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BY AUTHORITY

ORDINANCE NO. *131*  
SERIES OF 2000

COUNCIL BILL NO. *48*  
COMMITTEE OF REFERENCE:  
LAND USE

A BILL

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY BOUNDED BY EAST 56<sup>TH</sup> AVENUE, YAMPA STREET, EAST 54<sup>TH</sup> AVENUE, WACO STREET, EAST 55<sup>TH</sup> AVENUE, URAVAN STREET, EAST 57<sup>TH</sup> AVENUE, WACO STREET, EAST 58<sup>TH</sup> AVENUE, YAMPA STREET, EAST 62<sup>ND</sup> AVENUE, WACO STREET, EAST 63<sup>RD</sup> AVENUE, PENA BOULEVARD, EAST 65<sup>TH</sup> AVENUE, WACO STREET, EAST 66<sup>TH</sup> AVENUE, YAMPA STREET, EAST 70<sup>TH</sup> AVENUE, WACO STREET, PENA BOULEVARD, YAMPA STREET, EAST 72<sup>ND</sup> AVENUE, ARGONNE STREET, PENA BOULEVARD, BISCAY STREET, EAST 69<sup>TH</sup> AVENUE, ARGONNE STREET, EAST 66<sup>TH</sup> AVENUE, BISCAY STREET, EAST 65<sup>TH</sup> AVENUE, DUNKIRK STREET, EAST 63<sup>RD</sup> AVENUE, BISCAY STREET, EAST 62<sup>ND</sup> AVENUE, ARGONNE STREET, EAST 58<sup>TH</sup> AVENUE, BISCAY STREET, EAST 57<sup>TH</sup> AVENUE, AND *SW* DUNKIRK STREET (GATEWAY AREA), RECITING CERTAIN WAIVERS PROPOSED BY THE OWNERS FOR THE ZONING CLASSIFICATION, RECITING CERTAIN REASONABLE CONDITIONS APPROVED BY THE OWNERS FOR THE ZONING CLASSIFICATION AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE.

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 part of the Gateway District;
- 2. That the owners propose that the land area hereinafter described be changed to C-MU-20 with reasonable waivers and with reasonable conditions they have approved;
- 3. That in its application the owners have represented that if the zoning classification is changed pursuant to their application, the owners will and hereby do:
  - (i) waive the right to use or occupy the land or to use, occupy, construct, erect, alter or maintain a structure north of East 62<sup>nd</sup> Avenue for the following uses enumerated in Section 59-430.03(1) of the Revised Municipal Code for the C-MU-20 zone district:
    - (a) Residential uses:
      - 1. Artist Studio;

2. Abbey, Convent, Monastery, Priory or other similar residence for clergy;
3. Fraternity or Sorority House;
4. Live/Work Residential;
5. Multiple Unit Dwelling;
6. Residence for Older Persons;
7. Rooming and/or Boarding House; and
8. Single Unit Dwelling.

(ii) waive the right to use or occupy the land or to use, occupy, construct, erect, alter or maintain a structure north of East 56<sup>th</sup> Avenue for a Single Unit Dwelling as enumerated in Section 59-430.03(1)(a)8. of the Revised Municipal Code for the C-MU-20 zone district;

(iii) waive the right to use or occupy the land or to use, occupy, construct, erect, alter or maintain the Parking of Vehicles as a permitted use as enumerated in Section 59-430.03(1)(c)41. of the Revised Municipal Code for the C-MU-20 zone district, unless such use is completely enclosed within a parking garage or parking structure.

4. That the owners approve and agree, as reasonable conditions to the requested change in zoning classifications related to the development, operation and maintenance of the land area hereinafter described:

(i) for zone lots located between East 56<sup>th</sup> Avenue and East 62<sup>nd</sup> Avenue, any portion of a structure occupied as an artist studio, abbey, convent, monastery, priory or other similar residence for clergy, fraternity or sorority house, live/work residential, multiple unit dwelling and/or rooming and/or boarding house shall comply with all construction standards relating to noise mitigations, said standards shall be promulgated by the Director of Planning as rules and regulations;

(ii) for zone lots located north of East 56<sup>th</sup> Avenue, prior to February 11, 2000, the owners shall execute, record and deliver to the Department of Zoning Administration a true copy of an Air Rights Covenant and Avigation Easement, in a form acceptable to the City Attorney, that shall run with the land whereby the owners and their successors and assigns waive any rights and causes of action they may have in the future against the City and County of Denver and others due to noise resulting from aircraft landing at, taking off from, or operating at Denver International Airport and grant an avigation easement.

**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

1 Gateway to C-MU-20 with certain waivers which waivers are set forth in Subsection 3 of Section 1  
2 hereof and with certain reasonable conditions approved by the owners which reasonable conditions  
3 are set forth in Subsection 4 of Section 1 hereof:

PARCEL 1

A PART OF SECTIONS 3, 4, 9, 10, 15 AND 16, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 16 BEING THE CENTERLINE INTERSECTION OF 52<sup>ND</sup> AVENUE AND TOWER ROAD;

THENCE S89°56'19"W, 659.33 FEET ALONG THE CENTERLINE OF 52<sup>ND</sup> AVENUE TO THE CENTERLINE OF YAMPA STREET;

THENCE N0°02'40"E, 1,330.06 FEET ALONG THE CENTERLINE OF YAMPA STREET TO THE CENTERLINE OF 54<sup>TH</sup> AVENUE;

THENCE S89°59'30"W, 658.21 FEET ALONG THE CENTERLINE OF 54<sup>TH</sup> AVENUE TO THE CENTERLINE OF WACO STREET;

THENCE N0°05'32"E, 665.33 FEET ALONG THE CENTERLINE OF WACO STREET TO THE CENTERLINE OF 55<sup>TH</sup> AVENUE;

THENCE N89°58'55"W, 657.65 FEET ALONG THE CENTERLINE OF 55<sup>TH</sup> AVENUE TO THE CENTERLINE OF URAVAN STREET;

THENCE N0°08'23"E, 665.64 FEET ALONG THE CENTERLINE OF URAVAN STREET TO THE CENTERLINE OF 56<sup>TH</sup> AVENUE;

THENCE N0°08'58"W, 659.48 FEET ALONG THE CENTERLINE OF URAVAN STREET TO THE CENTERLINE OF 57<sup>TH</sup> AVENUE;

THENCE S89°53'52"E, 657.85 FEET ALONG THE CENTERLINE OF 57<sup>TH</sup> AVENUE TO THE CENTERLINE OF WACO STREET;

THENCE N0°05'03"W, 658.82 FEET ALONG THE CENTERLINE OF WACO STREET TO THE CENTERLINE OF 58<sup>TH</sup> AVENUE;

THENCE S89°50'24"E, 658.61 FEET ALONG THE CENTERLINE OF 58<sup>TH</sup> AVENUE TO THE CENTERLINE OF YAMPA STREET;

THENCE N0°01'07"W, 1,316.31 FEET ALONG THE CENTERLINE OF YAMPA

STREET TO THE CENTERLINE OF 60<sup>TH</sup> AVENUE;

THENCE N0°05'00"W, 1,324.54 FEET ALONG THE CENTERLINE OF YAMPA STREET TO THE CENTERLINE OF 62<sup>ND</sup> AVENUE;

THENCE N89°43'04"W, 661.10 FEET ALONG THE CENTERLINE OF 62<sup>ND</sup> AVENUE TO THE CENTERLINE OF WACO STREET;

THENCE N0°07'32"W, 662.32 FEET ALONG THE CENTERLINE OF WACO STREET TO THE CENTERLINE OF 63<sup>RD</sup> AVENUE;

THENCE N89°42'50"W, 1,323.18 FEET ALONG THE CENTERLINE OF 63<sup>RD</sup> AVENUE TO THE CENTERLINE OF TELLURIDE STREET;

THENCE N89°50'45"W, 635.79 FEET ALONG THE CENTERLINE OF 63<sup>RD</sup> AVENUE TO THE EASTERLY RIGHT-OF-WAY LINE OF PENA BOULEVARD;

THENCE N0°25'22"E, 661.53 FEET ALONG SAID RIGHT-OF-WAY TO THE CENTERLINE OF 64<sup>TH</sup> AVENUE;

THENCE S89°55'34"E 628.47 FEET ALONG THE CENTERLINE OF 64<sup>TH</sup> AVENUE TO THE CENTERLINE OF TELLURIDE STREET;

THENCE N0°52'21"E, 661.19 FEET ALONG THE CENTERLINE OF TELLURIDE STREET TO THE CENTERLINE OF 65<sup>TH</sup> AVENUE;

THENCE S89°44'13"E, 1,323.83 FEET ALONG THE CENTERLINE OF 65<sup>TH</sup> AVENUE TO THE CENTERLINE OF WACO STREET;

THENCE N0°50'36"E, 661.81 FEET ALONG THE CENTERLINE OF WACO STREET TO THE CENTERLINE OF 66<sup>TH</sup> AVENUE ;

THENCE S89°45'50"E, 673.30 FEET ALONG THE CENTERLINE OF 66<sup>TH</sup> AVENUE TO THE CENTERLINE OF YAMPA STREET;

THENCE ALONG THE CENTERLINE OF YAMPA STREET ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 4°52'15", A RADIUS OF 3,200.00 FEET, A CHORD BEARING N1°36'25"W, 271.95 FEET, AN ARC LENGTH OF 272.03 TO A POINT OF TANGENT;

THENCE N0°49'42"E, 1,052.42 FEET ALONG THE CENTERLINE OF YAMPA STREET TO THE CENTERLINE OF 68<sup>TH</sup> AVENUE;

THENCE N0°49'45"E, 1,313.54 FEET ALONG THE CENTERLINE OF YAMPA STREET TO THE CENTERLINE OF 70<sup>TH</sup> AVENUE;

THENCE N89°56'30"W, 661.08 FEET ALONG THE CENTERLINE OF 70<sup>TH</sup> AVENUE TO THE CENTERLINE OF WACO STREET;

THENCE N0°50'39"E, 884.65 FEET ALONG THE CENTERLINE OF WACO STREET TO THE RIGHT-OF-WAY OF PENA BOULEVARD;

THENCE N56°30'00"E, 775.74 FEET ALONG SAID RIGHT-OF-WAY;

THENCE N89°56'04"E, 20.16 FEET ALONG SAID RIGHT-OF-WAY TO THE CENTERLINE OF YAMPA STREET;

THENCE S0°49'42"W, 656.77 FEET ALONG THE CENTERLINE OF YAMPA STREET TO THE CENTERLINE OF 71<sup>ST</sup> AVENUE;

THENCE N89°59'47"E, 660.91 FEET ALONG THE CENTERLINE OF 71<sup>ST</sup> AVENUE TO THE CENTERLINE OF TOWER ROAD;

THENCE N89°56'24"E, 661.17 FEET ALONG THE CENTERLINE OF 71<sup>ST</sup> AVENUE TO THE CENTERLINE OF ARGONNE STREET;

THENCE N0°46'21"E, 655.88 FEET ALONG THE CENTERLINE OF ARGONNE STREET TO THE SOUTH RIGHT-OF-WAY LINE OF PENA BOULEVARD;

THENCE S89°55'17"E, 490.00 FEET ALONG THE RIGHT-OF-WAY OF PENA BOULEVARD TO THE APPROXIMATE CENTERLINE OF WEST FORK SECOND CREEK;

THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID WEST FORK SECOND CREEK, THE FOLLOWING FIVE (5) COURSES:

1. S04°11'07"W, 335.38 FEET;
2. S32°31'47"W, 380.00 FEET;
3. S6°40'01"E, 926.79 FEET;
4. S59°18'04"E, 313.69 FEET;
5. S00°43'55"W, 220.25 FEET TO THE CENTERLINE OF 69<sup>TH</sup> AVENUE;

THENCE S89°34'15"W, 662.17 FEET ALONG THE CENTERLINE OF 69<sup>TH</sup> AVENUE TO THE CENTERLINE OF ARGONNE STREET;

THENCE S0°46'21"W, 661.93 FEET ALONG THE CENTERLINE OF ARGONNE STREET TO THE CENTERLINE OF 68<sup>TH</sup> AVENUE;

THENCE S0°46'23"W, 1,324.17 FEET ALONG THE CENTERLINE OF ARGONNE STREET TO THE CENTERLINE OF 66<sup>TH</sup> AVENUE;

THENCE N89°28'03"E, 663.61 FEET ALONG THE CENTERLINE OF 66<sup>TH</sup>

AVENUE TO THE CENTERLINE OF BISCAY STREET;

THENCE  $S0^{\circ}43'55''W$ , 661.74 FEET ALONG THE CENTERLINE OF BISCAY STREET TO THE CENTERLINE OF 65<sup>TH</sup> AVENUE;

THENCE  $N89^{\circ}26'19''E$ , 1,328.18 FEET ALONG THE CENTERLINE OF 65<sup>TH</sup> AVENUE TO THE CENTERLINE OF DUNKIRK STREET;

THENCE  $S0^{\circ}39'00''W$ , 661.05 FEET ALONG THE CENTERLINE OF DUNKIRK STREET TO THE CENTERLINE OF 64<sup>TH</sup> AVENUE;

THENCE  $S0^{\circ}05'36''W$ , 662.94 FEET ALONG THE CENTERLINE OF DUNKIRK STREET TO THE CENTERLINE OF 63<sup>RD</sup> AVENUE;

THENCE  $S89^{\circ}25'28''W$ , 1,328.36 FEET ALONG THE CENTERLINE OF 63<sup>RD</sup> AVENUE TO THE CENTERLINE OF BISCAY STREET;

THENCE  $S0^{\circ}01'35''W$ , 662.58 FEET ALONG THE CENTERLINE OF BISCAY STREET TO THE CENTERLINE OF 62<sup>ND</sup> AVENUE;

THENCE  $S89^{\circ}26'23''W$ , 487.58 FEET ALONG THE CENTERLINE OF 62<sup>ND</sup> AVENUE TO THE CENTERLINE OF ARGONNE STREET;

THENCE  $S0^{\circ}02'24''E$ , 1,324.89 FEET ALONG THE CENTERLINE OF ARGONNE STREET TO THE CENTERLINE OF 60<sup>TH</sup> AVENUE;

THENCE  $S0^{\circ}02'49''W$ , 1,316.65 FEET TO THE CENTERLINE OF 58<sup>TH</sup> AVENUE;

THENCE  $N89^{\circ}34'59''E$ , 485.49 FEET ALONG THE CENTERLINE OF 58<sup>TH</sup> STREET TO THE CENTERLINE OF BISCAY STREET;

THENCE  $S0^{\circ}04'13''W$ , 658.81 FEET ALONG THE CENTERLINE OF BISCAY STREET TO THE CENTERLINE OF 57<sup>TH</sup> AVENUE;

THENCE  $N89^{\circ}38'23''E$ , 1,325.20 FEET ALONG THE CENTERLINE OF 57<sup>TH</sup> AVENUE TO THE CENTERLINE OF DUNKIRK STREET;

THENCE  $S0^{\circ}05'36''W$ , 660.12 FEET ALONG THE CENTERLINE OF DUNKIRK STREET TO THE CENTERLINE OF 56<sup>TH</sup> AVENUE;

THENCE  $S0^{\circ}04'56''W$ , 2,660.98 FEET ALONG THE CENTERLINE OF DUNKIRK STREET TO THE CENTERLINE OF 52<sup>ND</sup> AVENUE;

THENCE  $S89^{\circ}44'28''W$ , 2,645.84 FEET ALONG THE CENTERLINE OF 52<sup>ND</sup> AVENUE TO THE POINT OF BEGINNING. CONTAINING 35,709,079 SQUARE

FEET OR 819.768 ACRES MORE OR LESS. EXCEPTING LOT 2, BLOCK 1 OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 1 AS RECORDED IN BOOK 30, PAGES 99-100 AT RECEPTION NO. 9500058523; LOT 1, BLOCK 1 OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 2, AS RECORDED IN BOOK 31 AT PAGE 49; LOT 1, BLOCK 1 OF SUNRISE GATEWAY FILING NO. 1 AS RECORDED IN RECEPTION NO. 9700049232; BLOCK 1 OF SUNRISE GATEWAY FILING NO. 2 AS RECORDED IN BOOK 31, PAGES 107-108 AT RECEPTION NO. 9700164986; TRACT B AND LOT 1, BLOCK 1 OF DENVER GATEWAY CENTER FILING NO. 1 AS RECORDED IN BOOK 31 AT PAGE 12; TRACTS C, F AND E AND LOTS 1 AND 2, BLOCK 1 OF DENVER GATEWAY CENTER FILING NO. 2 AS RECORDED IN BOOK 31, PAGES 89-90 AT RECEPTION NO. 9700113371; AND DENVER GATEWAY CENTER FILING NO. 3.

AND EXCEPTING A-PARCEL 2;

A PART OF THE SOUTHWEST QUARTER OF SECTION 3, THE SOUTHEAST QUARTER OF SECTION 4, THE NORTHEAST QUARTER OF SECTION 9 AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 10, BEING THE CENTERLINE INTERSECTION OF THOWER ROAD AND 64TH AVENUE; THENCE  $N0^{\circ}48'50''E$ , 662.43 FEET ALONG THE CENTERLINE OF TOWER ROAD TO THE CENTERLINE OF 65TH AVENUE AND THE POINT OF BEGINNING;

THENCE  $N89^{\circ}26'19''E$ , 664.09 FEET ALONG THE CENTERLINE OF 65TH AVENUE TO THE CENTERLINE OF ARGONNE STREET;

THENCE  $S0^{\circ}46'21''W$ , 662.09 FEET ALONG THE CENTERLINE OF ARGONNE STREET TO THE CENTERLINE OF 64TH AVENUE;

THENCE ALONG THE CENTERLINE OF ARGONNE STREET, THE FOLLOWING FOUR (4) COURSES:

1.  $S00^{\circ}02'27''E$ , 82.82 FEET TO A POINT OF CURVE;
2. ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF  $41^{\circ}27'45''$ , A RADIUS OF 350.00 FEET, AN ARC LENGTH OF 253.28 FEET TO A POINT OF REVERSE CURVE;
3. ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $41^{\circ}27'45''$ , A RADIUS OF 350.00 FEET, AN ARC LENGTH OF 253.28 FEET;
4.  $S0^{\circ}02'24''E$ , 83.98 FEET TO THE CENTERLINE OF 63RD AVENUE;

THENCE S89°24'34"W, 840.02 FEET ALONG THE CENTERLINE OF 63<sup>RD</sup> AVENUE TO THE CENTERLINE OF TOWER ROAD;

THENCE N89°42'35"W, 661.62 FEET ALONG THE CENTERLINE OF 63<sup>RD</sup> AVENUE TO THE CENTERLINE OF YAMPA STREET;

THENCE N0°05'00"W, 634.97 FEET ALONG THE CENTERLINE OF YAMPA STREET TO THE CENTERLINE OF 64<sup>TH</sup> AVENUE;

THENCE ALONG THE CENTERLINE OF YAMPA STREET THE FOLLOWING FIVE (5) COURSES:

1. N0°49'43"E, 85.95 FEET TO A POINT OF CURVE;
2. ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 12°10'09", A RADIUS OF 400.00 FEET, AN ARC LENGTH OF 84.96 FEET TO A POINT OF TANGENT;
3. THENCE N12°59'52"E, 209.24 FEET TO A POINT OF CURVE;
4. ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 12°48'52", A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 111.83 FEET TO A POINT OF TANGENT;
5. N0°11'00"E, 176.91 FEET ALONG SAID TANGENT TO THE CENTERLINE OF 65<sup>TH</sup> AVENUE;

THENCE S89°44'13"E, 599.62 FEET ALONG THE CENTERLINE OF 65<sup>TH</sup> AVENUE TO THE CENTERLINE OF TOWER ROAD AND THE POINT OF BEGINNING CONTAINING 1,751,475 SQUARE FEET OR 40.208 ACRES MORE OR LESS.

AND EXCEPTING A-PARCEL 3;

A PART OF THE SE ¼ OF SECTION 9, SW ¼ OF SECTION 10, NW ¼ OF SECTION 15 AND NE ¼ OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 9, BEING THE CENTERLINE INTERSECTION OF TOWER ROAD AND 56<sup>TH</sup> AVENUE;

THENCE N0°02'49"E, 657.50 FEET ALONG THE CENTERLINE OF TOWER ROAD TO THE CENTERLINE OF 57<sup>TH</sup> AVENUE AND THE POINT OF BEGINNING;

THENCE S89°57'11"E, 839.95 FEET ALONG THE CENTERLINE OF 57<sup>TH</sup>



AVENUE TO THE CENTERLINE OF ARGONNE STREET;

THENCE ALONG THE CENTERLINE OF ARGONNE STREET THE FOLLOWING FOUR (4) COURSES:

1. S0°02'49"W, 76.85 FEET TO A POINT OF CURVE;
2. ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 42°01'09", A RADIUS OF 350.00 FEET, AN ARC LENGTH OF 256.68 FEET TO A POINT OF REVERSE CURVE;
3. ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 42°01'09", A RADIUS OF 350.00 FEET, AN ARC LENGTH OF 256.68 FEET TO A POINT OF TANGENT;
4. THENCE S0°02'49"W, 108.05 FEET TO THE CENTERLINE OF 56<sup>TH</sup> AVENUE;

THENCE N89°41'47"E, 2.45 FEET ALONG THE CENTERLINE OF 56<sup>TH</sup> AVENUE TO THE CENTERLINE OF ARGONNE STREET;

THENCE S0°01'04"W, 664.85 FEET ALONG THE CENTERLINE OF ARGONNE STREET TO THE CENTERLINE OF 55<sup>TH</sup> AVENUE;

THENCE S89°42'27"W, 662.21 FEET ALONG THE CENTERLINE OF 55<sup>TH</sup> AVENUE TO THE CENTERLINE OF TOWER ROAD;

THENCE N89°58'55"W, 657.65 FEET ALONG THE CENTERLINE OF 55<sup>TH</sup> AVENUE TO THE CENTERLINE OF YAMPA STREET;

THENCE N0°02'40"E, 665.03 FEET ALONG THE CENTERLINE OF YAMPA STREET TO THE CENTERLINE OF 56<sup>TH</sup> AVENUE;

THENCE N0°01'08"W, 658.16 FEET ALONG THE CENTERLINE OF YAMPA STREET TO THE CENTERLINE OF 57<sup>TH</sup> AVENUE;

THENCE S89°53'54"E, 657.85 FEET ALONG THE CENTERLINE OF 57<sup>TH</sup> AVENUE TO THE CENTERLINE OF TOWER ROAD AND THE POINT OF BEGINNING CONTAINING 1,798,486 SQUARE FEET OR 41.288 ACRES MORE OR LESS.

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

4 **Section 3.** That the foregoing change in zoning classification is based upon the representations by  
5 the owners that they will waive those certain rights available to them, and, in lieu thereof, agree to  
6 certain limitations which limitations are set forth in Subsections 3 of Section 1 hereof, and is also  
7 based upon the reasonable conditions approved by the said owners which reasonable conditions are  
8 set forth in Subsection 4 of Section 1 hereof; and no permit shall be issued except in strict  
9 compliance with the aforesaid waivers and the aforesaid reasonable conditions. Said waivers and  
10 said reasonable conditions shall be binding upon all successors and assigns of said owners, who  
11 along with said owners shall be deemed to have waived all objections as to the constitutionality of  
12 the aforesaid waivers and the aforesaid reasonable conditions.

13 **Section 4.** That this ordinance shall be recorded by the Department of Zoning Administration  
14 among the records of the Clerk and Recorder of the City and County of Denver.

15 PASSED BY THE COUNCIL February 22 2000

16 Henry Hayes - PRESIDENT

17 APPROVED: Will E. Smith - MAYOR Feb 23 2000

18 ATTEST: Quinn E. Smith - CLERK AND RECORDER,  
19 EX-OFFICIO CLERK OF THE  
20 CITY AND COUNTY OF DENVER

21  
22 PUBLISHED IN THE DEN. ROCKY MTN NEWS Jan. 28, 2000 Feb. 25, 2000

23  
24 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY 1/18/00

25 REVIEWED BY: Thomas Big L Asst - CITY ATTORNEY January 20, 2000

26 SPONSORED BY COUNCIL MEMBER(S) \_\_\_\_\_

