

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2017

COUNCIL BILL NO. CB17-0045  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification for 10200 Smith Road, commonly referred to as Sand Creek Open Space and 9507 East 35<sup>th</sup> Avenue, commonly referred to as Prairie Uplands Park in Stapleton.**

**WHEREAS**, the City Council has determined, based on evidence and testimony presented at the public hearing, that the map amendment set forth below conforms with applicable City laws, is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of the City, will result in regulations and restrictions that are uniform within the OS-A district, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is consistent with the neighborhood context and the stated purpose and intent of the proposed zone district;

**NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

**Section 1.** That upon consideration of a change in the zoning classification of the land area hereinafter described, Council finds:

- a. The land area hereinafter described is presently classified as OS-B.
- b. It is proposed that the land area hereinafter described be changed to OS-A.

**Section 2.** That the zoning classification of the land area in the City and County of Denver described as follows shall be and hereby is changed from OS-B to OS-A:

**Sand Creek Open Space – 10200 Smith Road**

**Legal Description**

A parcel of land situated in the Southeast one-quarter of Section 21, the Southwest one-quarter of Section 22, the North one-half of Section 27 and the Northeast one-quarter of Section 28, Township 3 South, Range 67 West of the 6<sup>TH</sup> Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the Southeast corner of the Northeast one-quarter of said Section 27; Thence N0°28’34”W, along the East line of said Northeast one-quarter of Section 27, a distance of 574.52 feet; Thence S89°31’26”W, a distance of 50.00 feet to the Westerly right-of-way line of Havana Street as acquired on February 19, 1942 in Book 276 at Page 560, County of Adams records, said point being on the centerline of Sand Creek, being the Point of Beginning;

1. Thence along the centerline of Sand Creek the following sixteen (16) courses:
  - 1a. Thence S79°53'32"W, a distance of 263.42 feet;
  - 1b. Thence N82°42'51"W, a distance of 162.12 feet;
  - 1c. Thence N48°11'03"W, a distance of 147.63 feet;
  - 1d. Thence N80°12'16"W, a distance of 208.73 feet;
  - 1e. Thence N60°46'17"W, a distance of 394.25 feet;
  - 1f. Thence N42°46'20"W, a distance of 1082.12 feet;
  - 1g. Thence N52°59'22"W, a distance of 495.16 feet;
  - 1h. Thence N81°44'53"W, a distance of 846.46 feet;
  - 1i. Thence N77°48'48"W, a distance of 667.28 feet;
  - 1j. Thence N85°28'38"W, a distance of 782.17 feet;
  - 1k. Thence N89°16'41"W, a distance of 445.06 feet;
  - 1l. Thence N75°51'49"W, a distance of 179.88 feet;
  - 1m. Thence N59°50'14"W, a distance of 245.86 feet;
  - 1n. Thence N77°26'47"W, a distance of 170.51 feet;
  - 1o. Thence N44°24'10"W, a distance of 109.51 feet;
  - 1p. Thence N22°25'55"W, a distance of 269.59 feet to a point on the Southerly right-of-way line of Smith Road as established by perpetual easement recorded on September 16, 1954 in Book 7538 at Page 476, City and County of Denver Clerk and Recorder's Office;
2. Thence S84°51'15"E, along said Southerly right-of-way line, a distance of 5515.88 feet to a point on the Westerly right-of-way line of said Havana Street;
3. Thence along said Westerly right-of-way line the following two (2) courses:
  - 3a. Thence S39°27'35"E, a distance of 237.64 feet;
  - 3b. Thence S0°28'34"E, a distance of 1576.64 feet to the Point of Beginning.

in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

### **Prairie Uplands Park – 9507 E. 35<sup>th</sup> Ave.**

#### **Legal Description**

A parcel of land located in the Northeast one-quarter and the Northwest one-quarter of Section 27, Township 3 South, Range 67 West of the 6<sup>TH</sup> Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:  
 Commencing at the Southeast corner of said Northeast one-quarter of said Section 27, from which the Northeast corner of said Northeast one-quarter bears N0°28'34"W, a distance of 2647.90 feet; Thence S89°31'03"W, a distance of 50.00 feet to the Westerly right-of-way line of Havana Street as acquired in Book 276 at Page 560, County of Adams records; Thence N0°28'34"W, a distance of 153.90 feet to the Point of Beginning; Thence N90°00'00"W, a distance of 73.52 feet to a point of curve; Thence along the arc of a curve to the right having a central angle of 20°09'39", a radius of 375.00 feet, an arc length of 131.95 feet; Thence N69°50'21"W, a distance of 1207.85 feet to a point of curve; Thence along the arc of a curve to the right having a central angle of 34°43'30", a radius of 375.00 feet, an arc length of 227.27 feet; Thence N35°06'51"W, a distance of 261.82 feet to a point of curve; Thence along the arc of a curve to the left having a central angle of 54°53'09", a radius of 456.00 feet, an arc length of 436.82 feet; Thence N90°00'00"W, a distance of 404.08 feet; Thence S0°00'00"W, a distance of 111.25 feet to a point on a curve; Thence Northwesterly, along the arc of a curve to the left the center of which bears S15°14'37"W, a

1 distance of 2861.61 feet, having a central angle of 12°52'56", a radius of 2861.61 feet, an  
2 arc length of 643.40 feet; Thence N90°00'00"W, a distance of 140.06 feet; Thence  
3 N0°00'00"E, a distance of 1000.47 feet to the South line of that certain parcel of land  
4 described in Reception No. 2015157030 in the records of the City and County of Denver;  
5 Thence along said South line the following nine (9) courses:

- 6 1. Thence S77°48'48"E, a distance of 168.79 feet;
- 7 2. Thence S81°44'53"E, a distance of 846.46 feet;
- 8 3. Thence S52°59'22"E, a distance of 495.16 feet;
- 9 4. Thence S42°46'20"E, a distance of 1082.12 feet;
- 10 5. Thence S60°46'17"E, a distance of 394.25 feet;
- 11 6. Thence S80°12'16"E, a distance of 208.73 feet;
- 12 7. Thence S48°11'03"E, a distance of 147.63 feet;
- 13 8. Thence S82°42'51"E, a distance of 162.12 feet;
- 14 9. Thence N79°53'32"E, a distance of 263.42 feet to a point on said Westerly right-of-way line  
15 of Havana Street; Thence departing said South line, S0°28'34"E, a distance of 420.63 feet to  
16 the Point of Beginning.

17 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline  
18 thereof, which are immediately adjacent to the aforesaid specifically described area.

19 **Section 3.** That this ordinance shall be recorded by the Manager of Community Planning and  
20 Development in the real property records of the Denver County Clerk and Recorder.

21 COMMITTEE APPROVAL DATE: January 24, 2017

22 MAYOR-COUNCIL DATE: January 31, 2017

23 PASSED BY THE COUNCIL: \_\_\_\_\_

24 \_\_\_\_\_ - PRESIDENT

25 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

26 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
27 EX-OFFICIO CLERK OF THE  
28 CITY AND COUNTY OF DENVER

29 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_;

30 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: February 9, 2017

31 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
32 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
33 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
34 § 3.2.6 of the Charter.

35 Kristin M. Bronson, Denver City Attorney

36 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_