

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input type="checkbox"/> 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.</p> <p>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.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> 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.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> 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.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)
- Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

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 requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	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	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
			<i>Scott Hilmore</i>			

3400 Arkins Court and Legal Description

Portions of Lots 6 to 27, Block 15, First Addition to Ironton, and the vacated alley adjacent to said lots and portions of the vacated Delgany Street and vacated 34th Street adjacent to said lots and portions of Lots 1, 2, 3, 30, 31 and 32, Block 14, First Addition to Ironton and the vacated alley adjacent to said lots and portions of vacated Delgany Street and vacated 34th Street adjacent to said lots and a portion of the SE ¼ of the SE ¼ of Section 22, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the NW corner of Lot 1, Block 13, First Addition to Ironton, thence Westerly along the Northerly line of said Lot extended 27.50 feet, thence on a deflection angle to the left of 90°00'00", 137.50 feet to the True Point of Beginning; thence continuing along said above described course 400.00 feet; thence on a deflection angle to the right of 90°00'00", 194.22 feet to the Southeasterly right-of-way line of Arkins Court, thence on a deflection angle to the right of 76°36'35" along said right-of-way line, 411.18 feet, thence on a deflection angle to the right of 103°23'25" leaving said right-of-way line, 289.44 feet to the True Point of Beginning,

Except that portion as described in Deed recorded June 21, 1994 at Reception No. 9400100725,

City and County of Denver,
State of Colorado.

located at 3400 Arkins Court, Denver, Colorado.

3460 Arkins Court and 1930 35th Street Legal Description

Portions of Lots 1 to 10 and 27 to 32, Block 15, FIRST ADDITION TO IRONTON, and the vacated alley adjacent to said lots and a portion of vacated Delgany Street adjacent to said lots, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the N.W. Corner of Lot 1, Block 13, FIRST ADDITION TO IRONTON; thence northwesterly along the northerly line of said lot extended, 27.50 feet to the TRUE POINT OF BEGINNING; thence southwesterly on a deflection angle to the left of 90°00'00", 137.50 feet; thence northwesterly on a deflection angle to the right of 90°00'00", 222.14 feet; thence southwesterly on a deflection angle to the left of 93°55'57", 88.06 feet; thence northwesterly on a deflection angle to the right of 92°23'21", 52.11 feet to the southeasterly right-of-way line of Arkins Court; thence northeasterly on a deflection angle to the right of 78°09'11" along said right-of-way line, 217.22 feet, thence northeasterly on a deflection angle to the right of 13°23'35" along said right-of-way line, 15.44 feet to the northerly lone line of Lot 1, Block 15, FIRST ADDITION TO IRONTON, thence southeasterly along said lot line extended on a deflection angle of 90°00'00" to the right, 318.50 feet to the TRUE POINT OF BEGINNING. The above described parcel contains 47,316 square feet (1.0862 acres) more or less.

WARRANTY DEED

NO DOCUMENTARY FEE
REQUIRED

THIS DEED, dated this 7th day of February 2003, between William L. Dell whose legal address is 7135 South Costilla Street, Littleton, Colorado 80120 grantor, and THE CITY AND COUNTY OF DENVER, a Colorado Municipal Corporation, whose legal address is 1437 Bannock Street, Denver, Colorado 80222 of the City and County of Denver and State of Colorado, grantee:

WITNESS, that the grantor, for and in consideration of the sum of ONE MILLION SIXTEEN THOUSAND AND 00/100 (\$1,016,000.00), and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the City and County of Denver and State of Colorado, described as follows:

FOR LEGAL DESCRIPTION, SEE EXHIBIT ATTACHED HERETO AND MADE A PART OF THIS GENERAL WARRANTY DEED.

Also known by street and number as: 3360 Arkins Ct., and 1930 35th St., Denver, CO
Assessor's schedule or parcel number: 02271-25-015-000 and 02271-25-016-000

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. The grantor, for it self, it's heirs and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, it's heirs and assigns, that at the time of the ensealing and delivery of these presents, it is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except

NONE

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

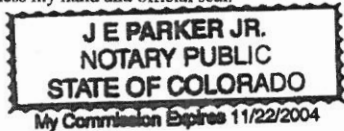
IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

William L. Dell
William L. Dell

STATE OF COLORADO)
)ss.
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 7th day of February 2003 by William L. Dell.

Witness my hand and official seal.



My commission expires:

J E Parker Jr
Notary Public

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

No. 932A, Rev. 4-94, WARRANTY DEED (For Photographic Record)



2003021094

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City & County Of Denver WD R11.00 00.00

LEGAL DESCRIPTION:

Portions of Lots 1 to 10 and 27 to 32, Block 15, FIRST ADDITION TO IRONTON, and the vacated alley adjacent to said lots and a portion of vacated Delgany Street adjacent to said lots, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the N.W. Corner of Lot 1, Block 15, FIRST ADDITION TO IRONTON; thence northwesterly along the northerly line of said lot extended, 27.50 feet to the TRUE POINT OF BEGINNING; thence southwesterly on a deflection angle to the left of $90^{\circ}00'00''$, 137.50 feet; thence northwesterly on a deflection angle to the right of $90^{\circ}00'00''$, 222.14 feet; thence southwesterly on a deflection angle to the left of $93^{\circ}55'57''$, 88.06 feet; thence northwesterly on a deflection angle to the right of $92^{\circ}23'21''$, 52.11 feet to the southeasterly right-of-way line of Arkins Court; thence northeasterly on a deflection angle to the right of $78^{\circ}09'11''$ along said right-of-way line, 217.22 feet; thence northeasterly on a deflection angle to the right of $13^{\circ}23'35''$ along said right-of-way line, 15.44 feet to the northerly lot line of Lot 1, Block 15, FIRST ADDITION TO IRONTON; thence southeasterly along said lot line extended on a deflection angle of $90^{\circ}00'00''$ to the right, 318.50 feet to the TRUE POINT OF BEGINNING. The above described parcel contains 47,316 square feet (1.0862 acres) more or less.

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02/07/2003 02:48P
City & County of Denver WD R11.00 D0.00

PROPERTY DEED
(General Warranty Deed)

INTERSTATE SHIPPERS SERVICE, INC., a Colorado corporation, whose address is 3400 Arkins Court, Denver, CO 80216 ("Grantor"), for the consideration of Two Million Four Hundred Three Thousand Dollars (\$2,403,000.00), and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, sells and conveys to THE CITY AND COUNTY OF DENVER, whose address is 1437 Bannock Street, Room 350, Denver, CO 80202 ("Grantee"), the following real property in the City and County of Denver, State of Colorado, to wit:

Portions of Lots 6 to 27, Block 15, First Addition to Ironton, and the vacated alley adjacent to said lots and portions of vacated Delgany Street and vacated 34th Street adjacent to said lots and portions of Lots 1, 2, 3, 30, 31 and 32, Block 14, First Addition to Ironton and the vacated alley adjacent to said lots and portions of vacated Delgany Street and vacated 34th Street adjacent to said lots and a portion of the SE ¼ of the SE ¼ of Section 22, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the NW corner of Lot 1, Block 13, First Addition to Ironton, thence Westerly along the Northerly line of said Lot extended 27.50 feet, thence on a deflection angle to the left of 90°00'00", 137.50 feet to the True Point of Beginning; thence continuing along said above described course 400.00 feet; thence on a deflection angle to the right of 90°00'00", 194.22 feet to the Southeasterly right-of-way line of Arkins Court; thence on a deflection angle to the right of 76°36'35" along said right-of-way line, 411.18 feet, thence on a deflection angle to the right of 103°23'25" leaving said right-of-way line, 289.44 feet to the True Point of Beginning,

Except that portion as described in Deed recorded June 21, 1994 at Reception No. 9400100725,

City and County of Denver,
State of Colorado.

located at 3400 Arkins Court, Denver, Colorado.

TO HAVE AND TO HOLD THE SAME, together with all of Grantor's right, title and interest in and to all improvements, appurtenances, and privileges belonging or pertaining thereto, and all the estate, right, title, interest, and claim of Grantor, either in law or equity, to the use or benefit of the Grantee, its successors and assigns, subject to the easements and encumbrances listed in Exhibit 1 attached hereto and incorporated herein by this reference. Grantor shall and will warrant and forever defend the above premises in the quiet and peaceable possession of Grantee and Grantee's successors and assigns, against all and every person or person lawfully claiming the whole or any part of the above premises.

SIGNED this 30th day of March, 2011

INTERSTATE SHIPPERS SERVICE, INC.

By: Bill Raplee
Bill Raplee, President

STATE OF COLORADO)
)ss.
COUNTY OF DENVER

The foregoing instrument was acknowledged before me this 30th day of March, 2011 by Bill Raplee, as President of INTERSTATE SHIPPERS SERVICE, INC, a Colorado corporation, on behalf of said corporation.

Witness my hand and official seal.

My commission expires:

[Signature]
Notary Public



My Commission Expires
MARCH 14, 2011
22, 2015

Review Criteria Analysis

Consistency with Adopted Plans

Denver Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible. (p. 41)
- Preserve and enhance Denver’s livable urban environment through development and maintenance of parks (p. 55)
- To the extent possible, parks, open space and affordable recreation will be accessible to all residents in every part of the city (p. 97)
- Integrate sufficient open space and recreational amenities, including small urban parks, into large-scale development plans. (p. 102)

The city has identified the subject properties for a future park for several years, recognizing the rapidly increasing demand for parkland in the River North community. The rezoning would enable a future park to meet the comprehensive goals stated above.

Blueprint Denver (2002)

According to Blueprint Denver, 3400 Arkins Ct has a concept land use of Park and 3460 Arkins Ct & 1930 35th St have a concept land use of Mixed Use. Both properties are located within an Area of Change. The proposal is consistent with several Blueprint Denver policies, including “as the intensity of development increases in Areas of Change, so too should access to parks and recreation” (p. 132).

38th and Blake Station Area Plan (2009) and Height Amendments

The 38th and Blake Station Area Plan provides the most recent, focused plan guidance for the subject properties. This plan identifies the future land use on both properties as New Open Space and Parks. The request is also consistent with the plan policy for the expansion of parks and other open space “to serve additional growth in the station area” (p. 53).

River North Plan (2003)

The River North Plan identifies the subject properties as River Corridor Mixed Use, which states “new uses should be mixed and take advantage of river frontage” (p. 65). The subject properties adjacency to the South Platte River corridor provides an opportunity to take advantage of river frontage with a public park.

Elyria Swansea (2015)

The Elyria Swansea Plan identifies 3400 Arkins Ct as an “Existing Park” and 3460 Arkins Ct & 1930 35th St as Mixed Use. The request is also consistent with the plan policy to increase public access between development and the river (p. 42).

Denver Parks Game Plan (2003)

The request is consistent with the Denver Parks Game Plan to provide accessible and flexible open spaces located within ½ mile of every home (page 31) in a rapidly developing area.

Justifying Circumstances

The requested rezoning is justified under DZC Section 12.4.10.8.A.4, “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.” The River North area is rapidly developing, and with it an increase in demand for parkland.

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

The OS-A zone district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City’s Department of Parks and Recreation for park purposes (DZC 9.3.1, 9.3.2). The requested rezoning is consistent with the neighborhood context description and zone district purpose and intent because it will make the property consistent with existing city ownership of the subject properties which includes future development for parks and other uses consistent with the OS-A zone district.