

201 W Colfax Ave, Dept 205 Denver, CO 80202 p: 720-865-2972 f: 720-865-3056 www.denvergov.org/planning

TO: Denver City Council – LUTI Committee

FROM: Deirdre Oss, Senior City Planner

DATE: April 4, 2013

RE: Official Zoning Map Amendment Application #2012I-00039

1683-1695 E. Cedar Avenue Rezoning from S-SU-D to PUD-G#

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2012I-00039 for a rezoning from S-SU-D to PUD-G #.

Request for Rezoning

Application: #2012I-00039

Address: 1683-1695 E. Cedar Avenue

Neighborhood/Council District: Washington Park/ Council District 6

RNOs: Washington Park East Neighborhood Association

Denver Downtown Capitol Hill Alliance (DDCHA)

Denver Neighborhood Association, Inc. Inter-Neighborhood Cooperation

Area of Property: 106,722 SF square feet or 2.45 acres

Current Zoning: S-SU-D Proposed Zoning: PUD-G #

Property Owner(s): Amy Loper; Sawaya Family Trust; Montjoy Kugeler; Eric

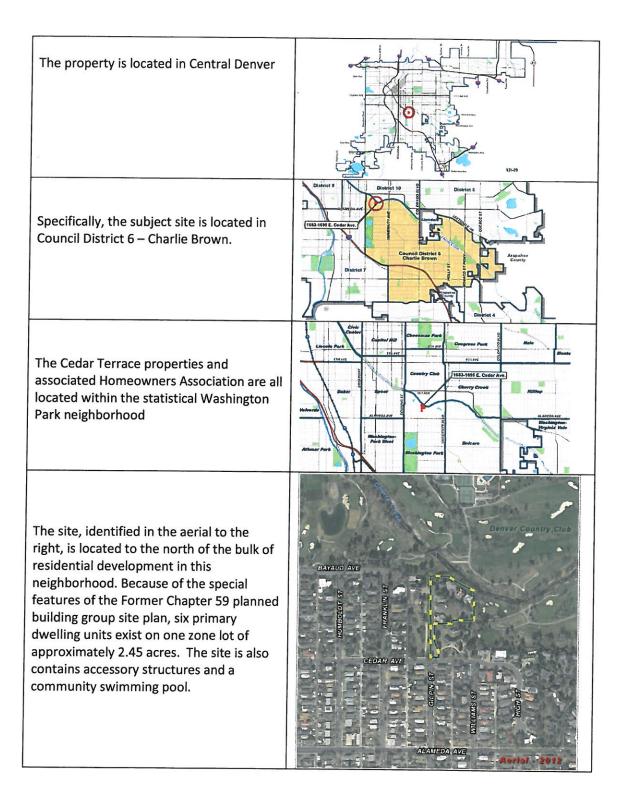
Schwartz; Schwartz Family Trust; Cedar Terrace; Alexander Ringsby; Gray Ringsby; Eric Ringsby; Cedar-Harrisburg Trust;

Owner Representative: Amy Loper

Summary of Rezoning Request

This map amendment request is proposed in order to correct an error in the zone map as a result of the 2010 update to the Denver Zoning Code. The property, currently zoned S (Suburban) – SU (Single Unit) – D (6,000 SF minimum lot size), was formerly zoned R-1, a single family zone district on which the current S-SU-D designation was based. This Former Chapter 59 zoning allowing for one dwelling unit per zone lot is very similar to the current S-SU-D zoning. However, also recorded against the subject properties was a Planned Building Group (PBG) site plan that allowed multiple buildings on a zone lot in addition to other specific deviations from the former R-1 zoning. This PBG was not discovered at the time of the map amendment updates in 2010, resulting in an unintentional rezoning of the subject property as part of the citywide update. Because this site actually developed with multiple primary structures on a single zone lot under the Cedar Terrace PBG site plans consistent, property owners now are unable to easily make improvements to their properties under the S-SU-D zoning.





Staff worked with the applicants to identify a reasonable and practical zoning solution to give the Cedar Terrace property owners the same zoning allowances they enjoyed before the 2010 zone map error. Staff recommended and this application seeks an amendment to change the S-SU-D zoning to a Planned Unit Development (PUD) – General (G). The proposed PUD district is based on the Suburban Neighborhood Context zone district S-SU-D, and codifies the deviations to building height, number of structures on the zone lot, and open space requirements unique to the Cedar Terrace site development.

Generally, a Planned Unit Development Zone District ("PUD District") provides an alternative to a standard DZC zone district, and combines land use, density, site plan and building form elements into a new zone district tailored or customized for a specific development site. A PUD District is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard Zone District is desirable, and where multiple zoning variances, waivers, and conditions can be avoided. The intention behind the Cedar Terrace PUD District is to retain the unique site plan obligations that were part of the original PBG site development plan, including the unique deviations to building height, number of structures per zone lot, and several standards related to the provision of substantial common open space.

Proposed General (G) PUD District Plan

When development is to proceed in phases or over an extended period of time, or when more general zoning is desired prior to preparation of more detailed site development and pre-construction plans, the applicant may submit a "General PUD District Plan" covering the entire PUD District. After the PUD District rezoning with a General PUD District Plan is approved, one or more specific site development plans are submitted for each phase of development, and must follow the general development concept established in the General PUD District Plan. See Section 12.4.3, Site Development Plan, for the procedure and review criteria applicable to site development plans. In the case of Cedar Terrace, after approval of the proposed PUD-G zoning, the previously approved Cedar Terrace PBG site plan will be refiled and recorded as the new site development plan for this property.

Cedar Terrace General PUD Proposal - All S-SU-D zoning standards shall apply except for the following proposed deviations intended to match the previously approved Cedar Terrace PBG site plan:

CARROLL CONTRACTOR OF THE STATE	
Allowable Land Uses	Single-unit dwelling land uses and associated community facilities, such as swimming pool and club house.
Intensity of Development	2,000 SF building pad per primary structure; 6,000 SF gross dwelling area per unit; 7 maximum dwelling units per zone lot Required bulk plane measured from side interior zone lot lines
Building Form Standards	20' setback from Primary Street-Cedar Avenue 5' side and rear setbacks
Open Space	Minimum 3,000 SF of open space per dwelling unit

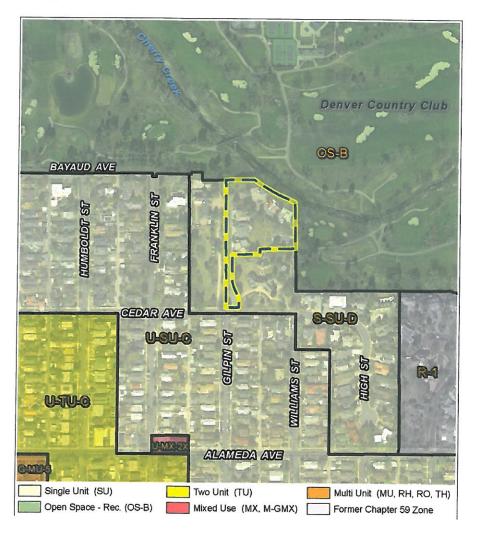
Existing Context

The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	S-SU-D	Single Unit	6 single unit residences; 2 stories; flag lot off of Cedar Avenue with clustered housing and a common open space	The Washington Park neighborhood to the west and south of this property is largely single family
North	OS-B	Denver Country Club	Open space	residential, with some two-unit development south of Cedar
South	U-SU-C	Single Unit	1-2 ½ stories	Avenue. Blocks are largely urban in nature
East	OS-B, S-SU-D	Denver Country Club; Single Unit	Open space; 1-2 ½ stories	to the south, although Cedar Terrace and the
West	U-SU-C	Single Unit	1-2 ½ stories	immediate neighbors to the southeast and north of Alameda are more suburban in context, with curvilinear streets and access off of private drives.

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Existing Zoning

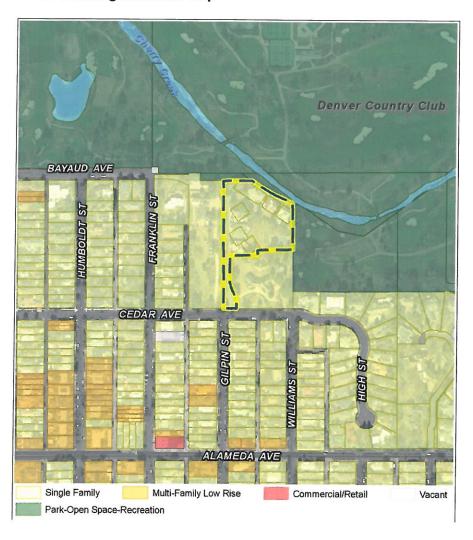


S-SU-D is a single unit residential zone district that allows a primary structure to be built on a zone lot that is a minimum of 6,000 square feet in area. Building/structures are subject to a maximum building height of 30 feet (increased to 35 feet for lots more than 50 feet wide). A maximum of 50% building coverage is allowed per zone lot, including all detached accessory structures.

1. Planned Building Group

The intention of the proposed PUD rezoning is to design the PUD in accordance with the formerly approved Cedar Terrace Amendment Planned Building Group site plan. The details of the Cedar Terrace Amended PBG are explained above in the Summary of the Rezoning Request.

2. Existing Land Use Map



3. Existing Building Form and Scale



Cedar Terrace driveway and view toward east





Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Asset Management: Approve - No comments.

Denver Fire Department: Approve Rezoning Only – will require additional information at site plan review.

Development Services – Wastewater: Approve-No Comments.

Public Works - City Surveyor: Legal is approved.

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on March 18, 2013.
- The property was legally posted for a period of 15 days announcing the April 3, 2013 Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members for both Planning Board and LUTI.
- City Council was updated on the status of this application upon information notification on March 18, 2013, and has been in contact with the applicants to understand the intent and context of the amendment. Staff has reached out to the Council District to ensure an understanding of the intent and effects of this amendment.

Registered Neighborhood Organizations (RNOs)

 Staff has not received any formal responses from the listed RNOs. However, Staff did receive a call from the Washington Park East Neighborhood Association to inquire about the nature of this zone map amendment. The call was returned and messages left for the inquiring party.

Other Public Comment

 Staff responded to an inquiry from the adjacent neighboring owner of the Weckbaugh-Willbants residence (directly south of Cedar Terrace). The owner was briefed on the intent and effects of this amendment.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13, 12.4.10.14, and 12.4.10.15, as follows:

DZC Section 12.4.10.13

1. Consistency with Adopted Plans

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- 2. Uniformity of District Regulations and Restrictions
- 3. Public Health, Safety and General Welfare

DZC Section 12.4.10.14

- 1. Justifying Circumstances
- Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

DZC Section 12.4.10.15 Additional Review Criteria for Rezoning to PUD District

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code
- B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6
- C. The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions
- D. The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).

1. Consistency with Adopted Plans

Denver Comprehensive Plan 2000

The proposal is consistent with the Denver Comprehensive Plan, most critically: Land Use Objective 3; Preserve and enhance the individuality, diversity and livability of Denver's neighborhoods and expand the vitality of Denver's business centers. The proposed map amendment and PUD is consistent with preservation of neighborhood individuality and preserves the existing context.

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Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept future land use designation of "Single Family Residential" and is located in a designated Area of Stability.

Future Land Use



The Single Family Residential designation is intended to preserve Denver's stable residential neighborhoods, recognizing a predominant residential land use over other uses with less integration of mixed use except the occasional corner retail. This is usually further from downtown with a lower density of 6-10 DUs/acre and occurs in larger blocks between 200-600 acres total. (p.65) The proposed PUD based on the S-SU-D zone district adheres to these principles, and with the deviations outlined in the PUD, reinforces the original intent of the Cedar Terrace Amended Planned Building Group which results in a uniquely suburban-rural layout. This site includes a large common open space shared among the units and is located in a topographically challenging environment adjacent to Cherry Creek where a more suburban, lower density context is appropriate.

Area of Change / Area of Stability

The subject site is located within an Area of Stability (AOS). In general: "The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment." (Blueprint, p. 120). Within Areas of Stability are more detailed designations of Committed Areas and Reinvestment Areas, the latter derived from the principle that it is desirable in certain neighborhoods at certain locations to reinvest through modest infill and redevelopment. The Cedar Terrace property falls within a designated "Committed Area," which is described as an established neighborhood that may benefit from the stabilizing effects of minor infill development. Blueprint Denver, on page 122, reinforces the fact that reinvestment in Washington Park is not necessary to improve its established character. Thus, when proposed change in is proposed in a Committed Area such as Washington Park, such as this proposed map amendment, the effects of that change should primarily reinforce and support land use and building character that already exist in the neighborhood.

Street Classifications

Cedar Avenue is the only street that accesses the subject property. This street is identified as an Undesignated Local in Blueprint Denver. Alameda Avenue is the closest Residential Arterial Street one block south of the Cedar Avenue access. Local streets are designed to provide local access, less influenced by traffic volumes and typically carry lower speeds. These streets are characteristic of those within residential neighborhood areas of stability.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to PUD-G will result in the uniform application of zone district building form, use and design regulations within the PUD zone district.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City.

4. Justifying Circumstance

See DZC, Section 12.10.14.A: The existing zoning of the land was the result of an error. In order to correct the error, Staff has determined a PUD-G with deviations specific to the original intent of the Cedar Terrace neighborhood is the most appropriate tool to allow property owners the same development entitlements as existed on the property prior to the error.

5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

The proposed PUD-G zone district has been drafted based on the S-SU-D zone district, a Suburban Neighborhood Context zone. The Suburban Neighborhood context generally consists of single family and multifamily residential land uses on relatively large lots (6,000 square feet and larger) segregated from community-serving commercial and retail land uses located along corridors on major collector and arterial streets. The proposed rezoning of the subject property will result in building forms and land uses consistent with the Suburban Neighborhood context.

6. Additional Review Criteria for Rezoning to PUD District

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code. In this case, a PUD-G district is a reasonable way to address a specific error made on the zone map in 2010, which is adversely affecting the rights of property owners to improve their homes in the future.
- B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6. Further, subsequent to the approval of the PUD-G rezoning, Staff will work with the applicant to re-file and record the previously approved Cedar Terrace PBG site plan as the new site development plan for this property.

C. The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions. While the proposed PUD-G will be based on the standard S-SU-D district, the PUD District includes several deviations and allowances from the S-SU-D district necessary to capture and perpetuate existing development in Cedar Terrace. These deviations from the existing zone district are best accommodated in a PUD zone district rather than through multiple waivers and conditions.

See complete PUD document attached to this staff report for more details.

Key Deviations from the S-SU-D Zone District are summarized below:

key Deviations from the 5-50-D zone district are summarized below:					
Key characteristics of S-SU-D	Deviations				
Minimum lot area 6,000 SF	Building height = 36' (no relationship to lot width)				
Suburban house building form	Units per zone lot = 7 (multiple buildings on one				
Building height = 30'/up to 35' for lots over 50' in	zone lot)				
width	Floor area per unit = 6,000 SF maximum				
Units per zone lot = 1	Building pad per structure = 2,000 SF maximum				
Floor area per unit = NA	Maximum Building coverage = 50% of zone lot				
Maximum building coverage = 50%	Open Space = Minimum 3,000 SF per unit				

- D. The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).

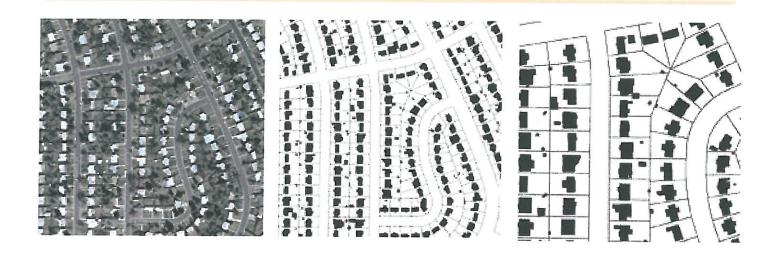
Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 1683-1695 E. Cedar Avenue to a PUD-G# zone district meets the requisite review criteria. Accordingly, staff recommends *approval*.

Planning Board Recommendation

At their regular meeting on April 3, 2013, the Denver Planning Board voted 10-0 to recommend *approval* of the proposed map amendment.

PUD-G#



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Contents

PUD-G#

CHAPTER 1. ES	STABLISHMENT AND INTENT	3
Section 1.1	PUD-G# Established	3
Section 1.2	PUD-G# General Purpose	3
Section 1.3	PUD-G# Specific Intent	
CHAPTER 2. DE	ESIGN STANDARDS	4
CHAPTER 3. US	SES AND REQUIRED MINIMUM PARKING	9
Section 3.1	USES	9
Section 3.2	REQUIRED MINIMUM PARKING	9
CHAPTER 4. AD	DDITIONAL STANDARDS	1
	Article 1 of the Denver Zoning Code	
Section 4.2	Article 10 of the Denver Zoning Code	
Section 4.3	Article 11 of the Denver Zoning Code	
Section 4.4	Article 12 of the Denver Zoning Code	
Section 4.5	Article 13 of the Denver Zoning Code	

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CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G# ESTABLISHED

The provisions of this PUD-G # apply to the land depicted on the Official Zoning Map with the label PUD-G #, a part of Block 18, Shackleton Place Subdivision according to the official City and County of Denver resurvey plat, together with the contiguous half of S. Williams St. vacated by Ord. 28, 1927 on the east side and with the contiguous half of S. Gilpin St. vacated by Ord. 98, 1921 on the west side and together with the alley within said Block 18 vacated by Ord. 62, 1921, all being in the City and County of Denver. The PUD-G-# is a single area with no subareas established.

SECTION 1.2 PUD-G# GENERAL PURPOSE

The general intent of PUD-G-is to follow the Suburban Neighborhood Context intent and the S-SU-D zone district with the exception to allow multiple single dwelling units on a single zone lot oriented off of a flag lot and consolidating common open space areas.

CHAPTER 2. DESIGN STANDARDS

2.2.1 General Intent

Section 3.3.1 General Intent of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G#.

2.2.2 Building Form Intent

Section 3.3.2 Building Form Intent of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G#.

2.2.3 Primary Building Form Standards

- A. Applicability
 - All developent within this PUD-G.
- B. Number of Primary Buildings Per Zone Lot Multiple Primary Buildings shall be allowed on a single zone lot.
- C. Specific standards as follows:

PRIMARY STRUCTURES

HEIGHT	PUD-G#	
Feet (max)	36′*	
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line	10′**	
Bulk Plane Slope from Side Interior and Side Street Zone Lot Line	45° **	

SITING	PUD-G#
ZONE LOT	

Zone Lot Size (min) This PUD-G shall be a single zone lot Dwelling Units (max) This PUD-G shall have a maximum of 7 dwelling units Dwelling Units per Primary Residential Structure (max)

	PUD-G#		
SETBACKS AND BUILDING COVERAGE			
Primary Street, Cedar Ave (min)	20'		
Side Street (min)	na		
Side Interior (min)	5'		
Rear (min)	5'		
Building Pad per Primary Structure (max)	2,000 ft ²		
Gross Floor Area per Dwelling Unit (max)	6,000 ft ²		
Open Space	There shall be a minimum of 3,000 ft ² of open space per dwelling unit		
Building Coverage per Zone Lot, including all accessory structures (max)	50%		
Vehicle Access	From Street		

PUD-G#
Attached garage shall be allowed

^{**}Bulk plane shall be measured from the original grade from midpoint of side zone lot lines.

2.2.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

A. Applicability

All developent within this PUD-G #

B. General Standards

Section 3.3.4.2 General Standards of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #.

C. Supplemental Standards

Section 3.3.4.3 Supplemental Standards of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #.

D. Specific Standards as follows:

DETACHED ACCESSORY STRUCTURES

HEIGHT	PUD-G#	
Stories (max)	1	
Feet (max)	17′ *	
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line	10′**	
Bulk Plane Slope from Side Interior and Side Street Zone Lot Line	45° **	

SITING	PUD-G#	
USE RESTRICTION	Accessory Uses Only	
ZONE LOT		
Allowed Number of Dwelling Units (min/max)	0/0	
Additional Standards	See Section 3.3.4.3 of the Denver Zoning Code	
SETBACKS AND BUILDING COVERAGE		
Primary Street, Cedar Ave (min)	20'	
Side Street (min)	na	
Side Interior (min)	5′	
Rear (min)	5′	
Building Coverage per Zone Lot, including all primary and accessory structures (max)	50%	
Vehicle Access	From Street	

DESIGN ELEMENTS	PUD-G#
BUILDING CONFIGURATION	
Building Footprint (max)	1,000 ft ²
Horizontal Dimension (max)	36'

^{*}Height shall be measured from the highest corner of the zone lot
**Bulk plane shall be measured from the original grade from midpoint of side zone lot lines.

2.2.5 DESIGN STANDARD EXCEPTIONS

Section 3.3.7 Design Standard Exceptions of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G#.

CHAPTER 3. USES AND REQUIRED MINIMUM PARKING

SECTION 3.1 USES

3.1.1 This PUD-G # shall follow the S-SU-D Zone District of the Denver Zoning Code, as amended from time to time, to establish the primary, accessory, and temporary land uses allowed, including all applicable limitations and required zoning procedures.

SECTION 3.2 REQUIRED MINIMUM PARKING

3.2.1 This PUD-G # shall follow the S-SU-D Zone District of the Denver Zoning Code, as amended from time to time, to establish the parking requirments.

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CHAPTER 4. ADDITIONAL STANDARDS

SECTION 4.1 ARTICLE 1 OF THE DENVER ZONING CODE

4.1.1 Applicability

Article 1: General Provisions of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G # with the following exception:

A. Multiple Primary Structures

Multiple primary structures shall be allowed on a single zone lot.

SECTION 4.2 ARTICLE 10 OF THE DENVER ZONING CODE

4.2.1 Applicability

Article 10: General Design Standards of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #, including standards specific to the S-SU-D Zone District (e.g. Signage), with the following exception:

A. Fences up to 7' in height shall be allowed on the zone lot.

SECTION 4.3 ARTICLE 11 OF THE DENVER ZONING CODE

4.3.1 Applicability

Article 11: Use Limitations and Definitions of the Denver Zoning Code specific to S-SU-D, as amended from time to time, shall apply to this PUD-G #.

SECTION 4.4 ARTICLE 12 OF THE DENVER ZONING CODE

4.4.1 Applicability

Article 12: Procedures and Enforcement of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #, with the following exceptions:

A. Site Development Plan and Multiple Ownerships

In the case of multiple ownerships (groups or individuals) within this PUD-G #:

- Any one ownership may obtain zoning permit(s) consistent with the approved site development plan without the consent of the other ownership(s).
- 2. Under Section 12.3.7, amendments to the approved site development plan shall require consent from all ownership(s), including ownership signatures on the amended site development plan.
- 3. Under Section 12.3.7, modifications to the site development plan initiated by one ownership do not require the consent of the other ownership(s).

SECTION 4.5 ARTICLE 13 OF THE DENVER ZONING CODE

4.5.1 Applicability

Article 13, Rules of Measurement and Definitions, of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #, with the following exceptions:

A. Height

- 1. Feet shall be measured from the highest corner of the zone lot.
- 2. Bulk plane shall be measured from the original grade from midpoint of side zone lot lines.

B. Primary Street Zone Lot Line Designation

Cedar Avenue shall be the Primary Street.

C. Definition of "Building Pad"

For each primary dwelling structure developed under this PUD-G#__, a "building pad" delineates the limits of where a primary residential structure and any detached accessory structures serving that primary structure (e.g., a detached garage or storage shed) may be placed on the zone lot.

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PROPERTY OWNER INFORMATION*

CUSTOMER GUIDE

PROPERTY OWNER(S) REPRESENTATIVE**

Appendix Page 1

Zone Map Amendment (Rezoning) for PUD - Application

■ CHECK IF POINT OF CONTACT FOR APPLICATION			✓ CHECK IF POINT OF CONTACT FOR APPLICATION		
Property Owner Name			Representative Name	Amy Loper	
Address			Address	1683 E. Cedar Ave.	
City, State, Zip			City, State, Zip	Denver, CO 80209	
Telephone	Telephone		Telephone	303-829-5322	
Email			Email	Amy@LoperVirnich.com	
*If More Than One Proment applications for a PU owners of the entire land a or their representatives au	D District shall be initiated area subiect to the rezonin	by all the	**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.		
Please attach Proof of Owr of trust, or (c) Title policy o	nership acceptable to the I r commitment dated no e	Manager for all prope arlier than 60 days p	erty owners, such as (a) A rior to application date.	ssessor's Record, (b) Warranty deed or deed	
SUBJECT PROPERTY	INFORMATION				
Location (address and/or boundary description): 1683, 1685, 1687, 1691, 1693, 1695 E. Cedar Av			93, 1695 E. Cedar Ave.		
Assessor's Parcel Numbers:		161281644,16128165	52, 161281661, 161281695, 1	61281679, 161281687, 161281709 (common area)	
Legal Description:					
(Can be submitted as an at bounds, a map is required.	tachment. If metes &)				
Area in Acres or Square Fee	et:	106,961 SF/	2.455 acres		
Current Zone District(s):		S-SU-D			
PROPOSAL					
Proposed Zone District		✓ General PUD □ Detailed PUD			
Proposing SubAreas?		✓ Yes	□ No		
Intent of PUD:		To retain for	mer R-1 PBG zo	oning characteristics	
Standard Zone District: Ple district(s) on which the PUE		S-SU-D			
		Deviation		Why deviation is necessary	
Deviations from Standard Z vide a list of proposed devia	ations and an explana-	Building height, per unit floor a	rea, and number of units per zone lot	To correct an error on the zone map to match existing restrictions	
tion of why the deviation is as an attachment if necessa	needed. Please provide				





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Appendix Page 2

REVIEW CRITERIA	
	Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan
General Review Crite- ria: The proposal must comply with all of the	Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
generál review criteria DZC Sec. 12.4.10.13	Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.
	Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.
Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14	Justifying Circumstances - One of the following circumstances exists: The existing zoning of the land was the result of an error. The existing zoning of the land was based on a mistake of fact. The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance. The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.
Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria DZC Sec. 12.4.10.15	 ✓ The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development). ✓ The PUD District and the PUD District Plan comply with all applicable standards and criteria station in Division 9.6. ✓ The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions. ✓ The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property. ✓ The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).
	Please provide an attachment describing how the above criteria are met.

www.denvergov.org/rezoning 201 W. Colfax Ave., Dept. 205



CUSTOMER GUIDE

Appendix Page 3

ATTACHMENTS						
Please check any attachm	nents provided with this ap	plication:				· · · · · · · · · · · · · · · · · · ·
Authorization for Representative Proof of Ownership Document(s) Legal Description Deviations Review Criteria						
Please list any additional a	attachments:					
Multiple Ownershi	p signatures below					
PROPERTY OWNER	OR PROPERTY OWN	ER(S) REPRESEI	NTATIVE CERTIFICA	ATION		
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Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner repre- sentative written authori- zation? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	John Alan Smith Gesie O Smith	01/01/12	(A)	NO
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50121-00039 Denver gets it done!

Legal Description

A part of Block 18, Shackleton Place Subdivision according to the official City and County of Denver resurvey plat, together with the contiguous half of S. Williams St. vacated by Ord. 28, 1927 on the east side and with the contiguous half of S. Gilpin St. vacated by Ord. 98, 1921 on the west side and together with the alley within said Block 18 vacated by Ord. 62, 1921, all being in the City and County of Denver and more particularly described as follows:

Beginning at the point of intersection between the North line of Cedar Ave. and the centerline of said vacated S. Gilpin St.; thence northerly along said centerline a distance of 599.45 feet to a point on the South right-of-way of Bayaud Ave. which is also the North line of said Block 18 extended; thence on an angle to the right of 90°09'00" and along said South right-of-way line of Bayaud Ave. and along said North line of Block 18 extended and along the North line of said Block 18 a distance of 125.37 feet to a point of non-tangent curve which is the southwesterly line of the official channel of Cherry Creek; thence on a deflection angle to the right of 36°18'07" from the tangent of said curve to the left having a radius of 884.02 feet a central angle of 14°49'21" an arc distance of 228.70 feet to a point of intersection with the centerline of said vacated S. Williams St.; thence departing from said southwesterly line on an angle of 68°22'14" from the tangent to aforesaid curve and along the centerline of vacated S. Williams St. a distance of 215.32 feet; thence on an angle to the right of 90°09'00" a distance of 169.88 feet; thence on an angle to the left of 90°09'00" a distance of 24.90 feet; thence on an angle to the right of 90°09'00" a distance of 124.88 feet; thence on an angle to the left of 90°09'00" a distance of 131.92 feet to a point of curvature; thence along a curve to the left having a radius of 83.72 feet and a central angle of 32°00'00" an arc distance of 46.76 feet to a point of reverse curve; thence along a curve to the right having a radius of 113.72 feet and a central angle of 32°00'00" an arc distance of 63.51 feet to a point of tangency; thence along said tangent a distance of 12.58 feet to a point on said North right-of-way line of Cedar Ave.; thence on an angle to the right of 90°09'00 and along said right-of-way line a distance of 60.00 feet to the point of beginning, containing in all 106,959 square feet of 2.455 acres, more or less.

☐ District Court ☐ Denver Probate Court	
County, Colorado	
Court Address:	
1437 Bannock Street, Room 230	
Denver, Colorado 80202	
In the Matter of the Estate of:	
GEORGE J. SAWAYA, aka GEORGE JOSEPH SA GEORGE SAWAYA	WAYA, aka
Deceased	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Add	ress): Case Number:
M. Marilyn McWilliams	
Moye White LLP	
1400 16 th Street, 6 th Floor	
Denver, Colorado 80202	
Phone Number: 303-292-2900 E-mail: marilyn.: moyewh	mcwilliams@ Division: Courtroom:
FAX Number: 303-292-4510 Atty. Reg. #: 209	018
ACCEPTANCE O	F APPOINTMENT
I accept appointment to, and agree to perform the dutie Personal Representative. Special Administrator. I submit personally to the jurisdiction of this Court in a	
Date: 7-27-2011	Alice Prendugast Rock
*	Alice Prendergast Rock Print Name
	300 W. 11 th Avenue, 12-C Address
	Denver, CO 80204 City, State, Zip Code
	(Area Code) Home Telephone Number

Note: This form is for Decedent Estate matters only. For Guardianships and Conservatorships matters use the Acceptance of Office (JDF 805).

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	Denver, Colorado 80202			
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	M. Marilyn McWilliams		Just I tumber.	
	Moye White LLP			
	1400 16 th Street, 6 th Floor			
	Denver, Colorado 80202			
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	FAX Number: 303-292-4510 Atty. Reg. #: 20918			
	ACCEPTANCE OF	APPOINT	MENT	
1 8	accept appointment to, and agree to perform the duties a Personal Representative. Special Administrator.	and discharge	the trust of, the o	ffice of:
Is	submit personally to the jurisdiction of this Court in any	proceeding r	elating to this mat	ter.
	ate: 7.28.201	Signature Dianne Lynn Print Name 510 S. High S Address	Sawaya	
,	<u>3</u>	Denver, CO 8 City, State, Zi 303-758-4777 Area Code) H	p Code	Jumber
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Note: This form is for Decedent Estate matters only. For Guardianships and Conservatorships matters use the Acceptance of Office (JDF 805).

CEDAR-HARRISBURG LLC

ARTICLES OF ORGANIZATION

The undersigned natural person of the age of eighteen (18) years or more, acting as the organizer of a limited liability company under the Colorado Limited Liability Company Act, adopts the following Articles of Organization for such limited liability company.

FIRST NAME OF CORPORATION

The name of the Limited Liability Company is:

CEDAR-HARRISBURG LLC

19971076115 C \$ 50.00 SECRETARY OF STATE 05-13-97 12:08:57

SECOND DURATION

The period of duration will be thirty (30) years.

THIRD PURPOSE

Cedar-Harrisburg LLC is organized for any legal and lawful purpose pursuant to the Colorado Limited Liability Company Act.

FOURTH REGISTERED AGENT

The address of the initial registered office of Cedar-Harrisburg LLC is 1693 East Cedar Avenue, Denver, Colorado 80209; and the name of its initial registered agent at such address is Stephen Berman.

FIFTH BUSINESS ADDRESS

The business (street and mailing) address of Cedar-Harrisburg LLC is c/o Stephen Berman, Manager, 1693 East Cedar Avenue, Denver, Colorado 80209.

SIXTH INITIAL MANAGERS

Management is vested in Managers. The names and addresses of the persons who shall serve as managers until the first annual meeting of members or until their successors are elected and shall qualify are:

Stephen Berman 1693 East Cedar Avenue Denver, Colorado 80209

Elaine Gantz Berman 1693 East Cedar Avenue Denver, Colorado 80209

SEVENTH RIGHT TO CONTINUE BUSINESS

Upon the death, retirement, resignation, expulsion, bankruptcy, or dissolution of a member or the occurrence of any other event which terminates the membership of a member in Cedar-Harrisburg LLC, the remaining members may unanimously agree to continue the business of Cedar-Harrisburg LLC, provided there are at least two (2) remaining members.

EIGHTH INDEMNIFICATION

To the maximum extent permitted by CRS § 7-80-410(3) or any successor rule or regulation thereto, managers shall be entitled to indemnification from the Company. Any manager of the Company shall be entitled to seek court-ordered indemnification in the manner prescribed by CRS § 7-80-410(4) or any successor rule or regulation thereto. The Company shall have the power and authority to indemnify and advance expenses for managers, employees, or agents of the Company in accordance with CRS § 7-80-410(8)(a) and (b) or any successor rule or regulation thereto.

NINTH CERTIFICATION OF AT LEAST TWO MEMBERS

The undersigned organizer certifies that there are at least two (2) members of Cedar-Harrisburg LLC.

TENTH ORGANIZER

The name and address of the organizer are:

Phillip C. Gans 4700 One Norwest Center 1700 Lincoln Street Denver, Colorado 80203-4547

THESE ARTICLES OF ORGANIZATION are signed this 13th day of May, 1997.

Phillip C. Gans, Organizer

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THE MILE HIGH CITY

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the

Property Owner Name(s) requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) Property Address Property Owner

Community rianning and Development Planning Services

Plan Implementation 201 W Colfax Ave, Dept 205 Denver, CO 80202 p: 720-865-2950 f: 720-865-3056

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Community Planning and Development
Planning Services
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CEDAR TERRACE	1691 E CEDAR AVE DENVER, CO 80209-2602	71.71%	u.	}	Power of attorney plus other form legally declaring common area	YES
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KUGELER,MONTJOY C	1685 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
LOPER,AMY THERESE	1683 E CEDAR AVE DENVER, CO 80209-2602	3,93%			Assessor's record	
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PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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f: 720-865-3056

www.denvergov.org/planning



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Page 15 of 51

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Power of attorney plus

Assessor's record

January 29, 2013

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THE MILE HIGH CITY

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and Property Owner Name(s) belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot

Community Planning and Development Planning Services

Plan Implementation 201 W Colfax Ave, Dept 205

Denver, CO 80202 p: 720-865-2950

f: 720-865-3056

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Page 17 of 51

January 29, 2013

RESOLUTION OF CEDAR TERRACE HOMEOWNERS' ASSOCIATION, INC.

RESOLVED unanimously by the homeowners of the Cedar Terrace Homeowners' Association, Inc. (the "HOA"):

Amy Therese Loper, duly elected secretary of the HOA, shall be and is granted POWER OF ATTORNEY to sign all documents as needed in the rezoning of the Cedar Terrace property from S-SU-D to a General Planned Unit Development (PUD). Signed by each homeowner as follows: Amy Therese Loper 1683 E. Cedar Ave. Montjoy C. Kugeler 1685 E. Cedar Ave. Alexander H. Ringsby 1687 E. Cedar Ave. Eric W. Ringsby 1687 E. Cedar Ave. Gray E. Ringsby 1687 E. Cedar Ave. Schwartz Family Trust by Eric Schwartz 1691 E. Cedar Ave. Decade Investments Ltd. by _____ Cedar-Harrisburg LLC by _____ 1693 E. Cedar Ave. Alice Rock, Co-Trustee of George J. Sawaya Trust 1695 East Cedar Ave. Dianne Sawaya, Co-Trustee of George J. Sawaya Trust 1695 E. Cedar Ave.

		•	

POWER OF ATTORNEY

The homeowners of the Cedar Terrace Homeowners' Association, Inc. (the "HOA") jointly and severally grant to Amy Therese Loper, duly elected secretary of the HOA, POWER OF ATTORNEY to sign all documents as needed in the rezoning of the Cedar Terrace property from S-SU-D to a General Planned Unit Development (PUD).

Signed by each homeowner as follows:
Amy Therese Loper
1683 E. Cedar Ave.
County of Denver
State of (more And)
Subscribed and sworn to before me by Amy Therese Loper this 26 day of December
2017-
My commission expires: /2/23/20/ SCAW WITNESS MY HAND AND OFFICIAL SEAID SCAW
WITNESS MY HAND AND OFFICIAL SEALON WITNESS MY HAND WITNES
OTAN : V
Notary Public
Montjoy C. Kugeler
1685 E. Cedar Ave.
1000 E. Oddai 740.
County of
State of
Subscribed and sworn to before me by Montjoy C. Kugeler this day of
20
My commission expires:
WITNESS MY HAND AND OFFICIAL SEAL.
Notary Public
Alexander II Dispubly
Alexander H. Ringsby 1687 E. Cedar Ave.
1007 E. Cedal Ave.
County of
State of
Subscribed and sworn to before me by Alexander H. Ringsby this day of,
20
My commission expires:
WITNESS MY HAND AND OFFICIAL SEAL.
Notary Public

POWER OF ATTORNEY

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	Signed by each homeowner as follows:
	Arny Therese Loper
	1683 E. Cedar Ave.
	State of COLORADO
	Subscribed and sworn to before me by Amy Therese Loper this 20 day of December C
	2017 My commission expires: /2/23/20/ WITNESS MY HAND AND OFFICIAL SERIOR SCAN
	Netary Public
	Montjoy C. Kugeler 1685 E. Cedar Ave.
C	County of Hende
	State of Colevade Subscribed and sworn to before me by Montjoy C. Kugeler this 31st day of 2012 NOTAR
	2017
	My commission expires: 8 4 2013 WITNESS MY HAND AND OFFICIAL SEAL.
	Notary Public
	Notally Public .
	Alexander H. Ringsby 1687 E. Cedar Ave.
	County of
	State of day of day of
	20 My commission expires:
	WITNESS MY HAND AND OFFICIAL SEAL.
	Notary Public

20121-00039

Page 20 of 51

January 29, 2013 ----

Decade investments Ltd. by	
County of Derver State of Colorano Elfine Bernani State of Long and sworn to before me by Stephen Roman this State of January 2013 My commission expires: 1418/15 WITNESS MY HAND AND OFFICIAL SEAL. Notary Public OF COLORANO OF COLORANO	
Alice Rock, Co-Trustee of George J. Sawaya Trust 1695 East Cedar Ave. County of State of Subscribed and sworn to before me by Alice Rock this day of, 20 My commission expires: WITNESS MY HAND AND OFFICIAL SEAL.	
Notary Public	
Dianne Sawaya, Co-Trustee of George J. Sawaya Trust 1695 E. Cedar Ave. County of State of Subscribed and sworn to before me by Dianne Sawaya this day of, 20 My commission expires: WITNESS MY HAND AND OFFICIAL SEAL.	
Notary Public	
2012I-00039 Page 21 of 51 January 29, 2013	·-

Eric W. Ringsby 1687 E. Cedar Ave.	
County of State of Subscribed and sworn to before me by Eric W. Ringsby this day of	, 20 .
My commission expires:	
Notary Public	
Gray E. Ringsby 1687 E. Cedar Ave.	
County of State of Subscribed and sworn to before me by Gray E. Ringsby this day of	, 20 .
My commission expires: WITNESS MY HAND AND OFFICIAL SEAL.	_, 20
Notary Public	
Tenil Toll War p	
Schwartz/Family Trust by Eric Schwartz 1691 E. Cedar Ave.	
State of COLDRAND Subscribed and sworn to before me by ERIC Schwartt this 3rd day of Januaru	2013
My commission expires:	
Notary Public ARY	
STATE OF CO	

20121-00039

Eric Schwartz 1691 E. Cedar Ave.
State of Loloredu Subscribed and sworn to before me by Egic Schicaget this 3rd day of Yorucaya, 2013 My commission expires: 11/18/15 WITNESS MY HAND AND OFFICIAL SEAL.
Decade Investments Ltd. by Cedar-Harrisburg LLC by 1693 E. Cedar Ave.
County of State of Subscribed and swom to before me by thisday of, 20 My commission expires: WITNESS MY HAND AND OFFICIAL SEAL.
Notary Public
Alice Rock, Co-Trustee of George J. Sawaya Trust 1695 East Cedar Ave.
County of State of Subscribed and sworn to before me by Alice Rock this day of, 20 My commission expires: WITNESS MY HAND AND OFFICIAL SEAL.
Notary Public

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January 29, 2013

20121-00039

County of Denver State of (v) orado Subscribed and sworn to before me by Eric W. Ringsby this 2th day of December, 2012- My commission expires: (1) 16 15 WITNESS MY HAND AND OFFICIAL SEAL. Notary Public Gray E. Ringsby 1687 E. Cedar Ave. County of Denver County of Denver
State of (or our Asi)
Subscribed and sworn to before me by Gray E. Ringsby this 28h day of Decomber, 20 12-My commission expires: 1(1815) WITNESSMY HAND AND OFFICIAL SEAL.
WITNESS MY HAND AND OFFICIAL SEAL.
00240
Notary Public 180
Thomas of the state of the stat
Schwartz Family Trust by Eric Schwartz 1691 E. Cedar Ave.
County of
State of
My commission expires: WITNESS MY HAND AND OFFICIAL SEAL.
WITNESS MT HAND AND OFFICIAL SEAL.
Notary Public
Decade Investments Ltd. by
Cedar-Harrisburg LLC by 1693 E. Cedar Ave.
County of

20121-00039

1687 E. Cedar Ave.

Page 25 of 51

January 29, 2013

	y

Decade Investments Ltd. by Cedar-Harrisburg LLC by 1693 E. Cedar Ave.			*
County of State of Subscribed and sworn to before me by My commission expires: WITNESS MY HAND AND OFFICIAL SEAL.	_ this	day of	, 20
Notary Public			
Alice Rock, Co-Trustee of George J. Sawaya Trust 1695 East Cedar Ave.	280		
County of State of County of State of County of Subscribed and sworn to before me by Alice Rock this My commission expires: 22313 WITNESS MY HAND AND OFFICIAL SEAL.	[[d] tay	of Decemb	<u>-14</u> 20 <u>1</u>)-
Notary Public Walter	1	SHANNON R. WAL Notary Public State of Colorc	C
Dianne Sawaya, Co-Trustee of George J. Sawaya Trust 1695 E. Cedar Ave		,	is a second of the second of t
County of State of State of Subscribed and sworn to before me by Dianne Sawaya the My commission expires: 22313 WITNESS MY HAND AND OFFICIAL SEAL.	nis Ola	day of Decom	Jan 2012
Notary Public Notary Public		SHANNON R. V Notary Pul State of Cold	DIIO II

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20121-00039

Page 27 of 51 ---

January 29, 2013

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Schwartz Family Trust by Eric Schwartz 1691 E. Cedar Ave.
Decade Investments Ltd. by Stephen Sennau Cedar-Harrisburg LLC by Stephen Sennau 1693 E. Cedar Ave.
Alice Rock, Co-Trustee of George J. Sawaya Trust 1695 East Cedar Ave.
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20121-00039

Page 28 of 51

January 29, 2013 _

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_____ January 29, 2013 _____

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Ini Sohnar 3 Eric Schwartz
1691 E. Cedar Ave.
Decade Investments Ltd. by Cedar-Harrisburg LLC by 1693 E. Cedar Ave.

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Dianne Sawaya, Co-Trustee of George J. Sawaya Trust 1695 E. Cedar Ave.

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Schwartz Family Trust by Eric Schwartz 1691 E. Cedar Ave.
Decade Investments Ltd. by Cedar-Harrisburg LLC by 1693 E. Cedar Ave.

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Alice Rock, Co-Trustee of George J. Sawaya Trust

1695 East Cedar Ave.

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Montjoy C. Kugeler 1685 E. Cedar Ave.	_		
Alexander H. Ringsby 1687 E. Cedar Ave.			
Eric W. Ringsby 1687 E. Cedar Ave.			
Gray E. Ringsby 1687 E. Cedar Ave.		8.	
Schwartz Family Trust by Eric S 1691 E. Cedar Ave.	Schwartz		
Decade Investments Ltd. by Cedar-Harrisburg LLC by 1693 E. Cedar Ave.			* 12.5 8 2 100 10 10 100 100 100 100 100 100 100 1
Alice Rock, Co-Trustee of Georg	-		·
Dianne Sawaya, Co-Trustee of 1 1695 E. Cedar Ave.	George J. Sawaya Trust		

20121-00039

Page 33 of 51

January 29, 2013

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STATEMENT OF AUTHORITY

- 1. This Statement of Authority relates to an entity named Schwartz Family Trust.
- 2. This Statement of Authority further relates to the real property located in the County of Denver, State of Colorado, described as:

Lots 4 and 5 and all that part of the common area lying between Lots 4 and 5, Cedar Terrace,

According to plat filed November 2, 1979 in Planned Development Book 2 at Page 19, records of the City and County of Denver, State of Colorado, City and County of Denver, State of Colorado.

- 3. The type of entity is a trust (Section 38-30-108.5 C.R.S.)
- 4. The entity is formed under the laws of Colorado.
- 5. The mailing address of the entity is 1691 East Cedar Avenue, Denver, CO 80209.
- 6. The name/position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is Eric Jonathan Schwartz, Trustee.
- 7. The authority of the foregoing person to bind the entity is not limited.
- 8. Other matters concerning the manner in which the entity deals with interests in real property: NONE

This Statement of Authority is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.

Executed on ///2, 201

Eric Jonathan Schwartz

	STATE OF _	CULORADO)	
City i	COUNTY OF	Denver)	SS.

The foregoing Statement of Authority was acknowledged before me on 1/12, 2013, by Eric Jonathan Schwartz, Trustee of the Schwartz Family Trust.

Witness my hand and seal.

My commission expires: 11/18/15

Notary Public

[SEAL]



No. 2022 April 2022 Control of the C	
Filed for r. 9700064446 1997/05/20 13:34:39 1/ 2 WD Reception N. DENVER COUNTY CLERK AND RECORDER 11.00 9	6.37 JCZ RECORDER
WARRANTY DEED	
THIS DEED, Made on this day of May 15, 1997 between MARGARET BRIDGET MUNN YOUNG	
of the County of and State of Colorae	do, of the Grantor(s), and
whose legal address is: 1693 BAST CEDAR AVENUE, DENVER, CO 80209 of the County of BNVER and State of Colorate	do, of the Grantee(s);
WITNESS, That the Grantor(s), for and in consideration of the sum of (*** Nine Hundred Sixty Three Thousand Six Hundred Sixty Two and 00/100 ***	\$963,662.00) DOLLARS
the receipt and sufficiency of which is hereby acknowledged, has granted, bargai presents does grant, bargain, sell, convey and confirm unto the Grantee(6), his real property, together with improvements, if any, situate, lying and being in t DENYER and State of Colorado, described as follows: LOT 6, CEDAR TERRACE, ACCORDING TO THE AMENDED PLAT FILED AUGUST 29, 19 BOOK 2 AT PAGE 70, CITY AND COUNTY OF DENYER, STATE OF COLORADO.	ned, sold and conveyed, and by these heirs and assigns forever, all the he <u>CUTY AND</u> County of
	State Documentary Fee
also known as atreet number 1693 EAST CEDAR AVENUE, DENVER, CO 80209	Date 96,37
and the reversion and reversions, remainder and remainders, rents, issues and prititle interest, claim and demand whatsoever of the Grantor(s), either in law or premises, with the hereditaments and appurtenances; TO HAVE AND TO HOLD the said premises above bargained and described with his heirs and assigns forever. The Grantor(s), for himself, his heirs and person bargain, and agree to and with the Grantoe(s), his heirs and assigns, that at the of these presents, he is well seized of the premises above conveyed, has good, so estate of inheritance, in law, in fee simple, and has good right, full power and sell and convey the same in manner and form as aforesaid, and that the same are regrants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions except general taxes and assessments for the year 1997 and subsequent years and subject to those i on Exhibit A* attached hereto and incorporated herein by reference.	adulty, of, in and to the above bargained appurtenances, unto the Grantee(s), al representatives, does covenant, grant, e time of the ensealing and delivery are, perfect, absolute and indefeasible lawful authority to grant, bargain, free and clear from all former and other
The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained prem possession of the Grantee(s), his heirs and assigns, against all and every person or any part thereof. The singular number shall include the plural, and the plural shall be applicable to all genders. IN WITNESS WHEREOF the Grantor(s) has executed this deed on the date set	or persons lawfully claiming the whole the singular, and the use of any gender
Maryant 1	Build Munffer
	JAN JUNO
BY ROBERT YOUNG AS	APPORNEY-IN-FACT
County of Denso	
KATHLEEN P. HAMERSTADT NOTARY PÚBLIC STATE OF COLORADO	
My Commission Expires 01/22/2000 The foregoing instrument was acknowledged before me on this day of May 15, by ROBERT YOUNG AS ATTORNEY-IN-FACT FOR MARGARET BRIDGET MUNN YOUN	1997 G
My commission expires 1-22-2000 Witness my hand and official seal.	
me and Address of Person Creating Newly Created Legal Description (38-35-106.5,	
crow# A568482 When Recorded Return to: CEDAR- tle# K568482	
rm No. 932 Rev 4-94. WARRANTY DEED (For Photographic Record)	AST CEDAR AVENUE, DENVER, CO 802D9

Page 36 of 51

EXHIBIT "A"

RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, AS CONTAINED IN INSTRUMENT RECORDED NOVEMBER 28, 1979 IN BOOK 2059 AT PAGE 449 AND AS AMENDED IN INSTRUMENT RECORDED NOVEMBER 28, 1979 IN BOOK 2059 AT PAGE 445 AND AMENDMENT RECORDED DECEMBER 14, 1988 UNDER RECEPTION NO. 00341588.

UTILITY EASEMENT THROUGH THE SOUTHWESTERLY 6 OF THE SOUTHEASTERLY 30 FEET, AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED April 20, 1982, IN BOOK 2570 AT PAGE 174.

TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT WITH THE CITY AND COUNTY OF DENVER RECORDED DECEMBER 4, 1979 IN BOOK 2062 AT PAGE 693, AS FOLLOWS: RIGHT OF WAY FOR INGRESS AND EGRESS ACROSS ALL PRIVATE ROADS AND STREETS FOR PURPOSE OF PROVIDING PUBLIC SERVICE AND OTHER MUNICIPAL SERVICES, WHICH INSTRUMENT ALSO PERMITS GENESIS INVESTMENT TO INSTALL AND MAINTAIN CERTAIN UTILITIES AND SEWERS.

TERMS, CONDITIONS AND PROVISIONS CONTAINED IN AGREEMENT RECORDED NOVEMBER 28, 1979 IN BOOK 2059 AT PAGE 484.

TERMS, CONDITIONS AND PROVISIONS CONTAINED IN AGREEMENT RECORDED NOVEMBER 28, 1979 IN BOOK 2059 AT PAGE 476.

RIGHT TO CONSTRUCT, MAINTAIN AND REMOVE SEWERS, WATER PIPES AND APPURTENANCES AND TO AUTHORIZE THE CONSTRUCTION, MAINTENANCE AND REMOVAL OF THE SAME WITHIN THAT PORTION OF SUBJECT PROPERTY LYING WITHIN VACATED SOUTH WILLIAMS STREET AND SOUTH GILPIN STREET AS RESERVED TO THE CITY AND COUNTY OF DENVER IN THE ORDINANCES VACATING SAID STREETS, BEING ORDINANCE NO. 28, SERIES OF 1927, RECORDED MARCH 29, 1927 IN BOOK 3965 AT PAGE 440 AND ORDINANCE 98, SERIES OF 1921, RECORDED JANUARY 26, 1928 IN BOOK 4015 AT PAGE 325.

RIGHT OF WAY FOR THE CITY DITCH, 12 FEET IN WIDTH ON THE BOTTOM, WITH ADDITIONAL GROUND FOR SLOPES AND ENBANKMENTS, TOGETHER WITH RIGHTS OF INGRESS AND EGRESS FOR INSPECTION, REPAIR AND MAINTENANCE OF SAID DITCH AS ESTABLISHED BY INSTRUMENTS RECORDED IN BOOK 76 AT PAGE 182 AS MODIFIED BY INSTRUMENT RECORDED DECEMBER 29, 1932 IN BOOK 4705 AT PAGE 281.