

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2019

COUNCIL BILL NO. CB19-0042  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification for 805 West 38th Avenue in Globeville.**

**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 consistent with the City’s adopted plans, furthers the public health, safety and general welfare of the City, will result in regulations and restrictions that are uniform within the C-MX-20, UO-2 district, is justified by one of the circumstances set forth in Section 12.4.10.8 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:

- a. The land area hereinafter described is presently classified as I-B, UO-2.
- b. It is proposed that the land area hereinafter described be changed to C-MX-20, UO-2.

**Section 2.** That the zoning classification of the land area in the City and County of Denver described as follows shall be and hereby is changed from I-B, UO-2 to C-MX-20, UO-2:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND BEING A PORTION OF BLOCKS 37 AND 44, VIADUCT ADDITION TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 22; THENCE NORTH 00°00’00” EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 40.00 FEET; THENCE NORTH 89°46’47” EAST ALONG THE SOUTH LINE OF BLOCK 44 OF VIADUCT ADDITION TO THE CITY OF DENVER PROJECTED WESTERLY, 50.00 FEET TO A POINT ON THE EAST LINE OF THE DENVER, UTAH & PACIFIC RAILROAD (NOW BURLINGTON NORTHERN RAILROAD) RIGHT-OF-WAY AS DESCRIBED IN BOOK 607 AT PAGE 230 OF THE RECORDS OF THE CITY AND COUNTY OF DENVER,  
AND THE POINT OF BEGINNING;

1 THENCE NORTH 00°00'00" EAST ALONG SAID EAST LINE OF SAID RAILROAD  
2 RIGHT-OF-WAY, 625.00 FEET; THENCE NORTH 90°00'00" EAST, 219.15 FEET TO A  
3 POINT ON THE CENTERLINE OF VACATED GALAPAGO STREET; THENCE SOUTH  
4 00°00'16" EAST ALONG SAID CENTERLINE OF VACATED GALAPAGO STREET,  
5 184.22 FEET TO A POINT ON THE NORTH LINE OF WEST 39TH AVENUE; THENCE  
6 NORTH 89°59'32" WEST ALONG SAID NORTH LINE OF WEST 39TH AVENUE, 40.00  
7 FEET TO THE SOUTHEAST CORNER OF BLOCK 37 OF SAID VIADUCT ADDITION;  
8 THENCE SOUTH 00°00'16" EAST ALONG THE WEST LINE OF SAID GALAPAGO  
9 STREET AND THE EAST LINE OF BLOCK 44 OF SAID VIADUCT ADDITION, 440.10  
10 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 44; THENCE SOUTH 89°46'47"  
11 WEST ALONG THE SOUTH LINE OF SAID BLOCK 44, 179.20 FEET TO THE POINT OF  
12 BEGINNING,

13  
14 EXCEPT THAT PORTION CONVEYED TO THE REGIONAL TRANSPORTATION  
15 DISTRICT IN WARRANTY DEED RECORDED OCTOBER 13, 2010 UNDER RECEPTION  
16 NO. 2010117915,

17  
18 CITY AND COUNTY OF DENVER,  
19 STATE OF COLORADO.

20  
21 TOTAL SURVEYED PARCELS CONTAINS (118,773 SQUARE FEET) 2.7267 ACRES,  
22 MORE OR LESS.

23  
24 A PARCEL OF LAND BEING A PART OF VACATED GALAPAGO STREET AS  
25 RECORDED AT  
26 REC. NO. R-92-0095495 (ORD 850, SERIES 1991), SITUATED IN THE SOUTHWEST ¼  
27 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL  
28 MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE  
29 PARTICULARLY DESCRIBED AS FOLLOWS:

30  
31 **BEGINNING** AT THE SOUTHEAST CORNER OF LOT 16, BLOCK 44, VIADUCT  
32 ADDITION TO DENVER;

33  
34 THENCE N00°12'33"W ALONG THE EASTERLY LINE OF SAID BLOCK 44 A DISTANCE  
35 OF 239.54 FEET TO POINT OF CURVE;

36  
37 THENCE ALONG A NON-TANGENT CURVE TO THE LEFT WHOSE CHORD BEARS  
38 S40°22'10"E A DISTANCE OF 61.91 FEET, SAID CURVE HAVING A CENTRAL ANGLE  
39 OF 80°19'15", A RADIUS OF 48.00 FEET, AN ARC LENGTH OF 67.29 FEET;

40  
41 THENCE S00°13'48"E NON-TANGENT TO THE LAST DESCRIBED CURVE A  
42 DISTANCE OF 192.06 FEET TO THE NORTHERLY R.O.W. LINE OF WEST 38<sup>TH</sup>  
43 AVENUE EXTENDED;

44  
45 THENCE S89°33'15"W ALONG SAID NORTHERLY LINE EXTENDED A DISTANCE OF  
46 40.00 FEET TO THE **POINT OF BEGINNING**.

47  
48 PARCEL CONTAINS (8,144 SQUARE FEET) 0.1870 ACRES.

1 BEARINGS ARE BASED ON THE 20' RANGE LINE IN W. 40TH AVENUE BETWEEN  
2 ELATI STREET AND FOX STREET BEARING N89°48'22"E.

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

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

8 COMMITTEE APPROVAL DATE: January 29, 2019

9 MAYOR-COUNCIL DATE: February 5, 2019

10 PASSED BY THE COUNCIL: \_\_\_\_\_

11 \_\_\_\_\_ - PRESIDENT

12 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

13 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
14 EX-OFFICIO CLERK OF THE  
15 CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_;

17 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: February 7, 2019

18 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
19 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
20 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
21 § 3.2.6 of the Charter.

22 Kristin M. Bronson, Denver City Attorney

23 BY:  \_\_\_\_\_, Assistant City Attorney DATE: Feb 6, 2019 \_\_\_\_\_