



**DENVER**  
THE MILE HIGH CITY

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**TO:** Denver City Council  
**FROM:** Deirdre Oss, Senior City Planner  
**DATE:** May 7, 2013  
**RE:** Official Zoning Map Amendment Application #2012I-00039  
1683-1695 E. Cedar Avenue  
Rezoning from S-SU-D to PUD-G#

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2012I-00039 for a rezoning from S-SU-D to PUD-G #.

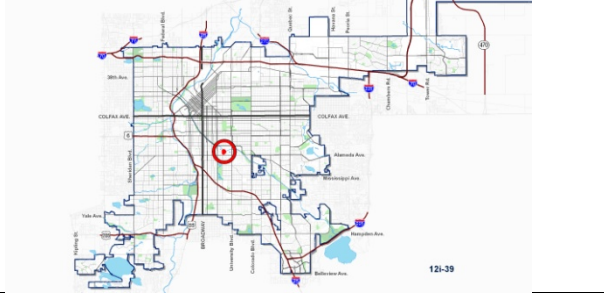
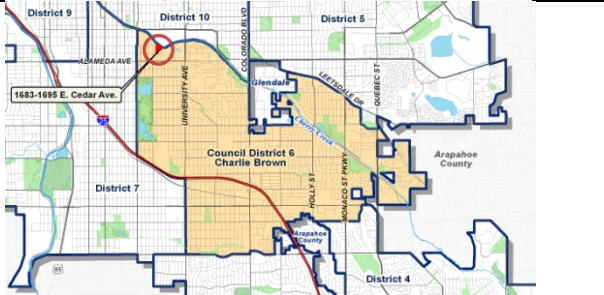
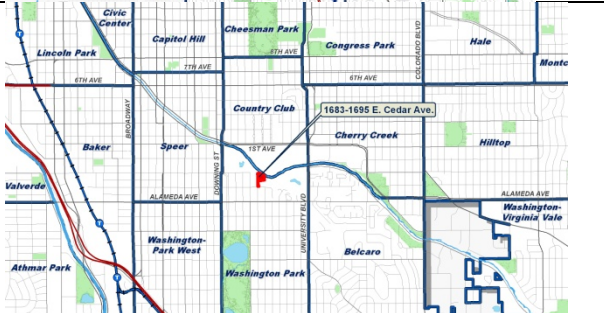
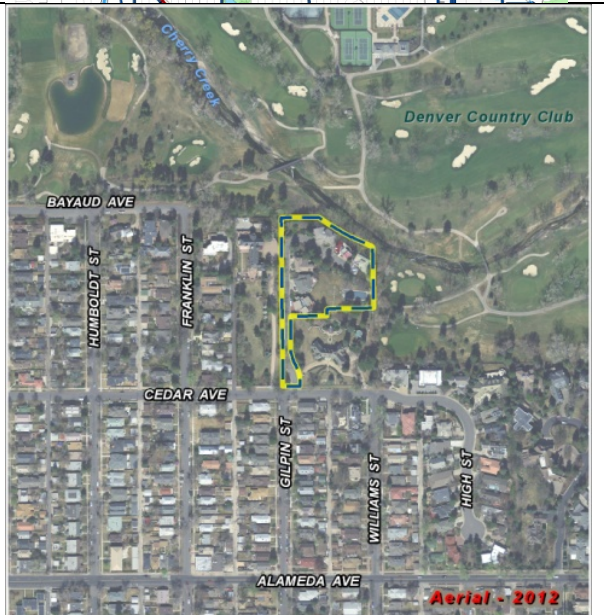
### Request for Rezoning

Application:	#2012I-00039
Address:	1683-1695 E. Cedar Avenue
Neighborhood/Council District:	Washington Park/ Council District 6
RNOs:	Washington Park East Neighborhood Association Denver Downtown Capitol Hill Alliance (DDCHA) Denver Neighborhood Association, Inc. Inter-Neighborhood Cooperation
Area of Property:	106,722 SF square feet or 2.45 acres
Current Zoning:	S-SU-D
Proposed Zoning:	PUD-G #
Property Owner(s):	Amy Loper; Sawaya Family Trust; Montjoy Kugeler; Eric Schwartz; Schwartz Family Trust; Cedar Terrace; Alexander Ringsby; Gray Ringsby; Eric Ringsby; Cedar-Harrisburg Trust;
Owner Representative:	Amy Loper

### Summary of Rezoning Request

This map amendment request is proposed in order to correct an error in the zone map as a result of the 2010 update to the Denver Zoning Code. The property, currently zoned S (Suburban) – SU (Single Unit) – D (6,000 SF minimum lot size), was formerly zoned R-1, a single family zone district on which the current S-SU-D designation was based. This Former Chapter 59 zoning allowing for one dwelling unit per zone lot is very similar to the current S-SU-D zoning. However, also recorded against the subject properties was a Planned Building Group (PBG) site plan that allowed multiple buildings on a zone lot in addition to other specific deviations from the former R-1 zoning. This PBG was not discovered at the time of the map amendment updates in 2010, resulting in an unintentional rezoning of the subject property as part of the citywide update. Because this site actually developed with multiple primary structures on a single zone lot under the Cedar Terrace PBG site plans consistent, property owners now are unable to easily make improvements to their properties under the S-SU-D zoning.



<p>The property is located in Central Denver</p>	 <p>A map of Central Denver showing major streets and landmarks. A red circle highlights the location of the property at the intersection of University Ave and Alameda Ave. The map includes labels for streets like Colfax Ave, University Ave, and Alameda Ave, and landmarks like the Civic Center and downtown buildings. A scale of 1:21,39 is indicated.</p>
<p>Specifically, the subject site is located in Council District 6 – Charlie Brown.</p>	 <p>A map of Council District 6, Charlie Brown, in Denver. The district is shaded in orange. The subject site is highlighted with a red circle. The map shows surrounding streets like Alameda Ave, University Ave, and Colorado Blvd, and nearby districts 4, 5, 7, and 10.</p>
<p>The Cedar Terrace properties and associated Homeowners Association are all located within the statistical Washington Park neighborhood</p>	 <p>A detailed map of the Washington Park neighborhood in Denver. The Cedar Terrace properties are highlighted with a red circle. The map shows streets like Alameda Ave, University Ave, and various local streets such as Lincoln Park, Capitol Hill, and Cheesman Park. Other landmarks like Baker, Valverde, and Belcaro are also labeled.</p>
<p>The site, identified in the aerial to the right, is located to the north of the bulk of residential development in this neighborhood. Because of the special features of the Former Chapter 59 planned building group site plan, six primary dwelling units exist on one zone lot of approximately 2.45 acres. The site is also contains accessory structures and a community swimming pool.</p>	 <p>An aerial photograph of the site and surrounding area. The site is outlined in yellow. The map shows streets like BAYAUD AVE, HUMBOLDT ST, FRANKLIN ST, CEDAR AVE, GILPIN ST, WILLIAMS ST, and ALAMEDA AVE. The Denver Country Club is visible to the north. The text 'Aerial - 2012' is in the bottom right corner.</p>

Staff worked with the applicants to identify a reasonable and practical zoning solution to give the Cedar Terrace property owners the same zoning allowances they enjoyed before the 2010 zone map error. Staff recommended and this application seeks an amendment to change the S-SU-D zoning to a Planned Unit Development (PUD) – General (G). The proposed PUD district is based on the Suburban Neighborhood Context zone district S-SU-D, and codifies the deviations to building height, number of structures on the zone lot, and open space requirements unique to the Cedar Terrace site development.

Generally, a Planned Unit Development Zone District (“PUD District”) provides an alternative to a standard DZC zone district, and combines land use, density, site plan and building form elements into a new zone district tailored or customized for a specific development site. A PUD District is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard Zone District is desirable, and where multiple zoning variances, waivers, and conditions can be avoided. The intention behind the Cedar Terrace PUD District is to retain the unique site plan obligations that were part of the original PBG site development plan, including the unique deviations to building height, number of structures per zone lot, and several standards related to the provision of substantial common open space.

**Proposed General (G) PUD District Plan**

When development is to proceed in phases or over an extended period of time, or when more general zoning is desired prior to preparation of more detailed site development and pre-construction plans, the applicant may submit a “General PUD District Plan” covering the entire PUD District. After the PUD District rezoning with a General PUD District Plan is approved, one or more specific site development plans are submitted for each phase of development, and must follow the general development concept established in the General PUD District Plan. See Section 12.4.3, Site Development Plan, for the procedure and review criteria applicable to site development plans. In the case of Cedar Terrace, after approval of the proposed PUD-G zoning, the previously approved Cedar Terrace PBG site plan will be re-filed and recorded as the new site development plan for this property.

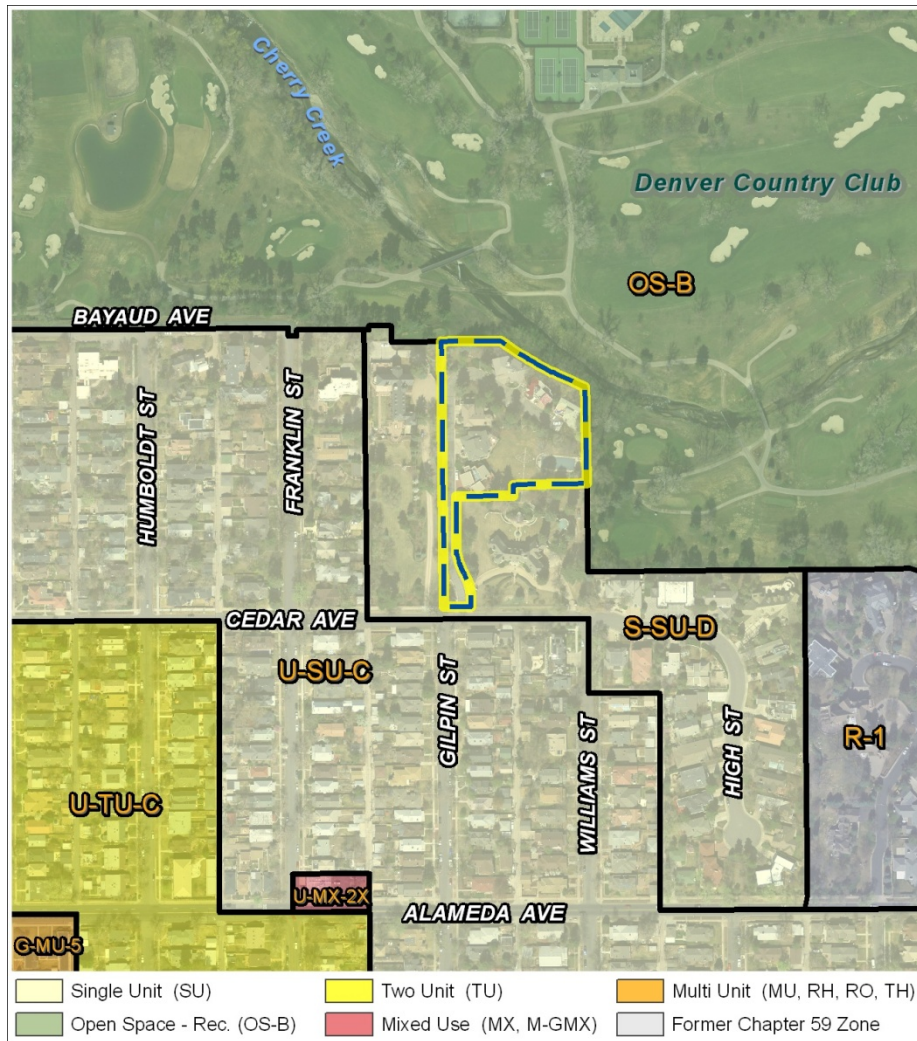
<b>Cedar Terrace General PUD Proposal - All S-SU-D zoning standards shall apply except for the following proposed deviations intended to match the previously approved Cedar Terrace PBG site plan:</b>	
<b>Allowable Land Uses</b>	Single-unit dwelling land uses and associated community facilities, such as swimming pool and club house.
<b>Intensity of Development</b>	2,000 SF building pad per primary structure; 6,000 SF gross dwelling area per unit; 7 maximum dwelling units per zone lot Required bulk plane measured from side interior zone lot lines
<b>Building Form Standards</b>	20’ setback from Primary Street-Cedar Avenue 5’ side and rear setbacks
<b>Open Space</b>	Minimum 3,000 SF of open space per dwelling unit

## Existing Context

The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	S-SU-D	Single Unit	6 single unit residences; 2 stories; flag lot off of Cedar Avenue with clustered housing and a common open space	The Washington Park neighborhood to the west and south of this property is largely single family residential, with some two-unit development south of Cedar Avenue. Blocks are largely urban in nature to the south , although Cedar Terrace and the immediate neighbors to the southeast and north of Alameda are more suburban in context, with curvilinear streets and access off of private drives.
North	OS-B	Denver Country Club	Open space	
South	U-SU-C	Single Unit	1-2 ½ stories	
East	OS-B, S-SU-D	Denver Country Club; Single Unit	Open space; 1-2 ½ stories	
West	U-SU-C	Single Unit	1-2 ½ stories	

### Existing Zoning

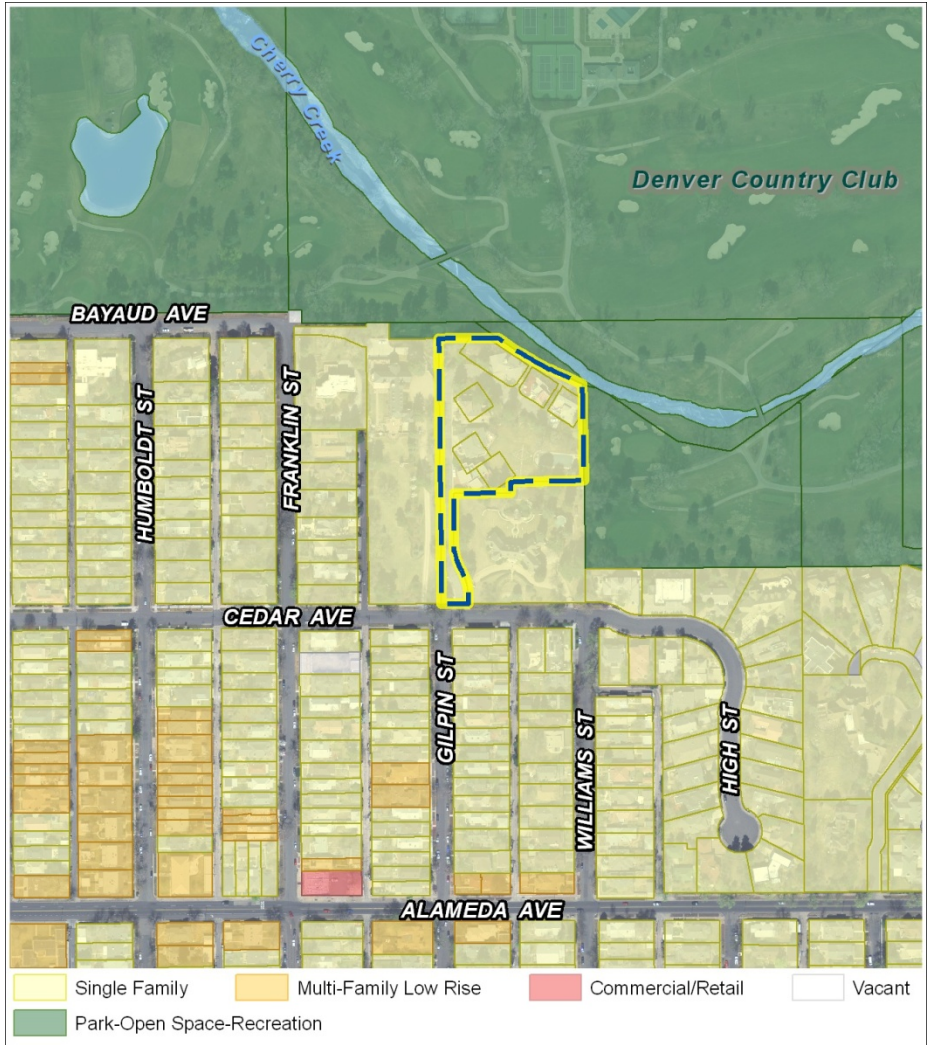


S-SU-D is a single unit residential zone district that allows a primary structure to be built on a zone lot that is a minimum of 6,000 square feet in area. Building/structures are subject to a maximum building height of 30 feet (increased to 35 feet for lots more than 50 feet wide). A maximum of 50% building coverage is allowed per zone lot, including all detached accessory structures.

### 1. Planned Building Group

The intention of the proposed PUD rezoning is to design the PUD in accordance with the formerly approved Cedar Terrace Amendment Planned Building Group site plan. The details of the Cedar Terrace Amended PBG are explained above in the Summary of the Rezoning Request.

### 2. Existing Land Use Map



### 3. Existing Building Form and Scale

*Cedar Terrace driveway and view toward east*



## Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Asset Management:** Approve – No comments.

**Denver Fire Department:** Approve Rezoning Only – will require additional information at site plan review.

**Development Services – Wastewater:** Approve-No Comments.

**Public Works – City Surveyor:** Legal is approved.

## Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on March 18, 2013.
- The property was legally posted for a period of 15 days announcing the April 3, 2013 Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members for both Planning Board and LUTI.
- City Council was updated on the status of this application upon information notification on March 18, 2013, and has been in contact with the applicants to understand the intent and context of the amendment. Staff has reached out to the Council District to ensure an understanding of the intent and effects of this amendment.
- The property was legally posted for a period of 15 days announcing the May 13, 2013 Denver City Council public hearing and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members .
- **Registered Neighborhood Organizations (RNOs)**
  - Staff has not received any formal responses from the listed RNOs. However, Staff did receive a call from the Washington Park East Neighborhood Association to inquire about the nature of this zone map amendment. The call was returned and a message left for the inquiring party.
- **Other Public Comment**
  - Staff responded to an inquiry from the adjacent neighboring owner of the Weckbaugh-Willbants residence (directly south of Cedar Terrace). The owner was briefed on the intent and effects of this amendment.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13, 12.4.10.14, and 12.4.10.15, as follows:



**DZC Section 12.4.10.13**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

**DZC Section 12.4.10.14**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

**DZC Section 12.4.10.15 Additional Review Criteria for Rezoning to PUD District**

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code
- B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6
- C. The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions
- D. The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).

**1. Consistency with Adopted Plans**

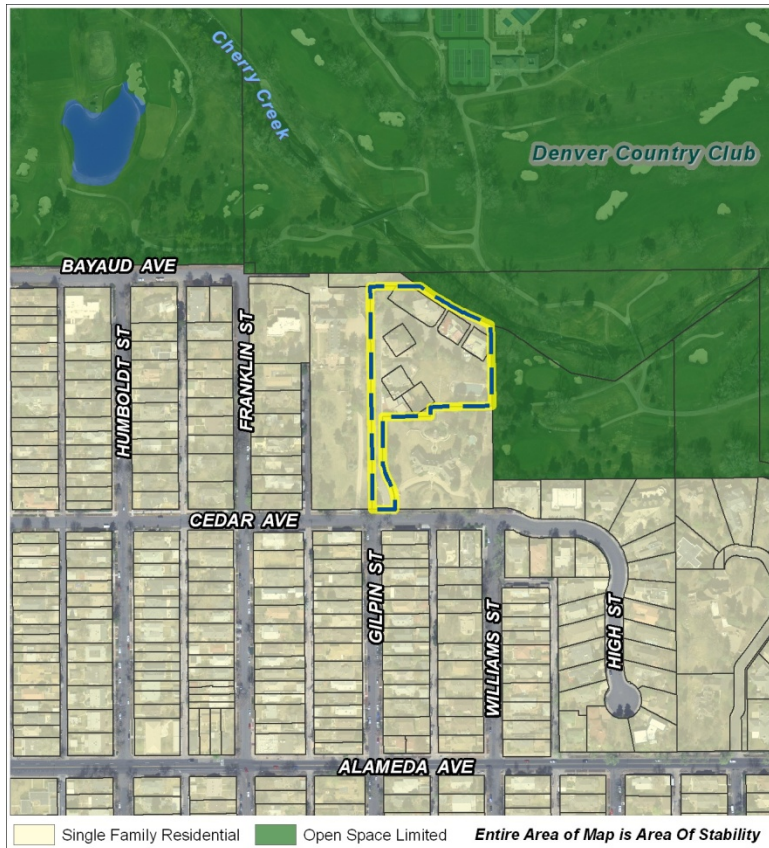
**Denver Comprehensive Plan 2000**

The proposal is consistent with the Denver Comprehensive Plan, most critically: Land Use Objective 3; Preserve and enhance the individuality, diversity and livability of Denver's neighborhoods and expand the vitality of Denver's business centers. The proposed map amendment and PUD is consistent with preservation of neighborhood individuality and preserves the existing context.

## Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept future land use designation of “Single Family Residential” and is located in a designated Area of Stability.

### Future Land Use



The Single Family Residential designation is intended to preserve Denver’s stable residential neighborhoods, recognizing a predominant residential land use over other uses with less integration of mixed use except the occasional corner retail. This is usually further from downtown with a lower density of 6-10 DUs/acre and occurs in larger blocks between 200-600 acres total. (p.65) The proposed PUD based on the S-SU-D zone district adheres to these principles, and with the deviations outlined in the PUD, reinforces the original intent of the Cedar Terrace Amended Planned Building Group which results in a uniquely suburban-rural layout. This site includes a large common open space shared among the units and is located in a topographically challenging environment adjacent to Cherry Creek where a more suburban, lower density context is appropriate.

### Area of Change / Area of Stability

The subject site is located within an Area of Stability (AOS). In general: “The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment.” (Blueprint, p. 120). Within Areas of Stability are more detailed designations of Committed Areas and Reinvestment Areas, the latter derived from the principle that it is desirable in certain neighborhoods at certain locations to reinvest through modest infill and redevelopment. The Cedar Terrace property falls within a designated “Committed Area,” which is described as an established neighborhood that may benefit from the stabilizing effects of minor infill development. Blueprint Denver, on page 122, reinforces the fact that reinvestment in Washington Park is not necessary to improve its established character. Thus, when proposed change in is proposed in a Committed Area such as Washington Park, such as this proposed map amendment, the effects of that change should primarily reinforce and support land use and building character that already exist in the neighborhood.

### **Street Classifications**

Cedar Avenue is the only street that accesses the subject property. This street is identified as an Undesignated Local in Blueprint Denver. Alameda Avenue is the closest Residential Arterial Street one block south of the Cedar Avenue access. Local streets are designed to provide local access, less influenced by traffic volumes and typically carry lower speeds. These streets are characteristic of those within residential neighborhood areas of stability.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to PUD-G will result in the uniform application of zone district building form, use and design regulations within the PUD zone district.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City.

## **4. Justifying Circumstance**

See DZC, Section 12.10.14.A: The existing zoning of the land was the result of an error. In order to correct the error, Staff has determined a PUD-G with deviations specific to the original intent of the Cedar Terrace neighborhood is the most appropriate tool to allow property owners the same development entitlements as existed on the property prior to the error.

## **5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements**

The proposed PUD-G zone district has been drafted based on the S-SU-D zone district, a Suburban Neighborhood Context zone. The Suburban Neighborhood context generally consists of single family and multifamily residential land uses on relatively large lots (6,000 square feet and larger) segregated from community-serving commercial and retail land uses located along corridors on major collector and arterial streets. The proposed rezoning of the subject property will result in building forms and land uses consistent with the Suburban Neighborhood context.

## **6. Additional Review Criteria for Rezoning to PUD District**

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code. In this case, a PUD-G district is a reasonable way to address a specific error made on the zone map in 2010, which is adversely affecting the rights of property owners to improve their homes in the future.
- B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6. Further, subsequent to the approval of the PUD-G rezoning, Staff will work with the applicant to re-file and record the previously approved Cedar Terrace PBG site plan as the new site development plan for this property.

- C. The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions. While the proposed PUD-G will be based on the standard S-SU-D district, the PUD District includes several deviations and allowances from the S-SU-D district necessary to capture and perpetuate existing development in Cedar Terrace. These deviations from the existing zone district are best accommodated in a PUD zone district rather than through multiple waivers and conditions.

**See complete PUD document attached to this staff report for more details.**

**Key Deviations from the S-SU-D Zone District are summarized below:**

Key characteristics of S-SU-D	Deviations
Minimum lot area 6,000 SF Suburban house building form Building height = 30'/up to 35' for lots over 50' in width Units per zone lot = 1 Floor area per unit = NA Maximum building coverage = 50%	Building height = 36' (no relationship to lot width) Units per zone lot = 7 (multiple buildings on one zone lot) Floor area per unit = 6,000 SF maximum Building pad per structure = 2,000 SF maximum Maximum Building coverage = 50% of zone lot Open Space = Minimum 3,000 SF per unit

- D. The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).

### Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 1683-1695 E. Cedar Avenue to a PUD-G# zone district meets the requisite review criteria. Accordingly, staff recommends **approval**.

### Planning Board Recommendation

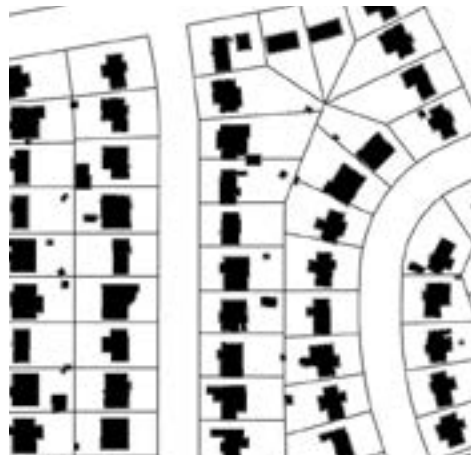
At their regular meeting on April 3, 2013, the Denver Planning Board voted 10-0 to recommend **approval** of the proposed map amendment. The city Council LUTI Committee moved to forward this item to City Council for public hearing at their regular meeting on April 9<sup>th</sup>.

### Attachments

1. Application and proposed PUD-G document



# PUD-G#



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# Contents

## PUD-G#

<b>CHAPTER 1. ESTABLISHMENT AND INTENT</b> .....	<b>3</b>
Section 1.1 PUD-G# Established .....	3
Section 1.2 PUD-G# General Purpose .....	3
Section 1.3 PUD-G# Specific Intent .....	3
<b>CHAPTER 2. DESIGN STANDARDS</b> .....	<b>4</b>
<b>CHAPTER 3. USES AND REQUIRED MINIMUM PARKING</b> .....	<b>9</b>
Section 3.1 USES .....	9
Section 3.2 REQUIRED MINIMUM PARKING .....	9
<b>CHAPTER 4. ADDITIONAL STANDARDS</b> .....	<b>11</b>
Section 4.1 Article 1 of the Denver Zoning Code .....	11
Section 4.2 Article 10 of the Denver Zoning Code .....	11
Section 4.3 Article 11 of the Denver Zoning Code .....	11
Section 4.4 Article 12 of the Denver Zoning Code .....	11
Section 4.5 Article 13 of the Denver Zoning Code .....	11

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## **CHAPTER 1. ESTABLISHMENT AND INTENT**

### **SECTION 1.1 PUD-G# ESTABLISHED**

The provisions of this PUD-G # apply to the land depicted on the Official Zoning Map with the label PUD-G #, a part of Block 18, Shackleton Place Subdivision according to the official City and County of Denver resurvey plat, together with the contiguous half of S. Williams St. vacated by Ord. 28, 1927 on the east side and with the contiguous half of S. Gilpin St. vacated by Ord. 98, 1921 on the west side and together with the alley within said Block 18 vacated by Ord. 62, 1921, all being in the City and County of Denver. The PUD-G-# is a single area with no subareas established.

### **SECTION 1.2 PUD-G# GENERAL PURPOSE**

The general intent of PUD-G-is to follow the Suburban Neighborhood Context intent and the S-SU-D zone district with the exception to allow multiple single dwelling units on a single zone lot oriented off of a flag lot and consolidating common open space areas.

## CHAPTER 2. DESIGN STANDARDS

### 2.2.1 General Intent

Section 3.3.1 General Intent of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G#..

### 2.2.2 Building Form Intent

Section 3.3.2 Building Form Intent of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G#.

### 2.2.3 Primary Building Form Standards

#### A. Applicability

All development within this PUD-G.

#### B. Number of Primary Buildings Per Zone Lot

Multiple Primary Buildings shall be allowed on a single zone lot.

#### C. Specific standards as follows:

## PRIMARY STRUCTURES

HEIGHT	PUD-G #
Feet (max)	36'*
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line	10'**
Bulk Plane Slope from Side Interior and Side Street Zone Lot Line	45°**

SITING	PUD-G #
<b>ZONE LOT</b>	
Zone Lot Size (min)	This PUD-G shall be a single zone lot
Dwelling Units (max)	This PUD-G shall have a maximum of 7 dwelling units
Dwelling Units per Primary Residential Structure (max)	1

SETBACKS AND BUILDING COVERAGE	PUD-G #
Primary Street, Cedar Ave (min)	20'
Side Street (min)	na
Side Interior (min)	5'
Rear (min)	5'
Building Pad per Primary Structure (max)	2,000 ft <sup>2</sup>
Gross Floor Area per Dwelling Unit (max)	6,000 ft <sup>2</sup>
Open Space	There shall be a minimum of 3,000 ft <sup>2</sup> of open space per dwelling unit
Building Coverage per Zone Lot, including all accessory structures (max)	50%
Vehicle Access	From Street

DESIGN ELEMENTS	PUD-G #
<b>BUILDING CONFIGURATION</b>	
Attached Garage Allowed	Attached garage shall be allowed

\*Height shall be measured from the highest corner of the zone lot

\*\*Bulk plane shall be measured from the original grade from midpoint of side zone lot lines.

## **2.2.4 DETACHED ACCESSORY BUILDING FORM STANDARDS**

### **A. Applicability**

All development within this PUD-G #

### **B. General Standards**

Section 3.3.4.2 General Standards of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #.

### **C. Supplemental Standards**

Section 3.3.4.3 Supplemental Standards of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #.

### **D. Specific Standards as follows:**

## DETACHED ACCESSORY STRUCTURES

HEIGHT	PUD-G #
Stories (max)	1
Feet (max)	17' *
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line	10' **
Bulk Plane Slope from Side Interior and Side Street Zone Lot Line	45° **

SITING	PUD-G #
<b>USE RESTRICTION</b>	Accessory Uses Only
<b>ZONE LOT</b>	
Allowed Number of Dwelling Units (min/max)	0/0
Additional Standards	See Section 3.3.4.3 of the Denver Zoning Code
<b>SETBACKS AND BUILDING COVERAGE</b>	
Primary Street, Cedar Ave (min)	20'
Side Street (min)	na
Side Interior (min)	5'
Rear (min)	5'
Building Coverage per Zone Lot, including all primary and accessory structures (max)	50%
Vehicle Access	From Street

DESIGN ELEMENTS	PUD-G #
<b>BUILDING CONFIGURATION</b>	
Building Footprint (max)	1,000 ft <sup>2</sup>
Horizontal Dimension (max)	36'

\*Height shall be measured from the highest corner of the zone lot

\*\*Bulk plane shall be measured from the original grade from midpoint of side zone lot lines.

### **2.2.5 DESIGN STANDARD EXCEPTIONS**

Section 3.3.7 Design Standard Exceptions of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G#.

## **CHAPTER 3. USES AND REQUIRED MINIMUM PARKING**

### **SECTION 3.1 USES**

3.1.1 This PUD-G # shall follow the S-SU-D Zone District of the Denver Zoning Code, as amended from time to time, to establish the primary, accessory, and temporary land uses allowed, including all applicable limitations and required zoning procedures.

### **SECTION 3.2 REQUIRED MINIMUM PARKING**

3.2.1 This PUD-G # shall follow the S-SU-D Zone District of the Denver Zoning Code, as amended from time to time, to establish the parking requirements.

## **CHAPTER 4. ADDITIONAL STANDARDS**

### **SECTION 4.1 ARTICLE 1 OF THE DENVER ZONING CODE**

#### **4.1.1 Applicability**

Article 1: General Provisions of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G # with the following exception:

##### **A. Multiple Primary Structures**

Multiple primary structures shall be allowed on a single zone lot.

### **SECTION 4.2 ARTICLE 10 OF THE DENVER ZONING CODE**

#### **4.2.1 Applicability**

Article 10: General Design Standards of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #, including standards specific to the S-SU-D Zone District (e.g. Signage), with the following exception:

A. Fences up to 7' in height shall be allowed on the zone lot.

### **SECTION 4.3 ARTICLE 11 OF THE DENVER ZONING CODE**

#### **4.3.1 Applicability**

Article 11: Use Limitations and Definitions of the Denver Zoning Code specific to S-SU-D, as amended from time to time, shall apply to this PUD-G #.

### **SECTION 4.4 ARTICLE 12 OF THE DENVER ZONING CODE**

#### **4.4.1 Applicability**

Article 12: Procedures and Enforcement of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #, with the following exceptions:

##### **A. Site Development Plan and Multiple Ownerships**

In the case of multiple ownerships (groups or individuals) within this PUD-G #:

1. Any one ownership may obtain zoning permit(s) consistent with the approved site development plan without the consent of the other ownership(s).
2. Under Section 12.3.7, amendments to the approved site development plan shall require consent from all ownership(s), including ownership signatures on the amended site development plan.
3. Under Section 12.3.7, modifications to the site development plan initiated by one ownership do not require the consent of the other ownership(s).

### **SECTION 4.5 ARTICLE 13 OF THE DENVER ZONING CODE**

#### **4.5.1 Applicability**

Article 13, Rules of Measurement and Definitions, of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #, with the following exceptions:

##### **A. Height**

1. Feet shall be measured from the highest corner of the zone lot.
2. Bulk plane shall be measured from the original grade from midpoint of side zone lot lines.



**B. Primary Street Zone Lot Line Designation**

Cedar Avenue shall be the Primary Street.

**C. Definition of “Building Pad”**

For each primary dwelling structure developed under this PUD-G#\_, a “building pad” delineates the limits of where a primary residential structure and any detached accessory structures serving that primary structure (e.g., a detached garage or storage shed) may be placed on the zone lot.

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# Zone Map Amendment (Rezoning) for PUD - Application

1/26/12

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	
*If More Than One Property Owner: All official map amendment applications for a PUD District shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for all property owners, 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.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District	<input type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD	
Proposing SubAreas?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Intent of PUD:			
Standard Zone District: Please list the zone district(s) on which the PUD will be based.			
Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary.	Deviation		Why deviation is necessary



REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</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. 12.4.10.14</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></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 rezoning 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>
<p>Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria DZC Sec. 12.4.10.15</p>	<p><input type="checkbox"/> The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development).</p> <p><input type="checkbox"/> The PUD District and the PUD District Plan comply with all applicable standards and criteria station in Division 9.6.</p> <p><input type="checkbox"/> The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions.</p> <p><input type="checkbox"/> The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.</p> <p><input type="checkbox"/> The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).</p> <p>Please provide an attachment describing how the above criteria are met.</p>



**ATTACHMENTS**

Please check any attachments provided with this application:

- Authorization for Representative
- Proof of Ownership Document(s)
- Legal Description
- Deviations
- Review Criteria

Please list any additional attachments:

**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION**

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Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	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	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> 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)	NO

## Legal Description

A part of Block 18, Shackleton Place Subdivision according to the official City and County of Denver re-survey plat, together with the contiguous half of S. Williams St. vacated by Ord. 28, 1927 on the east side and with the contiguous half of S. Gilpin St. vacated by Ord. 98, 1921 on the west side and together with the alley within said Block 18 vacated by Ord. 62, 1921, all being in the City and County of Denver and more particularly described as follows:

Beginning at the point of intersection between the North line of Cedar Ave. and the centerline of said vacated S. Gilpin St.; thence northerly along said centerline a distance of 599.45 feet to a point on the South right-of-way of Bayaud Ave. which is also the North line of said Block 18 extended; thence on an angle to the right of  $90^{\circ}09'00''$  and along said South right-of-way line of Bayaud Ave. and along said North line of Block 18 extended and along the North line of said Block 18 a distance of 125.37 feet to a point of non-tangent curve which is the southwesterly line of the official channel of Cherry Creek; thence on a deflection angle to the right of  $36^{\circ}18'07''$  from the tangent of said curve to the left having a radius of 884.02 feet a central angle of  $14^{\circ}49'21''$  an arc distance of 228.70 feet to a point of intersection with the centerline of said vacated S. Williams St.; thence departing from said southwesterly line on an angle of  $68^{\circ}22'14''$  from the tangent to aforesaid curve and along the centerline of vacated S. Williams St. a distance of 215.32 feet; thence on an angle to the right of  $90^{\circ}09'00''$  a distance of 169.88 feet; thence on an angle to the left of  $90^{\circ}09'00''$  a distance of 24.90 feet; thence on an angle to the right of  $90^{\circ}09'00''$  a distance of 124.88 feet; thence on an angle to the left of  $90^{\circ}09'00''$  a distance of 131.92 feet to a point of curvature; thence along a curve to the left having a radius of 83.72 feet and a central angle of  $32^{\circ}00'00''$  an arc distance of 46.76 feet to a point of reverse curve; thence along a curve to the right having a radius of 113.72 feet and a central angle of  $32^{\circ}00'00''$  an arc distance of 63.51 feet to a point of tangency; thence along said tangent a distance of 12.58 feet to a point on said North right-of-way line of Cedar Ave.; thence on an angle to the right of  $90^{\circ}09'00''$  and along said right-of-way line a distance of 60.00 feet to the point of beginning, containing in all 106,959 square feet of 2.455 acres, more or less.







**CEDAR-HARRISBURG LLC**

**ARTICLES OF ORGANIZATION**

The undersigned natural person of the age of eighteen (18) years or more, acting as the organizer of a limited liability company under the Colorado Limited Liability Company Act, adopts the following Articles of Organization for such limited liability company.

**FIRST  
NAME OF CORPORATION**

The name of the Limited Liability Company is:

CEDAR-HARRISBURG LLC

19971076115 C  
\$ 50.00  
SECRETARY OF STATE  
05-13-97 12:08:57

**SECOND  
DURATION**

The period of duration will be thirty (30) years.

**THIRD  
PURPOSE**

Cedar-Harrisburg LLC is organized for any legal and lawful purpose pursuant to the Colorado Limited Liability Company Act.

**FOURTH  
REGISTERED AGENT**

The address of the initial registered office of Cedar-Harrisburg LLC is 1693 East Cedar Avenue, Denver, Colorado 80209; and the name of its initial registered agent at such address is Stephen Berman.

**FIFTH  
BUSINESS ADDRESS**

The business (street and mailing) address of Cedar-Harrisburg LLC is c/o Stephen Berman, Manager, 1693 East Cedar Avenue, Denver, Colorado 80209.

**SIXTH  
INITIAL MANAGERS**

Management is vested in Managers. The names and addresses of the persons who shall serve as managers until the first annual meeting of members or until their successors are elected and shall qualify are:

Stephen Berman  
1693 East Cedar Avenue  
Denver, Colorado 80209

Elaine Gantz Berman  
1693 East Cedar Avenue  
Denver, Colorado 80209

**SEVENTH  
RIGHT TO CONTINUE BUSINESS**

Upon the death, retirement, resignation, expulsion, bankruptcy, or dissolution of a member or the occurrence of any other event which terminates the membership of a member in Cedar-Harrisburg LLC, the remaining members may unanimously agree to continue the business of Cedar-Harrisburg LLC, provided there are at least two (2) remaining members.

**EIGHTH  
INDEMNIFICATION**

To the maximum extent permitted by CRS § 7-80-410(3) or any successor rule or regulation thereto, managers shall be entitled to indemnification from the Company. Any manager of the Company shall be entitled to seek court-ordered indemnification in the manner prescribed by CRS § 7-80-410(4) or any successor rule or regulation thereto. The Company shall have the power and authority to indemnify and advance expenses for managers, employees, or agents of the Company in accordance with CRS § 7-80-410(8)(a) and (b) or any successor rule or regulation thereto.

**NINTH  
CERTIFICATION OF AT LEAST TWO MEMBERS**

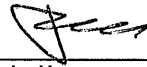
The undersigned organizer certifies that there are at least two (2) members of Cedar-Harrisburg LLC.

TENTH  
ORGANIZER

The name and address of the organizer are:

Phillip C. Gans  
4700 One Norwest Center  
1700 Lincoln Street  
Denver, Colorado 80203-4547

THESE ARTICLES OF ORGANIZATION are signed this 13<sup>th</sup> day of May, 1997.



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Phillip C. Gans, Organizer

artoforg.llc  
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**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION**

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CEDAR TERRACE	1691 E CEDAR AVE DENVER, CO 80209-2602	71.71%	<i>Amy PDA</i>	1/11/13	Power of attorney plus other form legally declaring common area	YES
DECADE INVESTMENTS LTD	1693 E CEDAR AVE DENVER, CO 80209-2602	4.20%			Assessor's record	
KUGELER, MONTJOY C	1685 E CEDAR AVE DENVER, CO 80209-2602	4.03%	<i>Montjoy C Kugeler</i>	1/10/13	Assessor's record	
LOPER, AMY THERESE	1683 E CEDAR AVE DENVER, CO 80209-2602	3.93%	<i>Amy</i>	1/11/13	Assessor's record	
SCHWARTZ FAMILY TRUST	1691 E CEDAR AVE DENVER, CO 80209-2602	8.17%			Assessor's record	
SAMAWYA, GEORGE J FAMILY TRUST	1695 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
RINGSBY, ALEXANDER H	1687 E CEDAR AVE Denver, CO 80209-2602	3.93%			Assessor's record	

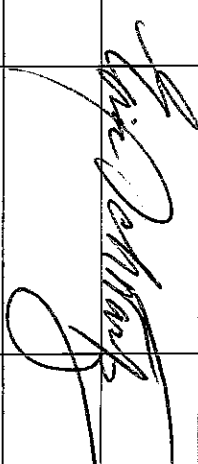



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f: 720-865-3055  
www.denvergov.org/planning

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CEDAR TERRACE	1691 E CEDAR AVE DENVER, CO 80209-2602	71.71%			Power of attorney plus other form legally declaring common area	YES
CEDAR-HARRISBURG LLC	1693 E CEDAR AVE DENVER, CO 80209-2602	4.20%			Assessor's record	
KUGELER, MONTJOY C	1685 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
LOPER, AMY THERESE	1683 E CEDAR AVE DENVER, CO 80209-2602	3.93%			Assessor's record	
SCHWARTZ, ERIC AND SCHWARTZ FAMILY TRUST	1691 E CEDAR AVE DENVER, CO 80209-2602	8.17%			Assessor's record	
SAWAAYA, GEORGE J FAMILY TRUST	1695 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
RINGSBY, GRAY AND RINGSBY, ERIC, AND RINGSBY, ALEXANDER H	1687 E CEDAR AVE Denver, CO 80209-2602	3.93%			Assessor's record	



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CDAR TERRACE	1691 E CEDAR AVE DENVER, CO 80209-2602	71.71%	<i>AMY</i> PDF		Power of attorney plus other form legally declaring common area	YES
<del>DECADE INVESTMENTS LTD</del>	<del>1695 E CEDAR AVE DENVER, CO 80209-2602</del>	<del>4.20%</del>			<del>Assessor's record</del>	
KUGELER, MONTJOY C	1685 E CEDAR AVE DENVER, CO 80209-2602	4.03%	<i>Montjoy C Kugeler</i>	1/10/12	Assessor's record	
LOPER, AMY THERESE	1683 E CEDAR AVE DENVER, CO 80209-2602	3.93%	<i>AMY</i>		Assessor's record	
<del>ERIC SCHWARTZ</del>	<del>1691 E CEDAR AVE DENVER, CO 80209-2602</del>	<del>8.17%</del>			Assessor's record	
SCHWARTZ FAMILY TRUST	1691 E CEDAR AVE DENVER, CO 80209-2602	4.03%	<i>Eric Schwartz</i>		Assessor's record	
SAWAYA, GEORGE J FAMILY TRUST	1695 E CEDAR AVE DENVER, CO 80209-2602	3.93%			Assessor's record	
RINGSBY, ALEXANDER H	1687 E CEDAR AVE Denver, CO 80209-2602				Assessor's record	



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CEGAR TERRACE	1691 E CEDAR AVE DENVER, CO 80209-2602	71.71%			Power of attorney plus other form legally declaring common area	YES
CEGAR-HARRISBURG LLC	1693 E CEDAR AVE DENVER, CO 80209-2602	4.20%			Assessor's record	
KUGELER, MONTIJOY C	1685 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
LOPER, AMY THERESE	1683 E CEDAR AVE DENVER, CO 80209-2602	3.93%			Assessor's record	
SCHWARTZ, ERIC AND SCHWARTZ FAMILY TRUST	1691 E CEDAR AVE DENVER, CO 80209-2602	8.17%			Assessor's record	
SAWAYA, GEORGE J FAMILY TRUST	1695 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
RINGSBY, GRAY AND RINGSBY, ERIC, AND RINGSBY, ALEXANDER H	1687 E CEDAR AVE Denver, CO 80209-2602	3.93%	<i>Eric Ringsby</i>	1/22/13	Assessor's record	



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CEDAR TERRACE	1691 E CEDAR AVE DENVER, CO 80209-2602	74.71%			Power of attorney plus other form legally declaring common area	YES
CEDAR-HARRISBURG LLC	1693 E CEDAR AVE DENVER, CO 80209-2602	4.20%			Assessor's record	
KUGELER, MONTLOY C	1685 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
LOPER, AMY THERESE	1683 E CEDAR AVE DENVER, CO 80209-2602	3.93%			Assessor's record	
SCHWARTZ, ERIC AND SCHWARTZ FAMILY TRUST	1691 E CEDAR AVE DENVER, CO 80209-2602	8.17%			Assessor's record	
SAWAYA, GEORGE J FAMILY TRUST	1695 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
RINGSBY, GRAY AND RINGSBY, ERIC, AND RINGSBY, ALEXANDER H	1687 E CEDAR AVE Denver, CO 80209-2602	3.93%	<i>Amy Therese Loper</i>	1/24/13	Assessor's record	





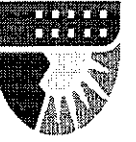
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Property Owner (Name and Address Type or parcel legally)	Property Address (City, State, Zip)	Property Owner Interest % of the Area to be Re-zoned	Please sign below to an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	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	Property owner representative written authorization? (Y/N/C)
CEDAR HERACE	1691 E CEDAR AVE DENVER, CO 80209-2602	71.71%			Power of attorney plus other form legally describing common area	YES
CEDAR HARRISHING LLC	1693 E CEDAR AVE DENVER, CO 80209-2602	4.20%			Assessor's record	
KUGELER MONTROY C	1685 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
LOPER AMY THERESE	1683 E CEDAR AVE DENVER, CO 80209-2602	3.03%			Assessor's record	
SCHWARTZ ERIC AND SCHWARTZ FAMILY TRUST	1691 E CEDAR AVE DENVER, CO 80209-2602	0.17%			Assessor's record	
SAMAYYA GEORGE J FAMILY TRUST	1695 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
RINGSBY GRAY AND RINGSBY ERIC, AND RINGSBY ALEXANDER H	1687 E CEDAR AVE DENVER, CO 80209-2602	3.03%		24 MAY 2013	Assessor's record	



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CEDAR TERRACE	1691 E CEDAR AVE DENVER, CO 80209-2602	71.71%			Power of attorney plus other form legally declaring common area	YES
CEDAR-HARRISBURG LLC	1693 E CEDAR AVE DENVER, CO 80209-2602	4.20%	<i>Stephen Bernice</i> <i>Elaine Bernice</i>		Assessor's record	
KUGELER, MONTIYOY C	1685 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
LOPER, AMY THERESE	1683 E CEDAR AVE DENVER, CO 80209-2602	3.93%			Assessor's record	
SCHWARTZ, ERIC AND SCHWARTZ FAMILY TRUST	1691 E CEDAR AVE DENVER, CO 80209-2602	8.17%			Assessor's record	
SAWAYA, GEORGE J FAMILY TRUST	1695 E CEDAR AVE DENVER, CO 80209-2602	4.03%			Assessor's record	
RINGSBY, GRAY AND RINGSBY, ERIC, AND RINGSBY, ALEXANDER H	1687 E CEDAR AVE Denver, CO 80209-2602	3.93%			Assessor's record	



**DENVER**  
THE MILE HIGH CITY

Community Planning and Development  
Planning Services  
Plan Implementation

201 W Colfax Ave, Dept 205  
Denver, CO 80202  
p: 720-865-2950  
f: 720-865-3056

**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION**

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.

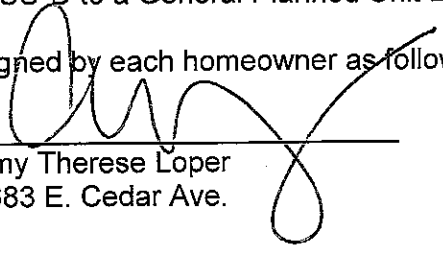
Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip	Property Owner Interest % of the Area to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	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	Property owner representative written authorization? (YES/NO)
CEGAR TERRACE	1691 E CEDAR AVE DENVER, CO 80209-2602	71.71%	<i>AMY PDA</i>		Power of attorney plus other form legally declaring common area	YES
<del>DEBBE BENNETT LTD</del>	<del>1691 E CEDAR AVE DENVER, CO 80209-2602</del>	<del>4.03%</del>				
KUGELER, MONTROY C	1685 E CEDAR AVE DENVER, CO 80209-2602	4.03%	<i>Montroy C Kugeler</i>	1/10/12	Assessor's record	
OPER, AMY THERESE	1683 E CEDAR AVE DENVER, CO 80209-2602	3.93%	<i>AMY</i>		Assessor's record	
SCHWARTZ FAMILY TRUST	1691 E CEDAR AVE DENVER, CO 80209-2602	8.17%	<i>[Signature]</i>		Assessor's record	
SAWAYA, GEORGE J FAMILY TRUST	1695 E CEDAR AVE DENVER, CO 80209-2602	4.03%	<i>[Signature]</i>		Assessor's record	
RINGSBY ALEXANDER H	1687 E CEDAR AVE Denver, CO 80209-2602	3.93%	<i>[Signature]</i>		Assessor's record	

RESOLUTION OF CEDAR TERRACE HOMEOWNERS' ASSOCIATION, INC.

RESOLVED unanimously by the homeowners of the Cedar Terrace Homeowners' Association, Inc. (the "HOA"):

Amy Therese Loper, duly elected secretary of the HOA, shall be and is granted POWER OF ATTORNEY to sign all documents as needed in the rezoning of the Cedar Terrace property from S-SU-D to a General Planned Unit Development (PUD).

Signed by each homeowner as follows:

  
\_\_\_\_\_  
Amy Therese Loper  
1683 E. Cedar Ave.

\_\_\_\_\_  
Montjoy C. Kugeler  
1685 E. Cedar Ave.

\_\_\_\_\_  
Alexander H. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Eric W. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Gray E. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Schwartz Family Trust by Eric Schwartz  
1691 E. Cedar Ave.

\_\_\_\_\_  
Decade Investments Ltd. by \_\_\_\_\_  
Cedar-Harrisburg LLC by \_\_\_\_\_  
1693 E. Cedar Ave.

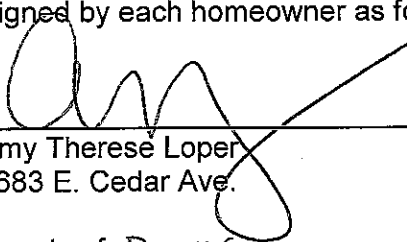
\_\_\_\_\_  
Alice Rock, Co-Trustee of George J. Sawaya Trust  
1695 East Cedar Ave.

\_\_\_\_\_  
Dianne Sawaya, Co-Trustee of George J. Sawaya Trust  
1695 E. Cedar Ave.

POWER OF ATTORNEY

The homeowners of the Cedar Terrace Homeowners' Association, Inc. (the "HOA") jointly and severally grant to Amy Therese Loper, duly elected secretary of the HOA, POWER OF ATTORNEY to sign all documents as needed in the rezoning of the Cedar Terrace property from S-SU-D to a General Planned Unit Development (PUD).

Signed by each homeowner as follows:




Amy Therese Loper  
1683 E. Cedar Ave.

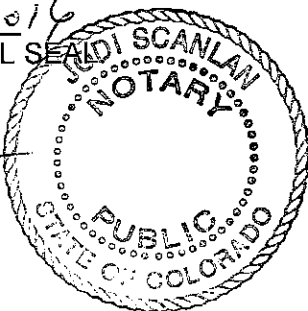
County of Denver  
State of COLORADO

Subscribed and sworn to before me by Amy Therese Loper this 26<sup>th</sup> day of December 2012

My commission expires: 12/23/2014

WITNESS MY HAND AND OFFICIAL SEAL

  
Notary Public



Montjoy C. Kugeler  
1685 E. Cedar Ave.

County of \_\_\_\_\_  
State of \_\_\_\_\_

Subscribed and sworn to before me by Montjoy C. Kugeler this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires: \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

Alexander H. Ringsby  
1687 E. Cedar Ave.

County of \_\_\_\_\_  
State of \_\_\_\_\_

Subscribed and sworn to before me by Alexander H. Ringsby this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires: \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

POWER OF ATTORNEY

The homeowners of the Cedar Terrace Homeowners' Association, Inc. (the "HOA") jointly and severally grant to Amy Therese Loper, duly elected secretary of the HOA, POWER OF ATTORNEY to sign all documents as needed in the rezoning of the Cedar Terrace property from S-SU-D to a General Planned Unit Development (PUD).

Signed by each homeowner as follows:

[Signature]  
Amy Therese Loper  
1683 E. Cedar Ave.

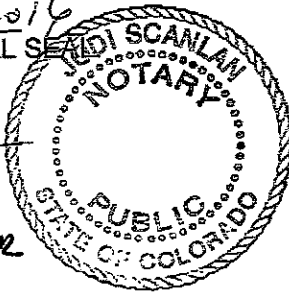
County of Denver  
State of COLORADO

Subscribed and sworn to before me by Amy Therese Loper this 20<sup>th</sup> day of December 2012

My commission expires: 12/13/2016

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]  
Notary Public



Montjoy C. Kugeler  
Montjoy C. Kugeler  
1685 E. Cedar Ave.

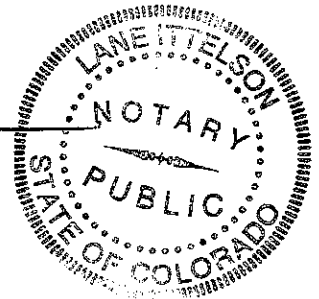
City:  
County of Denver  
State of Colorado

Subscribed and sworn to before me by Montjoy C. Kugeler this 31<sup>st</sup> day of 2012

My commission expires: 8/9/2013

WITNESS MY HAND AND OFFICIAL SEAL.

[Signature]  
Notary Public



Alexander H. Ringsby  
1687 E. Cedar Ave.

County of \_\_\_\_\_  
State of \_\_\_\_\_

Subscribed and sworn to before me by Alexander H. Ringsby this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

My commission expires: \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

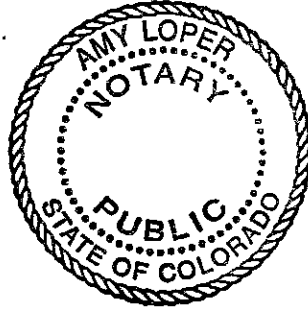
Decade Investments Ltd. by \_\_\_\_\_  
Cedar-Harrisburg LLC by \_\_\_\_\_  
1693 E. Cedar Ave.

*Elaine Bernaro*  
*Stephen Bernaro*

County of Denver  
State of Colorado

Subscribed and sworn to before me by <sup>ELAINE BERNARO</sup> ~~Stephen Bernaro~~ this 5<sup>th</sup> day of January, 2013  
My commission expires: 11/18/15  
WITNESS MY HAND AND OFFICIAL SEAL.

*[Signature]*  
\_\_\_\_\_  
Notary Public



\_\_\_\_\_  
Alice Rock, Co-Trustee of George J. Sawaya Trust  
1695 East Cedar Ave.

County of \_\_\_\_\_  
State of \_\_\_\_\_

Subscribed and sworn to before me by Alice Rock this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
My commission expires: \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Dianne Sawaya, Co-Trustee of George J. Sawaya Trust  
1695 E. Cedar Ave.

County of \_\_\_\_\_  
State of \_\_\_\_\_

Subscribed and sworn to before me by Dianne Sawaya this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
My commission expires: \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Eric W. Ringsby  
1687 E. Cedar Ave.

County of \_\_\_\_\_  
State of \_\_\_\_\_

Subscribed and sworn to before me by Eric W. Ringsby this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires: \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Gray E. Ringsby  
1687 E. Cedar Ave.

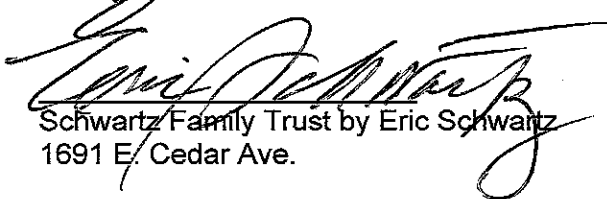
County of \_\_\_\_\_  
State of \_\_\_\_\_

Subscribed and sworn to before me by Gray E. Ringsby this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires: \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

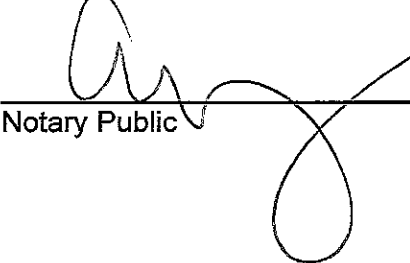
  
Schwartz Family Trust by Eric Schwartz  
1691 E. Cedar Ave.

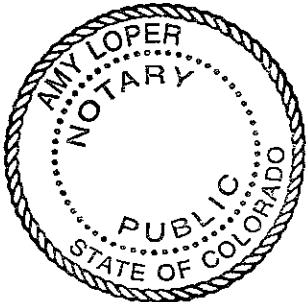
County of DENVER  
State of COLORADO

Subscribed and sworn to before me by ERIC SCHWARTZ this 3<sup>rd</sup> day of JANUARY, 2013

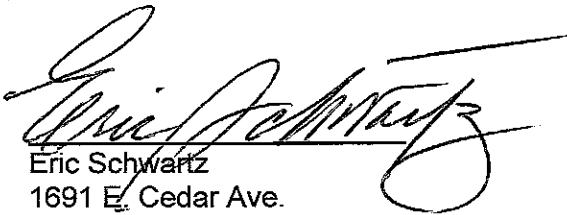
My commission expires: 11/18/15

WITNESS MY HAND AND OFFICIAL SEAL.

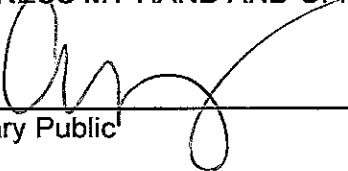
  
\_\_\_\_\_  
Notary Public

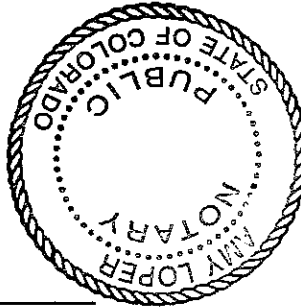




  
Eric Schwartz  
1691 E. Cedar Ave.

County of DENVER  
State of Colorado  
Subscribed and sworn to before me by ERIC SCHWARTZ this 3rd day of JANUARY, 2013  
My commission expires: 11/18/15  
WITNESS MY HAND AND OFFICIAL SEAL.

  
\_\_\_\_\_  
Notary Public



\_\_\_\_\_  
Decade Investments Ltd. by \_\_\_\_\_  
Cedar-Harrisburg LLC by \_\_\_\_\_  
1693 E. Cedar Ave.

County of \_\_\_\_\_  
State of \_\_\_\_\_  
Subscribed and sworn to before me by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
My commission expires: \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Alice Rock, Co-Trustee of George J. Sawaya Trust  
1695 East Cedar Ave.

County of \_\_\_\_\_  
State of \_\_\_\_\_  
Subscribed and sworn to before me by Alice Rock this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
My commission expires: \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

POWER OF ATTORNEY

The homeowners of the Cedar Terrace Homeowners' Association, Inc. (the "HOA") jointly and severally grant to Amy Therese Loper, duly elected secretary of the HOA, POWER OF ATTORNEY to sign all documents as needed in the rezoning of the Cedar Terrace property from S-SU-D to a General Planned Unit Development (PUD).

Signed by each homeowner as follows:

\_\_\_\_\_  
Amy Therese Loper  
1683 E. Cedar Ave.

County of \_\_\_\_\_  
State of \_\_\_\_\_  
Subscribed and sworn to before me by Amy Therese Loper this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.  
My commission expires: \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Montjoy C. Kugeler  
1685 E. Cedar Ave.

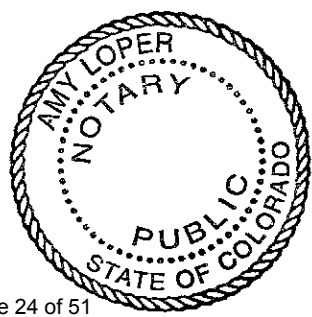
County of \_\_\_\_\_  
State of \_\_\_\_\_  
Subscribed and sworn to before me by Montjoy C. Kugeler this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.  
My commission expires: \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

*Alexander H. Ringsby*  
\_\_\_\_\_  
Alexander H. Ringsby  
1687 E. Cedar Ave.

County of DENVER  
State of COLORADO  
Subscribed and sworn to before me by Alexander H. Ringsby this 27<sup>th</sup> day of December,  
2012  
My commission expires: 11/18/15  
WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public  
*Eric W. Ringsby*  
\_\_\_\_\_  
Eric W. Ringsby



1687 E. Cedar Ave.

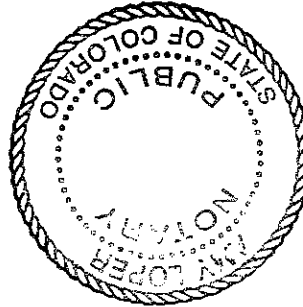
County of Denver  
State of Colorado

Subscribed and sworn to before me by Eric W. Ringsby this 27<sup>th</sup> day of December, 2012

My commission expires: 11/18/15

WITNESS MY HAND AND OFFICIAL SEAL.

[Signature]  
Notary Public



[Signature]  
Gray E. Ringsby  
1687 E. Cedar Ave.

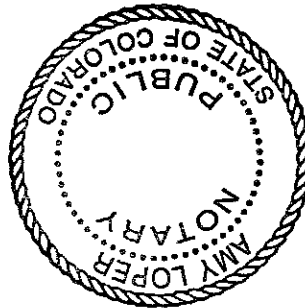
County of Denver  
State of Colorado

Subscribed and sworn to before me by Gray E. Ringsby this 28<sup>th</sup> day of December, 2012

My commission expires: 11/18/15

WITNESS MY HAND AND OFFICIAL SEAL.

[Signature]  
Notary Public



[Signature]  
Schwartz Family Trust by Eric Schwartz  
1691 E. Cedar Ave.

County of \_\_\_\_\_  
State of \_\_\_\_\_

Subscribed and sworn to before me by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires: \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

[Signature]  
Decade Investments Ltd. by \_\_\_\_\_  
Cedar-Harrisburg LLC by \_\_\_\_\_  
1693 E. Cedar Ave.

County of \_\_\_\_\_

Decade Investments Ltd. by \_\_\_\_\_  
Cedar-Harrisburg LLC by \_\_\_\_\_  
1693 E. Cedar Ave.

County of \_\_\_\_\_  
State of \_\_\_\_\_

Subscribed and sworn to before me by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

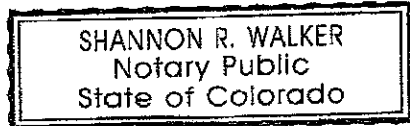
My commission expires: \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

Alice Rock  
Alice Rock, Co-Trustee of George J. Sawaya Trust  
1695 East Cedar Ave.

County of Denver  
State of Colorado  
Subscribed and sworn to before me by Alice Rock this 26th day of December, 2012  
My commission expires: 2/23/13  
WITNESS MY HAND AND OFFICIAL SEAL.

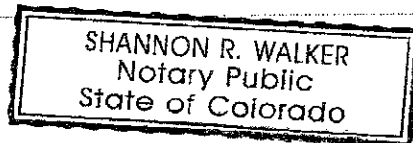
Shannon R Walker  
Notary Public



D. Sawaya  
Dianne Sawaya, Co-Trustee of George J. Sawaya Trust  
1695 E. Cedar Ave.

County of Denver  
State of Colorado  
Subscribed and sworn to before me by Dianne Sawaya this 26th day of December, 2012  
My commission expires: 2/23/13  
WITNESS MY HAND AND OFFICIAL SEAL.

Shannon R Walker  
Notary Public




RESOLUTION OF CEDAR TERRACE HOMEOWNERS' ASSOCIATION, INC.

RESOLVED unanimously by the homeowners of the Cedar Terrace Homeowners' Association, Inc. (the "HOA"):

Amy Therese Loper, duly elected secretary of the HOA, shall be and is granted POWER OF ATTORNEY to sign all documents as needed in the rezoning of the Cedar Terrace property from S-SU-D to a General Planned Unit Development (PUD).

Signed by each homeowner as follows:

  
\_\_\_\_\_  
Amy Therese Loper  
1683 E. Cedar Ave.

  
\_\_\_\_\_  
Montjoy C. Kugeler  
1685 E. Cedar Ave.

\_\_\_\_\_  
Alexander H. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Eric W. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Gray E. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Schwartz Family Trust by Eric Schwartz  
1691 E. Cedar Ave.

\_\_\_\_\_  
Decade Investments Ltd. by \_\_\_\_\_  
Cedar-Harrisburg LLC by \_\_\_\_\_  
1693 E. Cedar Ave.

\_\_\_\_\_  
Alice Rock, Co-Trustee of George J. Sawaya Trust  
1695 East Cedar Ave.

\_\_\_\_\_  
Dianne Sawaya, Co-Trustee of George J. Sawaya Trust  
1695 E. Cedar Ave.

RESOLUTION OF CEDAR TERRACE HOMEOWNERS' ASSOCIATION, INC.

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\_\_\_\_\_  
Eric W. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Gray E. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Schwartz Family Trust by Eric Schwartz  
1691 E. Cedar Ave.

\_\_\_\_\_  
Decade Investments Ltd. by \_\_\_\_\_  
Cedar-Harrisburg LLC by \_\_\_\_\_  
1693 E. Cedar Ave.

*Eric J. Brown*  
*Stephen Perman*

\_\_\_\_\_  
Alice Rock, Co-Trustee of George J. Sawaya Trust  
1695 East Cedar Ave.

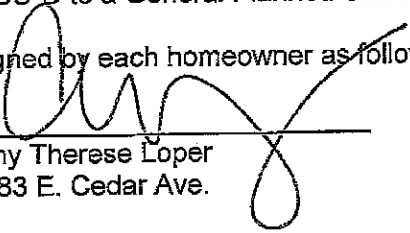
\_\_\_\_\_  
Dianne Sawaya, Co-Trustee of George J. Sawaya Trust  
1695 E. Cedar Ave.

RESOLUTION OF CEDAR TERRACE HOMEOWNERS' ASSOCIATION, INC.

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1683 E. Cedar Ave.

\_\_\_\_\_  
Montjoy C. Kugeler  
1685 E. Cedar Ave.

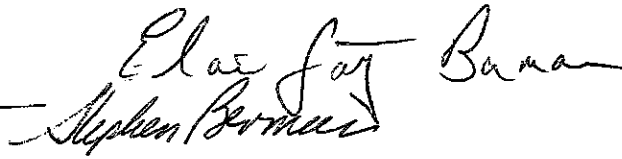
\_\_\_\_\_  
Alexander H. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Eric W. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Gray E. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Schwartz Family Trust by Eric Schwartz  
1691 E. Cedar Ave.

\_\_\_\_\_  
Decade Investments Ltd. by \_\_\_\_\_  
Cedar-Harrisburg LLC by \_\_\_\_\_  
1693 E. Cedar Ave.

  
Stephen Bernau

\_\_\_\_\_  
Alice Rock, Co-Trustee of George J. Sawaya Trust  
1695 East Cedar Ave.

\_\_\_\_\_  
Dianne Sawaya, Co-Trustee of George J. Sawaya Trust  
1695 E. Cedar Ave.

RESOLUTION OF CEDAR TERRACE HOMEOWNERS' ASSOCIATION, INC.

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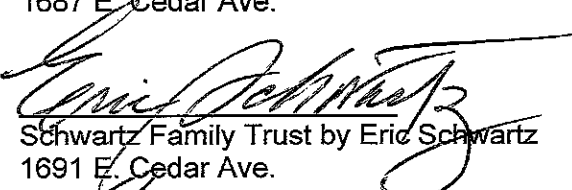
\_\_\_\_\_  
Amy Therese Loper  
1683 E. Cedar Ave.

\_\_\_\_\_  
Montjoy C. Kugeler  
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\_\_\_\_\_  
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1687 E. Cedar Ave.

\_\_\_\_\_  
Eric W. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Gray E. Ringsby  
1687 E. Cedar Ave.

  
Schwartz Family Trust by Eric Schwartz  
1691 E. Cedar Ave.

  
Eric Schwartz  
1691 E. Cedar Ave.

\_\_\_\_\_  
Decade Investments Ltd. by \_\_\_\_\_  
Cedar-Harrisburg LLC by \_\_\_\_\_  
1693 E. Cedar Ave.



---

Alice Rock, Co-Trustee of George J. Sawaya Trust  
1695 East Cedar Ave.

---

Dianne Sawaya, Co-Trustee of George J. Sawaya Trust  
1695 E. Cedar Ave.

RESOLUTION OF CEDAR TERRACE HOMEOWNERS' ASSOCIATION, INC.

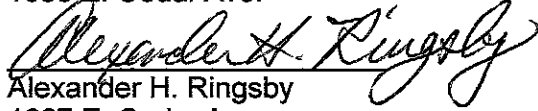
RESOLVED unanimously by the homeowners of the Cedar Terrace Homeowners' Association, Inc. (the "HOA"):

Amy Therese Loper, duly elected secretary of the HOA, shall be and is granted POWER OF ATTORNEY to sign all documents as needed in the rezoning of the Cedar Terrace property from S-SU-D to a General Planned Unit Development (PUD).

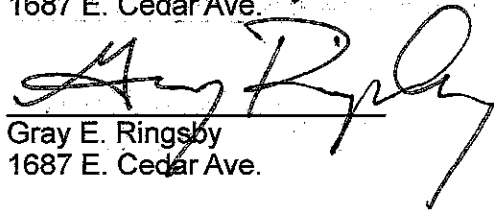
Signed by each homeowner as follows:

\_\_\_\_\_  
Amy Therese Loper  
1683 E. Cedar Ave.

\_\_\_\_\_  
Montjoy C. Kugeler  
1685 E. Cedar Ave.

  
\_\_\_\_\_  
Alexander H. Ringsby  
1687 E. Cedar Ave.

  
\_\_\_\_\_  
Eric W. Ringsby  
1687 E. Cedar Ave.

  
\_\_\_\_\_  
Gray E. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Schwartz Family Trust by Eric Schwartz  
1691 E. Cedar Ave.

\_\_\_\_\_  
Decade Investments Ltd. by \_\_\_\_\_  
Cedar-Harrisburg LLC by \_\_\_\_\_  
1693 E. Cedar Ave.

\_\_\_\_\_  
Alice Rock, Co-Trustee of George J. Sawaya Trust  
1695 East Cedar Ave.

\_\_\_\_\_  
Dianne Sawaya, Co-Trustee of George J. Sawaya Trust  
1695 E. Cedar Ave.

RESOLUTION OF CEDAR TERRACE HOMEOWNERS' ASSOCIATION, INC.

RESOLVED unanimously by the homeowners of the Cedar Terrace Homeowners' Association, Inc. (the "HOA"):

Amy Therese Loper, duly elected secretary of the HOA, shall be and is granted POWER OF ATTORNEY to sign all documents as needed in the rezoning of the Cedar Terrace property from S-SU-D to a General Planned Unit Development (PUD).

Signed by each homeowner as follows:

\_\_\_\_\_  
Amy Therese Loper  
1683 E. Cedar Ave.

\_\_\_\_\_  
Montjoy C. Kugeler  
1685 E. Cedar Ave.


\_\_\_\_\_  
Alexander H. Ringsby  
1687 E. Cedar Ave.

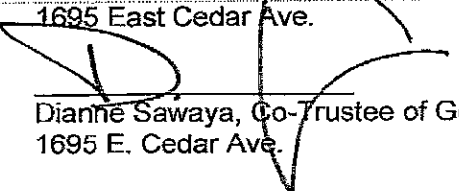
\_\_\_\_\_  
Eric W. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Gray E. Ringsby  
1687 E. Cedar Ave.

\_\_\_\_\_  
Schwartz Family Trust by Eric Schwartz  
1691 E. Cedar Ave.

\_\_\_\_\_  
Decade Investments Ltd. by \_\_\_\_\_  
Cedar-Harrisburg LLC by \_\_\_\_\_  
1693 E. Cedar Ave.

  
\_\_\_\_\_  
Alice Rock, Co-Trustee of George J. Sawaya Trust  
1695 East Cedar Ave.

  
\_\_\_\_\_  
Dianne Sawaya, Co-Trustee of George J. Sawaya Trust  
1695 E. Cedar Ave.

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named Schwartz Family Trust.

2. This Statement of Authority further relates to the real property located in the County of Denver, State of Colorado, described as :

Lots 4 and 5 and all that part of the common area lying between Lots 4 and 5,  
Cedar Terrace,  
According to plat filed November 2, 1979 in Planned Development Book 2 at Page  
19, records of the City and County of Denver, State of Colorado,  
City and County of Denver, State of Colorado.

3. The type of entity is a trust (Section 38-30-108.5 C.R.S.)

4. The entity is formed under the laws of Colorado.

5. The mailing address of the entity is 1691 East Cedar Avenue, Denver, CO 80209.

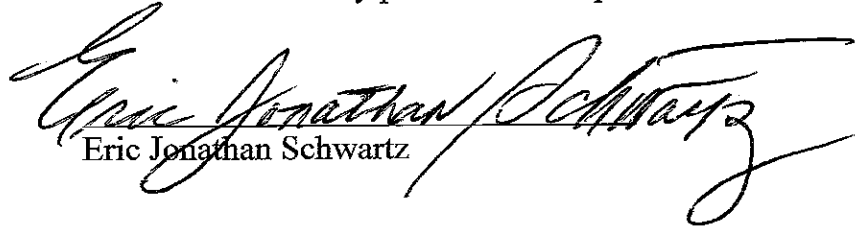
6. The name/position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is Eric Jonathan Schwartz, Trustee.

7. The authority of the foregoing person to bind the entity is not limited.

8. Other matters concerning the manner in which the entity deals with interests in real property: NONE

This Statement of Authority is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.

Executed on 1/12, 2013.

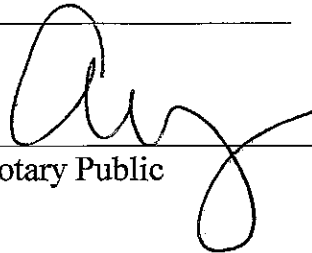
  
Eric Jonathan Schwartz

STATE OF COLORADO )  
 ) ss.  
City & COUNTY OF Denver )

The foregoing Statement of Authority was acknowledged before me on 1/12, 2013, by Eric Jonathan Schwartz, Trustee of the Schwartz Family Trust.

Witness my hand and seal.

My commission expires: 11/18/15

  
\_\_\_\_\_  
Notary Public

[SEAL]



WARRANTY DEED

THIS DEED, Made on this day of May 15, 1997  
between MARGARET BRIDGET MUNN YOUNG

of the \_\_\_\_\_ County of DENVER and State of Colorado, of the Grantor(s), and  
CEDAR-HARRISBURG, LLC

whose legal address is : 1693 EAST CEDAR AVENUE, DENVER, CO 80209  
of the \_\_\_\_\_ County of DENVER and State of Colorado, of the Grantee(s):

WITNESS, That the Grantor(s), for and in consideration of the sum of ( \$963,662.00 )  
\*\*\* Nine Hundred Sixty Three Thousand Six Hundred Sixty Two and 00/100 \*\*\* DOLLARS

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(s), 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:  
LOT 6, CEDAR TERRACE, ACCORDING TO THE AMENDED PLAT FILED AUGUST 29, 1980 IN PLANNED DEVELOPMENT BOOK 2 AT PAGE 70, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

State Documentary Fee  
Date 96.37  
\$ \_\_\_\_\_

also known as street number 1693 EAST CEDAR AVENUE, DENVER, CO 80209

TOGETHER with all and singular and hereditaments and appurtenances thereto belonging, or in anywise appertaining and 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(s), 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 appurtenances, unto the Grantee(s), his heirs and assigns forever. The Grantor(s), for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee(s), his heirs and assigns, that at the time of the ensembling and delivery of these presents, he 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 general taxes and assessments for the year 1997 and subsequent years and subject to those items listed on Exhibit "A" attached hereto and incorporated herein by reference.

The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee(s), 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, and the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF the Grantor(s) has executed this deed on the date set forth above.

*Margaret Bridget Munn Young*  
MARGARET BRIDGET MUNN YOUNG

*Robert Young*  
BY ROBERT YOUNG AS ATTORNEY-IN-FACT

STATE OF Colorado )  
City of Denver ) ss.  
County of Denver )

KATHLEEN P. HAMERSTADT  
NOTARY PUBLIC  
STATE OF COLORADO

The foregoing instrument was acknowledged before me on this day of May 15, 1997  
by ROBERT YOUNG AS ATTORNEY-IN-FACT FOR MARGARET BRIDGET MUNN YOUNG

My commission expires 1-22-2000  
Witness my hand and official seal.

*Kathleen P. Hamerstadt*  
Notary Public

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

Escrow# A568482 When Recorded Return to: CEDAR-HARRISBURG, LLC  
Title# K568482 1693 EAST CEDAR AVENUE, DENVER, CO 80209

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

EXHIBIT "A"

RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, AS CONTAINED IN INSTRUMENT RECORDED NOVEMBER 28, 1979 IN BOOK 2059 AT PAGE 449 AND AS AMENDED IN INSTRUMENT RECORDED NOVEMBER 28, 1979 IN BOOK 2059 AT PAGE 445 AND AMENDMENT RECORDED DECEMBER 14, 1988 UNDER RECEPTION NO. 00341588.

UTILITY EASEMENT THROUGH THE SOUTHWESTERLY 6 OF THE SOUTHEASTERLY 30 FEET, AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED April 20, 1982, IN BOOK 2570 AT PAGE 174.

TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT WITH THE CITY AND COUNTY OF DENVER RECORDED DECEMBER 4, 1979 IN BOOK 2062 AT PAGE 693, AS FOLLOWS: RIGHT OF WAY FOR INGRESS AND EGRESS ACROSS ALL PRIVATE ROADS AND STREETS FOR PURPOSE OF PROVIDING PUBLIC SERVICE AND OTHER MUNICIPAL SERVICES, WHICH INSTRUMENT ALSO PERMITS GENESIS INVESTMENT TO INSTALL AND MAINTAIN CERTAIN UTILITIES AND SEWERS.

TERMS, CONDITIONS AND PROVISIONS CONTAINED IN AGREEMENT RECORDED NOVEMBER 28, 1979 IN BOOK 2059 AT PAGE 484.

TERMS, CONDITIONS AND PROVISIONS CONTAINED IN AGREEMENT RECORDED NOVEMBER 28, 1979 IN BOOK 2059 AT PAGE 476.

RIGHT TO CONSTRUCT, MAINTAIN AND REMOVE SEWERS, WATER PIPES AND APPURTENANCES AND TO AUTHORIZE THE CONSTRUCTION, MAINTENANCE AND REMOVAL OF THE SAME WITHIN THAT PORTION OF SUBJECT PROPERTY LYING WITHIN VACATED SOUTH WILLIAMS STREET AND SOUTH GILPIN STREET AS RESERVED TO THE CITY AND COUNTY OF DENVER IN THE ORDINANCES VACATING SAID STREETS, BEING ORDINANCE NO. 28, SERIES OF 1927, RECORDED MARCH 29, 1927 IN BOOK 3965 AT PAGE 440 AND ORDINANCE 98, SERIES OF 1921, RECORDED JANUARY 26, 1928 IN BOOK 4015 AT PAGE 325.

RIGHT OF WAY FOR THE CITY DITCH, 12 FEET IN WIDTH ON THE BOTTOM, WITH ADDITIONAL GROUND FOR SLOPES AND ENBANKMENTS, TOGETHER WITH RIGHTS OF INGRESS AND EGRESS FOR INSPECTION, REPAIR AND MAINTENANCE OF SAID DITCH AS ESTABLISHED BY INSTRUMENTS RECORDED IN BOOK 76 AT PAGE 182 AS MODIFIED BY INSTRUMENT RECORDED DECEMBER 29, 1932 IN BOOK 4705 AT PAGE 281.