

From: [Susan Miesen](#)
To: [dencc - City Council](#)
Subject: [EXTERNAL] 401 Madison
Date: Monday, December 12, 2022 12:21:51 PM

To whom it may concern:

My husband and I moved to Cherry Creek North 12 years ago and currently live at 3055 East 5th. I walk and drive by 401 Madison multiple times a week. 401 Madison is an absolute eyesore in the neighborhood and I believe its time for it to be torn down. The overgrowth of plants and trees is a breeding ground for random animals and presents a dangerous place for people to break into.

I hope the council will allow the builder to move forward with plans for the removal and development of the property.

Please contact me with additional questions.

Susan Miesen

303-521-2133

From: [Josh McKinley](#)
To: [denc - City Council](#)
Subject: [EXTERNAL] 401 Madison
Date: Monday, December 12, 2022 12:49:16 PM

To the members of the City Council:

Regarding the hearing set for today discussing the proposed landmarking of 401 Madison, I would like to submit the following comments:

I have had a relationship with MAG Builders for approximately 6 years now both helping them acquire property as well as selling their finished products. MAG Builders has always operated in good faith with every contract they have signed. When they acquired the property at 401 Madison, they acted with that same good faith and did all the relevant due diligence needed before spending 4 million dollars for the home in order to tear it down and build new on the lot.

As we fast forward to today and MAG has had to battle 3 individuals with no ties to the property in order to proceed with tearing it down and beginning their own project, I am shocked that they are actually having to go through these steps. If the three individuals had the means to purchase the home and landmark and preserve it themselves, MAG would have sold the property to them at fair value. Unfortunately they do not. One of the applicant actually lives in a Crowther built home and has not landmarked it, why not? Why would he skip his own home and move to landmark 401 Madison? The three individuals who started this process have no stake in this property other than not wanting to see it torn down. How is this right? How is it fair for an entity that exercised their rights to acquire real property, do all the due diligence to understand the legal zoning possibilities of what can be done with that property, and then lose their rights to do anything with that property because three unaffiliated people want to have the property preserved.

MAG Builders will be doing the neighborhood a favor by tearing down the distressed home that currently sits on 401 Madison. The current home has sat vacant since 2007. It is run down and unsafe and it would take millions of dollars to make it safe and to current code. Nobody cared about the house until a builder came along and decided to tear it down and start fresh. While this case seems to set a terrible precedent for any builders to take the risk in putting real capital into an property that seems viable to improve, it sets and even worse precedent for property owners seemingly losing their rights to do what they want with their own properties within the existing zoning requirements.

I strongly suggest this challenge to be dismissed and MAG Builders is allowed to move forward with their project.

Thank you for your time.

Josh McKinley
Founding Agent | COMPASS
200 Columbine Street #500
Denver, CO 80206
m: 720.375.3661

From: [Rachael Miesen](#)
To: [dencc - City Council](#)
Subject: [EXTERNAL] 401 S Madison Written Testimony
Date: Monday, December 12, 2022 11:48:34 AM

To Whom it May Concern – I am a homeowner in the Cherry Creek North neighborhood. I have owned a home here for 2 years, and my family has owned property in the neighborhood for 12 years. 401 Madison has always stood out as a neglected property amongst so many other beautiful homes. We would love to see something built on this property that better reflects the look and feel of the rest of Cherry Creek North. We hope the council decides to allow the redevelopment of this property.

Thank You!

rachael **miesen** | BROKER ASSOCIATE | 303 968 6891 | milehimodern.com
lohi 2015 West 32nd Avenue | **cherry creek** 44 Cook Street Suite 310



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From: [Steve Gilman](#)
To: [denc - City Council](#)
Subject: [EXTERNAL] City Council Meeting 12/12 -- Proposed Landmark Designation of 401 Madison
Date: Tuesday, December 6, 2022 3:02:05 PM

Hello,

My name is Steve Gilman, and I represent the Owners of 401 Madison Street with respect to the proposed landmark designation of the property located at 401 Madison.

It is my understanding that the Owner of 401 Madison Street shall have allotted time, equal to the applicant's allotted time, during the City Council meeting on 12/12 to present their case re: opposition to the proposed landmark designation of the property located at 401 Madison. I am inquiring as to the rules and procedures governing the owner's presentation and the applicant's application.

1. Rule 4.1 of the Rules of Procedure for Denver City Council states that any person wishing to speak during the Public Hearing shall register with the Council secretary. I assume Rule 4, in general, applies to Sec. 30-4(10), Procedure for designating structures and districts for preservation, during the City Council's meeting?

DRMC 30-4(10) Action by city council. City council shall hold a public hearing if the commission recommends approval or modification to designate property as a structure for preservation or a district for preservation. Prior to general comment at a public hearing, owners and applicants of a structure for designation and owners or residents of structures in a district for designation shall have a reasonable opportunity to present their case regarding the proposed designation or designations at the public hearing, pursuant to the council's rules of procedure. City council may approve the designation of property as a structure for preservation or a district for preservation after considering the recommendations of the commission, the written views of owners of affected property, and any other comments received at the public hearing; and city council may deny the designation based on any of the considerations above. However, if no bill for an ordinance to designate a structure or district is filed within ninety (90) days after transmittal of the recommendation, the designation procedure is terminated.

As legal counsel for the Owner of 401 Madison Street, may I present, on the Owner's behalf, the Owner's presentation re: opposition to the proposed landmark designation during the City Council meeting? If so, how may I register with Council secretary and when is the deadline to register with the Council secretary?

2. How much time is the Owner allotted to present their case during the City Council meeting? How much time is the Applicant allotted to present their case? I assume both the

Owner and the Applicant are each allotted 3 minutes + additional time for Q&A if necessary per Rule 4.2 of the Rules of Procedure for Denver City Council?

3. May the Owner present a powerpoint presentation during the presentation? If so, when is the powerpoint presentation due to the City Council and how do I transmit the presentation to the Council?

Thanks.

Steve



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From: hmartini@aol.com
To: [denc - City Council](#)
Subject: [EXTERNAL] City Council Meeting re: 401 N. Madison
Date: Monday, December 12, 2022 2:23:30 PM

City Council Meeting re: 401 N. Madison

Background information:

Herb and Jean Marie Martini
427 Madison Street, Denver CO 80206
We reside two lots from 401 N. Madison
We have lived here for 18 years

We had a high confidence that our move from Greenwood Village to Cherry Creek North was, on many levels, in our best interest. We, however, continue to look daily at a vacant, equity stealing, dilapidated eyesore. Almost 6,600 days now.

And its existence now actually changes our day to day life. With five small grandchildren who do frequent overnights at our home we avoid that corner as it has offered on occasion some less than savory life experiences. It has become less safe – and we will not subject our grandchildren to its' possibilities. It seems quite unfair actually.

To those who do not live here, yet wish it preserved, I say buy it for \$4,000,000, if possible, restore it for \$3,000,000 and budget for an upkeep annual fund to ensure, that, if in fact it has any real architectural value whatsoever, at least it won't be a drain on the immediate community.

If, however, there is no buyer, and there are no restoration funds, and there is no ongoing annual budget then please help us stop the Landmark Committee from forcing the community to bear the brunt of the cost and annoyance of keeping this structure as is, in perpetuity. If a gavel falls and this lot is left as is, it will continue to attract the kinds of activities that make it unsafe to be near, and/or even walk past. At 70, I am unlikely to choose spending the rest of my years living it its shadow.

Denying the landmark designation would uphold the property rights of owners and would enhance the environment of our neighborhood. We appreciate your help and attention on this matter.

Sincerely,
Herb Martini Jean Marie Martini

Herb Martini
Denver

From: [Rus Heise](#)
To: [dencc - City Council](#); [Rus Heise](#)
Subject: [EXTERNAL] OPPOSE the landmark designation of 401 Madison St
Date: Monday, December 12, 2022 1:52:55 PM

Dear Council members

Attached is a letter strongly opposing the landmark designation of 401 Madison St. This was previously submitted to some members of Denver City Council.

Thanks for your attention and focus on this matter that is of very significant importance to the surrounding neighbors in our Cherry Creek North Community.

Respectfully

Rus Heise
430 Madison St, Denver, CO 80206

November 8, 2022

Dear Councilman Hinds District 10,

This letter is written in strong opposition to the landmarking of 401 N. Madison St. It is written in support of the current owner and developer of the site (MAG Builders). For those of us that live in the area, this has been an uninhabited, deteriorated eyesore that no one has attempted to preserve. The primary focus is that landmark status is being done without the owner's consent and expressly against his wishes. He was not made aware of this until after his purchase of the property.

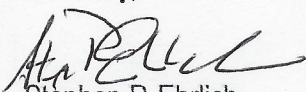
The property has been vacant for 20 years. It has been sold 4 times in the past 14 years. At no time did any of these applicants make any attempt to purchase or facilitate the purchase of this property for preservation. There have been other Crowther properties that have been demolished and have not been made historical landmarks. Apparently there is another Crowther property in Hilltop and no attempt has been made to designate it as historic.

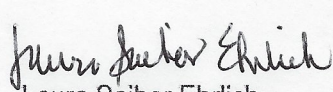
If 401 Madison St. is designated as historic, the developer will not be willing nor able to rehab the building. It will remain an uninhabited eyesore which will benefit no one. The developer has had conversations with the applicants and they are not able to find a party willing to purchase the site and attempt to rehab the building and bring it up to local codes.

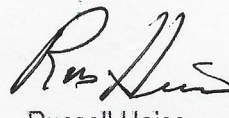
A petition supporting our opposition to landmark status with 33 signatures was delivered to the Landmark Commission. It is negatively affecting the neighborhood and our property values. Currently, it only serves as a place for children to sneak in and dangerously play on the roof. We would strongly prefer that the owner be allowed to demolish the building and build new residential units. We would warmly welcome new neighbors to Denver and Cherry Creek North.

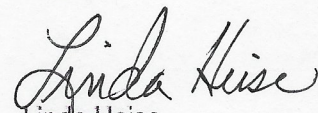
Denying the landmark designation would be consistent with property rights of owners and would enhance the environment of our neighborhood. We appreciate your help and attention on this matter

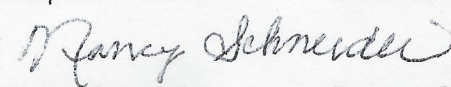
Sincerely,

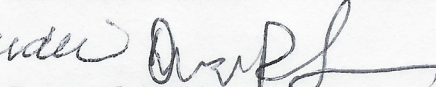

Stephen P. Ehrlich


Laura Saiber Ehrlich


Russell Heise


Linda Heise


Nancy Schneider


Dwayne Schneider