH COLUMBINE STREET, A FOUND AXLE IN A RANGE BOX IN THE INTERSECTION OF NORTH COLUMBINE STREET AND EAST 3RD AVENUE AND A FOUND ILLEGIBLE ALUMINUM CAP IN A RANGE BOX IN THE INTERSECTION OF NORTH COLUMBINE STREET AND EAST 2ND AVENUE, TO BEAR N0°22'41"W, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 63, HARMANS SUBDIVISION; THENCE N0°22'41"W ALONG THE EAST LINE OF SAID BLOCK 63, 233.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, N0°22'41"W, A DISTANCE OF 44.00 FEET; THENCE N89°43'05"E, 23.00 FEET TO A LINE 23.00 FEET EAST AND PARALLEL WITH THE EAST LINE OF SAID BLOCK 63; THENCE S0°22'41"E ALONG SAID PARALLEL LINE, A DISTANCE OF 44.00 FEET; THENCE S89°43'05"W, 23.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.023 ACRES (1012 SF) MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, DAVID L. SWANSON, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION, RESPONSIBILITY, AND THE SURVEY IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED, AND IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Digitally
signed by
David L
Swanson

Date:
2025.04.15
09:41:09
-06'00'

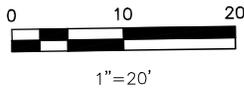
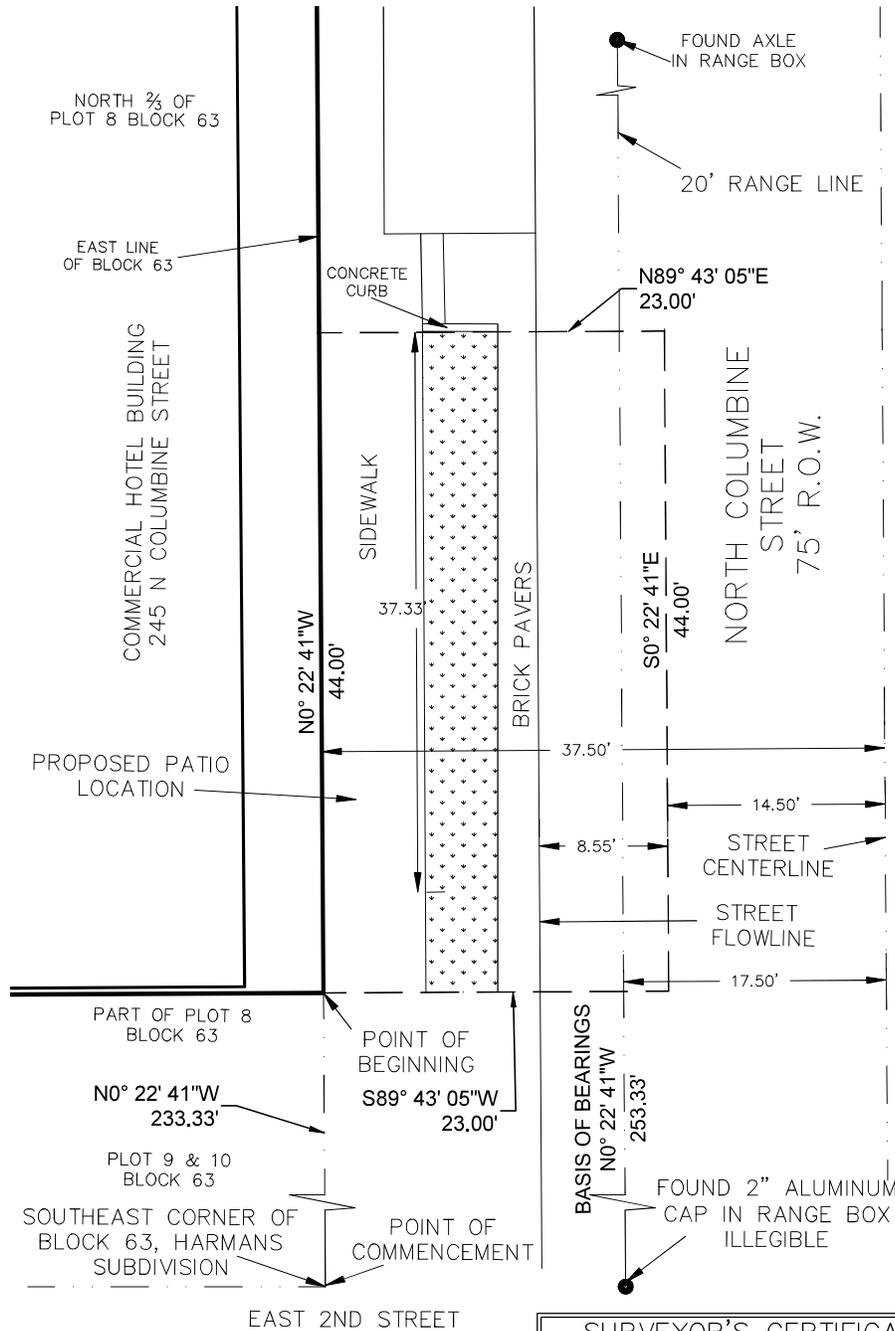


DAVID L. SWANSON,
COLORADO P.L.S.# 36070
ELECTRONICALLY STAMPED

| | | |
|----------------------------|--|-------------------------|
| | | JOB NUMBER |
| | | 25-3-156 |
| DATE PREPARED: 03/16/25 | 3000 LAWRENCE ST. #111 DENVER, CO 80205 303.668.7540 | DRAWN BY: C. MATHERN |

ENCROACHMENT EXHIBIT

245 COLUMBINE STREET, DENVER, CO 80206
SHEET 2 OF 2



AREA OF ENCROACHMENT= 0.023
ACRES (1012 SQ FT) MORE OR LESS

LEGEND

- = FOUND MONUMENT AS NOTED
- = LOT LINE
- = ENCROACHMENT LINE
- = PROPERTY LINE

SURVEYOR'S CERTIFICATE

I, DAVID L. SWANSON, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION, RESPONSIBILITY, AND THE SURVEY IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED, AND IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Digitally signed by David L Swanson
Date: 2025.04.15 09:41:37 -06'00'



DAVID L. SWANSON,
COLORADO P.L.S.# 36070
ELECTRONICALLY STAMPED

| | | |
|---------------------------------------|--|-------------------------|
| Colorado ilc LAND SURVEYING | JOB NUMBER | |
| | 25-3-156 | |
| DATE PREPARED: 03/16/25 | 3000 LAWRENCE ST. #111 DENVER, CO 80205 303.668.7540 | DRAWN BY: C. MATHERN |

Tier III 245 Columbine Patio

06/30/2025

Master ID: 2013-PROJMSTR-0000106 **Project Type:** Tier III Encroachment Resolution
Review ID: 2025-ENCROACHMENT-0000012 **Review Phase:**
Location: **Review End Date:** 02/26/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: DS Transportation Review Review Status: Approved

Reviewers Name: Matt Steder
 Reviewers Email: Matt.Steder@denvergov.org

Status Date: 02/14/2025
 Status: Approved
 Comments: This project reviewed by ROWS-DES only for coordination with other nearby private developments.
 Bench removal may require approval with CPD and/or CCN BID.

Reviewing Agency: DS Project Coordinator Review Review Status: Approved w/Conditions

Reviewers Name: Olga Mikhailova
 Reviewers Email: Olga.Mikhailova@denvergov.org

Status Date: 06/09/2025
 Status: Approved w/Conditions
 Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012Tier III 245 Columbine Patio
 Reviewing Agency/Company: CPD Development Services - Project Coordination
 Reviewers Name: Olga Mikhailova
 Reviewers Phone: 720-865-2935
 Reviewers Email: olga.mikhailova@denvergov.org
 Approval Status: Approved with conditions

Comments:

The Cherry Creek North Design Advisory Board (CCN DAB) has reviewed the revised design and recommended approval of the proposed outdoor patio, as shown in the attached plans, with the following conditions and comments:

1. Handrail Extensions

Handrail extensions into the platform area must extend a minimum of 12 inches beyond the ramp. To improve circulation and reduce visual impact, it is recommended that the extensions continue straight into the adjacent space rather than return, particularly to avoid conflicts with seating located to the north and south of the ramp.

2. Guardrail Height

The height of the guardrail is not clearly dimensioned in the submitted plans. Based on the height above grade, a code-compliant guardrail may not be required. If that is the case, the design should minimize the height and visual presence of the guardrail, maintaining safety while reducing visual clutter.

3. Festoon/Catenary Lighting

- o Confirm that the proposed festoon lighting complies with City requirements for full-cutoff fixtures or provide documentation of any applicable exceptions.
- o Clarify how the lighting will be mounted above the space.
- o Identify the location and integration of any solar panels associated with the lighting to ensure they are discreetly incorporated into the design.

4. Lighting Design and Dark Sky Compliance

Comment Report

Tier III 245 Columbine Patio

06/30/2025

Master ID: 2013-PROJMSTR-0000106 **Project Type:** Tier III Encroachment Resolution
Review ID: 2025-ENCROACHMENT-0000012 **Review Phase:**
Location: **Review End Date:** 02/26/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Festoon lighting should comply with Denver’s Dark Sky regulations unless an exception exists for this application. The Board also recommends that the lighting system include adjustable features such as dimming capabilities and color temperature control. These options will help manage lighting quality and address potential concerns from adjacent residential tenants, while providing flexibility for the restaurant’s needs.

5. Exposed Fasteners and Seasonal Structures

The Board recognizes that its past guidance has generally discouraged exposed fasteners on applied or post-occupancy elements. However, in this case—due to the seasonal and transitional nature of the proposed structure—the Board is open to allowing greater flexibility. For structures classified as non-permanent some visible fasteners may be considered acceptable, provided they are thoughtfully integrated.

Attachment: Design Board Approval 245 Columbine Patio.pdf

REDLINES are uploaded to the E-Review webpage.

Status Date: 04/14/2025
Status: Denied
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012Tier III 245 Columbine Patio
Reviewing Agency/Company: CPD Development Services - Project Coordination
Reviewers Name: Olga Mikhailova
Reviewers Phone: 720-865 - 2935
Reviewers Email: Olga.mikhailova@denvergov.org
Approval Status: Denied

Comments:
CCN DAB approval will be required before this project can receive approval

Status Date: 02/26/2025
Status: Approved - No Response
Comments:

REDLINES uploaded to E-review webpage

Reviewing Agency: Survey Review **Review Status:** Approved

Reviewers Name: Thomas Breitnauer
Reviewers Email: Thomas.Breitnauer@denvergov.org

Status Date: 04/16/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012Tier III 245 Columbine Patio
Reviewing Agency/Company: DOTI - Survey
Reviewers Name: Thomas Breitnauer
Reviewers Phone: 7208653211
Reviewers Email: thomas.breitnauer@denvergov.org
Approval Status: Approved

Comments:

Status Date: 02/06/2025
Status: Denied
Comments: Survey comments were uploaded in E-Review.

Comment Report

Tier III 245 Columbine Patio

06/30/2025

Master ID: 2013-PROJMSTR-0000106 **Project Type:** Tier III Encroachment Resolution
Review ID: 2025-ENCROACHMENT-0000012 **Review Phase:**
Location: **Review End Date:** 02/26/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: DES Wastewater Review Review Status: Approved

Reviewers Name: Chris Brinker
Reviewers Email: Christopher.Brinker@denvergov.org

Status Date: 03/04/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012 Tier III 245 Columbine Patio
Reviewing Agency/Company: DOTI - DES Wastewater
Reviewers Name: Chris Brinker
Reviewers Phone: 7204450193
Reviewers Email: christopher.brinker@denvergov.org
Approval Status: Approved

Comments:

Status Date: 02/26/2025
Status: Denied
Comments: Denied on behalf of this critical reviewer. This is still under review. Please contact the reviewer to resolve.

Reviewing Agency: City Council Referral Review Status: Approved

Status Date: 04/02/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012 Tier III 245 Columbine Patio
Reviewing Agency/Company: Denver City Council District 5
Reviewers Name: Councilwoman Amanda Sawyer
Reviewers Phone: 7203375555
Reviewers Email: DenverCouncil5@denvergov.org
Approval Status: Approved

Comments:

Status Date: 02/26/2025
Status: Denied
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012 Tier III 245 Columbine Patio
Reviewing Agency/Company: Denver City Council District 5
Reviewers Name: Amanda Sawyer
Reviewers Phone: 720-337-5555
Reviewers Email: DenverCouncil5@denvergov.org
Approval Status: Denied

Comments:

Based on the site plan and attached documents, it's unclear how many parking spots will be impacted or if the same community safety issues from the previous structure will continue with this new proposed structure. In 2023, Councilwoman Sawyer conducted a survey of Cherry Creek residents. Top concerns for residents and businesses in this neighborhood was the ease of travel and lack of parking. The previous structure caused the Post Office to be blocked and congested traffic, and the structure was hit by vehicles. We can't tell how many parking spots will be impacted, whether similar safety impacts from the last one will be mitigated, or how it will impact the neighborhood.

Comment Report

Tier III 245 Columbine Patio

06/30/2025

Master ID: 2013-PROJMSTR-0000106 **Project Type:** Tier III Encroachment Resolution
Review ID: 2025-ENCROACHMENT-0000012 **Review Phase:**
Location: **Review End Date:** 02/26/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: CenturyLink Referral Review Status: Approved

Status Date: 03/03/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012 Tier III 245 Columbine Patio
Reviewing Agency/Company: Lumen/ CenturyLink
Reviewers Name: VeShon Sheridan
Reviewers Phone: 804-999-9999
Reviewers Email: veshon.sheridan@lumen.com
Approval Status: Approved

Comments:

P864884

Qwest Corporation d/b/a CENTURYLINK, QC ("CenturyLink") has reviewed the request for the subject encroachment and have determined there are no CenturyLink facilities within the area as shown and/or described on the provided exhibits. It is the intent and understanding of CenturyLink that this encroachment shall not reduce our rights to any other existing easements or rights we have on this site or in the area. This No objection response is submitted WITH THE STIPULATION that IF CenturyLink facilities are found and/or damaged within the area as described, the Applicant will bear the cost of relocation (relocations@centurylink.com) and/or repair of said facilities.

Status Date: 02/18/2025
Status: Denied
Comments: Denied on behalf of this critical reviewer. We received the following email with contact information for the reviewer assigned to this project. Please contact the reviewer to work towards their approval.

"Your project number is P864884 and it should be referenced in all emails sent in for review. Please do not reply to this email. Your project owner is VeShon Sheridan and they can be reached by email at Veshon.Sheridan@lumen.com with any questions that you may have regarding this project. Requests are addressed in the order received, Lumen will endeavor to respond within 30 days."

Status Date: 02/18/2025
Status: Denied
Comments: Denied on behalf of this critical reviewer. We received the following email with contact information for the reviewer assigned to this project. Please contact the reviewer to work towards their approval.

"Your project owner is VeShon Sheridan and they can be reached by email at Veshon.Sheridan@lumen.com with any questions that you may have regarding this project. Requests are addressed in the order received, Lumen will endeavor to respond within 30 days."

Reviewing Agency: Xcel Referral Review Status: Approved w/Conditions

Status Date: 02/26/2025
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012 Tier III 245 Columbine Patio
Reviewing Agency/Company: Public Service Company of Colorado (PSCo) dba Xcel Energy
Reviewers Name: Donna George
Reviewers Phone: 3035713306
Reviewers Email: Donna.L.George@xcelenergy.com
Approval Status: Approved with conditions

Comment Report

Tier III 245 Columbine Patio

06/30/2025

Master ID: 2013-PROJMSTR-0000106 **Project Type:** Tier III Encroachment Resolution
Review ID: 2025-ENCROACHMENT-0000012 **Review Phase:**
Location: **Review End Date:** 02/26/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Comments:

PSCo/Xcel Energy has existing natural gas distribution facilities within this area. Please contact Colorado 811 for locates before excavating. Use caution and hand dig when excavating within 18-inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Applicant/Requestor.

Reviewing Agency: RTD Referral Review Status: Approved

Status Date: 02/26/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012 Tier III 245 Columbine Patio
Reviewing Agency/Company: RTD
Reviewers Name: clayton s woodruff
Reviewers Phone: 303-299-2943
Reviewers Email: Clayton.woodruff@rtd-denver.com
Approval Status: Approved

Comments:

Department Comments
Bus Operations No exceptions
Bus Stop Program No exceptions
Commuter Rail No exceptions
Construction Management No exceptions
Engineering No exceptions
Light Rail No exceptions
Real Property No exceptions
Service Development No exceptions
Transit Oriented Development No exceptions
Utilities No exceptions
This review is for Design concepts and to identify any necessary improvements to RTD stops and property affected by the design. This review of the plans does not eliminate the need to acquire, and/or go through the acquisition process of any agreements, easements or permits that may be required by the RTD for any work on or around our facilities and property.

Reviewing Agency: Comcast Referral Review Status: Approved - No Response

Status Date: 02/26/2025
Status: Approved - No Response
Comments:

Reviewing Agency: Metro Wastewater Referral Review Status: Approved - No Response

Status Date: 02/26/2025
Status: Approved - No Response
Comments:

Reviewing Agency: Street Maintenance Referral Review Status: Approved - No Response

Status Date: 02/26/2025
Status: Approved - No Response

Comment Report

Tier III 245 Columbine Patio

06/30/2025

Master ID: 2013-PROJMSTR-0000106 **Project Type:** Tier III Encroachment Resolution
Review ID: 2025-ENCROACHMENT-0000012 **Review Phase:**
Location: **Review End Date:** 02/26/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Comments:

Reviewing Agency: Office of Emergency Management Referral Review Status: Approved - No Response

Status Date: 02/26/2025
Status: Approved - No Response
Comments:

Reviewing Agency: Building Department Review Review Status: Approved

Reviewers Name: Daniel Krausz
Reviewers Email: daniel.krausz@denvergov.org

Status Date: 02/10/2025
Status: Approved
Comments:

Reviewing Agency: Division of Real Estate Referral Review Status: Approved - No Response

Status Date: 02/26/2025
Status: Approved - No Response
Comments:

Reviewing Agency: Denver Fire Department Review Review Status: Approved - No Response

Reviewers Name: Adam Grier
Reviewers Email: Adam.Grier@denvergov.org

Status Date: 02/25/2025
Status: Approved - No Response
Comments:

Reviewing Agency: Denver Water Referral Review Status: Approved

Status Date: 02/26/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012Tier III 245 Columbine Patio
Reviewing Agency/Company: Denver Water
Reviewers Name: Kela Naso
Reviewers Phone: 0000000000
Reviewers Email: kela.naso@denverwater.org
Approval Status: Approved

Comments:

Reviewing Agency: Parks and Recreation Review Review Status: Approved - No Response

Reviewers Name: Jennifer Cervera
Reviewers Email: Jennifer.Cervera@denvergov.org

Status Date: 02/26/2025

Comment Report

Tier III 245 Columbine Patio

06/30/2025

Master ID: 2013-PROJMSTR-0000106 **Project Type:** Tier III Encroachment Resolution
Review ID: 2025-ENCROACHMENT-0000012 **Review Phase:**
Location: **Review End Date:** 02/26/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Status: Approved - No Response
Comments:

Reviewing Agency: Policy and Planning Referral Review Status: Approved - No Response

Status Date: 02/26/2025
Status: Approved - No Response
Comments:

Reviewing Agency: Denver Office of Disability Rights Referral Review Status: Approved

Status Date: 02/26/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012 Tier III 245 Columbine Patio
Reviewing Agency/Company: DODR
Reviewers Name: Spencer Pocock
Reviewers Phone: 720-913-8411
Reviewers Email: Spencer.Pocock@denvergov.org
Approval Status: Approved

Comments:
Please note that the provided "Accessible Seating" detail (4/A-110) only shows 13" of toe clearance, but 17" of toe clearance is required for compliant accessible seating. This will need to be addressed for final construction / furniture selection.

Final construction, including any later modifications to the public sidewalk (which is considered a public Accessible Route), as well as any other areas open to the general public, must comply with all applicable 2010 ADA requirements.

Reviewing Agency: Construction Engineering Review Review Status: Approved

Reviewers Name: Kim Blair
Reviewers Email: Kim.Blair@denvergov.org

Status Date: 02/24/2025
Status: Approved
Comments:

Reviewing Agency: TES Sign and Stripe Review Review Status: Approved - No Response

Reviewers Name: Brittany Price
Reviewers Email: Brittany.Price@denvergov.org

Status Date: 02/26/2025
Status: Approved - No Response
Comments:

Reviewing Agency: City Forester Review Review Status: Approved

Comment Report

Tier III 245 Columbine Patio

06/30/2025

Master ID: 2013-PROJMSTR-0000106 **Project Type:** Tier III Encroachment Resolution
Review ID: 2025-ENCROACHMENT-0000012 **Review Phase:**
Location: **Review End Date:** 02/26/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewers Name: Eric Huetig
Reviewers Email: Eric.Huetig@denvergov.org
Status Date: 06/13/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012 Tier III 245 Columbine Patio
Reviewing Agency/Company: Office of the City Forester
Reviewers Name: Eric Huetig
Reviewers Phone: 7209130752
Reviewers Email: eric.huetig@denvergov.org
Approval Status: Approved

Comments:
Upon discussing with the CCN BID, all issues have been resolved.

Status Date: 02/24/2025
Status: Approved w/Conditions
Comments: 2025-ENCROACHMENT-0000012 – 245 Columbine Patio
OCF Comments 2-24-25
1. Address OCF comments on attached redlined plans, uploaded via ERA site.
A. Existing ROW tree has branching on north side that may conflict with proposed ramp into patio. Can patio & ramp be moved north to provide 8' b/w trunk & edge of ramp? (structure & ramp moved north shown in gray)
B. This adjustment to patio location will significantly reduce risk of conflicts b/w tree & pathway as well as reduce risk of damage to tree from foot traffic.

Reviewing Agency: Landmark Review Review Status: Approved - No Response

Status Date: 02/06/2025
Status: Approved - No Response
Comments:

Reviewing Agency: CDOT Referral Review Status: Approved

Status Date: 02/26/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012 Tier III 245 Columbine Patio
Reviewing Agency/Company: CDOT
Reviewers Name: Michelle White
Reviewers Phone: 303-512-4218
Reviewers Email: michelle.m.white@state.co.us
Approval Status: Approved

Comments:
This is not on CDOT's system. We have no comments.

Reviewing Agency: ERA Review Review Status: Approved - No Response

Comment Report

Tier III 245 Columbine Patio

06/30/2025

Master ID: 2013-PROJMSTR-0000106 **Project Type:** Tier III Encroachment Resolution
Review ID: 2025-ENCROACHMENT-0000012 **Review Phase:**
Location: **Review End Date:** 02/26/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewers Name: Shari Bills
Reviewers Email: Shari.Bills@denvergov.org
Status Date: 02/26/2025
Status: Approved - No Response
Comments:

Reviewing Agency: ROW - Supplemental Review **Review Status:** Approved

Reviewers Name: Richard Barrett
Reviewers Email: richard@cherrycreeknorth.com
Status Date: 06/30/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012Tier III 245 Columbine Patio
Reviewing Agency/Company: Cherry Creek North Business Improvement District
Reviewers Name: Richard Barrett
Reviewers Phone: 3034191987
Reviewers Email: richard@cherrycreeknorth.com
Approval Status: Approved

Comments:

Status Date: 02/26/2025
Status: Denied
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000012Tier III 245 Columbine Patio
Reviewing Agency/Company: Cherry Creek North Business Improvement District
Reviewers Name: Richard Barrett
Reviewers Phone: 303-419-1987
Reviewers Email: richard@cherrycreeknorth.com
Approval Status: Denied

Comments:

The submitted design has the access ramp going over the top of the irrigation control valves. We require access to the irrigation valves. The access ramp should be relocated and new plans submitted. The plans do not take into account the removal of existing landscape material for ramp access to the structure. The applicant needs to enter into an agreement with the district to replace any impacted landscape material once the structure is removed. This design needs to be submitted and go through the Cherry Creek North Design Advisory Board for comment and design review.