

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 <u>Rules and Regulations</u> and <u>Permit Entrance Requirements</u> 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 <u>Permit Entrance Requirements</u> to <u>DOTI.ER@denvergov.org</u>. 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 <u>DOTI.ER@denvergov.org</u>.

ENCROACHMENT OWNER/ADJACENT PROPERTY OWNER:

The adjacent property owner 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:	Metro Water Recovery			· ·		
Contact Name:	Craig Simmonds					
Property Address:	4420 Cahita Ct.	29 ⁴ #				
Billing Address:	6450 York Street, Der	nver, CO 80229	-7499			
Telephone Number:	303-286-3338	Email Address:	csimmonds@mv	vrd.dst.co.u	IS	12

OWNER REPRESENTATIVE:

Check if the same as A	Adjacent Property Owne	r			
Company Name:					
Contact Name:					÷
Address:			3	к ^с	
Telephone Number:		Email Address:			

ENCROACHMENT INFORMATION:

Project Name:	Wastewater Monitoring Station Improvements		C
Adjacent Property Address:	4420 Cahita Court		
Coordinates (Lat/Long):	39.776840/-104.990196		
Encroachment Area, in SF:	283 Sq./Ft.	14 12	2

City and County of Denver – Department of Transportation & Infrastructure Right-of-Way Services | Engineering & Regulatory 201 West Colfax Ave. Dept. 507 | Denver, C0 80202 www.denvergov.org/doti Phone: 720-865-3003



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.)

East side of Cahita Court adjacent to the east ROW line, 159 feet north of the centerline of 44th Avenue.

Is this project associated with a LAND DEVELOPMENT REVIEW?

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

Description of Encroachment:

Describe the proposed encroachment, including the type, dimensions, and quantity of objects. If the space below is not enough space to describe the encroachment, attach the description as a separate document. Additionally, provide required application materials in accordance with the Permit Entrance Requirements. It is not acceptable to simply state "please see attached plans" or other vague descriptors.

Metro owns a wastewater monitoring station at 4420 Cahita Court. A picture of the site is attached to this submittal. Abandoned vehicles and other stored junk in the ROW prevents Metro maintenance personnel from accessing the monitoring station. We would like to build a fence around the monitoring station to keep junk away.

Justification 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. It is not acceptable to simply state "you want/need it" or other vague reasons.

The wastewater monitoring station exists in the ROW and a fence in needed to allow maintenance and operation of the station. The monitoring station is constructed on a 72 inch wastewater line that serves Denver and other entities from the southern Metro area.



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.

SIGNATURE: J. Craig Simmonds **PRINT NAME:** Metro Water Recovery COMPANY:

DATE:	10-22-2021
TITLE:	Real Property Manager

FOR ER INTERNAL USE ONLY

Tier Determination:

Project Number:

Initials:

EXHIBIT A SHEET 1 OF 3

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SE1/4 OF THE NW1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY & COUNTY OF DENVER, STATE OF COLORADO, WITHIN THE RIGHT-OF-WAY FOR CAHITA COURT PER HORNE'S SUBDIVISION SECOND FILING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE DENVER RANGE POINT IN THE INTERSECTION OF WEST 44TH AVENUE AND CHEROKEE STREET PER SAID HORNE'S SUBDIVISION SECOND FILING, WHENCE THE DENVER RANGE POINT IN THE INTERSECTION OF WEST 44TH AVENUE AND BROADWAY BEARS S89°56'31"E A DISTANCE OF 1017.49 FEET, THE BASIS OF BEARINGS FOR THIS DESCRIPTION; THENCE S89°56'31"E, A DISTANCE OF 272.00 FEET; THENCE ON THE 20 FOOT DENVER RANGE LINE FOR THE EAST LINE OF BLOCK 2, SAID HORNE'S SUBDIVISION SECOND FILING, N00°03'29"E, A DISTANCE OF 158.84 FEET; THENCE S89°56'31"E, A DISTANCE OF 19.19 FEET TO THE POINT OF BEGINNING;

THENCE N00°24'00"E, A DISTANCE OF 22.25 FEET;

THENCE S89°56'31"E, A DISTANCE OF 12.67 FEET;

THENCE ON THE EAST RIGHT-OF-WAY LINE OF CAHITA COURT, S00°03'29"W, A DISTANCE OF 22.25 FEET;

THENCE N89°56'31"W, A DISTANCE OF 12.81 FEET TO THE POINT OF BEGINNING;

CONTAINING 283 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

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



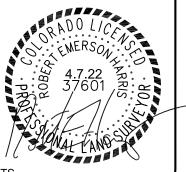
 GILLIANS LAND CONSULTANTS
 JOB NO.:
 21105

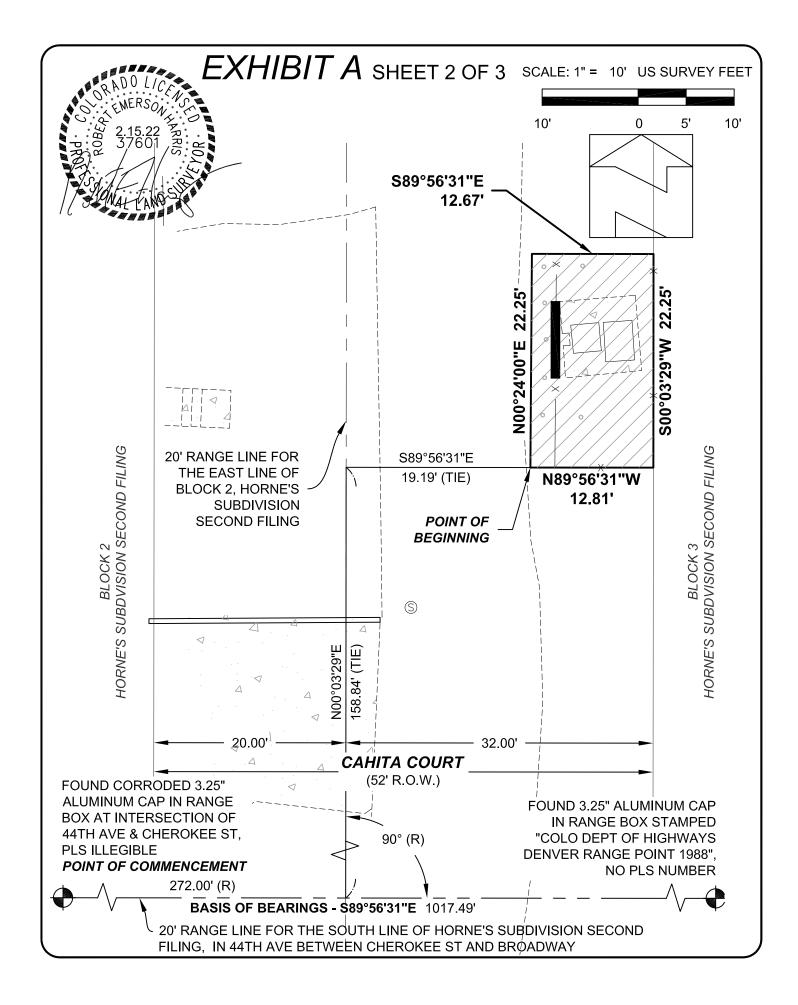
 P.O. BOX 746358
 DRAWN:
 ALB

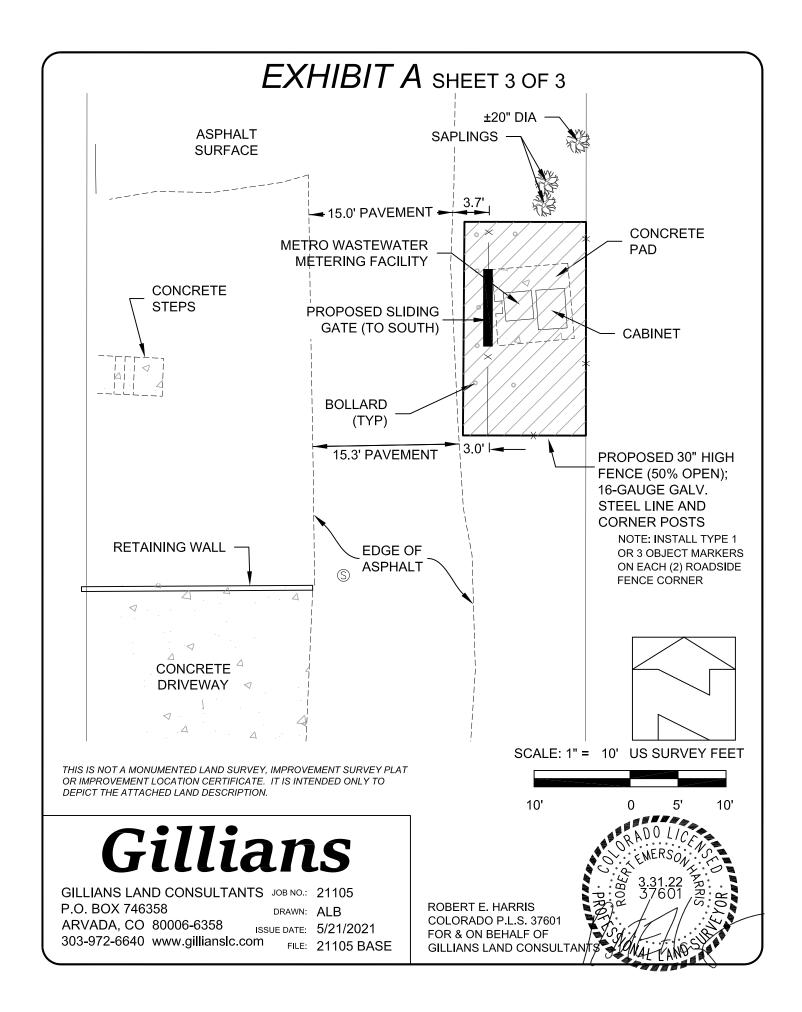
 ARVADA, CO
 80006-6358
 ISSUE DATE:
 5/21/2021

 303-972-6640
 www.gillianslc.com
 FILE:
 21105 BASE

ROBERT E. HARRIS COLORADO P.L.S. 37601









Department of Public Works Engineering, Regulatory, & Analytics 201 W. Colfax Ave., Dept. 507 Denver, Colorado 80202-5304 (720) 865-3003 denver.pwera@denvergov.org

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0.4/2//2022	lier	III 4420 Cahita Co	ourt	
04/26/2022				
Master ID:	2021-PROJMSTR-0000653	Project Type:	Tier III Encroachment Resolution	
Review ID:	2021-ENCROACHMENT-0000149	Review Phase:		
Location:		Review End Date:	12/10/2021	
	Any denials listed below must be rect	tified in writing to this offic	e before project approval is granted.	
Reviewing Age	ncy: DS Transportation Review		Review Status: Approved	
Reviewers Nam	e: Mindy Decker			
Reviewers Ema	il: Mindy.Decker@denvergov.org			
Status Date:	12/13/2021			
Status:	Approved			
Comments:	PWPRS Project Number: 2021-ENCI		III 4420 Cahita Court	
	Reviewing Agency/Company: City & Reviewers Name: Mindy Decker	county of Denver/DOTT DES		
	Reviewers Phone: 7208653216			
	Reviewers Email: mindy.decker@der	nvergov.org		
	Approval Status: Approved			
	Comments:			
Status Date:	12/08/2021			
Status:	Approved			
Comments:	PWPRS Project Number: 2021-ENCI		III 4420 Cahita Court	
	Reviewing Agency/Company: City & Reviewers Name: Mindy Decker	County of Denver/DOTT DES		
	Reviewers Phone: 7208653216			
	Reviewers Email: mindy.decker@der	nvergov.org		
	Approval Status: Approved			
	Comments:			
0.0	ncy: DS Project Coordinator Review		Review Status: Approved	
Reviewers Nam	1			
Reviewers Ema	il: Sarah.Kaplan@denvergov.org			
Status Date:	12/13/2021			
Status:	Approved			
Comments:	PWPRS Project Number: 2021-ENCI		III 4420 Cahita Court	
	Reviewing Agency/Company: Develo Reviewers Name: Sarah Kaplan	opinient Services, CPD		
	Reviewers Phone: 7208652991			
	Reviewers Email: sarah.kaplan@denv	vergov.org		
	Approval Status: Approved			
	Comments:			

Status: Approved - No Response

12/11/2021

2021-ENCROACHMENT-0000149

Status Date:

Tier III 4420 Cahita Court

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Master ID:	2021-PROJMSTR-0000653	Project Type:	Tier III Encroachment Resolution
Review ID:	2021-ENCROACHMENT-0000149	Review Phase:	
Location:		Review End Date:	12/10/2021

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

Comments:

04/26/2022

Reviewing Agency: S	urvey Review Review Status: Approved		
Reviewers Name:	Ali Gulaid		
Reviewers Email:	Ali.Gulaid@denvergov.org		
Status Date:	04/11/2022		
Status:	Approved		
Comments:	PWPRS Project Number: 2021-ENCROACHMENT-0000149 - Tier III 4420 Cahita Court		
	Reviewing Agency/Company: ROW/SURVEY		
	Reviewers Name: Ali Gulaid		
	Reviewers Phone: 720.865.3132 Reviewers Email: ali.gulaid@denvergov.org		
	Approval Status: Approved		
	Comments:		
	Attachment: Approve LGL DESC-2021-ENCROACHMENT-0000149.pdf		
	Attachment: Approve LGL DESC-2021-ENCROACHMENT-0000149.docx		
Status Date:	12/13/2021		
Status:	Denied		
Comments:	PWPRS Project Number: 2021-ENCROACHMENT-0000149 - Tier III 4420 Cahita Court		
	Reviewing Agency/Company: DOTI/ROWS/Survey Reviewers Name: JOHN W CLARKE		
	Reviewers Phone: 3036253253		
	Reviewers Email: john.clarke@denvergov.org		
	Approval Status: Denied		
	Comments:		
	Attachment: 20211207-2021ENCROACH149-SurveyComments.docx		
Status Date:	12/11/2021		
Status:	Approved - No Response		
Comments:	REDLINES uploaded to E-review webpag		
Reviewing Agency: D	DES Wastewater Review Review Status: Approved		
Reviewers Name:	Brenden Marron		
Reviewers Email:	Brenden.Marron@denvergov.org		
Status Date:	12/10/2021		
Status:	Approved		
Comments:	No objection. Denver public sanitary not in conflict, No public storm in conflict		

2021-ENCROACHMENT-0000149

Tier III 4420 Cahita Court

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04/26/2022						
Master ID:	2021-PROJMSTR-0000653	Project Type:	Tier III Encroachment Resolution			
Review ID:	2021-ENCROACHMENT-0000149	Review Phase:				
Location:		Review End Date:	12/10/2021			
	Any denials listed below must be rectif	fied in writing to this offic	ee before project approval is granted.			
Reviewing Agen	cy: City Council Referral		Review Status: Approved - No Response			
Status Date:	12/11/2021					
Status:	Approved - No Response					
Comments: Reviewing Agen	cy: ERA Transportation Review		Review Status: Approved			
Reviewers Name						
Reviewers Email						
Status Date:	04/26/2022					
Status:	Approved					
Comments:	PWPRS Project Number: 2021-ENCRO		III 4420 Cahita Court			
	Reviewing Agency/Company: DOTI R Reviewers Name: Paul Weller	OWS ER Transportation				
	Reviewers Phone: 720-913-0514					
		Reviewers Email: Paul.Weller@Denvergov.org				
	Approval Status: Approved					
	Comments: The attached plan has been revised to a	Comments: The attached plan has been revised to address our comments.				
	Attachment: 2022.04.19 21-Encroach 1	49 Transmittal.pdf				
Status Date:	12/03/2021	· · · · · · · · · · · ·				
Status:	Denied					
Comments:	1. Need to specify fence/post material	1. Need to specify fence/post material and height. Fence to be to be 50% open.				
	2. Show and dimension access. Gate ca	2. Show and dimension access. Gate cannot open into the ROW				
	3. Dimension existing asphalt width al	3. Dimension existing asphalt width along the fence. A minimum asphalt width of 16 ft should be maintained.				
	4. Fence to be setback from edge of as	phalt by a minimum of 2 ft.				
	5. Type 1 or Type 3 object marker to b	e attached to fence corners clo	2			
Reviewing Agen	cy: ERA Wastewater Review		REDLINES uploaded to E-review webpage Review Status: Approved			
Reviewers Name			Review Status. Approved			
Reviewers Email	Milto account adoution and					
Status Date:	12/01/2021					
Status:	Approved					
Comments:						
Reviewing Agen	cy: CenturyLink Referral		Review Status: Approved - No Response			
Status Date:	10/11/2021					
	12/11/2021					
Status: Comments:	Approved - No Response					

Tier III 4420 Cahita Court

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04/26/2022			
Master ID:	2021-PROJMSTR-0000653	Project Type:	Tier III Encroachment Resolution
Review ID:	2021-ENCROACHMENT-0000149	Review Phase:	
Location:		Review End Date:	12/10/2021

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

Reviewing Agency: Xcel Referral		Review Status: Approved		
Status Date: Status: Comments:	12/16/2021 Approved PWPRS Project Number: 2021-ENCROACHMENT-000014	49 - Tier III 4420 Cabita Court		
comments.	Reviewers Name: Donna George Reviewers Phone: 13035713306			
	Reviewers Email: donna.l.george@xcelenergy.com Approval Status: Approved			
	Comments:			
Status Date:	12/11/2021			
Status: Comments:	Approved - No Response			
Reviewing Agency	: RTD Referral	Review Status: Approved		
Status Date:	12/13/2021			
Status:	Approved			
Comments:	PWPRS Project Number: 2021-ENCROACHMEN1-000014 Reviewing Agency/Company: RTD	umber: 2021-ENCROACHMENT-0000149 - Tier III 4420 Cahita Court		
	Reviewing Agency/Company, KTD Reviewers Name: clayton Woodruff			
	Reviewers Phone: 303-299-2943			
	Reviewers Email: clayton.woodruff@rtd-denver.com			
	Approval Status: Approved			
	Comments:			
Status Date:	12/11/2021			
Status:	Approved - No Response			
Comments:				
Reviewing Agency	: Comcast Referral	Review Status: Approved - No Response		
Status Date:	12/11/2021			
Status:	Approved - No Response			
Comments:				
Reviewing Agency	: Metro Wastewater Referral	Review Status: Approved		
Status Date:	12/13/2021			
Status:	Approved	40 T' HI 4420 C 1' C		
Comments:	PWPRS Project Number: 2021-ENCROACHMENT-0000149 - Tier III 4420 Cahita Court			
	Reviewing Agency/Company: Metro Water Recovery Reviewers Name: Myles Howard			
	Reviewers Phone: 7207033627			
	Reviewers Email: MHoward@metrowaterrecovery.com			
	Approval Status: Approved			
2021 ENGROACUNEN				

Tier III 4420 Cahita Court

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	Tier	: III 4420 Cahita Co	ourt
04/26/2022			
Master ID:	2021-PROJMSTR-0000653	Project Type:	Tier III Encroachment Resolution
Review ID:	2021-ENCROACHMENT-0000149	Review Phase:	
Location:		Review End Date:	12/10/2021
	Any denials listed below must be rec	tified in writing to this offic	e before project approval is granted.
	Comments:		
Status Date:	12/11/2021		
Status: Comments:	Approved - No Response		
	ncy: Street Maintenance Referral		Review Status: Approved - No Response
Status Date: Status:	12/11/2021		
Comments:	Approved - No Response		
Reviewing Ager	ncy: Office of Emergency Management Referra	1	Review Status: Approved - No Response
Status Date:	12/11/2021		
Status:	Approved - No Response		
Comments:			
Reviewing Ager	ncy: Building Department Review		Review Status: Approved
Reviewers Nam			
Reviewers Emai	il: Keith.peetz@denvergov.org		
Status Date:	12/03/2021		
Status:	Approved		
Comments:			
Reviewing Ager	ncy: Division of Real Estate Referral		Review Status: Approved
Reviewers Nam			
Reviewers Ema	J 2 2		
Status Date: Status:	11/22/2021 Approved		
Comments:	npprovou		
Reviewing Age	ncy: Denver Fire Department Review		Review Status: Approved
Reviewers Nam			
Reviewers Ema	il: richard.tenorio@denvergov.org		
Status Date:	12/13/2021 Approved		
Status:	PWPRS Project Number: 2021-ENC	ROACHMENT-0000149 - Tier I	III 4420 Cahita Court
Comments:	Reviewing Agency/Company: DFD		
	Reviewers Name: Rich Tenorio Reviewers Phone: 7206333222		
	Reviewers Email: richard.tenorio@d	envergov.org	
	Approval Status: Approved		
	Comments:		
	Denver Fire Dept. Approved - RT		

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 Reviewing Agency. Construction Engineering Review
 Review Status. Approved

 Reviewers Name:
 Joe Saejiw

 Reviewers Email:
 Joe.saejiw@denvergov.org

 Status Date:
 12/01/2021

 Status:
 Approved

 2021-ENCROACHMENT-0000149

Tier III 4420 Cahita Court

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04/26/2022			
Master ID:	2021-PROJMSTR-0000653	Project Type:	Tier III Encroachment Resolution
Review ID:	2021-ENCROACHMENT-0000149	Review Phase:	
Location:		Review End Date:	12/10/2021
	Any denials listed below must be recti	fied in writing to this offic	e before project approval is granted.
Comments:	schedule an office meeting with the Ri	ght-of-Way Services Constructi	s, the developer of this project is strongly encouraged to ion Inspections team (303) 446-3469 to discuss the I the associated ROW permit fees that will need to be paid
Reviewing Agence	cy: TES Sign and Stripe Review		Review Status: Approved - No Response
Reviewers Name:	: Brittany Price		
Reviewers Email:	Brittany.Price@denvergov.org		
Status Date: Status: Comments:	12/11/2021 Approved - No Response		
Reviewing Agence	cy: City Forester Review		Review Status: Approved
Reviewers Name:	Nick Evers		
Reviewers Email:	: Nick.Evers@denvergov.org		
Status Date:	12/10/2021		
Status:	Approved		
Comments:	Approved. No expected PRW tree con	flict.	
Reviewing Agence	cy: Landmark Review		Review Status: Approved - No Response
Reviewers Name: Reviewers Email:			
Status Date:	12/11/2021		
Status:	Approved - No Response		
Comments:			
Reviewing Agence	-		Review Status: Approved - No Response
Reviewers Name:	Jessica Eusebio		
Reviewers Email:	: Jessica.Eusebio@denvergov.org		
Status Date:	12/11/2021		
Status:	Approved - No Response		

Comments: