



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: Diffey LLC

Contact Name: Michael P. Dugan Sr.

Property Address: 3862 N. High Street, Denver Colorado 80205

Billing Address: 3842 Gilpin Street, Denver Colorado 80205

Phone: +1 203 470 6603 Email: mdugan@highurst.com

PRIMARY CONTACT:

Check if the same as Adjacent Property Owner

Company Name: Diffey LLC

Contact Name: Mike Dugan

Address: 3834 Gilpin Street, Denver, Colorado 80205

Phone: +1 203 470 6603 Email: mdugan@gmail.com

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
 Phone: 720-865-3003

ENCROACHMENT INFORMATION:

Project Name:	High Street Bar Project
Adjacent Property Address:	3862 N. High Street Denver, Colorado 80205
Coordinates (Lat/Long):	39.7711563 - 104 9645054
Encroachment Area, in SF:	~ 25 sq feet

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.)

The property in the 3800 block of N. High Street in the Cole Neighborhood at the Northeast corner of N. High Street and the 39th Street Greenway, adjacent to public, pedestrian open space

Description of Encroachment:

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

The encroachment is in two areas along the High Street facade. First at the northwest corner of the building, the steps at the High Street Entrance to the building adjacent to the Greenway. The Second encroachment is located along High Street approximately 25 feet from the building's northwest corner and consists of steps and a platform to reach the primary entrance to the building's second floor. Both of these areas require renovation of the existing platforms and steps that have existed since 1892.

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.

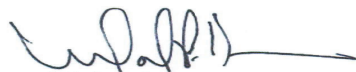
3862 N. High Street is a 2-storey brick structure built in 1892. The building sits exactly on the on the North, South and West property lines with no set-back. Therefore the steps up to the building entrances on the West and North property lines currently (and have throughout the building's 125 year history) have encroached onto the City's ROW sidewalk. We are undertaking a complete renovation of the Building and the entrance steps require renovation, and therefore the encroachment needs re-confirmed. The encroachment was approved by the City in our SUDP #20471 in 2019, before COVID.

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: 03/15/2025



PRINT NAME:

Michael P. Dugan

TITLE: Partner

COMPANY:

Diffey LLC

PERMIT SUBMITTAL CHECKLIST

FOR ENCROACHMENTS & ENCUMBRANCES IN THE PUBLIC RIGHT-OF-WAY
Any Submittal not meeting all minimum checklist criteria herein will be rejected as incomplete.

Encroachments shall be in accordance with:

- Denver Revised Municipal Code (DRMC) Chapter 49, Streets, 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

Application

- Signed by adjacent property owner as owner of Encroachment or authorized Special District representative

Evidence of Adjacent Property Ownership & Parcel Land Description

Required for all Encroachment Permit Applications

- Current Title Work/Warranty Deed confirming ownership and parcel land description for adjacent property
- Parcel Land Description in Word format

Land Description sealed and signed by a Professional Land Surveyor licensed in Colorado

Required for Tier II Underground Encroachments and all Tier III Encroachments (can be submitted after 1st review)

- Encroachment Area Land Description and Exhibit(s) in PDF format stamped and signed by PLS
- Encroachment Area Land Description in Word format

Site Plans sealed and signed by a Professional Engineer licensed in Colorado

GENERAL

- Vicinity map
- North arrows and numerical and bar scales (Scale not to exceed 1" = 40')
- Legend
- PE stamp area
- Plan set date and revision number (if applicable)

PLAN VIEW

Show, label and dimension existing and proposed final site conditions, including but not limited to the following (aerial imagery is allowed; however, it does not replace requirement for accurately scaled engineering drawings):

- Property lines, right-of-way width
- Edge of pavement, curb and gutter, sidewalks, nearby driveways and alleys
- Street lights, pedestrian lights, signal poles, utility poles
- Surface utility features (e.g. cabinets, handholes, manholes, inlets, vaults, valves, fire hydrants)
- Regulatory Floodplain boundaries (FEMA) ← if applicable
- Underground and overhead utilities (e.g. water, sewer, power, communications, gas, irrigation)
- Trees and landscaping in the ROW
- Street names and adjacent property address(es)
- Regional Transportation District (RTD) bus stop with any amenities
- Location and size of Encroachment - Show and dimension limits of both above and below ground elements
- Construction Materials ← add note: "Concrete with painted steel railing"
- Projection from building
- Distance from Encroachment to the nearest flowline ← add note near dimensions: "Below ground footprint is the same"

*Ch MPD
08 Oct 2025*

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services | Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-913-3003



if applicable

- Distance from Encroachment to any other Streetscape feature/obstruction in the vicinity
- Distance from property line to back of curb
- Electrical service alignment, electrical connection location, and voltage/camps
- No proposed Encroachments located in the intersection clear zone per Transportation Std. Dwg. 7.9

ELEVATION OR CROSS-SECTION VIEWS

- Location and size of Encroachment – Show and dimension limits of both above and below ground elements
- Existing and final grade
- Existing utilities and their size and depth
- Vertical height/clearance of the Encroachment from finish grade

DETAIL SHEET(S) Not Applicable

- Manufacturer's and/or construction detail(s)
- Referenced City detail(s) by drawing number on the appropriate plan and elevation view(s)
- Office of the Forester's (OCF) tree protection detail and notes
- Special, non-standard, or modified City details

STRUCTURAL PLANS Not Applicable

- Structural plans
- Manufacturers certification

ADDITIONAL REQUIRED MATERIAL(S) Not Applicable

- Approval from applicable reviewing authorities (e.g. design review district, floodplain, Arts & Venues)
- For properties sharing the Encroachment, appropriate legal documentation for review by the City

COMMENT RESOLUTION SHEET(S) IF APPLICABLE Not Applicable for 1st Submittal

- Reviewer's and Agency Name
- Review comments (reviewer comments must be verbatim)
- Formal written response to each comment

Fees:

Fees must be paid immediately after ER provides a project number and invoice for your application.

Fees (Non-Refundable):	Tier I Encroachment:	Tier II Encroachment:	Tier III Encroachment:
Initial Processing	No Fee	\$1,500.00	\$1,500.00
Land Description Review	N/A	\$500.00	\$500.00
Resolution Review	N/A	N/A	\$300.00
Annual Permit	No Fee	\$200.00	\$200.00

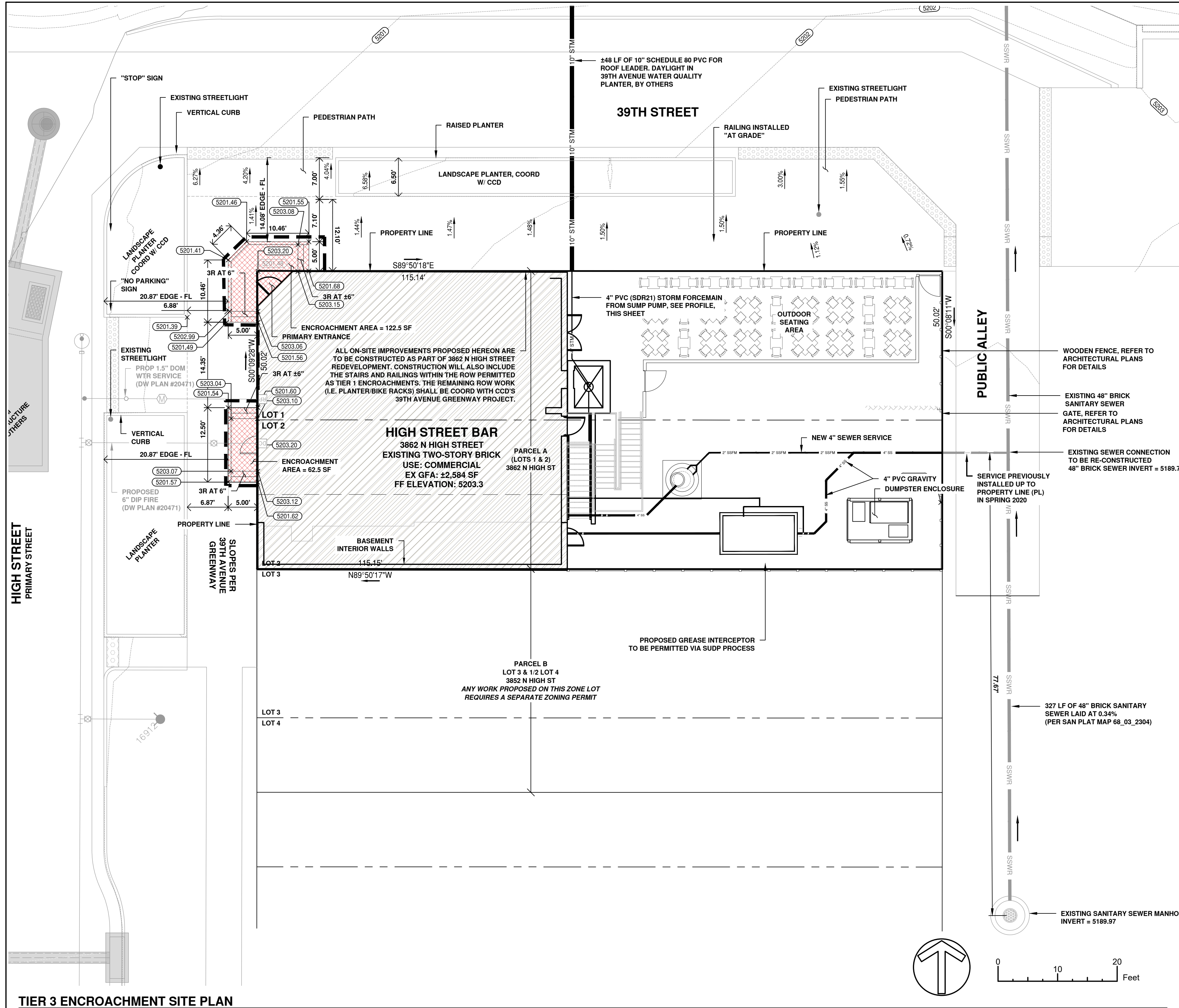
Attestation:

I hereby attest that the above information is incorporated into the Encroachment Application and plan submittal:

SIGNATURE: *Michael P. Dugan Sr.* DATE: 08 October 2025
 PRINT NAME: Michael P. Dugan Sr. EMAIL: mdugan@highurst.com
 COMPANY: Diffey LLC PHONE: +1 917 214-4067

City and County of Denver Department of Transportation & Infrastructure
 Right-of-Way Services | Engineering & Regulatory
 201 W Colfax Ave, Dept 507 | Denver, CO 80202
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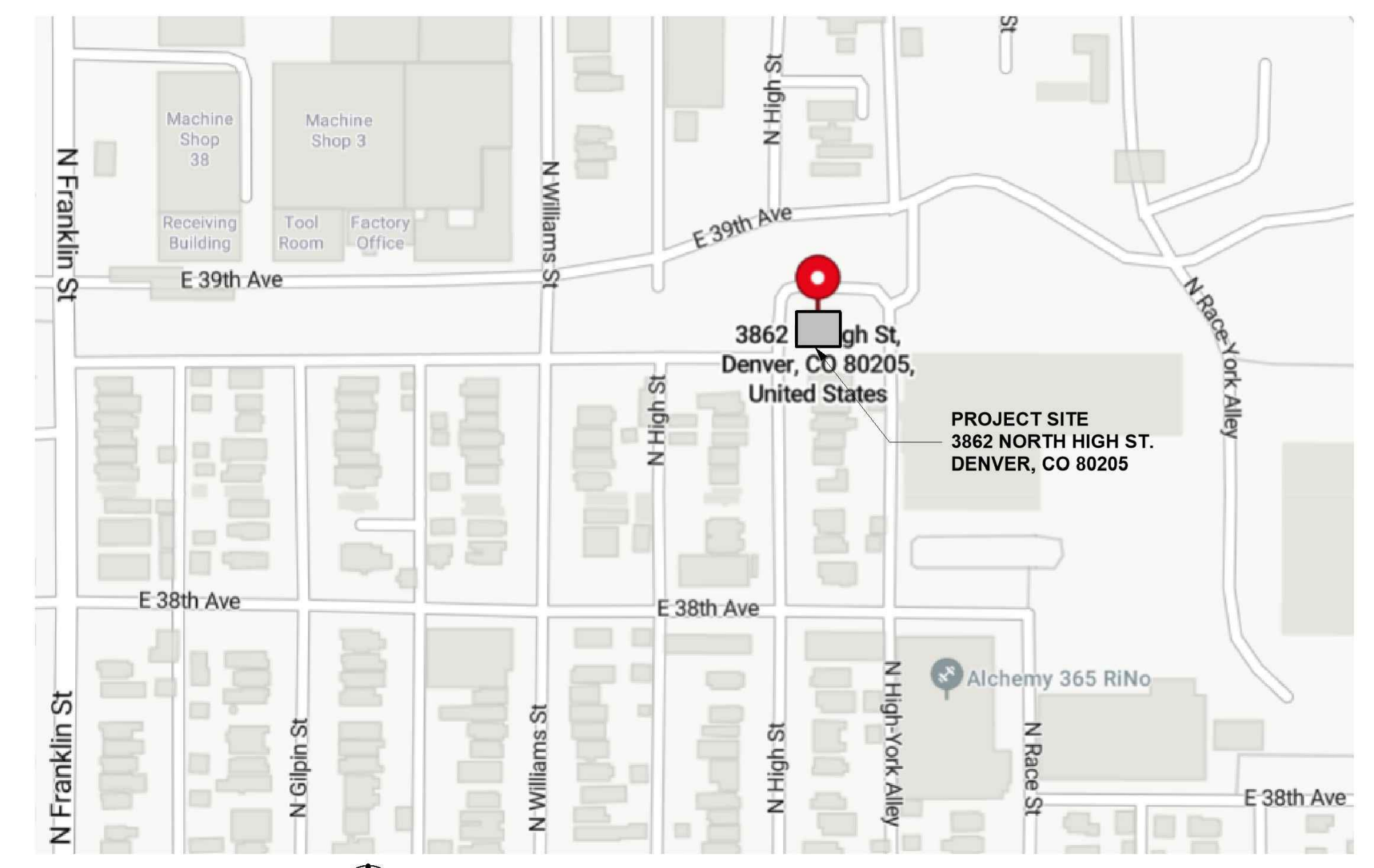
*OK
MAD
08 Oct 2025*



TIER 3 ENCROACHMENT SITE PLAN
SCALE: 1"=10'

ENCROACHMENT NOTES

1. THERE IS NO MAPPED FLOODPLAIN IMPACTED BY THIS ENCROACHMENT.
2. THE LIMITS OF UNDERGROUND FOUNDATIONS IS THE SAME FOOTPRINT AS THE ABOVE GRADE IMPROVEMENTS.
3. ALL ENCROACHMENTS (STAIRS) SHALL BE CAST IN PLACE CONCRETE WITH METAL RAILING(S).
4. BASED ON THE LOCATION AND CONFIGURATION, THERE WILL NEVER BE A TRAFFIC SIGNAL INSTALLED ON THE CORNER ADJACENT TO THE ENCROACHMENT AND THEREFORE STD. DETAIL 7.9 IS NOT APPLICABLE.



VICINITY PLAN

LEGEND

- LOT LINE
- LIMITS OF CONSTRUCTION FOR ENCROACHMENT
- VERTICAL CURB (EXISTING)
- ST — UNDERGROUND STORM (EXISTING)
- W — UNDERGROUND WATER (EXISTING)
- 2" SSFM — 2" SANITARY FORCEMAIN (PROPOSED)
- 4" SS — 4" SANITARY SEWER (PROPOSED)
- GAS — UNDERGROUND GAS
- FO — UNDERGROUND COMM
- ▨ LIMITS OF ENCROACHMENT
- ▩ TRUNCATED DOMES
- ▭ BUILDING
- STREETLIGHT (EXISTING)
- 5201 — EXISTING CONTOUR

ENGINEER IN CHARGE:



CONTACT INFORMATION
88 INVERNESS CIRCLE, SUITE E-101
ENGLEWOOD, CO 80112
STRATEGIC SITE DESIGNS
CPERDUE@STRATEGICSITEDESIGNS.COM (720) 206-6931
ATTENTION: CHRISTOPHER PERDUE, P.E., M.B.A.



3862 N HIGH STREET
MIXED USE
DENVER, CO
DENVER COUNTY

TIER 3
ENCROACHMENT
PERMIT SITE PLAN

REV	DESCRIPTION	BY	DATE
1	SUDP REVISIONS	CLP	8/7/25
2	SUDP REVISIONS	CLP	10/3/25
3	ENCROACHMENT PLAN	CLP	10/9/25

JOB NO: 1917-001
ORIGINAL ISSUE: 10/31/2019
DESIGN BY: CLP
CHECKED BY: CLP
SCALE: VARIES
SHEET NUMBER
C1.00

EXHIBIT A LEGAL DESCRIPTION

SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF EAST 39TH AVENUE AND NORTH HIGH STREET, BEING ADJACENT TO LOT 1, BLOCK 6, PROVIDENT PARK, LYING IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 6, PROVIDENT PARK; THENCE S 89°50'18" E, ALONG THE NORTHERLY LINE OF SAID LOT 1, BLOCK 6, A DISTANCE OF 8.71 FEET; THENCE N 00°17'42" E A DISTANCE OF 4.90 FEET; THENCE N 89°42'18" W A DISTANCE OF 10.46 FEET; THENCE S 45°12'53" W A DISTANCE OF 4.36 FEET; THENCE S 00°10'21" W A DISTANCE OF 10.46 FEET; THENCE S 89°49'39" E A DISTANCE OF 4.84 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 1, BLOCK 6; THENCE N 00°09'28" E ALONG SAID WESTERLY LINE OF LOT 1, BLOCK 6, A DISTANCE OF 8.62 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 103.54 SQUARE FEET \ 0.0023 ACRES, MORE OR LESS.

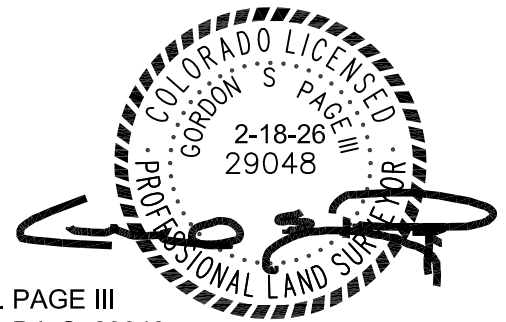
BEARINGS ARE BASED UPON THE NORTHERLY LINE OF LOT 1, BLOCK 6, PROVIDENT PARK, AS FORMED BY 1" BRASS NAIL AND TAGS STAMPED "PLS 29048" AT THE NORTHWEST AND NORTHEAST CORNERS OF SAID LOT 1, ASSUMED TO BEAR S 89°50'18" E AS SHOWN HEREON.

THIS IS NOT A MONUMENTED LAND SURVEY, IMPROVEMENT SURVEY PLAT OR IMPROVEMENT LOCATION CERTIFICATE. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

Gillians

GILLIANS LAND CONSULTANTS
P.O. BOX 375
BENNETT, CO 80102
303-972-6640 www.gillianslc.com

JOB NO.: 25279
DRAWN: GP
ISSUE DATE: 11-18-25
FILE: pr25279



GORDON S. PAGE III
COLORADO P.L.S. 29048
FOR & ON BEHALF OF
GILLIANS LAND
CONSULTANTS
gpage@gillianslc.com

DIGITAL SIGNATURE

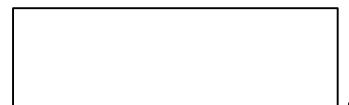
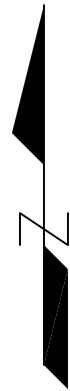


EXHIBIT A ILLUSTRATION

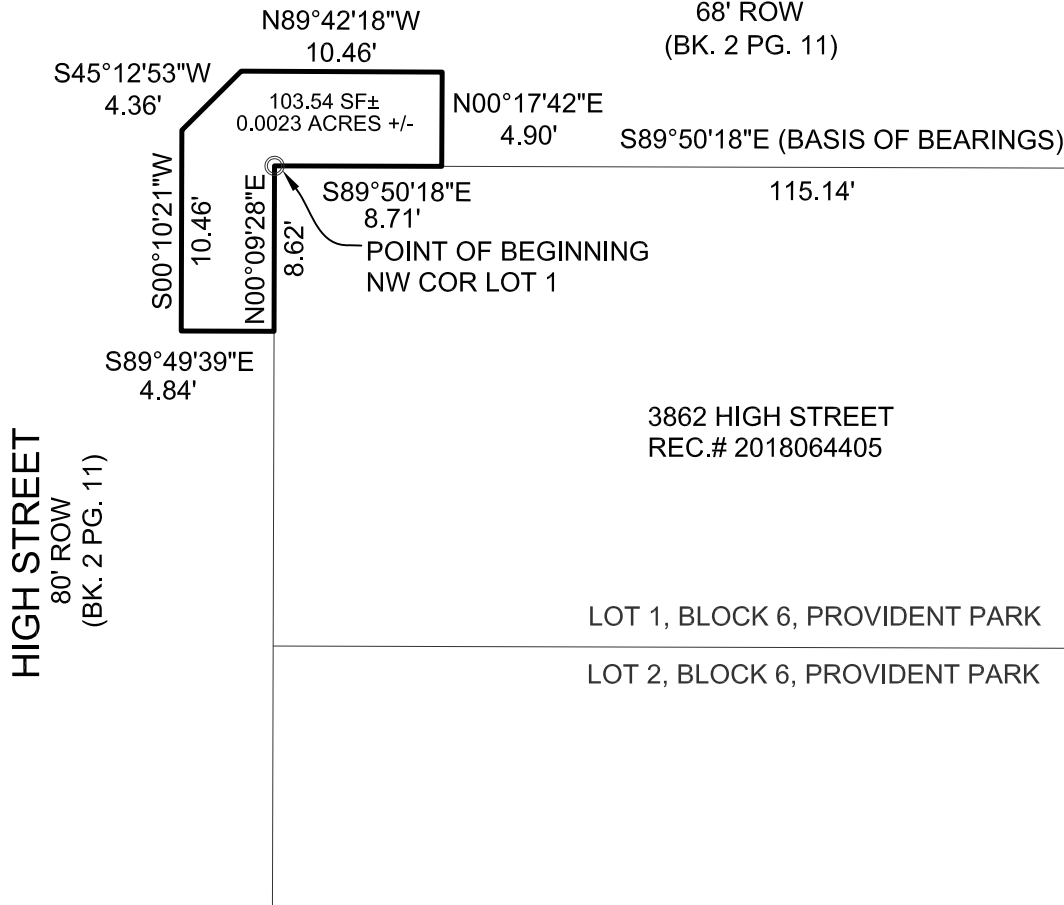
SHEET 2 OF 2

EAST 39TH AVENUE

68' ROW
(BK. 2 PG. 11)



SCALE: 1"=10'



NAIL & TAG
PLS 29048 (TYP)
SET 3-2018

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Gillians

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GORDON S. PAGE III
COLORADO P.L.S. 29048
FOR & ON BEHALF OF
GILLIANS LAND
CONSULTANTS
gpage@gillianslc.com



DIGITAL SIGNATURE



EXHIBIT A LEGAL DESCRIPTION

SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF NORTH HIGH STREET, BEING ADJACENT TO LOTS 1 AND 2, BLOCK 6, PROVIDENT PARK, LYING IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 6, PROVIDENT PARK; THENCE S 00°29'28" W ALONG THE WESTERLY LINE OF SAID LOT 1, BLOCK 6, A DISTANCE OF 22.96 FEET TO THE POINT OF BEGINNING; THENCE N 89°49'39" W A DISTANCE OF 4.84 FEET; THENCE S 00°10'21" W A DISTANCE OF 12.50 FEET; THENCE S 89°49'39" E A DISTANCE OF 4.84 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, BLOCK 6; THENCE N 00°09'28" E ALONG SAID WESTERLY LINE OF LOTS 1 AND 2, BLOCK 6, A DISTANCE OF 12.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 60.51 SQUARE FEET \ 0.0013 ACRES MORE OR LESS.

BEARINGS ARE BASED UPON THE NORTHERLY LINE OF LOT 1, BLOCK 6, PROVIDENT PARK, AS FORMED BY 1" BRASS NAIL AND TAGS STAMPED "PLS 29048" AT THE NORTHWEST AND NORTHEAST CORNERS OF SAID LOT 1, ASSUMED TO BEAR S 89°50'18" E AS SHOWN HEREON.

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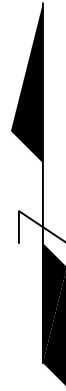
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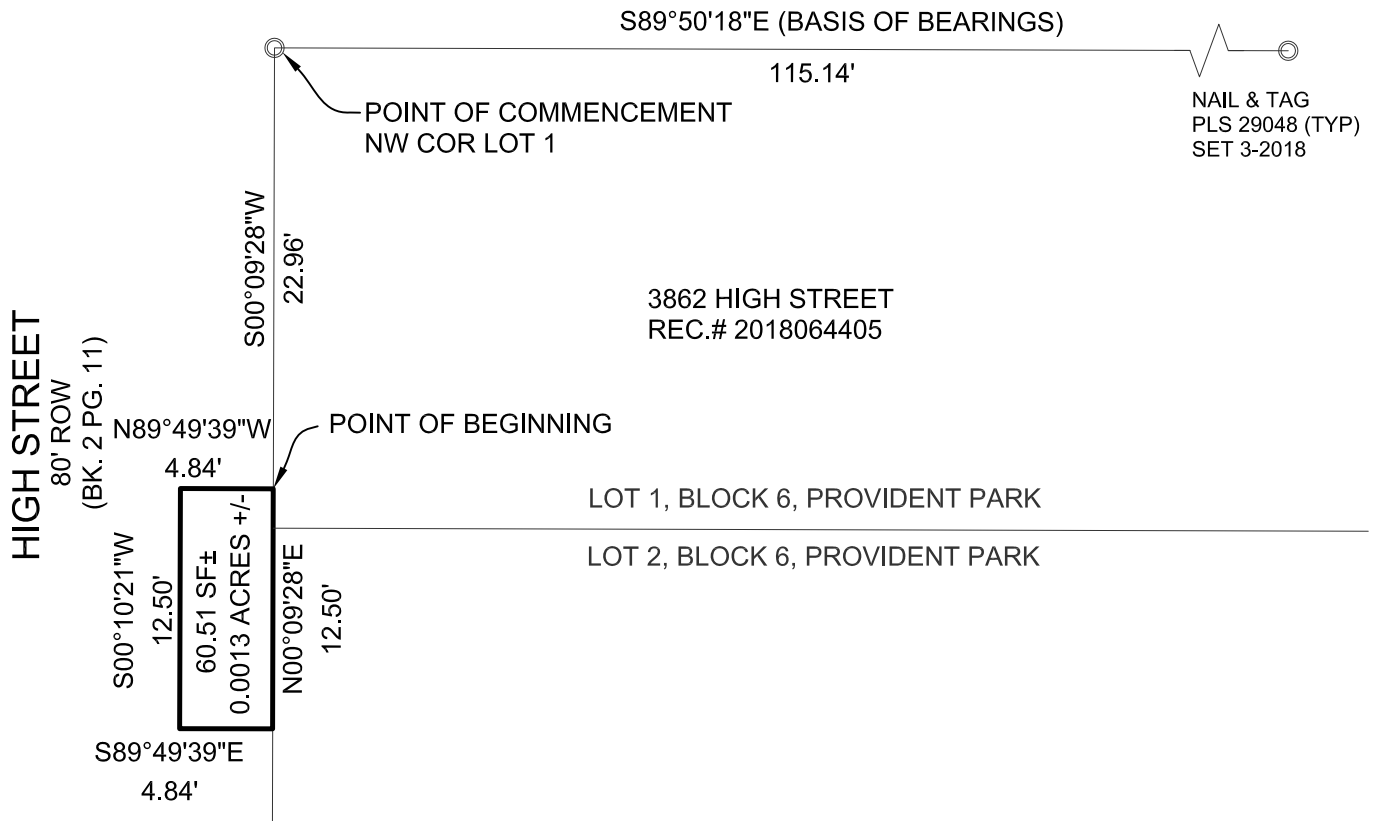
EXHIBIT A ILLUSTRATION

SHEET 2 OF 2

EAST 39TH AVENUE
68' ROW
(BK. 2 PG. 11)



SCALE: 1"=10'



NAIL & TAG
PLS 29048 (TYP)
SET 3-2018

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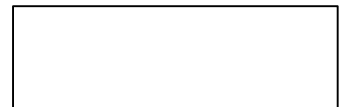
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FILE: pr252749

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DIGITAL SIGNATURE



2025-ENCROACHMENT-0000135-001

Legal Description:

Lots 1 and 2, Block 6, Provident Park (Addition to Denver), City and County of Denver, State of Colorado



SCHEDULE A

Title Report No.: NCSCO04681-NB

1. **Effective Date:** March 4, 2026 at 12:00 AM
2. The estate or interest in the land described or referred to in this Title Report is:
 Fee Simple
3. Title to the estate or interest in the land is at the Effective Date vested in:
 [Diffey LLC, a Colorado limited liability company](#) as to Parcel A and [3852 High LLC, a Colorado limited liability company](#) as to Parcel B
4. The land referred to in this Title Report is described as follows:
 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
 (for informational purposes only) 3852 and 3862 North High Street, Denver, CO 80205-3439

EXHIBIT "A"
Legal Description

Parcel A:

Lots 1 and 2, Block 6, [Provident Park \(Addition to Denver\)](#), City and County of Denver, State of Colorado.

For Informational Purposes Only:

APN: 02234-09-016-000

Parcel B:

Lot 3 and the North 1/2 of Lot 4, Block 6, [Provident Park \(Addition to Denver\)](#), City and County of Denver, State of Colorado.

For Informational Purposes Only:

APN: 02234-09-002-000

SCHEDULE B Exceptions

1. Any facts, rights, interests, or claims that are not shown by the Public Records but that 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 encroachment, encumbrance, 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 the 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. Water rights, claims or title to water, whether or not these matters are shown by the Public Records.
6. Taxes and assessments for the current year, including all taxes now or heretofore assessed, due or payable.
7. Any existing leases or tenancies, and any and all parties claiming by, through or under said leases.
8. Terms, conditions, provisions, agreements and obligations contained in the Ordinance No. 20180015, Series of 2018 recorded on February 14, 2018, at Reception No. [2018017391](#).

Affects Parcel A
9. Terms, conditions, provisions, agreements and obligations contained in the Site Development Plan recorded on January 23, 2020, at Reception No. [2020010065](#).

Affects Parcel A
10. A lien in favor of the City/Town of City and County of Denver, for Non-Payment of Storm Drainage Service Charges, Diffey LLC, owner, in the amount of \$284.59, recorded on February 13, 2026, as Document No. [2026012034](#).

Affects Parcel A

END OF EXCEPTIONS

THIS IS A TITLE REPORT ONLY. **This is not a commitment to insure.**

The information set forth herein is based on information supplied to Fidelity National Title Company by sources believed to be reliable and is provided for accommodation purposes only. Fidelity National Title Company assumes no liability hereunder unless a policy or policies of title insurance are issued by Fidelity National Title Company and fully paid for and the insured under said policy or policies and party to whom this report was issued have no knowledge of any defect in title not disclosed. Reliance on the information set forth herein is subject to the issuance of a mortgage and/or owner's policy of title insurance by Fidelity National Title Company within six (6) months from the effective date hereof. If a title insurance policy is not issued insuring the property within such time, this title report shall be null and void as of its effective date and shall be deemed to have been furnished for informational purposes only.

LIMITATIONS OF LIABILITY

APPLICANT EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REPORT. APPLICANT RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, APPLICANT UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REQUESTED REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. APPLICANT AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS.

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

MATTERS AFFECTING TITLE BUT WHICH DO NOT APPEAR AS A LIEN OR ENCUMBRANCE, AS DEFINED ABOVE, AMONG THE TITLE INSTRUMENTS ARE OUTSIDE THE SCOPE OF THE REPORT.

APPLICANT AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, OR ANY OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE, OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS, AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

APPLICANT AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE APPLICANT IS PAYING WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE APPLICANT WITHOUT SAID TERM. APPLICANT RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT, BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTIES AS TO THE REPORT, ASSUMES NO DUTIES TO APPLICANT, DOES NOT INTEND FOR APPLICANT TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

IF APPLICANT DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND APPLICANT DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, APPLICANT MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. APPLICANT EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCTS OR SERVICES PURCHASED.

LIMITATIONS OF LIABILITY

(continued)

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

APPLICANT AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, OR ANY OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSES WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

Tier III 3862 N High St - Steps and Platform

03/26/2026

Master ID: 2023-PROJMSTR-0000376 **Project Type:**
Review ID: 2025-ENCROACHMENT-0000135 **Review Phase:**
Location: **Review End Date:** 11/06/2025

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: Mindy Christensen
Reviewers Email: Mindy.Christensen@denvergov.org

Status Date: 11/03/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000135 - Tier III 3862 N High St - Steps and Platform
Reviewing Agency/Company: DOTI DES Transportation
Reviewers Name: Mindy Christensen
Reviewers Phone: 720-865-3216
Reviewers Email: mindy.christensen@denvergov.org
Approval Status: Approved

Comments:

Reviewing Agency: DS Project Coordinator Review

Review Status: Approved - No Response

Status Date: 11/07/2025
Status: Approved - No Response
Comments:

Reviewing Agency: Survey Review

Review Status: Approved

Reviewers Name: Scott Castaneda
Reviewers Email: Robert.Castaneda@denvergov.org

Status Date: 03/26/2026
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000135 - Tier III 3862 N High St - Steps and Platform
Reviewing Agency/Company: DOTI/Survey
Reviewers Name: Robert Castaneda
Reviewers Phone: 7208791937
Reviewers Email: robert.castaneda@denvergov.org
Approval Status: Approved

Comments:

Status Date: 11/05/2025
Status: Denied
Comments: See Survey ENCROACHReqmts checklist.

Comment Report

Tier III 3862 N High St - Steps and Platform

03/26/2026

Master ID: 2023-PROJMSTR-0000376 **Project Type:**
Review ID: 2025-ENCROACHMENT-0000135 **Review Phase:**
Location: **Review End Date:** 11/06/2025

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: Nate Martel
Reviewers Email: Nate.Martel@denvergov.org
Status Date: 11/05/2025
Status: Approved
Comments: Reviewed for potential coordination with private development only. No technical review provided.

Reviewing Agency: City Council Referral Review Status: Approved - No Response

Status Date: 11/07/2025
Status: Approved - No Response
Comments:

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

Status Date: 11/07/2025
Status: Approved - No Response
Comments:

Reviewing Agency: ERA Wastewater Review Review Status: Approved

Reviewers Name: Mike Sasarak
Reviewers Email: Mike.Sasarak@denvergov.org
Status Date: 11/06/2025
Status: Approved
Comments:

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

Status Date: 11/14/2025
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000135 - Tier III 3862 N High St - Steps and Platform
Reviewing Agency/Company: Lumen/ CenturyLink
Reviewers Name: Stephanie Canary
Reviewers Phone: 352-425-8763
Reviewers Email: stephanie.canary@lumen.com
Approval Status: Approved with conditions

Comments:
After review, Lumen has No Objections but Reservations. Lumen has both buried and aerial facilities in the Alleyway between High St. and Race St. that are in potential conflict with the included plans. Please see the attached LNOR Exhibit. Lumen recommends that locates are done for all buried utilities and precautions are taken to safeguard aerial facilities to ensure safety and protection of all facilities prior to construction.

Comment Report

Tier III 3862 N High St - Steps and Platform

03/26/2026

Master ID: 2023-PROJMSTR-0000376 **Project Type:**
Review ID: 2025-ENCROACHMENT-0000135 **Review Phase:**
Location: **Review End Date:** 11/06/2025

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

Attachment: Letter of No Objection with Reservation to Project P868167 DOTI 25-Enc-0135.pdf

Status Date: 11/07/2025
Status: Approved - No Response
Comments:

REDLINES uploaded to E-review webpage

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

Status Date: 01/05/2026
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000135 - Tier III 3862 N High St - Steps and Platform
Reviewing Agency/Company: Public Service Company of Colorado (PSCo) dba Xcel Energy
Reviewers Name: Donna George 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 distribution facilities within these areas. CAUTION: structures are not allowed over buried facilities. 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.

Status Date: 11/07/2025
Status: Denied
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000135 - Tier III 3862 N High St - Steps and Platform
Reviewing Agency/Company: Public Service Company of Colorado (PSCo) dba Xcel Energy
Reviewers Name: Donna George Donna George
Reviewers Phone: 3035713306
Reviewers Email: Donna.L.George@xcelenergy.com
Approval Status: Denied

Comments:
PSCo/Xcel Energy has existing underground electric DISTRIBUTION facilities along the west property line in the area of both encroachment areas. These facilities must be shown on the plan, particularly in relation to the encroachment areas. CAUTION: structures are not allowed over buried facilities. 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.

PSCo also has existing underground high-power electric TRANSMISSION facilities within East 39th Avenue. The Siting and Land Rights Department must be contacted for plan review and possible location of the line, verification of line depth, and on-site supervision with a patrolman, via either:
website: www.xcelenergy.com/rightofway
email: coloradorightofway@xcelenergy.com

Reviewing Agency: RTD Referral **Review Status:** Approved - No Response

Status Date: 11/07/2025
Status: Approved - No Response

Comment Report

Tier III 3862 N High St - Steps and Platform

03/26/2026

Master ID: 2023-PROJMSTR-0000376

Project Type:

Review ID: 2025-ENCROACHMENT-0000135

Review Phase:

Location:

Review End Date: 11/06/2025

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

Reviewing Agency: Comcast Referral

Review Status: Approved

Status Date: 11/07/2025

Status: Approved

Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000135 - Tier III 3862 N High St - Steps and Platform

Reviewing Agency/Company: Comcast

Reviewers Name: MIguel Flores

Reviewers Phone: 7204130113

Reviewers Email: miguel_flores@comcast.com

Approval Status: Approved

Comments:

Reviewing Agency: Metro Wastewater Referral

Review Status: Approved

Status Date: 11/07/2025

Status: Approved

Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000135 - Tier III 3862 N High St - Steps and Platform

Reviewing Agency/Company: Metro Water Recovery

Reviewers Name: Kevin Boch

Reviewers Phone: 720-520-1516

Reviewers Email: kboch@MetroWaterRecovery.com

Approval Status: Approved

Comments:

Reviewing Agency: Street Maintenance Referral

Review Status: Approved - No Response

Status Date: 11/07/2025

Status: Approved - No Response

Comments:

Reviewing Agency: Office of Emergency Management Referral

Review Status: Approved - No Response

Status Date: 11/07/2025

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: 11/06/2025

Status: Approved

Comments:

Reviewing Agency: Division of Real Estate Referral

Review Status: Approved

Reviewers Name: Shannon Cruz

Reviewers Email: Shannon.cruz@denvergov.org

Comment Report

Tier III 3862 N High St - Steps and Platform

03/26/2026

Master ID: 2023-PROJMSTR-0000376

Project Type:

Review ID: 2025-ENCROACHMENT-0000135

Review Phase:

Location:

Review End Date: 11/06/2025

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

Status Date: 11/05/2025

Status: Approved

Comments:

Reviewing Agency: Denver Fire Department Review

Review Status: Approved

Reviewers Name: Brian Dimock

Reviewers Email: Brian.Dimock@denvergov.org

Status Date: 10/30/2025

Status: Approved

Comments:

Reviewing Agency: Denver Water Referral

Review Status: Approved

Status Date: 11/07/2025

Status: Approved

Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000135 - Tier III 3862 N High St - Steps and Platform

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: 11/07/2025

Status: Approved - No Response

Comments:

Reviewing Agency: Policy and Planning Referral

Review Status: Approved - No Response

Status Date: 11/07/2025

Status: Approved - No Response

Comments:

Reviewing Agency: Denver Office of Disability Rights Referral

Review Status: Approved

Reviewers Name: Juan Pasillas

Reviewers Email: Juan.pasillas@denvergov.org

Status Date: 11/06/2025

Status: Approved

Comments: *Approved.

*Please be advised that some areas near public shared street projects (39th Avenue Greenway and Open Channel) may still have additional requirements that are not part of this review but are specific to all sidewalk and street curb ramp design requirements which are separately enforced by DOTI (Department of Transportation & Infrastructure

Comment Report

Tier III 3862 N High St - Steps and Platform

03/26/2026

Master ID: 2023-PROJMSTR-0000376 **Project Type:**
Review ID: 2025-ENCROACHMENT-0000135 **Review Phase:**
Location: **Review End Date:** 11/06/2025

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

Engineering Division). Please contact DOTI with any questions dealing any comments about PAR/ROW requirements.

Reviewing Agency: Construction Engineering Review Review Status: Approved

Reviewers Name: Porames Saejiw
Reviewers Email: Joe.Saejiw@denvergov.org

Status Date: 10/29/2025

Status: Approved

Comments: 1. Prior to the solicitation of bids or proposals from general contractors, the developer of this project is strongly encouraged to schedule an office meeting with the Right-of-Way Services Construction Inspections team (303) 446-3469 to discuss the project's installation of City Approved Plans for Traffic Closures, Row Items and Landscaping and the associated ROW permit fees that will need to be paid by the selected general contractor.

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

Reviewers Name: Eric Stein
Reviewers Email: Eric.Stein@denvergov.org

Status Date: 11/07/2025

Status: Approved - No Response

Comments:

Reviewing Agency: City Forester Review Review Status: Approved

Reviewers Name: Nick Evers
Reviewers Email: Nick.Evers@denvergov.org

Status Date: 11/06/2025

Status: Approved

Comments: Approved. No expected PRW tree conflict. Please adhere to OCF Tree Protection Requirements.

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

Status Date: 10/20/2025
Status: Approved - No Response
Comments:

Reviewing Agency: CDOT Referral Review Status: Approved

Status Date: 11/07/2025
Status: Approved
Comments: PWPRS Project Number: 2025-ENCROACHMENT-0000135 - Tier III 3862 N High St - Steps and Platform
Reviewing Agency/Company: CDOT
Reviewers Name: Michelle White
Reviewers Phone: 303-512-4218
Reviewers Email: michelle.m.white@state.co.us

Comment Report

Tier III 3862 N High St - Steps and Platform

03/26/2026

Master ID: 2023-PROJMSTR-0000376

Project Type:

Review ID: 2025-ENCROACHMENT-0000135

Review Phase:

Location:

Review End Date: 11/06/2025

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

Approval Status: Approved

Comments:

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

Reviewing Agency: ERA Review

Review Status: Approved - No Response

Reviewers Name: Shari Bills

Reviewers Email: Shari.Bills@denvergov.org

Status Date: 11/07/2025

Status: Approved - No Response

Comments: