



REQUEST FOR REVOCATION OF REVOCABLE ENCROACHMENT PERMIT

TO: Caroline Martin, City Attorney's Office

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

ROW NO.: 1999-ENCROACHMENT-0022101

DATE: June 5, 2020

SUBJECT: Request for revocation of Ordinance No. 571, Series of 2000 which granted a revocable permit to BCN Development, LLC., their successors and assigns, to encroach into the right-of-way to include cornice band, awnings, landscaping trees with sprinklers and electrical outlets, pedestrian lights, balconies, and shoring at 300 West 11th Avenue.

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

This office has investigated the request from Nickie Greco, dated January 27, 2016, on behalf of BCN Development, LLC. for revocation of the above-subject permit. The revocation is requested due to the 2014 rules and regulation revisions for encroachments in the public right-of-way that now classify the subject encroachments as Tier I Encroachments, of which do not require the subject Ordinance to remain in the public right-of-way.

This matter has been checked by this office to ensure the encroachments in question are considered Tier I Encroachments and does not object to revocation of the revocable permit.

Therefore, you are requested to initiate Council action for the revocation of a revocable permit granted by Ordinance No. 571, Series of 2000.

MB: dp

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

City and County of Denver Department of Transportation & Infrastructure

Right-of-Way Services | Engineering and Regulatory
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ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo

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

Date of Request: June 5, 2020

Please mark one: **Bill Request** or **Resolution Request**

1. Type of Request:

- Contract/Grant Agreement** **Intergovernmental Agreement (IGA)** **Rezoning/Text Amendment**
- Dedication/Vacation** **Appropriation/Supplemental** **DRMC Change**
- Other: Revocation**

2. Title: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

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

4. Contact Person:

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

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

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

7. City Council District: Councilman Hinds, District 10

8. **For all contracts, fill out and submit accompanying Key Contract Terms worksheet**

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

ENCROACHMENT REVOCATION EXECUTIVE SUMMARY

What is an Encroachment: A privately-owned improvement that is located in, or projects over or under the public Right-of-Way.

Project Title: 1999-ENCROACHMENT-0022101 - 300 W 11th Ave Revocation

Business name: Hammersmith Management, Inc.

Description of Encroachment: Cornice band, awnings, landscaping trees with sprinklers and electrical outlets, pedestrian lights, balconies, and shoring.

Explanation of why the Encroachment is no longer needed: The current Rules and Regulation for Encroachments in the Public Right of Way adopted in 2014, after issuance of the subject revocable permit, now classify the described encroachments as Tier I Encroachments. Tier I Encroachments do not require an Ordinance, so the property owner has requested that the subject Tier III Ordinance be revoked since it is no longer needed.

When was the Encroachment removed/abandoned: N/A, the encroachments will remain in place as Tier I Encroachments.

Additional Information: Cornice bands, awnings, and balconies are allowable building encroachments by the Denver Revised Municipal Code. Shoring is an allowable encroachment because it is a safety requirement by OSHA to construct the building. Landscaping trees with sprinklers, electrical outlets, and pedestrian lights are allowable encroachments as typical elements of a streetscape that are maintained by the adjacent property owner.

Location Map: Continued on next page

