

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2015

COUNCIL BILL NO. CB15-0937  
COMMITTEE OF REFERENCE:  
4 Neighborhoods & Planning

5 **A BILL**

6 **For an ordinance changing the zoning classification for 725 West 39<sup>th</sup> Avenue.**  
7

8 **WHEREAS**, the City Council has determined, based on evidence and testimony presented  
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 of  
11 the City, will result in regulations and restrictions that are uniform within the C-MX-20 district, is  
12 justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and  
13 is consistent with the neighborhood context and the stated purpose and intent of the proposed  
14 zone district;

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

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

- 19 1. That the land area hereinafter described is presently classified as I-A, UO-2 and I-B, UO-2.
- 20 2. That the Owner proposes that the land area hereinafter described be changed to C-MX-20.

21 **Section 2.** That the zoning classification of the land area in the City and County of  
22 Denver described as follows shall be and hereby is changed from I-A, UO-2 and I-B, UO-2 to C-MX-  
23 20:

24 **LEGAL DESCRIPTIONS:**  
25

26 A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH,  
27 RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A PART OF BLOCKS 27, 28 AND  
28 38, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, TOGETHER WITH CERTIAN  
29 PORTIONS OF ADJACENT VACATED ALLEYS AND VACATED GALAPAGO STREET AND  
30 VACATED WEST 40TH AVENUE, CITY ANDCOUNTY OF DENVER, STATE OF  
31 COLORADO.BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

32 **PARCEL ONE:**  
33

34 LOTS 1 TO 15, INCLUSIVE, BLOCK 38, VIADUCT ADDITION TO DENVER, AND THE EAST 1/2 OF  
35 VACATED GALAPAGO STREET, PER ORDINANCE NO. 116, SERIES OF 1947, ADJOINING SAID  
36 LOTS 1 TO 15;  
37  
38

1 TOGETHER WITH THE WEST ONE-HALF OF VACATED ALLEY, PER ORDINANCE NO 400,  
2 SERIES OF 1978, ADJACENT TO SAID LOTS 1 TO 15; CITY AND COUNTY OF DENVER, STATE  
3 OF COLORADO.

4  
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 PARCEL TWO:

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9 LOTS 12 TO 15, BLOCK 27, AND LOTS 16 TO 19, BLOCK 28, VIADUCT ADDITION TO DENVER;

10  
11 TOGETHER WITH VACATED GALAPAGO STREET PER ORDINANCE NO. 23, SERIES OF 1934,  
12 BETWEEN THE WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF LOT 12, IN SAID  
13 BLOCK 27, AND THE CENTER LINE OF VACATED WEST 40TH AVENUE PER ORDINANCE NO.  
14 116, SERIES 1947;

15  
16 AND TOGETHER WITH THAT PORTION OF THE EAST 1/2 OF VACATED GALAPAGO STREET,  
17 PER ORDINANCE NO. 116, SERIES OF 1947, LYING SOUTH OF THE CENTERLINE OF SAID WEST  
18 40TH AVENUE AND WEST OF THE NORTHERLY EXTENSION OF THE WEST BOUNDARY LINE  
19 OF BLOCK 38, IN SAID VIADUCT ADDITION TO DENVER;

20  
21 AND TOGETHER WITH ALL OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 116,  
22 SERIES 1947, LYING SOUTH OF AND ADJOINING LOT 15, IN SAID BLOCK 27 AND THE NORTH  
23 1/2 OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 115, SERIES 1926, LYING SOUTH  
24 OF AND ADJOINING LOT 16, IN SAID BLOCK 28;

25  
26 AND TOGETHER WITH THAT PART OF THE SW 1/4 OF SW 1/4 OF SECTION 22, TOWNSHIP 3  
27 SOUTH, RANGE 68 WEST OF 6TH P.M. BOUNDED ON THE NORTH BY THE WESTERLY  
28 EXTENSION OF THE NORTH BOUNDARY LINE OF LOT 19 IN SAID BLOCK 28; ON THE WEST  
29 BY THE EAST BOUNDARY LINE OF THE RIGHT-OF-WAY OF THE DENVER, UTAH AND  
30 PACIFIC RAILROAD COMPANY AS DESCRIBED IN DEED RECORDED IN BOOK 607 AT PAGE  
31 230; ON THE SOUTH BY THE WESTERLY EXTENSION OF THE CENTERLINE OF VACATED  
32 WEST 40TH AVENUE, PER ORDINANCE NO. 115, SERIES 1926; AND ON THE EAST BY THE  
33 WEST BOUNDARY LINE OF SAID BLOCK 28, AND BY THE SOUTHERLY EXTENSION OF SAID  
34 WEST BOUNDARY LINE;

35  
36 AND TOGETHER WITH THE WEST ONE-HALF OF VACATED ALLEY, PER ORDINANCE NO. 400,  
37 SERIES 1978, ADJACENT TO LOTS 12 TO 15, IN SAID BLOCK 27, VIADUCT ADDITION TO  
38 DENVER;

39  
40 EXCEPT: THE RTD CONDEMNATION PARCEL NO. CM-13, CASE #2011 CV 6547. CITY AND  
41 COUNTY OF DENVER, STATE OF COLORADO.

42  
43 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline  
44 thereof, which are immediately adjacent to the aforesaid specifically described area.

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

1 COMMITTEE APPROVAL DATE: December 9, 2015.

2 MAYOR-COUNCIL DATE: December 15, 2015.

3 PASSED BY THE COUNCIL: \_\_\_\_\_, 2015

4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2015

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2015; \_\_\_\_\_, 2015

10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: December 17, 2015

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12 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
15 § 3.2.6 of the Charter.

16 D. Scott Martinez, Denver City Attorney

17 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2015