

**BY AUTHORITY**

ORDINANCE NO.  
SERIES OF 2011

COUNCIL BILL NO. CB11-0748  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification of 2555 31<sup>st</sup> Street.**

**WHEREAS**, the City Council has determined, based on evidence and testimony presented at the public hearing, that the map amendment set forth below conforms with applicable City laws, is in accordance with the Comprehensive Plan, is necessary to promote the public health, safety and general welfare of the City, is justified by one of the circumstances set forth in Section 12.4.10.14 of the Denver Zoning Code, and is consistent with the neighborhood context and the stated purpose and intent of the proposed zone district;

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

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

1. That the land area hereinafter described is presently classified as I-A / U0-2.
2. That the Owner proposes that the land area hereinafter described be changed to C-MX-20.

**Section 2.** That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from I-A / UO-2 to C-MX-20:

**[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]**

## LEGAL DESCRIPTION

1

### LEGAL DESCRIPTION — PARCEL 3

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 SOUTHWEST 1/4 OF SAID SECTION 22; THENCE N 00°06'46" E ( N 00°09'57" E, A.M. ) ALONG THE WEST LINE OF THE NORTHEAST 1/4 SOUTHWEST 1/4 OF SAID SECTION 22, A DISTANCE OF 176.59 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING N 00°06'46" E ( N 00°09'57" E, A.M. ) ALONG THE WEST LINE OF THE NORTHEAST 1/4 SOUTHWEST 1/4 OF SAID SECTION 22, A DISTANCE OF 146.91 FEET TO THE SOUTHEASTERLY LINE OF THE FARMERS AND GARDENERS DITCH;

THENCE N 32°10'49" E ( N 31°56'31" E, A.M. ) ALONG SAID SOUTHEASTERLY LINE OF THE FARMERS AND GARDENERS DITCH, A DISTANCE OF 340.29 FEET ( 339.78 FEET, A.M. );

THENCE N 45°13'25" E ( N 46°01'15" E, A.M. ) ALONG SAID SOUTHEASTERLY LINE OF THE FARMERS AND GARDENERS DITCH, A DISTANCE OF 32.80 FEET ( 33.06 FEET, A.M. );

THENCE N 49°14'40" E ALONG SAID SOUTHEASTERLY LINE OF THE FARMERS AND GARDENERS DITCH A DISTANCE OF 49.48 FEET;

THENCE N 41°59'40" E, ALONG SAID SOUTHEASTERLY LINE OF THE FARMERS AND GARDENERS DITCH, A DISTANCE OF 49.54 FEET TO THE SOUTHERLY LINE OF BURLINGTON SUBDIVISION;

THENCE S 69°30'21" E ( S 69°26'25" E, A.M. ) ALONG SAID SOUTHERLY LINE OF BURLINGTON SUBDIVISION, A DISTANCE OF 9.68 FEET ( 9.33 FEET, A.M. ) TO THE CENTERLINE OF VACATED CHEROKEE STREET;

THENCE N 00°03'58" E ( N 00°09'43" E, A.M. ) ALONG THE CENTERLINE OF SAID VACATED CHEROKEE STREET, A DISTANCE OF 104.69 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST 43RD AVENUE;

THENCE S 89°55'23" E ( S 89°50'17" E, A.M. ) ALONG THE SOUTH RIGHT-OF-WAY LINE OF WEST 43RD AVENUE AND ALONG THE NORTH LINE OF SAID BLOCK 9, BURLINGTON SUBDIVISION, A DISTANCE OF 208.81 FEET ( 209.04 FEET, A.M. ) TO THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 25 ( DECEMBER, 1997 );

THENCE S 53°26'56" E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 16.87 FEET;

THENCE S 19°59'11" W A DISTANCE OF 50.00 FEET ( 50.05 FEET, A.M. );

THENCE S 14°48'49" W ( S 15°01'08" W, A.M. ) ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 116.87 FEET TO THE SOUTHERLY LINE OF BURLINGTON SUBDIVISION;

THENCE S 14°48'49" W ( S 15°01'08" W, A.M. ) ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 8.29 FEET ( 8.18 FEET, A.M. );

THENCE S 06°13'15" W ( S 06°09'35" W, A.M. ) ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 212.26 FEET;

THENCE S 16°34'26" W ( S 16°36'00" W, A.M. ) ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 350.55 FEET;

THENCE S 34°27'39" E ( S 34 31'18" E, A.M. ) ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 61.37 FEET ( 61.43 FEET, A.M. );

THENCE S 45°21'23" W ( S 45°26'52" W, A.M. ) AND DEPARTING SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 113.47 FEET;

THENCE S 70°48'50" W ( S 71°14'58" W, A.M. ) A DISTANCE OF 46.75 FEET ( 47.34 FEET, A.M. ) TO THE NORTH RIGHT-OF-WAY LINE OF 31ST STREET;

THENCE N 45°14'50" W ( N 45°05'43" W, A.M. ) ALONG SAID NORTH RIGHT OF WAY LINE OF 31ST STREET, A DISTANCE OF 47.13 FEET;

THENCE N 44°54'17" E A DISTANCE OF 10.00 FEET;

THENCE N 45°05'43" W A DISTANCE OF 20.00 FEET;

THENCE S 44°54'17" W A DISTANCE OF 10.00 FEET;

THENCE N 45°05'43" W A DISTANCE OF 275.85 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 251,300.4823 SQUARE FEET OR 5.7691 ACRES, MORE OR LESS.

### LEGAL DESCRIPTION — PARCEL 4

LOTS 23 THROUGH 28, INCLUSIVE, BLOCK 10, BURLINGTON, TOGETHER WITH THE WEST 1/2 OF THE VACATED CHEROKEE STREET (FORMERLY GUNTHER STREET) LYING ADJACENT TO SAID LOTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 14,810.09 SQUARE FEET OR 0.340 ACRES, MORE OR LESS.

### LEGAL DESCRIPTION — PARCEL 5

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF DELAWARE STREET AND THE NORTHEAST LINE OF 31ST STREET; THENCE N 00°08'21" E A DISTANCE OF 168.07 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N 22°35'00" E A DISTANCE OF 70.31 FEET;

THENCE N 33°01'00" E A DISTANCE OF 65.51 FEET;

THENCE N 69°30'00" W A DISTANCE OF 66.85 FEET;

THENCE S 00°08'21" W A DISTANCE OF 143.47 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 4,073.00 SQUARE FEET OR 0.093 ACRES, MORE OR LESS.

2

3

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

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

5 COMMITTEE APPROVAL DATE: October 27, 2011

6 MAYOR-COUNCIL DATE: November 1, 2011

7 PASSED BY THE COUNCIL: \_\_\_\_\_, 2011

8 \_\_\_\_\_ - PRESIDENT

9 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2011

10 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
11 EX-OFFICIO CLERK OF THE  
12 CITY AND COUNTY OF DENVER

13 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2011; \_\_\_\_\_, 2011

14 PREPARED BY: KAREN A. AVILES, Assistant City Attorney DATE: November 3, 2011

15 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
16 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
17 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
18 § 3.2.6 of the Charter.

19 Douglas J. Friednash, Denver City Attorney

20 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2011