

**Amendment to CB15-0937 related to the rezone proposal
For property located 725 W. 39th Avenue**

Councilmember Brooks

February 29, 2016

Councilmembers,

I move to amend **CB15-0937** as follows:

- 1) On page 1 starting on line 23 through line 36 and on page 2 starting on line 1 through line 41, strike the entire language referring to the legal description of the proposed rezoning site and replace with the following legal description language:

LEGAL DESCRIPTIONS:

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

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

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

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

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

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

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

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

PURPOSE OF THE AMENDMENT

The property for rezoning is located in Council District 9. The property owner has requested to amend the bill to reduce the size of the rezoning proposal from approximately 123,233 sq. ft. to 49,510 sq. ft. The request is made in light of a new buyer that intends to develop on the north parcel area, while keeping the remaining area to the south under the current industrial zoning to allow for flexibility in leasing the property under current use entitlements. The property owner intends to rezone the southern portion of this property when the market can support a phase II development on the property.

If the amendment passes, this necessitates reposting the property and rescheduling the hearing for Tuesday, March 29, 2016.