BY AUTHORITY

RESOLUTION NO. CR20-0720 COMMITTEE OF REFERENCE:

SERIES OF 2020 Land Use, Transportation & Infrastructure

A RESOLUTION

Granting a revocable permit to Colorado State University, to encroach into the right-of-way near 4780 Packing House Road.

BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. The City and County of Denver ("City") hereby grants to Colorado State University and its successors and assigns ("Permittee"), a revocable permit to encroach into the right-of-way with a pedestrian connection bridge ("Encroachments") near 4780 Packing House Road in the following described area ("Encroachment Area"):

PARCEL DESCRIPTION ROW NO. 2020-ENCROACHMENT-0000217-001:

LAND DESCRIPTION

A PARCEL OF AIR SPACE ABOVE THE RIGHT-OF-WAY OF NATIONAL WESTERN DRIVE LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO HAVING A LOWER ELEVATION OF 5182 (NAVD88) AND AN UPPER ELEVATION OF 5210 (NAVD88) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 14; THENCE S81°24'02"W A DISTANCE OF 1277.92 FEET TO A POINT ON THE WESTERLY LINE OF PARCEL A, PER THE PARCEL RECONFIGURATION RECORDED OCTOBER 16, 2019 AT RECEPTION NO. 2019144447, SAID POINT BEING THE POINT OF BEGINNING;
THENCE ALONG SAID WESTERLY LINE OF PARCEL A, S24°58'35"W A DISTANCE OF 22.13 FEET; THENCE N53°03'01"W A DISTANCE OF 81.78 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND WITH ASSESSOR'S SCHEDULE NO. 0214300168000;
THENCE ALONG SAID EASTERLY PARCEL LINE, N24°58'35"E A DISTANCE OF 22.13 FEET; THENCE S53°03'01"E A DISTANCE OF 81.78 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.041 ACRES OR 1,770 SQUARE FEET MORE OR LESS. ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BENCHMARK

ELEVATIONS ARE BASED ON THE CITY AND COUNTY OF DENVER VERTICAL CONTROL NETWORK BM CCD_BC_F-R A CITY AND COUNTY OF DENVER BRASS CAP IN CONCRETE AT THE SOUTHEAST CORNER OF BRIDGE NORTH OF RACE PLACE AT THE INTERSECTION OF FRANKLIN STREET AND RACE COURT.

ELEVATION = 5143.78 FEET (NAVD88) DATUM.

BASIS OF BEARINGS
BEARINGS ARE BASED ON THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN ASSUMED TO BEAR N00°20'34"E AND BEING MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP IN RANGE BOX PLS #23521 AT THE SOUTH QUARTER CORNER AND A FOUND 2-1/2" BRASS CAP PLS #17650 AT THE CENTER QUARTER CORNER.

Section 2. The revocable permit ("Permit") granted by this Resolution is expressly granted upon and subject to each and all of the following terms and conditions:

(a) Permittee shall obtain a street occupancy permit from City's the Department of Transportation and Infrastructure Permit Operations at 2000 West 3rd Avenue, 303-446-3759, prior to commencing construction.

(b) Permittee shall be responsible for obtaining all other permits and shall pay all costs that are necessary for installation and construction of items permitted herein.

(c) If the Permittee intends to install any underground facilities in or near a public road, street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification Association of Owners and Operators of Underground Facilities by contacting the Utility Notification Center of Colorado, 16361 Table Mountain Parkway, Golden, Colorado 80403, at 303-232-1991. Further, Permittee shall contact the Utility Notification Center at 811 to locate underground facilities prior to commencing any work under this Permit.

(d) Permittee is fully responsible for any and all damages incurred to facilities of the Water Department and/or drainage facilities for water and sewage of the City due to activities authorized by the Permit. Should the relocation or replacement of any drainage facilities for water and sewage of the City become necessary as determined by the City's Executive Director of the Department of Transportation and Infrastructure ("Executive Director"), in the Executive Director's sole and absolute discretion, Permittee shall pay all cost and expense of the portion of the sewer affected by the permitted structure. The extent of the affected portion to be replaced or relocated by Permittee shall be determined by the Executive Director. Any and all replacement or repair of facilities of the Denver Water and/or drainage facilities for water and sewage of the City attributed to the Permittee shall be made by the Denver Water and/or the City at the sole expense of the Permittee. In the event Permittee's facilities are damaged or destroyed due to the Denver Water or the City's repair, replacement and/or operation of its facilities, repairs will be made by the Permittee at its sole expense. Permittee agrees to defend, indemnify and save the City harmless and to repair or pay for

the repair of any and all damages to said sanitary sewer, or those damages resulting from the failure of the sewer to properly function as a result of the permitted structure.

(e) Permittee shall comply with all requirements of affected utility companies and pay for all costs of removal, relocation, replacement or rearrangement of utility company facilities. Existing telephone facilities shall not be utilized, obstructed or disturbed.

(f) All construction in, under, on or over the Encroachment Area shall be accomplished in accordance with the Building Code of the City. Plans and specifications governing the construction of the Encroachments shall be approved by the Executive Director and the Director of Building Inspection Division prior to construction. Upon completion, a reproducible copy of the exact location and dimensions of the Encroachments shall be filed with the Executive Director.

(g) The sidewalk and street/alley over the Encroachment Area shall be capable of withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The installations within the Encroachment Area shall be constructed so that the paved section of the street/alley can be widened without requiring additional structural modifications. The sidewalk shall be constructed so that it can be removed and replaced without affecting structures within the Encroachment Area.

(h) Permittee shall pay all costs of construction and maintenance of the Encroachments. Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the Encroachments from the Encroachment Area and return the Encroachment Area to its original condition under the supervision of the City Engineer.

(i) Permittee shall remove and replace any and all street/alley paving, sidewalks, and curb and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become broken, damaged or unsightly during the course of construction. In the future, Permittee shall also remove, replace or repair any street/alley paving, sidewalks, and curb and gutter that become broken or damaged when, in the opinion of the City Engineer, the damage has been caused by the activity of the Permittee within the Encroachment Area. All repair work shall be accomplished without cost to the City and under the supervision of the City Engineer.

(j) The City reserves the right to make an inspection of the Encroachments contained within the Encroachment Area. An annual fee, subject to change, of $200.00 shall be assessed.

(k) This revocable Permit shall not operate or be construed to abridge, limit or restrict the City in exercising its right to make full use of the Encroachment Area and adjacent rights-of-way as public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to

construct, remove, operate and maintain their facilities within the Encroachment Area and adjacent rights-of-way.

(l) During the existence of the Encroachments and this Permit, Permittee, its successors and assigns, at its expense, and without cost to the City, shall procure and maintain a single limit comprehensive general liability insurance policy with a limit of not less than $500,000.00. All coverages are to be arranged on an occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage required herein constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the Permittee, its successors or assigns, under the terms of this Permit. All insurance coverage required herein shall be written in a form and by a company or companies approved by the Risk Manager of the City and authorized to do business in the State of Colorado. A certified copy of all such insurance policies shall be filed with the Executive Director, and each such policy shall contain a statement therein or endorsement thereon that it will not be canceled or materially changed without written notice, by registered mail, to the Executive Director at least thirty (30) days prior to the effective date of the cancellation or material change. All such insurance policies shall be specifically endorsed to include all liability assumed by the Permittee hereunder and shall name the City as an additional insured.

(m) Permittee shall comply with the provisions of Article IV (Prohibition of Discrimination in Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions and Health and Welfare Services) of Chapter 28 (Human Rights) of the Revised Municipal Code of the City and County of Denver. The failure to comply with any such provision shall be a proper basis for revocation of this Permit.

(n) The right to revoke this Permit is expressly reserved to the City.

(o) Permittee shall agree to indemnify and always save the City harmless from all costs, claims or damages arising, either directly or indirectly, out of the rights and privileges granted by this Permit.

Section 3. That the Permit hereby granted shall be revocable at any time that the Council of the City and County of Denver shall determine that the public convenience and necessity or the public health, safety or general welfare require such revocation, and the right to revoke the same is hereby expressly reserved to the City; provided however, at a reasonable time prior to City Council action upon such revocation or proposed revocation, opportunity shall be afforded to Permittee, its successors and assigns, to be present at a hearing to be conducted by the City Council upon such

matters and thereat to present its views and opinions thereof and to present for consideration action or actions alternative to the revocation of such Permit.

COMMITTEE APPROVAL DATE: July 28, 2020 by Consent

MAYOR-COUNCIL DATE: August 4, 2020

PASSED BY THE COUNCIL: _____

_____ - PRESIDENT

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: August 6, 2020

Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the Office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed resolution. The proposed resolution is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Kristin M. Bronson, Denver City Attorney

BY: _____, Assistant City Attorney DATE: Aug 5, 2020