1	BY AUTHORITY				
2	ORDINANCE NO COUNCIL BILL NO. CB16-0	1415			
3	SERIES OF 2016 COMMITTEE OF REFEREN	ICE:			
4	Neighborhoods & Plann	ing			
5	A BILL				
6 7	For an ordinance changing the zoning classification for 16161 East 40 <sup>th</sup> Avenue.				
8	WHEREAS, the City Council has determined, based on evidence and testimony preser	nted			
9	at the public hearing, that the map amendment set forth below conforms with applicable City laws				
10	is consistent with the City's adopted plans, furthers the public health, safety and general welfare or				
11	the City, will result in regulations and restrictions that are uniform within the S-MX-8, is justified by				
12	one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is				
13	consistent with the neighborhood context and the stated purpose and intent of the proposed zone				
14	district;				
15	WHEREAS, there is currently one General Development Plan ("GDP") applicable to	the			
16	land area hereinafter described; and				
17	WHEREAS, the City adopted the Gateway Park IV West Kittredge East GDP in 1	999			
18	recorded at Reception #9900193507 in the office of the Clerk and Recorder, City and Count	ty of			
19	Denver;				
20	WHEREAS, the City amended the Gateway Park IV West Kittredge East GDP in 2	2008			
21	recorded at Reception #2008034974 in the office of the Clerk and Recorder, City and Count	ty of			
22	Denver;				
23	WHEREAS, the City amended the Gateway Park IV West Kittredge East GDP for a sec	ond			
24	time in 2008 recorded at Reception #2008034975 in the office of the Clerk and Recorder, City	and			
25	County of Denver;				
26	WHEREAS, the Gateway Park IV West Kittredge East GDP, as amended, duplicates	the			
27	waivers and conditions applicable to the Gateway District with waivers and conditions;				
28	WHEREAS, the Gateway Park IV West Kittredge East GDP, as amended, will no lor	nger			
29	serve a purpose for the land area hereinafter described after the zoning classification is change	ed;			
30	WHEREAS, the City intends to remove the land area hereinafter described from inclusion				
31	in the Gateway Park IV West Kittredge East GDP, as amended;				
32	NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COU	NTY			
33	OF DENVER:				

- 1 Section 1. That upon consideration of a change in the zoning classification of the land area 2 hereinafter described. Council finds: That the land area hereinafter described is presently classified as Gateway District with 3 4 waivers and conditions. 5 That the Owner proposes that the land area hereinafter described be changed to S-MX-8. That the zoning classification of the land area in the City and County of 6 Denver described as follows shall be and hereby is changed from Gateway District with waivers 7 8 and conditions to S-MX-8: 9 Legal Description 10 11 A PARCEL OF LAND BEING A PORTION OF A PLOT 1, BLOCK 1, GATEWAY PARK IV - DENVER FILING NO.7, 12 ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 25, 2002 IN PLAT BOOK 33 AT PAGES 95 AND 13 96, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS 14 FOLLOWS; 15 16 COMMENCING AT THE NORTHWEST CORNER OF SAID PLOT 1; 17 THENCE NORTH 89 DEGREES 52 MINUTES 06 SECONDS EAST ALONG THE NORTH LINE OF SAID PLOT 1 A 18 DISTANCE OF 295.63 FEET TO THE TRUE POINT OF BEGINNING: 19 20 THENCE NORTH 89 DEGREES 52 MINUTES 06 SECONDS EAST ALONG THE NORTH LINE OF SAID PLOT 1 A 21 DISTANCE OF 396.64 FEET TO THE NORTHEAST CORNER OF SAID PLOT 1: 22 THENCE THE FOLLOWING THREE (3) COURSES ALONG THE EAST LINE OF SAID PLOT 1; 23 24 1. THENCE SOUTH 10 DEGREES 26 MINUTES 16 SECONDS WEST A DISTANCE OF 95.82 FEET TO A POINT 25 OF CURVE; 26 27 2. THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 10 DEGREES 34 28 MINUTES 10 SECONDS, A RADIUS OF 315.00 FEET AND AN ARC OF LENGTH OF 58.11 FEET; 29 30 3. THENCE SOUTH 00 DEGREES 07 MINUTES 54 SECONDS EAST A DISTANCE OF 307.25 FEET TO THE 31 SOUTHEAST CORNER OF SAID PLOT 1; 32 33 THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE SOUTH LINE OF SAID PLOT 1; 34 35 1. THENCE SOUTH 89 DEGREES 52 MINUTES 06 SECONDS WEST A DISTANCE OF 100.00 FEET 36 37 2. THENCE SOUTH 00 DEGREES 07 MINUTES 54 SECONDS EAST A DISTANCE OF 5.00 FEET TO A POINT ON 38 THE NORTH RIGHT-OF-WAY LINE OF 40<sup>TH</sup> AVENUE AS DEDICATED BY 40<sup>TH</sup> AVENUE, CHAMBERS ROAD-39 PENA BOULEVARD SUBDIVISION REOCRDED MAY 6, 1997 IN PLAT BOOK 31 AT PAGES 52 THROUGH 54 OF 40 SAID CITY AND COUNTY OF DENVER RECORDS. 41 42 3. THENCE SOUTH 89 DEGREES 52 MINUTES 06 SECONDS WEST ALONG THE NORTH RIGHT-OF-WAY LINE
  - OF SAID 40<sup>TH</sup> AVENUE A DISTANCE OF 250.09 FEET;

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4. THENCE SOUTH 89 DEGREES 52 MINUTES 04 SECONDS WEST ALONG THE NORTH RIGHT-OF-WAY LINE SAID  $40^{TH}$  AVENUE A DISTANCE OF 23.63 FEET;

1 2 3 4	THENCE NORTH 00 DEGREES 07 MINUTES 54 SECONDS WEST A DISTANCE OF 464.23 FEET TO THE TRUE POINT OF BEGINNING.					
5	in addition thereto those portions of all abutting public rights-of-way, but only to the centerline					
6	thereof, which are immediately adjacent to the aforesaid specifically described area.					
7	Section 3. That the aforesaid specifically described area, or any portion thereof, shall					
8	not be subject to the Gateway Park IV West Kittredge East GDP, as amended, and is hereby					
9	removed from inclusion therein.					
10	Section 4. That this ordinance shall be recorded by the Manager of Community Planning					
11	and Development in the real property records of the Denver County Clerk and Recorder.					
12	COMMITTEE APPROVAL DATE: June 22, 2016					
13	MAYOR-COUNCIL DATE: June 28 2016					
14	PASSED BY THE COUNCIL:, 2016					
15			PRESIDENT			
16				, 2016		
17 18 19	ATTEST:		- CLERK AND RECO EX-OFFICIO CLERI CITY AND COUNTY	K OF THE		
20	NOTICE PUBLISH	HED IN THE DAILY JOURNAL: _	, 2016; _	, 2016		
21 22	PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: July 7, 201					
23 24 25 26 27	Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.					
28	Denver City Attorn	ey				
29 30	BY:	, Assistant City Attorr	ney DATE:	, 2016		