



CITY AND COUNTY OF DENVER

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

Development Engineering Services
 Public Works Plans Review Services
 201 W. Colfax Avenue, Dept. 507
 Denver, CO 80202-5329
 720-865-2782 Fax: 720-865-3281
www.denvergov.org/pwprs

JOHN W. HICKENLOOPER
 Mayor

Major Encumbrance Permits Entrance Requirements

Authority:	Revised Municipal Code, 49-341 to 49-448, and Department of Public Works, Development Engineering Services, <i>Rules and Regulation for Minor Encumbrances Allowed in the Right-of-Way.</i>
Purpose of Permit:	A Major Encumbrance Permit (MEP) is the process by which the City determines whether to allow a significant item, or items, to encroach in the public right-of-way (ROW). If it is determined that the proposed encroachment is acceptable, then a Resolution is filed with City Council for approval.
Document Date:	August 27, 2007; Version 2
Permit Type:	Major Encumbrance Permit
Permit Definition:	A significant item allowed in the ROW by a MEP is one which by size or construction methods could not be removed easily in a short period of time. In general if an item does not meet the requirements outlined in the <i>Rules and Regulation for Minor Encumbrances Allowed in the Right-of-Way</i> , then a MEP is required. The process includes soliciting comments from various City agencies and utility companies. If there are no denials from reviewing entities, or denials are resolved, the Resolution is forwarded to City Council for final approval. If an encroachment is no longer needed, the owner can request a revocation of the permit.
Permit Dates:	The time needed to complete a MEP application varies depending on the responses received during the review process. Expect the process to take at least 6 weeks. Applicants should anticipate longer intervals if any objections (denials or conditions) are stated during the review process.
Customer Interface:	All communication will be handled through Public Works Plans Review Services (PWPRS) - specifically through the Case Manager assigned to process the application.
Application:	<ul style="list-style-type: none"> ➤ The applicant (Property Owner or their Agent) must submit an application letter to: <p style="text-align: center;">Public Works Plans Review Services 201 W Colfax Ave, Department 507 Denver CO 80202-5329 denver.row@ci.denver.co.us</p> ➤ The Application letter must include the following information: <ul style="list-style-type: none"> ➤ An itemized list of each item to be covered in the permit. ➤ An explanation of why the public right-of-way must be utilized to accomplish the proposed project. ➤ A dimensioned site plan including the height, width, and length of each item (including vertical clearances if appropriate); with ties to the building lines, the property line(s), and/or curb flow lines. This site plan should be as detailed as possible. ➤ The Initial Processing Fee as detailed in the Fees section of this document. (For electronic submittals checks must be submitted separately. This fee must be paid prior to release of the Status Report.) ➤ Pertinent contact information for the both the owner and agent (if different) to include: name, address, telephone number, fax number, and e-mail address. <p>It is preferred that all application materials be sent electronically to denver.row@ci.denver.co.us. The following electronic formats are supported: doc., tif., jpg., pdf.</p>

<p>Reviewing Agencies, Departments & Companies:</p>	<p>Review period is a minimum of three (3) weeks. The MEP request will be reviewed by the following:</p> <ul style="list-style-type: none"> ➤ Colorado Department of Transportation (CDOT) (<i>If encroachment impacts State Highways</i>) ➤ Comcast Cable ➤ Commission for People with Disabilities ➤ Community Planning and Development: Building and Construction Services ➤ Community Planning and Development: Planning Division ➤ Community Planning and Development: Zoning Division ➤ Council District for encroachment location ➤ Denver Water Department ➤ Environmental Health (<i>Remediation/Injection systems only</i>) ➤ Facilities Planning and Management ➤ Fire Department (<i>if involving balconies and/or fire escapes in an alley</i>) ➤ Metro Wastewater Reclamation District ➤ Office of Emergency Management ➤ Office of Telecommunications ➤ Parks and Recreation Department ➤ Public Works: Development Engineering Services: Construction Engineering ➤ Public Works: Development Engineering Services: Survey ➤ Public Works: Development Engineering Services: Transportation ➤ Public Works: Development Engineering Services: Wastewater ➤ Public Works: Infrastructure Planning and Programming ➤ Public Works: Street Maintenance ➤ Qwest Corporation ➤ Regional Transportation District (RTD) ➤ Xcel Energy
<p>Approval Process and Considerations:</p>	<ul style="list-style-type: none"> ➤ PWPRS assigns a Case Manager and posts the submitted documents on the web. Reviewing entities are notified and requested to respond within three weeks. Their responses are also posted on the web. <ul style="list-style-type: none"> ➤ After the initial 3 week review period expires, a Status Report is sent to the applicant listing all approvals, denials, and conditions. ➤ The applicant is required to remedy all denials by working directly with the commenting reviewer. Conditions may become a part of the permit. If the applicant does not understand or cannot abide by them, they must contact the commenting reviewer. ➤ Once all denials are removed and/or the Manager agrees to move the application forward, the applicant must submit two (2) <u>original</u> Legal Descriptions of the area of encroachment. The Legal Description should conform to the standards set by DES Surveying at http://www.denvergov.org/DES_Survey. A Legal Description Review Fee, as detailed in the Fees section of this document, must be included with the submittal. ➤ After the Legal Description has been approved, the applicant submits the Resolution Fee to PWPRS, as detailed in the Fees section of this document. <ul style="list-style-type: none"> ➤ PWPRS prepares the <i>Request for Resolution</i> documents which are used to prepare a Resolution for City Council approval. This process will require approximately 2-3 weeks. ➤ The permit is effective after the Resolution is approved by City Council and upon recordation with the Clerk and Records Office. PWPRS provides the applicant a copy of the executed Resolution. ➤ PWPRS forwards permit information to Public Works, Finance and Administration to set up billing and process payments for the Annual Fee, as detailed in the Fees section of this document. <p>Other Considerations:</p> <ul style="list-style-type: none"> ➤ Pursuant to Chapter 49 of the Denver Revised Municipal Code, insurance will be a required condition for this permit. The insurance names the City and County of Denver as an Additional Insured with minimum limits of coverage of \$250,000/\$500,000 for bodily injury and \$10,000 for property damage, naming the location of the encroachment on public property for which permit is issued (or physical address). If the insurance is not maintained, the right to encroach into the ROW is immediately terminated and the encroachment(s) will be removed. ➤ The encroachment area must be able to sustain HS-20 loading, the Colorado Highway Standard for weight loads. All required replacement of damaged existing right-of-way improvements will be in accordance with current City codes and standards. ➤ Permittee shall assume full responsibility for any and all damages incurred to Denver Water Department facilities due to activities authorized by the permit. The Denver Water Department, at the sole expense of the Permittee, shall make any and

	<p>all replacement or repair of Denver Water Department facilities attributed to the permit. In the event Permittee's facilities are damaged or destroyed due to the Denver Water Department's repair, replacement and/or operation of its facilities, repairs will be made by the Permittee at its sole expense.</p> <ul style="list-style-type: none"> ➤ This is a revocable permit and, at the discretion of the Manager of Public Works, a revocation Resolution may be filed with City Council for approval without cause. ➤ The Permittee shall fully 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 or refusal to comply with any provision of this Ordinance shall be a basis for revocation of this permit. ➤ Any associated costs for the removal, relocation, replacement or rearrangement of utility company facilities shall be borne by the Permittee. Existing telephone facilities shall not be utilized, obstructed or disturbed. ➤ Costs and other permits, which are necessary for the installation and construction of items of encroachment being permitted, will be the responsibility of the Permittee. A Building Permit from Community Planning & Development <i>may</i> be necessary prior to commencing any work. ➤ If needed, a Street Occupancy Permit will be required prior to construction. Contact DES, Public Works Permit Operations (PWPO) at 303-446-3759 for more information, or access the PWPO web site at www.denvergov.org/PWPermits. ➤ A minimum of five-foot clear sidewalk width and a vertical clearance of eight-feet must be maintained in most residential areas. Most commercial areas require a minimum of eight-foot clear sidewalk width. Encroachments shall be constructed in a manner consistent with minimum pedestrian and vehicle visibility safeguards. Minimum clear walkway areas and safeguards will be as specified by Development Engineering Services. ➤ For underground facilities, according to Colorado State Law (Article 1.5, Title 9, Colorado Revised Statutes), it is the Permittee's responsibility to join the Statewide Notification Association of Owners and Operators of Underground Facilities. Please contact the Utility Notification Center of Colorado, 12600 W. Colfax Avenue, Suite B-310, Lakewood, CO 80215 303-232-1991 for information regarding membership. ➤ Drawings of the encroachment(s) may require a civil engineering review and/or structural review. Drawings must be prepared and stamped by a Professional Engineer registered in the State of Colorado. Structural drawing must show all structural details and design loads and must be prepared and stamped by a Professional Engineer licensed in the State of Colorado. 												
Cancellation:	<p>If the current or any future property owner desires to cancel the Resolution and remove the encroachment, a separate letter asking for revocation must be submitted along with the current revocation fees. A site inspection will be performed to verify the encroachment(s) have been removed. A review by any applicable City agency or outside company (i.e. utility companies) <i>may</i> also be performed.</p>												
Temporary MEP	<ul style="list-style-type: none"> ➤ If time is of the essence, or your request is for temporary shoring, a Temporary MEP valid for one year from the date of issuance may be requested. Before such a request will be honored, the following must happen: <ul style="list-style-type: none"> ➤ Remove all denials and understand and abide by all conditions ➤ Write a letter of application requesting a temporary permit. ➤ Provide the Temporary MEP fee as detailed in the Fees section of this document. 												
Fees:	<table> <tr> <td>\$ 1,500.00</td> <td>Initial Processing Fee (non-refundable)</td> </tr> <tr> <td>\$ 300.00</td> <td>Legal Description Review Fee (non-refundable)</td> </tr> <tr> <td>\$ 300.00</td> <td>Resolution Fee (non-refundable)</td> </tr> <tr> <td>\$ 200.00</td> <td>Annual Fee</td> </tr> <tr> <td>\$ 600.00</td> <td>Request to cancel a MEP (revoke permit passed by City Council)</td> </tr> <tr> <td>\$ 200.00</td> <td>Temporary MEP</td> </tr> </table> <ul style="list-style-type: none"> ➤ Checks or Money Orders must be made payable to <i>Manager of Revenue</i>. ➤ Fees are subject to change and are available on our website www.denvergov.org/PWPRS 	\$ 1,500.00	Initial Processing Fee (non-refundable)	\$ 300.00	Legal Description Review Fee (non-refundable)	\$ 300.00	Resolution Fee (non-refundable)	\$ 200.00	Annual Fee	\$ 600.00	Request to cancel a MEP (revoke permit passed by City Council)	\$ 200.00	Temporary MEP
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