

## Encroachment into Public Right-of-Way Submittal Checklist

**Any submittal not meeting all minimum checklist  
criteria herein shall be rejected as incomplete.**

Encroachment submittal documents will include the following:

- ☒ Application (Page 2&3 of this document) - Must be signed by owner, or a vested party
- ☒ A Legal Description and Exhibits are required (Tier II underground and all Tier III). The Legal Description and Exhibit of the encroachment, must be prepared by a Professional Land Surveyor (PLS), licensed in the State of Colorado:
- ☒
  - PDF format (must be PLS signed and stamped) **and**
  - Word format (Does not need to be PLS signed and stamped)
- ☒ Site Plan - accurately engineered drawings to include:
  - ☐ Numerical and Bar Scale (Scale not to exceed 1:40)
  - ☒ North arrow
  - ☒ Legend
  - ☒ Vicinity map, if necessary
  - ☒ Plan set date and revision number (if applicable)
  - ☒ Call out the location of the encroachment proposed and hatch area
  - ☒ Property lines
  - ☒ Right-of-Way width
  - ☒ Edge of Pavement and/or Curb and Gutter
  - ☒ Sidewalks
  - ☒ Trees and landscaping in the ROW
  - ☒ Nearby driveways and alleys
  - ☒ Street names
  - ☐ Aerial imagery is allowed, but does not replace the required Engineered drawings

### FEES:

Must be paid immediately after project is logged in and a project number is provided by your Coordinator along with the project invoice.

Initial Processing Fee = \$1,500.00 (Non-Refundable)

Legal Description Review Fee = \$300.00 (Non-Refundable)

Tier III Resolution Fee = \$300.00 (Non-Refundable)

Tier II Permit Fee = \$200.00 (Non-Refundable)

Tier II and Tier III Annual Fee = \$200.00 (Non-Refundable)

**I hereby attest that all above information has been incorporated into our plan submittal**

\_\_\_\_\_  
Owner/Vested Party/Applicant Signature

\_\_\_\_\_  
Date

## APPLICATION ENCROACHMENT INTO PUBLIC RIGHT-OF-WAY

Please complete this application to apply for a Tier II or Tier III Encroachment Permit. Please reference Rules and Regulations for Encroachments in the Public Right of Way for more details on the right of way encroachment process. Please type or print. If necessary attach additional sheets to fully answer any of the following sections. The legal description must be submitted with the application. Submit the complete application electronically to: [Denver.PWERA@denvergov.org](mailto:Denver.PWERA@denvergov.org).

DATE: 01/19/2023

ASSOCIATED PROJECT NAME: Loretto Heights Master Development

DEVELOPMENT SERVICES LOG NUMBER: (if applicable) 2019-PROJMSTR-0000117

**PROPOSED LOCATION OF ENCROACHMENT:**

Address: 3001 S Federal Blvd

Location Description: (Example: Located on the South side of 23<sup>rd</sup> Avenue, twenty (20) feet from face of curb, and ten (10) feet west of pavement on Private Drive. The footprint of the sign is four (4) square feet.)

Located near the intersection of S. Federal Blvd. and W. Cornell Ave. See attached Exhibits.

**ENCROACHMENT TIER:** (Select Requesting Official Determination if you believe Encroachment to be a Tier I)

☐ Tier II ☒ Tier III ☐ Requesting Official Determination

**APPLICANT:**

Name: Andrew R Klein

Company (if applicable): AMC Loretto VI LLC

Title: Authorized Signatory.

Address: 9100 E. Mississippi Ave Suite. 500

Telephone number: 303-984-9800

Email address: aklein@westsideinv.com

**OWNER OF ENCROACHMENT** (Who the permit is issued to): ☐ Check if the same as Applicant

Company: Loretto Heights Metropolitan District No. 1

Owner Contact: Megan Becher

Address: 450 E. 17th Ave.

Telephone Number: (303)-592- 4380

Email address: mbecher@specialdistrictlaw.com

**ANNUAL FEE BILLING INFORMATION:** ☒ Check if the same as Owner

Company:

Billing Contact:

Billing Address:

Telephone Number:

Email address:

**DESCRIPTION OF PROPOSED ENCROACHMENT:**

In the space below, describe the proposed encroachment including the type, dimensions, and quantity of objects. If the space below is not sufficient to describe the encroachment, please attach the description as a separate document. Additionally, provide a site plan in 11" X 17" PDF with the location and dimensions of the encroachment, property lines, structures, curb/flowline, sidewalk, poles, bus stops, etc. Please reference the Rules and Regulations for Encroachments in the Public Right of Way for additional application requirements.

The encroachment described here is for the proposed 70.89 acre Loretto Heights Master Development project located at 3001 S Federal Blvd. Please see attached Exhibits for additional information to below.

Encroachment -We propose 113 linear feet of 8" PVC pipe to pass under S. Federal Blvd. to convey sanitary sewer. See attached plan and profile.

**EXPLANATION:**

Please explain why the public right-of-way is needed for this private improvement:

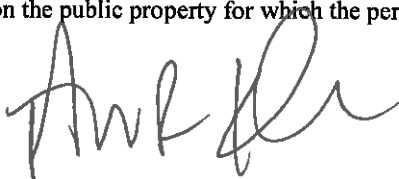
Please see attached exhibit. A private sanitary sewer main is being proposed to service Lots 2 & 3 of Block 7. This private sanitary sewer main will connect to the existing sanitary sewer across S. Federal Blvd where there is adequate capacity, necessitating the need to encroach within the public right-of-way. All design criteria set forth in the City and County of Denver Sanitary Sewer Design Technical Criteria Manual will be met.

**INDEMNITY AND INSURANCE:**

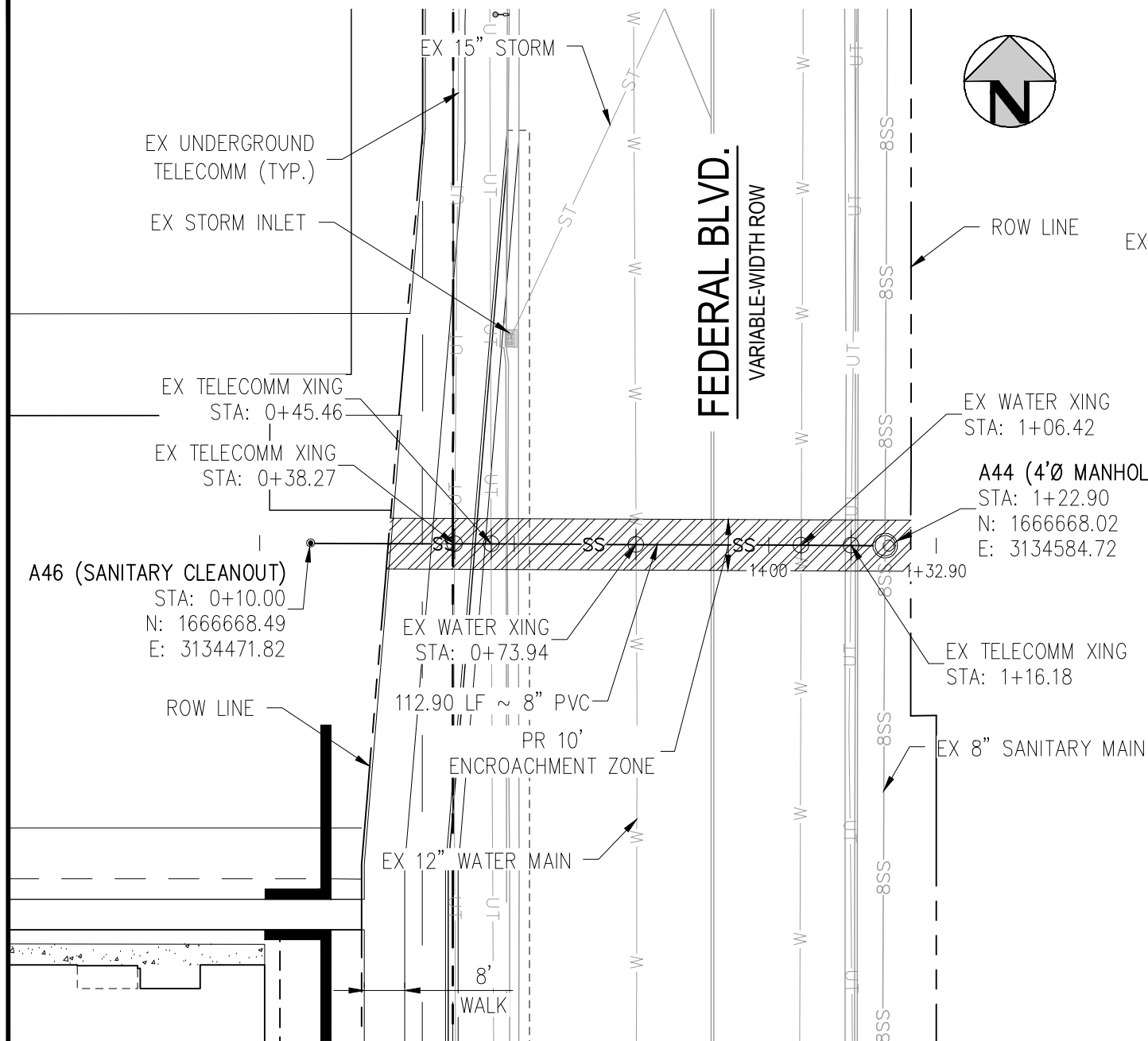
By submitting this permit application, the permit holder agrees as a condition for the permit requested to either:

- (a) Post with the Executive Director of Public Works, a bond in a penal sum not to exceed \$50,000 with sureties approved by the Executive Director; or
- (b) Obtain and keep current a policy of public liability insurance in the name of the permittee, with the CCD as a named insured, with the minimum limits of coverage of \$50,000/\$100,000 for bodily injury and \$5,000 for property damage, covering the location of the Encroachment on the public property for which the permit is issued.

I understand and agree:

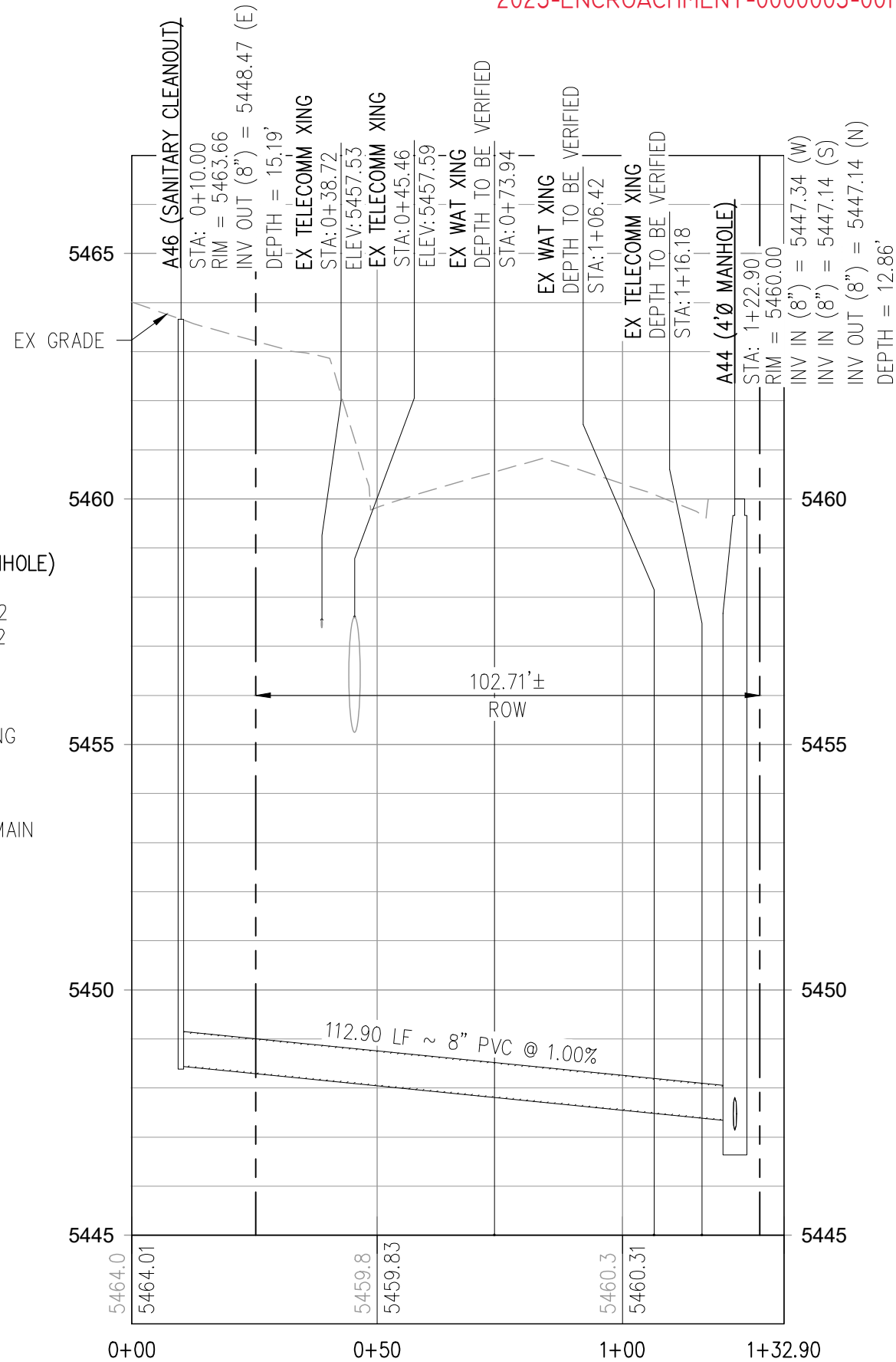
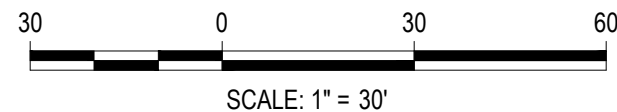


---



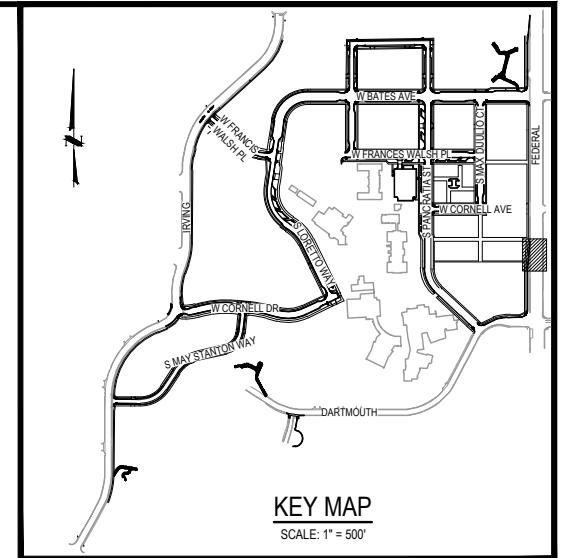
PRIVATE SANITARY MAIN ENCROACHMENT PLAN

SCALE: 1" = 30'



PRIVATE SANITARY MAIN ENCROACHMENT PROFILE

HORIZONTAL SCALE: 1" = 30'  
VERTICAL SCALE: 1" = 3'



KEY MAP  
SCALE: 1" = 500'

**EXHIBIT A  
LAND DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF THE S. FEDERAL BLVD. RIGHT-OF-WAY SITUATED IN THE NORTH HALF OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE CENTER QUARTER CORNER OF SAID SECTION 32;

THENCE NORTH 05°49'19" EAST, A DISTANCE OF 395.65 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID S. FEDERAL BLVD. AS DESCRIBED IN BOOK 9274 AT PAGE 231 AND THE **POINT OF BEGINNING**;

THENCE NORTH 89°45'36" WEST, A DISTANCE OF 103.12 FEET TO THE WEST LINE OF THE S. FEDERAL BLVD. RIGHT-OF-WAY DEDICATED BY LORETTO HEIGHTS FILING NO. 1 RECORDED AT RECEPTION NO. 2021179359;  
THENCE NORTH 04°45'49" EAST ALONG SAID WEST LINE, A DISTANCE OF 10.03 FEET;  
THENCE SOUTH 89°45'36" EAST, A DISTANCE OF 102.30 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID S. FEDERAL BLVD;  
THENCE SOUTH 00°01'10" WEST ALONG SAID EAST LINE, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,027 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, PER THE PLAT OF LORETTO HEIGHTS FILING NO. 1 AS BEARING SOUTH 00°05'27" WEST BEING MONUMENTED AT BOTH ENDS BY A 3.5" ALUMINUM CAP STAMPED "CDOT PLS 28666" IN RANGE BOX.

PREPARED BY: AARON MURPHY  
PLS 38162

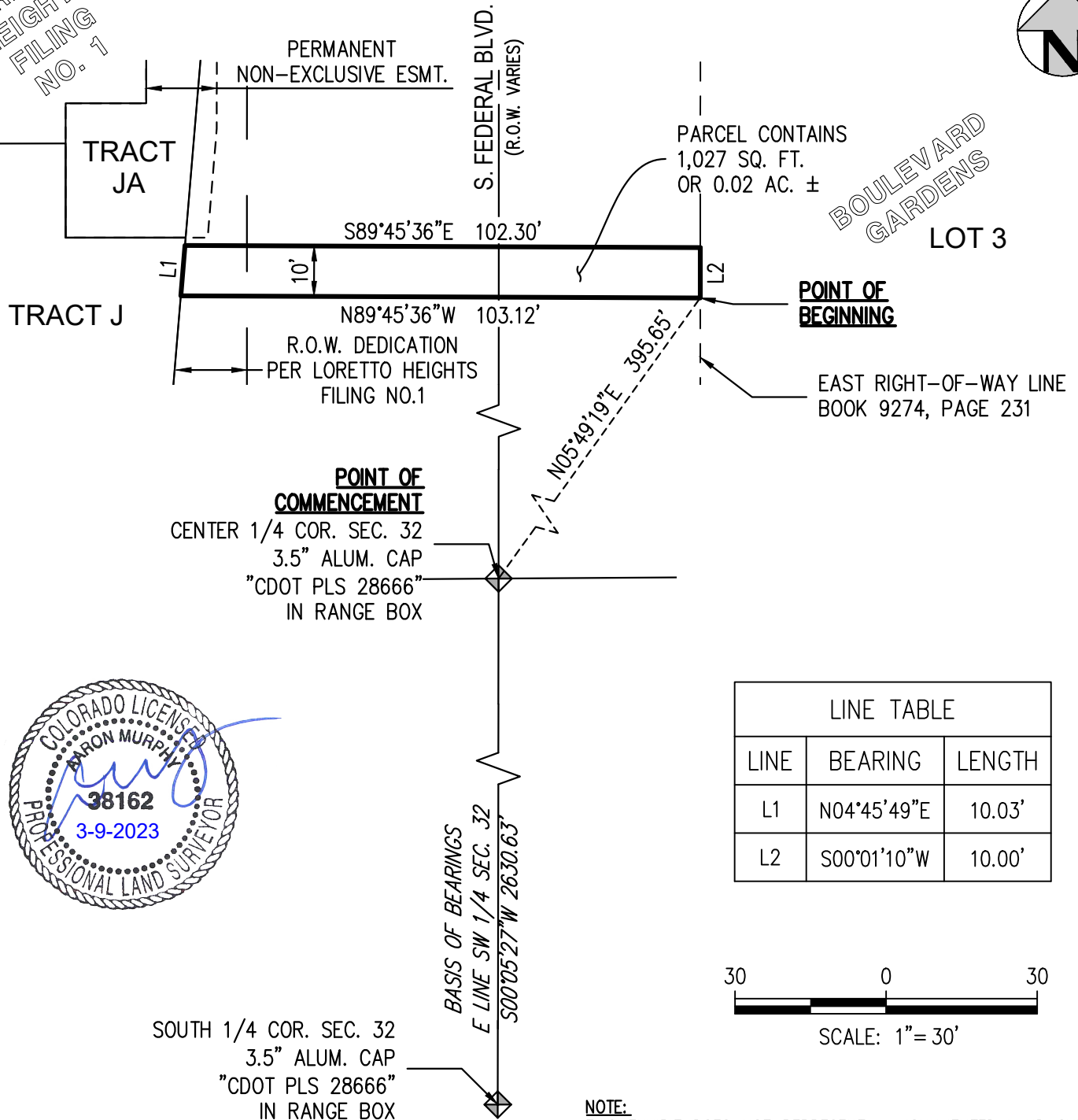
ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300



# EXHIBIT A ILLUSTRATION

SITUATED IN THE NORTH 1/4 OF SECTION 32, TOWNSHIP 4 SOUTH,  
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER,  
STATE OF COLORADO

LORETTO  
HEIGHTS  
FILING  
NO. 1



Plotted: MON 02/27/23 8:55:54A By: John Stebbins Filepath: p:\180702\survey\esmt\_180702\_encroachment.dwg Layout: layout1

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

## Tier III 3001 S Federal Blvd. Sanitary Main

03/20/2023

**Master ID:** 2019-PROJMSTR-0000117 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2023-ENCROACHMENT-0000003 **Review Phase:**  
**Location:** 3001 S Federal Blvd. **Review End Date:** 02/20/2023

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: Viktoriya Luckner  
Reviewers Email: [Viktoriya.Luckner@denvergov.org](mailto:Viktoriya.Luckner@denvergov.org)

Status Date: 02/17/2023  
Status: Approved  
Comments:

Reviewing Agency: DS Project Coordinator Review

Review Status: Approved w/Conditions

Reviewers Name: Sarah Kaplan  
Reviewers Email: [sarah.kaplan@denvergov.org](mailto:sarah.kaplan@denvergov.org)

Status Date: 02/21/2023  
Status: Approved w/Conditions  
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000003 - Tier III 3001 S Federal Blvd. Sanitary Main  
Reviewing Agency/Company: Development Services, CPD  
Reviewers Name: Sarah Kaplan  
Reviewers Phone: 7208652991  
Reviewers Email: [sarah.kaplan@denvergov.org](mailto:sarah.kaplan@denvergov.org)  
Approval Status: Approved with conditions

Comments:  
Development Services does not take exception with proposed Encroachment. Ensure Tier III Encroachment is cited / referenced on any applicable Entitlement Plan Sets if necessary.

Reviewing Agency: Survey Review

Review Status: Approved

Reviewers Name: Brian Pfohl  
Reviewers Email: [Brian.Pfohl@denvergov.org](mailto:Brian.Pfohl@denvergov.org)

Status Date: 03/20/2023  
Status: Approved  
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000003 - Tier III 3001 S Federal Blvd. Sanitary Main  
Reviewing Agency/Company: DOTI-ROWS Survey  
Reviewers Name: Brian Pfohl  
Reviewers Phone: 630.202.6564  
Reviewers Email: [brian.pfohl@denvergov.org](mailto:brian.pfohl@denvergov.org)  
Approval Status: Approved

Comments:

# Comment Report

## Tier III 3001 S Federal Blvd. Sanitary Main

03/20/2023

**Master ID:** 2019-PROJMSTR-0000117 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2023-ENCROACHMENT-0000003 **Review Phase:**  
**Location:** 3001 S Federal Blvd. **Review End Date:** 02/20/2023

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

Attachment: 20230317\_2023-ENCROACHMENT-0000003\_SurveyComments2.docx

**Status Date:** 02/15/2023  
**Status:** Denied  
**Comments:** Comments in project folder

**REDLINES uploaded to E-review webpage**

**Reviewing Agency:** DES Wastewater Review

**Review Status:** Approved

**Reviewers Name:** Zhixu Yuan  
**Reviewers Email:** Zhixu.Yuan@denvergov.org

**Status Date:** 03/07/2023  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2023-ENCROACHMENT-0000003 - Tier III 3001 S Federal Blvd. Sanitary Main  
Reviewing Agency/Company: DS-WW  
Reviewers Name: Zhixu Yuan  
Reviewers Phone: 7208653140  
Reviewers Email: zhixu.yuan@denvergov.org  
Approval Status: Approved

**Comments:**

Attachment: LorettoSanitary Tier Encroachment.pdf

**Status Date:** 02/17/2023  
**Status:** Approved w/Conditions  
**Comments:** The width should be per easement width requirement.  
Update the cleanout with a manhole to match the construction plan sheet.

**REDLINES uploaded to E-review webpage**

**Reviewing Agency:** City Council Referral

**Review Status:** Approved - No Response

**Status Date:** 02/21/2023  
**Status:** Approved - No Response  
**Comments:**

**Reviewing Agency:** CenturyLink Referral

**Review Status:** Approved w/Conditions

**Status Date:** 03/16/2023  
**Status:** Approved w/Conditions  
**Comments:** PWPRS Project Number: 2023-ENCROACHMENT-0000003 - Tier III 3001 S Federal Blvd. Sanitary Main  
Reviewing Agency/Company: CenturyLink  
Reviewers Name: Rebekah Anthony  
Reviewers Phone: 307-717-0420  
Reviewers Email: rebekah.anthony@lumen.com  
Approval Status: Approved with conditions

**Comments:**

Please remember to call 811 for locates and spot all utilities before crossing. Lumen has a 216 count fiber and 1200 pair copper running north/south on the west side of Federal Blvd.



# Comment Report

## Tier III 3001 S Federal Blvd. Sanitary Main

03/20/2023

**Master ID:** 2019-PROJMSTR-0000117 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2023-ENCROACHMENT-0000003 **Review Phase:**  
**Location:** 3001 S Federal Blvd. **Review End Date:** 02/20/2023

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

Attachment: Encroachment Approval Letter P845008.pdf

**Status Date:** 02/21/2023  
**Status:** Approved - No Response  
**Comments:**

**REDLINES uploaded to E-review webpage**

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

**Status Date:** 02/21/2023  
**Status:** Approved w/Conditions  
**Comments:** PWPRS Project Number: 2023-ENCROACHMENT-0000003 - Tier III 3001 S Federal Blvd. Sanitary Main  
Reviewing Agency/Company: Public Service Company of Colorado dba Xcel Energy  
Reviewers Name: Donna George  
Reviewers Phone: 3035713306  
Reviewers Email: donna.l.george@xcelenergy.com  
Approval Status: Approved with conditions

**Comments:**

PSCo/Xcel Energy has existing underground electric (west) and natural gas (east) distribution facilities within the encroachment area. Please contact Colorado 811 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. PSCo also requests that these facilities are shown on the drawing.

**Reviewing Agency:** RTD Referral **Review Status:** Approved

**Status Date:** 02/21/2023  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2023-ENCROACHMENT-0000003 - Tier III 3001 S Federal Blvd. Sanitary Main  
Reviewing Agency/Company: RTD  
Reviewers Name: C. Scott Woodruff  
Reviewers Phone: 303-299-2943  
Reviewers Email: clayton.woodruff@rtd-denver.com  
Approval Status: Approved

**Comments:**

The RTD engineering review has no comment on this project at this time.

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:** 02/21/2023  
**Status:** Approved - No Response  
**Comments:**

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

**Status Date:** 02/21/2023  
**Status:** Approved - No Response

2023-ENCROACHMENT-0000003

# Comment Report

## Tier III 3001 S Federal Blvd. Sanitary Main

03/20/2023

**Master ID:** 2019-PROJMSTR-0000117 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2023-ENCROACHMENT-0000003 **Review Phase:**  
**Location:** 3001 S Federal Blvd. **Review End Date:** 02/20/2023

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

Comments:

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

Status Date: 02/21/2023  
Status: Approved - No Response  
Comments:

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

Status Date: 02/21/2023  
Status: Approved - No Response  
Comments:

Reviewing Agency: Building Department Review Review Status: Approved

Reviewers Name: Keith Peetz  
Reviewers Email: keith.peetz@denvergov.org  
Status Date: 02/16/2023  
Status: Approved  
Comments:

Reviewing Agency: Division of Real Estate Referral Review Status: Approved

Reviewers Name: Jason Clements  
Reviewers Email: jason.clements@denvergov.org  
Status Date: 01/31/2023  
Status: Approved  
Comments:

Reviewing Agency: Denver Fire Department Review Review Status: Approved

Reviewers Name: Brian Dimock  
Reviewers Email: Brian.Dimock@denvergov.org  
Status Date: 02/15/2023  
Status: Approved  
Comments: No Objections

Reviewing Agency: Denver Water Referral Review Status: Approved

Status Date: 02/21/2023  
Status: Approved  
Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000003 - Tier III 3001 S Federal Blvd. Sanitary Main  
Reviewing Agency/Company: Denver Water  
Reviewers Name: Kela Naso  
Reviewers Phone: 13036286302  
Reviewers Email: kela.naso@denverwater.org  
Approval Status: Approved

Comments:

# Comment Report

## Tier III 3001 S Federal Blvd. Sanitary Main

03/20/2023

**Master ID:** 2019-PROJMSTR-0000117 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2023-ENCROACHMENT-0000003 **Review Phase:**  
**Location:** 3001 S Federal Blvd. **Review End Date:** 02/20/2023

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

Reviewing Agency: Parks and Recreation Review

Review Status: Approved

Reviewers Name: Jennifer Cervera

Reviewers Email: Jennifer.Cervera@denvergov.org

Status Date: 02/20/2023

Status: Approved

Comments: Contact Mathew Gutierrez at matthew.gutierrez@denvergov.org to discuss need for TCAP.

Reviewing Agency: Policy and Planning Referral

Review Status: Approved - No Response

Status Date: 02/21/2023

Status: Approved - No Response

Comments:

Reviewing Agency: Denver Office of Disability Rights Referral

Review Status: Approved

Status Date: 02/21/2023

Status: Approved

Comments: PWPRS Project Number: 2023-ENCROACHMENT-0000003 - Tier III 3001 S Federal Blvd. Sanitary Main

Reviewing Agency/Company: DODR

Reviewers Name: Spencer Pocock

Reviewers Phone: 720-913-8411

Reviewers Email: Spencer.Pocock@denvergov.org

Approval Status: Approved

Comments:

Status Date: 02/21/2023

Status: Approved - No Response

Comments:

Reviewing Agency: Construction Engineering Review

Review Status: Approved - No Response

Reviewers Name: Michael Holm

Reviewers Email: Michael.Holm@denvergov.org

Status Date: 02/21/2023

Status: Approved - No Response

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: 02/21/2023

Status: Approved - No Response

Comments:

Reviewing Agency: City Forester Review

Review Status: Approved

2023-ENCROACHMENT-0000003

# Comment Report

## Tier III 3001 S Federal Blvd. Sanitary Main

03/20/2023

**Master ID:** 2019-PROJMSTR-0000117 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2023-ENCROACHMENT-0000003 **Review Phase:**  
**Location:** 3001 S Federal Blvd. **Review End Date:** 02/20/2023

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

**Reviewers Name:** Erin Hatch  
**Reviewers Email:** Erin.Hatch@denvergov.org  
**Status Date:** 02/16/2023  
**Status:** Approved  
**Comments:** Approved. No anticipated ROW tree impacts.

**Reviewing Agency:** Landmark Review **Review Status:** Approved

**Reviewers Name:** Emma-Marie Censky  
**Reviewers Email:** emma.censky@denvergov.org  
**Status Date:** 01/31/2023  
**Status:** Approved  
**Comments:** not in a historic district

**Reviewing Agency:** CDOT Referral **Review Status:** Approved w/Conditions

**Status Date:** 02/21/2023  
**Status:** Approved w/Conditions  
**Comments:** PWPRS Project Number: 2023-ENCROACHMENT-0000003 - Tier III 3001 S Federal Blvd. Sanitary Main  
Reviewing Agency/Company: CDOT Region 1 ROW/survey  
Reviewers Name: dane courville  
Reviewers Phone: 7206720231  
Reviewers Email: dane.courville@state.co.us  
Approval Status: Approved with conditions  
  
**Comments:**  
Does affect CDOT on-system ROW. The portion of ROW affected by the efforts are under a maintenance agreement between CCD and CDOT. Given this agreement being in place I approve the following effort per a survey perspective, but I recommend contacting CDOT permitting personnel.

**Reviewing Agency:** Environmental Health Referral **Review Status:** Approved

**Reviewers Name:** Andy Whitty  
**Reviewers Email:** andy.whitty@denvergov.org  
**Status Date:** 02/20/2023  
**Status:** Approved  
**Comments:** DDPHE EQ has information to suggest that a historical dry cleaner operated in close vicinity to the project area. Historical dry cleaning facilities have been associated with higher incidences of soil and groundwater contamination. Subsurface materials must be handled and disposed of in accordance with all applicable environmental regulations.

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

**Reviewers Name:** Brianne White  
**Reviewers Email:** Brianne.White@denvergov.org  
**Status Date:** 02/21/2023  
**Status:** Approved - No Response  
**Comments:**

2023-ENCROACHMENT-0000003