

REQUEST FOR RESOLUTION FOR TIER III ENCROACHMENT PERMIT

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner, P.E.

Director, Right of Way Services

ROW NO.: 2020-ENCROACHMENT-0000209

DATE: July 17, 2020

SUBJECT: Request for a Resolution granting a revocable permit, subject to certain terms and conditions,

to South Pearl Street Merchant's Association, their successors and assigns, to encroach into the right-of-way for a combined total of 264 SF with three (3) 23-foot high arched "South Pearl Street" gateway signs located along South Pearl St. near E. Louisiana Ave., E. Iowa Ave.,

and E. Jewell Ave.

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

This office has investigated the request from South Pearl Street Merchant's Association c/o Mark Gill dated February 10, 2020, for the granting of the above-subject permit.

This matter has been coordinated with Asset Management; Comcast Corporation; Division of Disability Rights; Councilperson Clark; Community Planning & Development: Building & Construction Services, Planning Services; Division of Real Estate; City Forester; Landmark; Denver Water Board; Environmental Services; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks and Recreation; DOTI: City Engineer, Construction Engineering, DES Engineering, ER Engineering, Survey, and Street Maintenance; CenturyLink Corporation; Regional Transportation District; and Xcel Energy, all of whom have indicated no objection for the proposed encroachment.

As a result of these investigations, it has been determined that there is no objection to the granting of the revocable permit.

Therefore, you are requested to initiate Council action for the granting of a revocable permit, subject to certain terms and conditions, to South Pearl Street Merchant's Association, their successors and assigns, to encroach with three (3) arched "South Pearl Street" gateway signs along South Pearl St. near E. Louisiana Ave., E. Iowa Ave., and E. Jewell Ave.

INSERT PARCEL DESCRIPTION ROW 2020-ENCROACHMENT-0000209-001 HERE

STANDARD PROVISIONS

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

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: 720-865-3003



- (a) Permittee shall obtain a street occupancy permit from DOTI Permit Operations at 2000 West 3rd Avenue, 303.446.3759, and 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, rightof-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 Pkwy, 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 and County of Denver due to activities authorized by the permit. Should the relocation or replacement of any drainage facilities for water and sewage of the City and County of Denver become necessary as determined by the Manager of DOTI, in the Manager'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 and relocated by Permittee shall be determined by the Manager of DOTI. Any and all replacement or repair of facilities of the Water Department and/or drainage facilities for water and sewage of the City and County of Denver attributed to the Permittee shall be made by the Water Department and/or the City and County of Denver at the sole expense of the Permittee. In the event Permittee's facilities are damaged or destroyed due to the Water Department's or the City and County of Denver's repair, replacement and/or operation of its facilities, repairs will be made by 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 and County of Denver. Plans and Specifications governing the construction of the Encroachments shall be approved by the Manager of Public Works and the Director of the 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 Manager of Public Works.

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- (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 Encroachment. Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the Encroachment 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 and County of Denver 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.
- (I) During the existence of the Encroachments and this permit, Permittee, its successors and assigns, at its expense, and without cost to the City and County of Denver, shall procure and maintain a single limit comprehensive general liability insurance policy with a limit of not less than \$500,000.00. All coverage's 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 County of Denver and authorized to do business in the State of Colorado. A certified copy of all such insurance

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policies shall be filed with the Manager of Public Works, 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 Manager of Public Works 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 and County of Denver 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 and County of Denver.
- (o) Permittee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising, either directly or indirectly, out of the rights and privileges granted by this permit.

SPECIAL CONDITIONS FOR THIS PERMIT

(p) none

A map of the area is attached hereto.

MB: bw

cc: Asset Management, Steve Wirth
City Council Office, Zach Rothmier
Councilperson and Aides
Department of Law, Bradley Beck
Department of Law, Deanne Durfee
Department of Law, Maureen McGuire
Department of Law, Martin Plate
Department of Law, Caroline Martin
DOTI, Alba Castro
DOTI, Jason Gallardo
Project File

Property Owner: Mark Gill South Pearl Street Merchant's Association 1757 South Pearl Street Denver, CO 80210

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ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo

at <u>Jason.Gallardo@denvergov.org</u> by **12:00pm on <u>Monday</u>.** Contact him with questions.

Please mark one: Bill Request or	Date of Request: 7/17/2020 Resolution Request
1. Type of Request:	
☐ Contract/Grant Agreement ☐ Intergovernmental Agree	ement (IGA) Rezoning/Text Amendment
☐ Dedication/Vacation ☐ Appropriation/Supplement	ntal DRMC Change
◯ Other: Tier III Encroachment	
2. Title: (Start with <i>approves, amends, dedicates</i> , etc., include <u>nar</u> acceptance, contract execution, contract amendment, municipal	me of company or contractor and indicate the type of request: grant al code change, supplemental request, etc.)
Association, their successors and assigns, to encroach into the	to certain terms and conditions, to South Pearl Street Merchant's right-of-way for a combined total of 264 SF with three (3) 23-ft South Pearl St. near E. Louisiana Ave., E. Iowa Ave., and E. Jewell
3. Requesting Agency:	
4. Contact Person:	
Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brianne White	Name: Jason Gallardo
Email: Brianne.white@denvergov.org	Email: Jason.Gallardo@denvergov.org
 5. General description or background of proposed request. A Request for a Resolution granting a revocable permit, subject to ce Association, their successors and assigns, to encroach into the right arched "South Pearl Street" gateway signs located along South Pearl 6. City Attorney assigned to this request (if applicable): Martin 	rtain terms and conditions, to South Pearl Street Merchant's t-of-way for a combined total of 264 SF with three (3) 23-ft high arl St. near E. Louisiana Ave., E. Iowa Ave., and E. Jewell Ave.
 7. City Council District: District 7, Councilperson Clark 8. **For all contracts, fill out and submit accompanying Key 	Contract Terms worksheet**
To be completed by Ma	ayor'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/Cont	tractor Name:			
Contract con	ntrol number:			
Location:				
Is this a new	contract? Yes No Is	this an Amendment? Yes No	o If yes, how many?	
Contract Ter	rm/Duration (for amended contra	acts, include <u>existing</u> term dates and <u>s</u>	amended dates):	
Contract Am	nount (indicate existing amount, a	nmended amount and new contract to	otal):	
	Current Contract Amount	Additional Funds	Total Contract Amount	
	(A)	<i>(B)</i>	(A+B)	
	Current Contract Term	Added Time	New Ending Date	
Scope of wor	·k:			
Was this contractor selected by competitive process? If not, why not?				
Has this cont	tractor provided these services to	the City before? Yes No		
Source of funds: Is this contract subject to: W/MBE DBE SBE X0101 ACDBE N/A				
Who are the	subcontractors to this contract?			
	То в	e completed by Mayor's Legislative Ted	um:	
Resolution/Bi	on/Bill Number: Date Entered:			



TIER III ENCROACHMENT 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: 2020-ENCROACHMENT-0000209 - Tier III South Pearl Street Gateway Signs

Business name: South Pearl Street Merchant's Association

Description of Encroachment: Applicant is proposing to install 3 arched gateway signs that say "South Pearl Street" over and across S. Pearl St. near E. Louisiana Ave., E. Iowa Ave., and E. Jewell Ave. Each sign is 23 feet high, 2 feet wide and 44 feet in length.

Explanation of why the Public Right of Way must be utilized for a private improvement: The applicant is proposing to install 3 gateway signs at 3 different locations along South Pearl Street for neighborhood improvement.

Annual Fees: \$200

Location Map: Continued on next page.



TIER III ENCROACHMENT EXECUTIVE SUMMARY

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



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EXHIBIT A

LAND DESCRIPTION: PARCEL A

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BASIS OF BEARING FOR THIS DESCRIPTION IS THE WEST LINE OF BLOCK 18, SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF DENVER COUNTY BETWEEN LOTS 3 AND 24 BEING MONUMENTED BY A CHISELED MALTESE CROSS OFFSET 11.75 FEET WEST OF THE NORTHWEST CORNER OF LOT 3 AND A CHISELED MALTESE CROSS OFFSET 11.75 FEET WEST AND 4.00 FEET SOUTH OF THE SOUTHWEST CORNER OF LOT 24, SAID LINE IS ASSUMED TO BEAR SOUTH 00°00′00″ EAST WITH ALL BEARINGS HEREON RELATIVE THERETO;

COMMENCING AT THE NORTHWESTERLY MOST CORNER OF LOT 1, BLOCK 18, SHERMAN SUBDIVISION; THENCE SOUTH 00°00'00" EAST ALONG SAID WESTERLY LINE OF BLOCK 18, A DISTANCE OF 13.19 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SOUTH PEARL STREET, SAID POINT ALSO BEING ON THE WEST LINE OF BLOCK 18, ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY, SOUTH 00°00'00" EAST A DISTANCE OF 20.00 FEET;

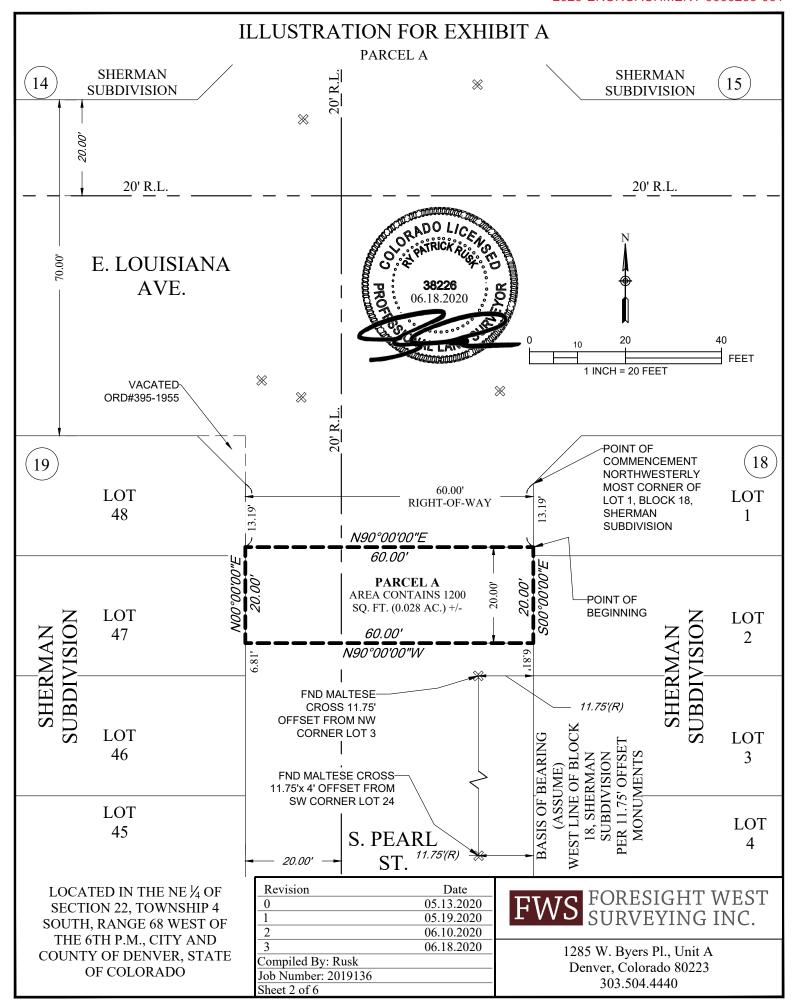
THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY, NORTH 90°00'00" WEST A DISTANCE OF 60.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SOUTH PEARL STREET;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, NORTH 00°00'00" EAST A DISTANCE OF 20.00 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, NORTH 90°00′00″ EAST A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 1200 SQUARE FEET OR 0.028 ACRES, MORE OR LESS.

PREPARED BY: RY P. RUSK FORESIGHT WEST SURVEYING, INC. 1285 W. BYERS PL., UNIT A DENVER, CO 80223



06.18.202

<u>20000000000</u>

EXHIBIT A

LAND DESCRIPTION: PARCEL B

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BASIS OF BEARING FOR THIS DESCRIPTION IS THE 16.0 FOOT RANGE LINE BETWEEN BLOCKS 2 AND 3, FLEMMING'S SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF DENVER COUNTY BEING MONUMENTED ON THE SOUTH END BY A 2.5 INCH ALLOY CAP STAMPED PLS 34183 IN A RANGE BOX AND AT THE NORTH END BY A 2.5 INCH ALLOY CAP STAMPED PLS 34183 IN A RANGE BOX, SAID LINE IS ASSUMED TO BEAR NORTH 00°04′16″ EAST WITH ALL BEARINGS HEREON RELATIVE THERETO;

COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 2, FLEMING'S SUBDIVISION THENCE NORTH 00°04'16" EAST ALONG THE EASTERLY LINE OF BLOCK 2, SAID LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY OF SOUTH PEARL STREET, A DISTANCE OF 42.14 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, NORTH 00°04'16" EAST A DISTANCE OF 20.00 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, SOUTH 89°55'44" EAST A DISTANCE OF 60.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SOUTH PEARL STREET;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, SOUTH 00°04'16" WEST A DISTANCE OF 20.00 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY, NORTH 89°55′44″ WEST A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 1200 SQUARE FEET OR 0.028 ACRES, MORE OR LESS.

PREPARED BY: RY P. RUSK FORESIGHT WEST SURVEYING, INC. 1285 W. BYERS PL., UNIT A DENVER, CO 80223

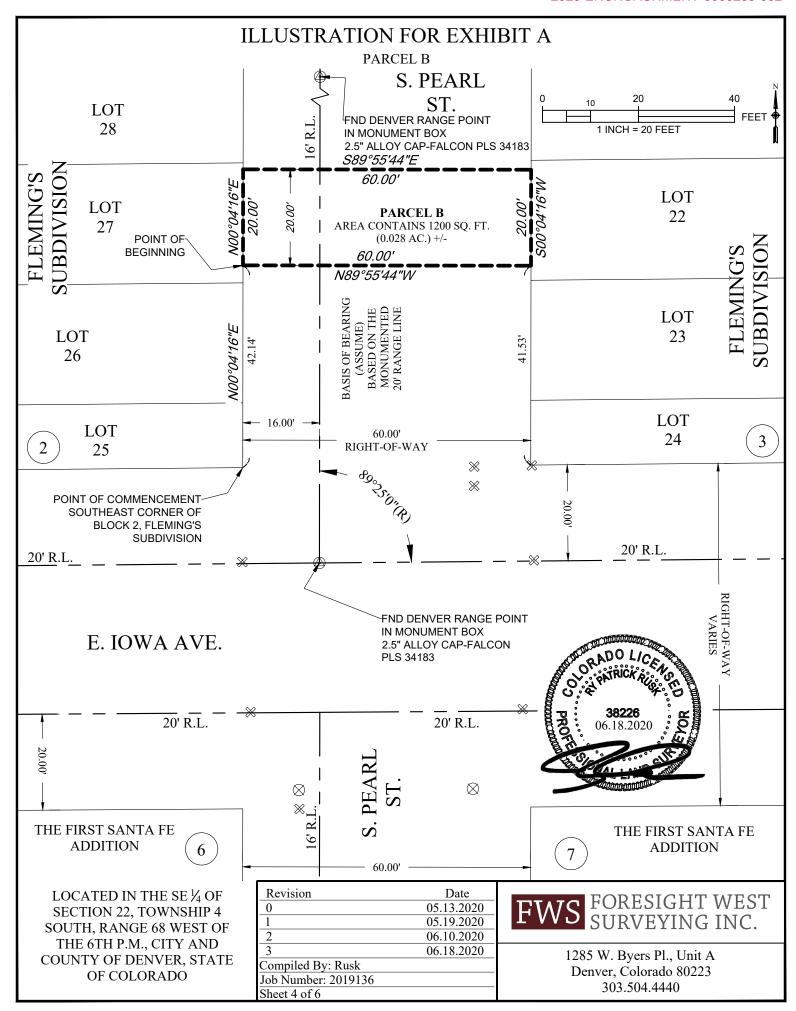


EXHIBIT A

LAND DESCRIPTION: PARCEL C

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING FOR THIS DESCRIPTION IS THE 20.0 FOOT RANGE LINE BETWEEN BLOCKS 10 AND 11, GRANT SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF DENVER COUNTY BEING MONUMENTED ON THE SOUTH END BY STONE WITH A MALTESE CROSS ON TOP IN A RANGE BOX AND AT THE NORTH END BY A 3 INCH BRASS CAP FLUSH WITH CONCRETE STAMPED PLS 28669, SAID LINE IS ASSUMED TO BEAR NORTH 00°06′15″ EAST WITH ALL BEARINGS HEREON RELATIVE THERETO;

COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 11, GRANT SUBDIVISION THENCE NORTH 00°06'15" EAST ALONG THE EASTERLY LINE OF BLOCK 11, SAID LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH PEARL STREET, A DISTANCE OF 35.38 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY OF SOUTH PEARL STREET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, NORTH 00°06'15" EAST A DISTANCE OF 20.00 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, SOUTH 89°53'45" EAST A DISTANCE OF 60.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SOUTH PEARL STREET;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, SOUTH 00°06'15" WEST A DISTANCE OF 20.00 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY, NORTH 89°53'45" WEST A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 1200 SQUARE FEET OR 0.028 ACRES, MORE OR LESS.

PREPARED BY: RY P. RUSK FORESIGHT WEST SURVEYING, INC. 1285 W. BYERS PL., UNIT A DENVER, CO 80223

