

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. CB15-0535
COMMITTEE OF REFERENCE:
Neighborhoods & Planning

A BILL

For an ordinance changing the zoning classification for 4400 Fox Street.

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 C-MX-12, UO-2 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:

1. That the land area hereinafter described is presently classified as I-B, UO-2.
2. That the Owner proposes that the land area hereinafter described be changed to C-MX-12, UO-2.

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 I-B, UO-2 to C-MX-12, UO-2:

A PARCEL OF LAND BEING A PORTION OF THE WEST HALF OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH RIGHT-OF-WAY LINE OF WEST 43RD AVENUE, PER THE VIADUCT ADDITION TO THE CITY OF DENVER, BEING MONUMENTED AS SHOWN HEREIN, AND CONSIDERED TO BEAR SOUTH 89°45’13” WEST.

BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 6, SAID VIADUCT ADDITION, THENCE ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

1. SOUTH 89°45’13” WEST, A DISTANCE OF 286.05 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 50.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 16°00’50” WEST;

1 2. ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32°31'13", AN ARC LENGTH OF 28.38
2 FEET;

3
4 3. SOUTH 89°45'13" WEST, A DISTANCE OF 31.95 FEET;

5
6 THENCE SOUTH 00°15'07" EAST, A DISTANCE OF 28.36 FEET TO THE WESTERLY RIGHT-OF-
7 WAY OF SAID 43RD AVENUE AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE
8 EASTERLY HAVING A RADIUS OF 50.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS
9 SOUTH 67°11'39" EAST;

10
11 THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY AND SAID CURVE THROUGH
12 A CENTRAL ANGLE OF 13°54'55", AN ARC LENGTH OF 12.14 FEET TO THE CENTERLINE OF
13 VACATED 43RD AVENUE AS DESCRIBED IN ORDINANCE NUMBER 30, SERIES OF 1943;

14
15 THENCE, ALONG SAID CENTERLINE SOUTH 89°45'13" WEST, A DISTANCE OF 175.06 FEET TO
16 THE EASTERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN RULE AND
17 ORDER RECORDED UNDER RECEPTION NO. 2012112161 IN THE RECORDS OF THE CLERK
18 AND RECORDER OF SAID CITY AND COUNTY OF DENVER;

19
20 THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING EIGHT (8) COURSES:

21
22 1. NORTH 02°28'59" WEST, A DISTANCE OF 57.22 FEET;

23
24 2. NORTH 02°23'14" WEST, A DISTANCE OF 4.86 FEET TO THE BEGINNING OF A TANGENT
25 CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5440.25 FEET;

26
27 3. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°28'25", AN ARC
28 LENGTH OF 139.92 FEET;

29
30 4. NORTH 00°54'49" WEST, A DISTANCE OF 46.97 FEET;

31
32 5. NORTH 00°54'49" WEST, A DISTANCE OF 7.80 FEET;

33
34 6. NORTH 00°10'36" EAST, A DISTANCE OF 471.64 FEET;

35
36 7. NORTH 00°20'10" WEST, A DISTANCE OF 70.02 FEET TO THE BEGINNING OF A TANGENT
37 CURVE CONCAVE WESTERLY HAVING A RADIUS OF 37775.14 FEET;

38
39 8. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°12'54", AN ARC
40 LENGTH OF 141.82 FEET;

41
42 THENCE, DEPARTING SAID EASTERLY BOUNDARY, NORTH 89°45'13" EAST, A DISTANCE OF
43 471.48 FEET;

44
45 THENCE SOUTH 00°14'47" EAST, A DISTANCE OF 462.12 FEET;

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47 THENCE NORTH 89°45'13" EAST, A DISTANCE OF 59.44 FEET TO THE WESTERLY RIGHT-OF-
48 WAY OF FOX STREET, AS DEDICATED ON SAID PLAT OF THE VIADUCT ADDITION;

49
50 THENCE, ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 00°14'47" EAST, A DISTANCE OF
51 438.04 FEET TO THE **POINT OF BEGINNING**.

52
53 CONTAINING 456,911 SQUARE FEET OR 10.489 ACRES, MORE OR LESS.

54
55 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
56 thereof, which are immediately adjacent to the aforesaid specifically described area.

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

3 COMMITTEE APPROVAL DATE: August 5, 2015.

4 MAYOR-COUNCIL DATE: August 11, 2015.

5 PASSED BY THE COUNCIL: _____, 2015
6 _____ - PRESIDENT

7 APPROVED: _____ - MAYOR _____, 2015

8 ATTEST: _____ - CLERK AND RECORDER,
9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF DENVER

11 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

12 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: August 13, 2015

13 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
14 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
16 § 3.2.6 of the Charter.

17 D. Scott Martinez, Denver City Attorney

18 BY: _____, Assistant City Attorney DATE: _____, 2015