

# Permit Entrance Requirements for Encroachments & Encumbrances in the Public Right-of-Way

<b>Authority</b>	<p>Under the authority of the Denver City Charter, Article II; the <a href="#">Denver Revised Municipal Code</a> (DRMC), Chapter 49; and by other City Ordinances and Regulations, the City and County of Denver Department of Transportation &amp; Infrastructure manages the Public Right-of-Way. The Department of Transportation &amp; Infrastructure (DOTI) Right-of-Way Services (ROWS) Division is the assigned City and County of Denver division of authority to administer and regulate the Encroachment process. Encroachment Permits are revocable by the City at the City’s discretion. An Encroachment Permit confers no rights to the Right-of-Way.</p>
<b>Purpose</b>	<p>The purpose of this document is to provide guidance and procedures to applicants who propose to construct private improvements (Encroachments or Encumbrances) within the Public Right-of-Way (ROW). This document identifies the submittal process, the associated fees, guidelines and requirements for submittals. Refer to the <a href="#">Rules &amp; Regulations for Encroachments &amp; Encumbrances in the Public Right-of-Way</a> for definitions, categories, criteria, and general conditions for placement of Encroachments in the ROW. It is the City’s sole discretion whether to grant an Encroachment Permit based on any facts the City feels are relevant.</p> <p>The Encroachment Permit process consists of an application and a set of construction plans prepared by the applicant that illustrates proposed private improvement construction within the ROW. Approved Encroachment Permit is necessary before proceeding to the City Construction Inspection Team for Street Occupancy and/or Street Cut permitting.</p> <p>This document may be found at the following link: <a href="http://www.denvergov.org/dotipermits">www.denvergov.org/dotipermits</a></p>
<b>Document Date</b>	February 1, 2021
<b>Encroachment Information Contact</b>	<p>DOTI ROWS Engineering &amp; Regulatory          Website: <a href="http://www.denvergov.org/dotipermits">www.denvergov.org/dotipermits</a>          Email: <a href="mailto:DOTI.ER@denvergov.org">DOTI.ER@denvergov.org</a></p>
<b>Insurance and Indemnification</b>	<p><b>Tier I and Tier II Encroachments</b>          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; and</p> <p>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</p>

<p><b>Insurance and Indemnification (Continued)</b></p>	<p>and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.</p> <p><b>Tier III Encroachments</b> 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; and</p> <p>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.</p>
<p><b>General Terms &amp; Conditions</b></p>	<p>The following General Terms &amp; Conditions apply to all Encroachments:</p> <ol style="list-style-type: none"> <li>1. Permittee shall obtain a street occupancy permit, street cut permit, and/or ROW construction permit from DOTI Permit Operations through <a href="http://www.denvergov.org/dotipermits">www.denvergov.org/dotipermits</a> prior to commencing construction.</li> <li>2. Permittee shall be responsible for obtaining all necessary permits and shall pay all costs for installation and construction of items permitted herein.</li> <li>3. If the Permittee intends to install any underground facilities in or near a Public road, street, alley, ROW 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 (Colorado 811) through <a href="https://colorado811.org/">https://colorado811.org/</a> or at 303-232-1991, 16361 Table Mountain Pkwy, Golden, Colorado, 80403. Further, Permittee shall contact the Utility Notification Center (Colorado 811) at <a href="https://colorado811.org/">https://colorado811.org/</a> or 303-232-1991 to request locates for existing underground facilities prior to commencing excavation.</li> <li>4. Permittee is fully responsible for any and all damages incurred to facilities of Denver Water and any other Utility Company, and/or drainage facilities for water and sewage of the City and County of Denver due to activities authorized by the Encroachment Permit(s). 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 Executive Director of the DOTI, in the Executive Director's sole and absolute discretion, Permittee shall pay all cost and expense of the portion of the water and/or sewer facilities affected by the Encroachment. The extent of the affected portion to be replaced and relocated by Permittee shall be determined by the Executive Director of DOTI. Any and all replacement or repair of facilities of Denver Water and any other Utility Company, and/or drainage facilities for water and sewage of the City and County of Denver attributed to the Permittee shall be made by Denver Water, Utility Company, and/or the City and County of Denver at the sole expense of the Permittee. In the event the Permittee's facilities are damaged or destroyed due to Denver Water's, Utility Company'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 hold the City harmless and to repair or pay for the repair of any and all damages to said water, storm, sanitary sewer facilities or other Utility Company facilities, or those</li> </ol>

**General Terms  
& Conditions  
(Continued)**

- damages resulting from the failure of the water, storm, sanitary sewer facilities or other Utility Company facilities to properly function because of the Encroachment.
5. 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 utility facilities shall not be utilized, obstructed or disturbed.
  6. All construction in, under, on or over the Encroachment Area shall be accomplished in accordance with the Building Code and [City and County of Denver Department of Transportation & Infrastructure Transportation Standards and Details for the Engineering Division](#).
  7. Permittee shall observe and comply with all Federal, State and local laws, regulations, ordinances, and public safety requests regarding the use of the Encroachment Area.
  8. Plans and Specifications governing the construction of Encroachments shall be approved by DOTI prior to construction.
  9. Permittee shall pay all costs of construction and maintenance of the Encroachment. Upon revocation of the Encroachment Permit or upon abandonment, Permittee shall pay all costs of removing the Encroachment from the Encroachment Area and restore the Encroachment Area to a condition in accordance with [City and County of Denver Department of Transportation & Infrastructure Transportation Standards and Details for the Engineering Division](#) under the supervision of DOTI.
  10. Permittee shall remove and replace any and all street/alley paving, Sidewalks, Streetscapes, Amenity Zones, and curb and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become broken, damaged or unsightly during, in the opinion of DOTI, the course of construction or maintenance of the Encroachment. 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 DOTI, the damage has been caused by the Encroachment or 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 DOTI.
  11. The City reserves the right to make an inspection of the Encroachments and the Encroachment Area.
  12. During the existence of the Encroachments and an Encroachment Permit, Permittee, its successors and assigns, at its expense, and without cost to the City, shall procure and maintain Commercial General Liability insurance policy with a limit of not less than \$1,000,000 per occurrence. 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 Encroachment 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 of DOTI, 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 of DOTI at least thirty (30) days prior to the effective date of the cancellation or material change. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.

**General Terms  
& Conditions  
(Continued)**

13. In addition to the requirement herein to comply with all laws, 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 DRMC. The failure to comply with any such provision shall be a proper basis for revocation of the Encroachment.
14. The right to revoke an Encroachment Permit at any time for any reason and require the removal of an Encroachment is expressly reserved to the City.
15. By Permittee's use of this Encroachment Permit and the Encroachment Area, Permittee agrees to the following:
  - a. Permittee agrees to defend, indemnify, reimburse and hold harmless 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 this 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.
  - b. 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.
  - c. 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.
  - d. Insurance coverage requirements specified in this 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.
  - e. This defense and indemnification obligation shall survive the expiration or termination of this Encroachment Permit.
16. Pursuant to Chapter 49 of the DRMC, DOTI is authorized to remove or to order the removal of any article, vehicle, object or thing whatsoever encroaching into any street, alley, Sidewalk, or other public way or place.
17. No third party, person or agency, except for an authorized Special District, may place an Encroachment in front of a property without written permission of the adjacent property owner.
18. Permittee's use of the ROW for placement of an Encroachment does not create a property right or ownership interest of any kind in the Encroachment Area to the Permittee.
19. All Encroachments in Amenity Zones containing existing Public Trees and/or with the potential to impact tree roots or tree canopy must be pre-approved by the Office of the

<b>General Terms &amp; Conditions (Continued)</b>	<p>City Forester (OCF), by contacting them at <a href="mailto:forestry@denvergov.org">forestry@denvergov.org</a> or 720-913-0651. Encroachments cannot be attached to or damage any Public Tree, and any damage shall be reported to the OCF immediately for mitigation. All trenching, excavation and grading activities within the Dripline of any Public Tree must be pre-approved by the OCF. Permits are required for the planting or removal of any Public Trees and can be obtained by emailing <a href="mailto:forestry@denvergov.org">forestry@denvergov.org</a>.</p> <p>20. All disturbances associated with construction of the Encroachment shall be managed as required by CCD standards for erosion control which may require standard notes or CASDP permitting depending on location and scope of project.</p> <p>21. Encroachments proposed adjacent to a designated park or within a dedicated parkway shall require DPR approval prior to installation.</p> <p>22. Encroachments attached to a building may require building and/or zoning permits from CPD.</p> <p>23. Encroachments in the regulatory floodplain shall require a SUDP and comply with Chapter 4 Floodplain Regulations of the "Storm Drainage Design and Technical Criteria", Chapter 12 Floodplain Management of the "DOTI Rules and Regulations Governing Sewerage Charges and Fees and Management of Wastewater" and the CCD Floodplain Ordinance in DRMC Section 56-200 through 56-206. Above ground Encroachments in a Floodway require a No-Rise Certification sealed and signed by a Professional Engineer licensed in the State of Colorado. If there is any rise in Base Flood Elevations, a Conditional Letter of Map Revision (CLOMR) and LOMR will be required.</p> <p>24. Only clean soil may be brought onto an Encroachment Area. Verification of soil quality must be provided if requested. Material removed from an Encroachment Area must be properly disposed and is the responsibility of the Permittee.</p>																								
<b>Permit and Applicant Obligations</b>	<p>The Encroachment Permit does not substitute or replace any permits that may be required such as Federal, State, and City and County of Denver permits or approvals, including but not limited to: Street Occupancy, Street Cut, Erosion Control, Community Planning and Development, Building Department, Parks Permit. It is the responsibility of the applicant to ensure that all necessary permits and approvals have been obtained prior to construction. Information on how to obtain a Street Occupancy Permit can be found at <a href="https://www.denvergov.org/Government/Departments/Department-of-Transportation-and-Infrastructure/Documents/Right-of-Way-Permits">https://www.denvergov.org/Government/Departments/Department-of-Transportation-and-Infrastructure/Documents/Right-of-Way-Permits</a></p>																								
<b>Encroachment Permit Fee Schedule and Payment Methods</b>	<p>Encroachment Permit Fees are subject to change by authority of the Executive Director of DOTI. Encroachment Permit Fees are required per Fee Schedule below:</p> <table border="1" data-bbox="358 1486 1312 1688"> <thead> <tr> <th>Tier</th> <th>Initial Fee</th> <th>Legal Description Fee</th> <th>Resolution Review Fee</th> <th>Annual Permit Fee</th> <th>Revocation</th> </tr> </thead> <tbody> <tr> <td>I</td> <td>\$0.00</td> <td>N/A</td> <td>N/A</td> <td>\$0.00</td> <td>\$ 0.00</td> </tr> <tr> <td>II</td> <td>\$1,500.00</td> <td>\$300.00</td> <td>N/A</td> <td>\$200.00</td> <td>\$ 600.00</td> </tr> <tr> <td>III</td> <td>\$1,500.00</td> <td>\$300.00</td> <td>\$ 300.00</td> <td>\$200.00</td> <td>\$ 600.00</td> </tr> </tbody> </table> <p>The Initial Fee shall be paid prior to release of the comment report. Following Encroachment approval and issuance of Permit, the applicant or their successor will be billed annually for annual permit fee beginning the following calendar year.</p>	Tier	Initial Fee	Legal Description Fee	Resolution Review Fee	Annual Permit Fee	Revocation	I	\$0.00	N/A	N/A	\$0.00	\$ 0.00	II	\$1,500.00	\$300.00	N/A	\$200.00	\$ 600.00	III	\$1,500.00	\$300.00	\$ 300.00	\$200.00	\$ 600.00
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<p><b>Encroachment Permit Fee Schedule and Payment Methods (Continued)</b></p>	<p><b>Payment Methods:</b> Prior to making a payment, the project must be logged-in and an invoice emailed to the applicant. Paid fees are not refundable.</p> <p><b><u>ONLINE:</u></b> In order to submit payments <b>online</b>, the applicant must set-up an E-Permits account: <a href="https://www.denvergov.org/AccelaCitizenAccess/Login.aspx">https://www.denvergov.org/AccelaCitizenAccess/Login.aspx</a></p> <p><b><u>IN PERSON</u></b> In order to submit payments <b>in person</b>, the applicant may visit 201 W. Colfax Ave., 2<sup>nd</sup> Floor Cashier, Denver, CO 80202 Phone: 720-865-2780</p> <p><b><u>OVER THE PHONE</u></b> In order to submit payment <b>over the phone:</b> Please submit the "Over the Phone Credit Card Authorization" form, found here: <a href="https://www.denvergov.org/content/dam/denvergov/Portals/730/documents/ROWPermits/Credit-Card-Auth-FormCPDWMD.pdf">https://www.denvergov.org/content/dam/denvergov/Portals/730/documents/ROWPermits/Credit-Card-Auth-FormCPDWMD.pdf</a> with your initial submittal.</p> <p>Accepted Payment Methods: Cash, Check, Money Order, Discover, Master Card, and Visa Checks or Money Orders are made payable to: <b>Manager of Finance</b></p>
<p><b>Submittal and Approval Process</b></p>	<p>Encroachments are defined in the Rules and Regulations for Encroachments and Encumbrances in the Public Right-of-Way. DOTI reserves the right to classify a proposed Encroachment as a Tier I, II or III, or deny an application, for any reason as determined to be relevant in the sole judgment of DOTI.</p> <p><b>Tier I Encroachments</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Tier I Encroachments can be constructed or placed in the ROW after obtaining a Street Occupancy and Construction ROW permits. An Encroachment Permit is not required.</li> </ul> <p><b>Tier II Encroachments</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Require an application, an initial fee, and review process to ensure general consistency with all related Encroachment criteria, including but not limited to the General Placement and Height Criteria and any Tier II specific criteria.</li> <li><input type="checkbox"/> Will receive approval through a revocable Tier II Encroachment Permit.</li> <li><input type="checkbox"/> The Encroachment Permit will be recorded in the Office of the Denver Clerk and Recorder’s Office.</li> <li><input type="checkbox"/> An annual Encroachment Permit Fee shall be required to maintain the Tier II Encroachment Permit.</li> </ul> <p><b>Tier III Encroachments</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Require an application, fees, legal description, and review process to ensure general compliance with all related Encroachment criteria, including but not limited to the General Placement and Height Criteria and any Tier III specific criteria.</li> <li><input type="checkbox"/> Will receive approval through a City Council Resolution.</li> <li><input type="checkbox"/> The Resolution will be recorded in the Office of the Denver Clerk and Recorder’s Office.</li> <li><input type="checkbox"/> An annual Encroachment Permit Fee shall be required to maintain the Tier III Encroachment Resolution.</li> </ul>

**Submittal and Approval Process (Continued)**

**Initial Submittal**

To apply for Encroachment approval, submit the following items to ROWS ER at [DOTI.ER@denvergov.org](mailto:DOTI.ER@denvergov.org) in one email. **Only Electronic Format Submissions Accepted.**

- Encroachment Application
  - Application must include Legal Description for adjacent property in which Encroachment Permit will be recorded against.
- Purpose for Encroachment
- Site Plans, Structural Plans, and Details (see Encroachment Application Requirements Section below for details)
  - Total PDF file size of plans may not exceed 30MB
    - If multiple PDF's are necessary, please see the FTP site guidance section to submit.
    - Must be fully unlocked, flattened and size reduced as much possible
    - Printable to scale 11" x 17"
- Apply for a Floodplain Permit if construction occurs within a regulatory floodplain as shown on Denver Maps: <https://www.denvergov.org/Maps/map/floodplain>. When a Floodplain Permit is required, submit plans showing floodplain impacts for the entire project.
- Location Description
- Title Commitment for adjacent property to prove applicant's ownership.
- Additional Required Materials

If you are unable to submit the required documents in one email, please refer to the section below for the FTP Submittal Information.

**Initial Review and Comments**

- ER will log the application and distribute for an initial 3-week review period.
- Typically, within 2 business days after the initial review period, ER will send the applicant a written response of consolidated review comments via e-mail.
- Initial Fees must be paid in full prior to the release of the compiled comment report. If the fees are not paid, the report will not be released until after they are paid.

If the Encroachment is approved by all regulatory reviewers, ER will initiate approval of the Encroachment Permit.

**Comment Resolution Process**

- If the applicant receives any denials, comments or conditions from reviewers, it is the applicant's responsibility to work directly with each reviewer to clear the comment(s) and condition(s) to an approved status. It is not ER's responsibility to confirm comments and conditions are addressed or coordinate with reviewers on behalf of applicants. The reviewers contact information is provided on the comment report.
- Once all comments and conditions have been cleared to approved, ER will determine if a resubmittal is required, or if final plans will be requested.

**Resubmittal Process**

- A resubmittal will be required if the proposed Encroachment layout is moved due to existing City standards and/or regulations, significant changes must be made to meet Encroachment Submittal Requirements, or the applicant makes significant changes at their own discretion.
- The review and comment delivery timelines for resubmittal(s) are the same as for the first submittal as noted above.

**Submittal and Approval Process (Continued)**

- ❑ To resubmit an Encroachment, all submittal requirements and guidelines shall apply. All resubmittals shall be transmitted via email to [DOTI.ER@denvergov.org](mailto:DOTI.ER@denvergov.org). State clearly in the email subject line and the body of the resubmittal e-mail the City Project number (e.g. 2021-ENCROACHMENT-#####), official application name, and the submittal count (2<sup>nd</sup>, 3<sup>rd</sup>, etc.). This ensures clear communication on how to process your request.

**Permit Issuance:**

Once all comments have been addressed by the applicant and acknowledged by reviewers, the following will be completed for Permit Approval:

**Tier I Encroachments**

- ❑ Tier I Encroachments can be constructed or placed in the ROW after obtaining Street Occupancy and/or Construction ROW permits. A separate Encroachment Permit will not be issued.
- ❑ It is important to note that DOTI has the discretion to deny a Tier I street occupancy permit if it is determined that the proposed location for a Tier I Encroachment will impact the safe and efficient use and operation of the ROW, even if the proposed Encroachment meets all Rules & Regulations for Tier I Encroachments.

**Tier II Encroachments**

- ❑ ER will prepare the Tier II Encroachment Permit form and invoice for annual permit fee (refer to Fee Schedule above) and send to the applicant.
- ❑ Applicant must pay the annual permit fee invoice and sign and return the Encroachment Permit.
- ❑ ER will submit the Encroachment Permit to the Executive Director of DOTI, or their designated representative, for approval and final execution. It is important to note that there is no requirement for the Executive Director to approve the Tier II Encroachment Permit and the Executive Director has the discretion to deny the application.
- ❑ Following Executive Director Approval, ER will record the executed Encroachment Permit and approved legal or location description with the Denver Clerk and Recorder's Office within 20 business days.
- ❑ ER will provide the applicant a copy of the recorded Tier II Encroachment Permit for their records.

**Tier III Encroachments**

- ❑ ER will prepare the invoice for remaining fees (refer to Fee Schedule above) and send to the applicant for payment.
- ❑ After applicant has paid remaining fees, ER will prepare the Tier III Encroachment Resolution request form.
- ❑ ER will submit the Encroachment Resolution request form to the Executive Director of DOTI, or their designated representative, for their respective approval for submittal to City Council. It is important to note that there is no requirement for the Executive Director to approve the Tier III Encroachment Resolution request and the Executive Director has the discretion to deny the application.
- ❑ Following Executive Director Approval of the Encroachment Resolution request, ER will submit the Tier III Encroachment Resolution request to City Council for their consideration. It is important to note that there is no requirement for City Council to approve the Tier III Encroachment Resolution and City Council has the discretion to deny the application.
- ❑ If City Council approves the Encroachment Resolution, the Tier III Encroachment Resolution will be recorded with the Denver Clerk and Recorder's Office.
- ❑ ER will provide the applicant a copy of the recorded Tier III Encroachment Resolution for their records.



<p><b>Submittal and Approval Process (Continued)</b></p>	<p><b>Note that other City permits will be required before construction of any approved Encroachment. Examples include: SSPR, SUDP, RSOP, SCP, TCR, Building, Zoning, Utility Plan Review, OCF, Fire, ROW Construction Permit</b></p>
<p><b>FTP Submittal Information</b></p>	<p><u>FTP Submittal Guidance:</u> All PDF's shall not be larger than 30MB.</p> <p>Process to submit to FTP site:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Log in to the FTP site using the below credentials.</li> <li><input type="checkbox"/> Name everything with your company name, and name/address of your project.</li> <li><input type="checkbox"/> Send email to <a href="mailto:DOTI.ER@denvergov.org">DOTI.ER@denvergov.org</a> notifying ER that you have uploaded plans (if you do not do this, we will not know of your submittal and it will not be logged-in).</li> </ul> <p>Login Credentials:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="https://exteft.denvergov.org/#/">https://exteft.denvergov.org/#/</a></li> <li><input type="checkbox"/> User: PWDIST</li> <li><input type="checkbox"/> Password: DenverPW#1</li> </ul>
<p><b>Encroachment Application Submittal Requirements</b></p>	<p>Encroachment Application Submittal documents shall include the following:</p> <p><b>Encroachments must be in accordance with the following DOTI Rules and Regulations.</b> Rules &amp; Regulations can be found here: <a href="https://www.denvergov.org/Government/Departments/Department-of-Transportation-and-Infrastructure/Documents/Rules-Regulations">https://www.denvergov.org/Government/Departments/Department-of-Transportation-and-Infrastructure/Documents/Rules-Regulations</a></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Rules and Regulations for Encroachments &amp; Encumbrances in the Public Right-of-Way</li> <li><input type="checkbox"/> Rules and Regulations for the Construction of Curbs, Gutters, Sidewalks, Driveways, Street Paving, and Other Public Right-of-Way Improvements</li> <li><input type="checkbox"/> Rules and Regulations for the Maintenance of Improvements in the Public Right-of-Way</li> <li><input type="checkbox"/> Rules and Regulations Governing Street Cuts and Roadway Excavation Specifications</li> </ul> <p><b>Encroachments must also be in accordance with DOTI Transportation Standards and Details for the Engineering Division,</b> found here: <a href="https://www.denvergov.org/Government/Departments/Department-of-Transportation-and-Infrastructure/Documents/Standards-Details">https://www.denvergov.org/Government/Departments/Department-of-Transportation-and-Infrastructure/Documents/Standards-Details</a></p> <p><b>Application Form</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Submit a completed application</li> <li><input type="checkbox"/> All applications must be signed by the Permittee as defined in the Rules and Regulations for Encroachments &amp; Encumbrances in the Public Right of Way. Applications submitted without the adjacent property owner signature will be rejected as incomplete.</li> </ul> <p><b>Purpose of Encroachment</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <u>Detailed narrative</u> explaining why the proposed Encroachment cannot be accomplished without utilizing the ROW and how the proposed Encroachment will not negatively impact the intended use of the ROW.</li> <li><input type="checkbox"/> Include details of project status and applicable information from coordination with DES and/or CPD to assist the ER review process.</li> </ul>

<p><b>Encroachment Application Submittal Requirements (Continued)</b></p>	<p><b>Submittal Checklist</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Submit a completed checklist</li> </ul> <p><b>Comment Resolution Sheet(s)</b></p> <p>If an Encroachment application is returned to the applicant with comments from City reviewers, the applicant will include a Comment Resolution sheet(s) with revisions. The Comment Resolution sheet shall have the following information:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Agency Name</li> <li><input type="checkbox"/> Reviewer's name</li> <li><input type="checkbox"/> Review comments (reviewer comments must be verbatim)</li> <li><input type="checkbox"/> Formal written response to each comment</li> <li><input type="checkbox"/> Plan set date and revision number (if applicable)</li> </ul> <p><b>Site Plan Sheet(s) sealed and signed by a Professional Engineer licensed in the State of Colorado</b></p> <p><u>General</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Vicinity map</li> <li><input type="checkbox"/> North arrow</li> <li><input type="checkbox"/> Numerical and bar scale (Scale not to exceed 1" = 40')</li> <li><input type="checkbox"/> Legend</li> <li><input type="checkbox"/> PE stamp area</li> <li><input type="checkbox"/> Plan set date and revision number (if applicable)</li> </ul> <p><u>Plan View</u> (Aerial imagery is allowed, however, does not replace requirement for accurately scaled engineering drawings)</p> <p>Show, label and <u>dimension</u> <b>existing and proposed final site conditions</b>, including but not limited to the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Property lines</li> <li><input type="checkbox"/> Right-of-way width</li> <li><input type="checkbox"/> Edge of Pavement</li> <li><input type="checkbox"/> Curb and gutter</li> <li><input type="checkbox"/> Sidewalks</li> <li><input type="checkbox"/> Street lights</li> <li><input type="checkbox"/> Pedestrian lights</li> <li><input type="checkbox"/> Signal Poles</li> <li><input type="checkbox"/> Surface utility features such as power poles, electric cabinets, handhole boxes, manholes, storm drainage inlets, traffic control boxes, vaults, valves, fire hydrants, etc.</li> <li><input type="checkbox"/> Regulatory Floodplain boundaries (FEMA)</li> <li><input type="checkbox"/> Underground and overhead utilities (water, storm sewer, sanitary sewer, gas, electric, communications, etc.). Use best available information from field survey, utility-owner maps, sanitary and storm plat maps, and City of Denver GIS data. <a href="https://www.denvergov.org/Maps/">https://www.denvergov.org/Maps/</a></li> <li><input type="checkbox"/> Trees and landscaping in the ROW</li> <li><input type="checkbox"/> Nearby driveways and alleys</li> <li><input type="checkbox"/> Street names and adjacent property address(es)</li> <li><input type="checkbox"/> Regional Transportation District (RTD) bus stop, with any amenities including bench/shelter, signage, bus pad and bench pad</li> </ul> <p>Show, label and <u>dimension</u> <b>proposed</b>:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Location and size of Encroachment in ROW <ul style="list-style-type: none"> <li><input type="checkbox"/> Show and dimension limits of both above and below ground elements</li> </ul> </li> <li><input type="checkbox"/> Construction Materials</li> </ul>
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**Encroachment  
Application  
Submittal  
Requirements  
(Continued)**

- Projection from building
- Distance from Encroachment to the nearest flowline
- Distance from Encroachment to any other Streetscape feature/obstruction in the vicinity
- Distance from property line to back of curb
- Electrical service alignment, electrical connection location, and voltage/amps
- Note: No proposed Encroachments are allowed in the intersection clear zone per City Transportation Standards and Details for the Engineering Division, Std. Dwg. 7.9

Elevation or Cross-Section Views

- Location and size of Encroachment in ROW
  - Show and dimension limits of both above and below ground elements
- Existing and final grade
- Existing utilities
- Vertical height/clearance of the Encroachment from finish grade
- Depth of underground facilities

**Structural Plans sealed and signed by a Professional Engineer licensed in the State of Colorado**

- Required for all underground Encroachments subject to loading, above ground Encroachments with a foundation, and projecting Encroachments.
- Manufacturer's certifications may be accepted when approved by DOTI in writing
- Plan set date and revision number (if applicable)

**Detail Sheet(s)**

- Provide Manufacturer's and/or construction detail(s) sealed and signed by a Professional Engineer licensed in the State of Colorado
- Do not include standard City transportation details in the plans. Reference the appropriate City detail by drawing number on the appropriate plan and elevation view(s) with leader call-outs
- Provide Office of the Forester's (OCF) tree protection detail and notes, available to download at <https://www.denvergov.org/content/denvergov/en/denver-parks-and-recreation/trees-natural-resources/forestry-trees-/land-developer-resources.html>
- Provide only special, non-standard, or modified City details
- Plan set date and revision number (if applicable)

**Location Description for the Encroachment**

- For above ground Encroachments, a general location description (word doc)
- For underground Encroachments, a land description of the Encroachment shall be submitted in accordance with the Survey Section of Right-of-Way Services guidelines (may be submitted after the 1<sup>st</sup> review and comment period)

**Additional Required Material(s)**

- If the proposed Encroachment a Sign, Artwork, or is located within a design review district under the Denver Zoning Code or a floodplain zone, approval documents from those respective reviewing authorities shall be included in the application
- For properties sharing the Encroachment, appropriate legal documentation shall be submitted for review by the City, which identifies ownership, maintenance and fee obligations, and what would happen to the shared Encroachment if either property is sold. The document shall be signed by all affected property owners and recorded with the Denver Clerk and Recorder's Office.
- As requested, specifications or any additional materials for the proposed Encroachment not shown on the drawings or as determined by DOTI.

<p><b>Revocation Process</b></p>	<p>If an Encroachment Permit shall be revoked as determined in the sole judgment of DOTI, DOTI will notify the Permittee in writing that the Permittee shall remove the Encroachment and restore the Encroachment Area to the same, or improved, condition as before the Encroachment was installed within 90 days. Failure to do so may result in fines and/or criminal prosecution. If the Permittee cannot properly remove the Encroachment and restore the Encroachment Area within 90 days, the Permittee shall seek approval in writing for an extension from ER.</p> <p>If the Permittee desires to remove an Encroachment and cancel the associated Encroachment Permit, the Permittee shall first remove the Encroachment and restore the Encroachment Area to the same, or improved, condition as before the Encroachment was installed. The Permittee shall submit an <a href="#">Encroachment Permit revocation application</a> requesting a revocation to <a href="mailto:DOTI.ER@denvergov.org">DOTI.ER@denvergov.org</a>. After DOTI performs a site inspection to verify the Encroachment has been removed and the Encroachment Area has been restored to the same, or improved, condition as before the Encroachment was installed, ROWS ER will proceed with processing the permit revocation.</p> <p>Permit revocations will be approved by either DOTI or City Council in the same manner the Encroachment Permit was originally approved. The revocation will be recorded in the same manner as issued.</p>
<p><b>Other Permit Resources</b></p>	<p>The placement of any Encroachment in the ROW requires other City permits or approvals in addition to Encroachment Permit requirements herein.</p> <p>Prior to placing an Encroachment in the ROW, a Street Occupancy Permit, Street Cut Permit, and/or ROW Construction Permit shall be required. Street Occupancy Permit application and resources can be found at: <a href="https://www.denvergov.org/Government/Departments/Department-of-Transportation-and-Infrastructure/Programs-Services/Right-of-Way-Services/Street-Occupancy">https://www.denvergov.org/Government/Departments/Department-of-Transportation-and-Infrastructure/Programs-Services/Right-of-Way-Services/Street-Occupancy</a></p> <p>Other ROWS permit resources can be found at: <a href="http://www.denvergov.org/dotipermits">www.denvergov.org/dotipermits</a></p> <p>Development Services, Building and Zoning permits may be required. Additional permit resources for these departments can be found at: <a href="https://www.denvergov.org/Government/Departments/Community-Planning-and-Development">https://www.denvergov.org/Government/Departments/Community-Planning-and-Development</a></p> <p>Office of the City Forester resources: <a href="https://www.denvergov.org/Government/Departments/Parks-Recreation/Trees-Natural-Resources">https://www.denvergov.org/Government/Departments/Parks-Recreation/Trees-Natural-Resources</a></p>
<p><b>Document Location</b> (for internal use)</p>	<p><a href="https://denvercity.sharepoint.com/sites/PWROWSER/Shared%20Documents/STRATEGIC/RULES%20REGS%20&amp;%20POLICIES/DOTI%20PERMITS">https://denvercity.sharepoint.com/sites/PWROWSER/Shared%20Documents/STRATEGIC/RULES%20REGS%20&amp;%20POLICIES/DOTI%20PERMITS</a></p>