

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:		<input type="checkbox"/> Yes	<input type="checkbox"/> No

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
The Delores Project Terrell Curtis	1290-1292 King Street Denver, CO 80201 303.534.5411 terrell@the deloresproject.com	100%	<i>Terrell Curtis</i>	01/23/15	(C)	YES

Addendum to Proposed Official Zone Map Amendment Application for: 1290 & 1292 King Street

Parcel Number(s): 0505226001000, 0505226013000

Current Zoning: PUD #573

Proposed Zoning: G-MU-5

Legal Description:

Parcel 1: Lots 3 through 11, inclusive, Block 2, together with the East Half of vacated King Street adjacent to Lots 5 through 11, inclusive and that portion of said East Half adjacent to Lot 4, Block 2, lying South of a line 78 feet South of and parallel with the South line West 13th Avenue, said King Street vacated by Ordinance No. 82, Series of 1975, recorded March 19, 1975 in Book 1026 at Page 351, Villa Park, located in the Northwest Quarter of Section 5, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

Parcel 2: Lots 1 and 2, Block 2, Villa Park, City and County of Denver, State of Colorado.

Property Owner Information:

Terrell Curtis

The Delores Project

P.O. Box 1406

Denver, CO 80201

303.534.5411

terrell@thedeloresproject.org

Authorized Representatives:

Adam Kantor

Kephart

2555 Walnut Street

Denver, CO 80205

303.832.4474

Adamk@kephart.com

Project Summary:

The Delores Project has initiated this zone map amendment in order to bring these parcels in line with current city zoning principles. The existing PUD allows for all the elements of an R-MU-30 (old code) zone district and is the last remaining parcel with an old code zone district in the immediate vicinity. The proposed G-MU-5 zone district would be a down-zone from the density currently allowed and is identical to neighboring properties. This zone map amendment, while complying with the Denver Comprehensive Plan 2000, Blueprint Denver, and the West Colfax Plan, will help to encourage future development on this site.

The requested zone classification, G-MU-5, is a multi-unit district allowing urban house, duplex, row house, garden court, courtyard apartment and apartment building forms. The tallest building form has a maximum height of five stories. The amendment is being requested in response to the changed and changing conditions in the West Colfax neighborhood since the property was last reviewed.

EXHIBIT A: DESCRIPTION OF CONSISTENCY WITH ADOPTED PLANS

The proposed zone map amendment is consistent with the following adopted plans:

Denver Comprehensive Plan 2000

Blueprint Denver

West Colfax Neighborhood Plan

Review Criteria: Denver Comprehensive Plan 2000

There are numerous strategies contained in the Denver Comprehensive Plan 2000 that are supportive of the proposed zone map amendment. They include promoting infill development, encouraging a variety of housing options, encouraging affordable housing options, and promoting the development of land near or adjacent to transportation. Specific strategies are listed below:

Environmental Sustainability Chapter

Strategy 2-F:

Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place, by creating more density at transit nodes (pg. 39).

The proposed map amendment meets the intent of this strategy because it is an infill project adjacent to a light rail station. The use as a result of the proposed map amendment will use the services and infrastructure that currently exist on or near the site.

Land Use Chapter

Strategy 1-H:

Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents in the *Citywide Land Use and Transportation Plan* (pg.58).

The proposed map amendment meets the intent of this strategy by allowing for multiple housing types in the neighborhood. The addition of multi-unit housing allows for increased diversity in the area and is flexible enough to accommodate the needs and desires of Denver's current and future residents.

Strategy 3-B:

Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses (pg.60).

The proposed map amendment meets the intent of this strategy by allowing for quality infill development and encouraging density on the site.

Strategy 4-A:

Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods (pg.60).

The proposed map amendment meets the intent of this strategy by bringing a property adjacent to Knox Court light rail station up to date with the current zoning code and allowing for development to support the transit station.

Mobility Chapter

Strategy 3-B:

Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area (pg.77).

The proposed map amendment meets the intent of this strategy by allowing for development to support the Knox Street light rail station.

Strategy 5-D:

Determine the potential for transit-oriented development at public transit stations, and encourage such opportunities whenever possible (pg. 79).

The proposed map amendment meets the intent of this strategy by allowing for development directly adjacent to the Knox Street light rail station.

Legacies Chapter

Strategy 3-A:

Identify areas in which increased density and new uses are desirable and can be accommodated (pg. 99).

The proposed map amendment meets the intent of this strategy because it will allow for increased density at this location. The surrounding neighborhood is rapidly growing with the redevelopment of the West Colfax Neighborhood. The activity in the area has created an increased desire to live in this urban setting. The proposed map amendment can be accommodated at this location as the site is located adjacent to light rail.

Strategy 4-A:

Preserve, enhance and extend the pattern and character of the primary street system, including the prevailing grid, interconnected parkways, detached sidewalks and tree lawns (pg. 99).

The proposed map amendment meets the intent of this strategy because it does not disrupt the existing pattern and character of the primary street system, including the prevailing grid and interconnected parkways. The proposed map amendment will also prove to be a catalyst in the construction of detached sidewalks and tree lawns along street frontages and will enhance the character of the primary street system.

Housing Chapter

Strategy 6-B:

Continue to support mixed-income housing development that includes affordable rental and for-purchase housing for lower-income, entry-level and service employees, especially in Downtown and along transit lines (pg. 117).

The proposed map amendment meets the intent of this strategy because it will encourage affordable multi-unit development adjacent to the Knox Street light rail station and two blocks south of Colfax Avenue.

Strategy 6-E:

Identify and capitalize on opportunities to develop housing along transit lines (pg. 118)

The proposed map amendment meets the intent of this strategy because it will encourage multi-unit development adjacent to the Knox Street light rail station and two blocks south of Colfax Avenue. Colfax Avenue is a heavily traveled arterial roadway containing transit lines and pedestrian connections to schools, parks, shopping centers, and neighborhoods.

Economic Activity Chapter

Strategy 1-H:

Support a variety of housing opportunities for Denver's current and future workforce. Housing opportunities throughout Denver should be expanded — especially in the Downtown core and near employment centers — to accommodate people and families of all incomes (pg. 131).

The proposed map amendment meets the intent of this strategy because it will encourage affordable multi-unit residential development.

Neighborhoods Chapter

Strategy 1-E:

Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, schools, transportation and open space networks (pg. 150)

The proposed map amendment meets the intent of this strategy because it would modify the current zoning to be more flexible in accommodating the changing demographics and lifestyles of the neighborhood. It would encourage and allow for the development of a diverse mix of housing which would benefit a variety of demographics, lifestyles, and income levels.

Review Criteria: Blueprint Denver

There are also a number of strategies contained in Blueprint Denver that are supportive of the proposed zone map amendment. They include defining the site within an area of change, categorizing the land use as urban residential, and suggesting that the city move away from PUDs and towards straight zone classifications. Specific strategies are listed below:

Blueprint Denver has designated the subject property as an Area of Change with a land use designation of Urban Residential. The purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial (pg. 127).

Areas of Change are found throughout Denver. These areas have many different characteristics, but some of the most common traits are close proximity to a commercial arterial street or adjacent to existing or planned light-rail stops (pg. 127).

Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the city as a whole. Future residents and workers in these areas will have excellent access to efficient forms of transportation that include walking, biking, buses and light rail. However, redevelopment in these areas does more than just reduce the potential traffic congestion in the city. New development can improve the economic base, provide jobs, and enhance the visual quality of buildings, streets and neighborhoods, thereby positively affecting the quality of life in both the Areas of Change and in the surrounding neighborhoods (pgs. 127-128).

Some of the criteria used in Blueprint Denver for selecting Areas of Change include areas adjacent to transit and around transit stations, both existing and planned, and areas along corridors with frequent bus service that can accommodate development (pg. 128).

The plan defines urban residential neighborhoods as higher density and primarily residential but they may include complementary commercial uses. New housing tends to be in mid- to high-rise structures, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family apartments and sometimes high-rise residential structures (pgs. 41-42).

One of Blueprint Denver's primary strategies is to funnel the infusion of economic activity and investment into Areas of Change (pg. 5). The proposed zone map amendment would be consistent with this strategy. The plan also encourages development to provide compatibility between existing and new development. As described above, the subject property would provide a logical transition between the surrounding residential neighborhoods and the existing Knox Court light rail station while energizing the neighborhood and providing the synergy needed to spur change.

Another of Blueprint Denver's recommendations includes measures to amend the code to eliminate obsolete zone districts and apply new zone districts to affected areas. It is reasonable to assume this thinking led the plan to its subsequent conclusions about the use of PUDs in particular. As stated in the plan, "Concerns with PUDs are that their widespread proliferation has increased the complexity of regulating land use, and the conditions they place on development sometimes perform poorly and inflexibly once the PUD has been adopted" (pg. 82). Allowing the subject property to assume a standard zone district would only serve to reinforce the uniformity and enforceability of the new code.

West Colfax Plan 2006

There are multiple strategies outlined within the West Colfax Plan that are supportive of the proposed zone map amendment as well. They include suggesting residential development in and around light rail, encouraging medium scale apartments, and adding density to the neighborhood. Specific strategies are listed below:

Opportunities to introduce new housing units, a denser housing product, and potentially an increase in home ownership will likely parallel construction of a future light rail line adjacent to the Lakewood Dry Gulch. The West Corridor Line construction program includes rail station areas at Knox Court, Perry Street and Sheridan Street. Increased investment at these locations will likely ripple through the neighborhood essentially "proving up" the market for more units and reinvestment in existing units (pg.54).

The plan places the subject property within the Urban Neighborhood Station District which recommends a variable, compact, and dense development pattern with the highest intensity focused around the station platforms. Typical building scale is prescribed to be 1-5 stories with single-family and multi-family residential uses. This land use development pattern occurs within a 1/4 to 1/2 mile radius of light rail stations. Generally, development happens here as infill on vacant parcels or redevelopment of underutilized parcels or dated and declining properties. Since, the stations evolve in established residential areas, initial changes may add density and intensity in compact building forms that blend in with the prevailing residential context. Over the long-term, some more significant and welcome redevelopment may occur, adding small and medium scale apartments or condominium buildings in close proximity to the station areas. Front yards, courtyards, porches, stoops, and balconies are key features. Sidewalks are detached with tree lawns. Parking is provided on-street or in garages and parking spaces accessed from alleys (pg. 85).

While the housing density in the West Colfax area is more urban than Denver as a whole, there is opportunity to significantly increase the number roof tops in the area without dramatically altering the character of the neighborhood. Adding more residences in strategic locations (such as designated town centers, main streets, and urban neighborhood stations) will position the community to take greater advantage of the coming light rail and help support the revitalization of commercial areas by building in a more populous customer base (pg. 90).

Redevelopment should occur at higher densities to retain the affordable and subsidized units while introducing a greater share of housing for higher income individuals than what exists today. Examples include the Park Avenue Redevelopment, developed by the Denver Housing Authority, were a low density, low-income project has been scraped and is being replaced with a mixed-income rental and homeownership development. This project is being accomplished by the above suggestions. The density is being doubled, the entire site has been rezoned to mixed-use, the development has been replatted to reintegrate it with the street grid opening up to the neighborhood and encouraging pedestrian activity including connectivity to light rail which is within walking distance (pg.90).

EXHIBIT B: JUSTIFYING CIRCUMSTANCES

The land or its surroundings has changed or is changing to such a degree that rezoning is in the public interest to encourage redevelopment of the area and to recognize the changed character of the area.

The addition of light rail has significantly changed the conditions and character of the in the neighborhood. In order to facilitate the integration of such a large community asset, it is important to address the urban residential areas that are adjacent to the redevelopment. This type of development encourages the creation of livable, vibrant neighborhoods that are defined by choices in housing type, different lifestyles and quality public improvements and amenities.

In addition to fulfilling the need for an increase in a diversity of housing stock brought on by the changing characteristics of the neighborhood, the proposed map amendment would encourage infrastructure improvements and further the health, safety and general welfare of neighborhood residents. Improvements brought on by this map amendment will help to enhance the character of the streets surrounding the proposed map amendment. These public improvements would improve the pedestrian friendliness of the street frontages and enhance the sidewalk connections to adjacent neighborhoods, commercial areas, residential communities, and local parks.

Another significant changed condition is the adoption of the West Colfax Plan by City Council in September of 2006 that is supportive of this zoning request and described in the section above. The proposed map amendment is supported by numerous recommendations, strategies and goals stated in the Plan.

The 2010 Denver Zoning Code update created a change in the area as well. The majority of the surrounding properties were given G-MU-5 classifications and this amendment will restore compatibility and consistency to the neighborhood.

EXHIBIT C: NEIGHBORHOOD CONTEXT AND ZONE DISTRICT

The proposed map amendment of the property located at 1290-1292 King Street from a PUD that allows all the uses of R-MU-30 (old code) to G-MU-5 will not only help to address the changing character of the neighborhood, but it is also appropriate when considering the surrounding context. The majority of the properties surrounding the proposed map amendment are zoned G-MU-5. This amendment provides the opportunity to bring the subject property into line with the current city zoning philosophy of moving away from PUD districts and moving toward straight zone districts.

The proposed map amendment is in an area that can has been demonstrated to be able to accommodate an increase in density and a variety of housing types while will providing a strong edge to the surrounding community. The appropriateness of the proposed map amendment is also recognized within the general purpose of the existing zone district. The intent of the G-MU-5 classification is to promote higher density residential neighborhoods within the character of the General Urban Neighborhood Context. Not only do these regulations allow for multi-unit districts, but it also recognizes the need promote a dense, urban residential character where appropriate.

This proposed map amendment requests approval of the G-MU-3 zone district. The intent of this residential district is to promote and protect residential neighborhoods within the character of the General Urban Context. Per the City of Denver Zoning code effective June 25, 2010, this classification allows for multi-unit districts with a variety of residential building forms which urban house, duplex, row house, garden court, courtyard apartment and apartment. These standards continue to recognize the existing residential characteristics within the General Urban Context but accommodate a variation and range of residential options. The effect of the proposed amendment will be immediate and positive. This type of rezoning proposal is appropriate for the type of density the neighborhood desires, while also maintaining the urban context of the existing community. Future development of the subject property under the guidelines of the General Urban Context will comply with the regulations of the Denver Zoning Code as well as conform to the expectations of the community. The addition of more residential units will create a vibrant community and have a positive economic and social impact to the entire neighborhood. The building form standards, design standards, and overall use of this zoning classification work together to promote a desirable residential area. The new regulations brought about by this map amendment reinforce desired development patterns in the existing neighborhood while accommodating future development.



THE DELORES PROJECT
SHELTER AND SERVICES FOR HOMELESS WOMEN

Terrell Curtis
The Delores Project
P.O. Box 1406
Denver, CO 80201

January 16th, 2015

City of Denver
Community Planning and Development
Rezoning/Map Amendments
201 W. Colfax Ave.
Denver, CO 80302

To whom it may concern,

This letter is to serve as authorization for KEPHART to submit the Zone Map Amendment (Rezoning) application on behalf of The Delores Project (owner) for the property located at 1290-1292 King Street, Denver, CO 80204.

Sincerely,

Terrell Curtis
The Delores Project
Executive Director



Colorado Secretary of State Wayne W. Williams



Search

Summary

For this Record...

- Filing history and documents
- Get a certificate of good standing
- File a form
- Subscribe to email notification
- Unsubscribe from email notification

Business Home
 Business Information
 Business Search

FAQs, Glossary and
 Information

Details			
Name	THE DELORES PROJECT		
Status	Good Standing	Formation date	05/10/2004
ID number	20041171152	Form	Nonprofit Corporation
Periodic report month	December	Jurisdiction	Colorado
		Term of duration	Perpetual
Principal office street address	P O Box 1406, DENVER, CO 80201, United States		
Principal office mailing address	PO Box 1406, Denver, CO 80201, United States		

Registered Agent	
Name	Terrell Curtis
Street address	PO Box 1406, DENVER, CO 80201, United States
Mailing address	PO Box 1406, Denver, CO 80201, United States

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ALTA Commitment Form
COMMITMENT FOR TITLE INSURANCE
Issued by
STEWART TITLE GUARANTY COMPANY

STEWART TITLE GUARANTY COMPANY, a Texas Corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Countersigned by:

Lucia Lemzini
Authorized Countersignature

stewart
title guaranty company



Matt Morris
Matt Morris
President and CEO

Stewart Title - Denver Commercial
55 Madison Street, Suite 400
Denver, CO 80206
(303) 331-0333

Denise Carraux
Denise Carraux
Secretary



CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.*

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252.

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

File No.: **01330-49961- Amendment No. 1**

1. Effective Date: **November 03, 2014, at 5:30 PM**

2. Policy or Policies to be issued:	Amount of Insurance
(a) A.L.T.A. Owner's Policy	
Proposed Insured:	
(b) A.L.T.A. Loan Policy 2006 (Extended)	T.B.D.
Proposed Insured:	
To Be Determined	

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

Fee Simple

4. Title to the said estate or interest in said land is at the effective date hereof vested in:

THE DELORES PROJECT, a Colorado nonprofit corporation

5. The land referred to in this Commitment is described as follows:

See Attached Legal Description

Purported Address:
1290 - 1292 King Street
Denver, CO

STATEMENT OF CHARGES

These charges are due and payable
before a policy can be issued
Commercial Rate

:	
2006 ALTA Loan Policy:	TBD
Tax Certificate:	30.00
Sch # 05052-26-013-000 (I)	
Sch # 05052-36-001-000 (II)	



SCHEDULE A
LEGAL DESCRIPTION

Parcel I:

Lots 3 through 11, inclusive, Block 2, together with the East Half of vacated King Street adjacent to Lots 5 through 11, inclusive and that portion of said East Half adjacent to Lot 4, Block 2, lying South of a line 78 feet South of and parallel with the South line West 13th Avenue, said King Street vacated by Ordinance No. 82, Series of 1975, recorded March 19, 1975 in Book 1026 at Page 351, [Villa Park](#), located in the Northwest Quarter of Section 5, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

Parcel II:

Lots 1 and 2, Block 2, Villa Park, City and County of Denver, State of Colorado.



COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART I

File No.: 01330-49961- Amendment No. 1

The following are the requirements to be complied with:

1. **Payment to or for the account of the grantor(s) or mortgagor(s) of the full consideration for the estate or interest to be insured.**
2. **Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record.**
3. Duly authorized Deed of Trust from THE DELORES PROJECT, a Colorado nonprofit corporation, to the Public Trustee, for the benefit of the lender.
NOTE: The resolution authorizing the signing of the loan documents must be presented to the Company.
4. Receipt by the Company of [Commercial Lien Affidavit](#), executed by Borrower.
NOTE: If the property is currently under construction or new improvements have been made this commitment is subject to additional requirements.
5. Receipt by the Company of a [Survey Affidavit](#), executed by the Borrower.
6. Payment of taxes and assessments now due and payable.
7. Recordation of Release by the Public Trustee of the Deed of Trust from The Delores Project, a Colorado nonprofit corporation, City and County of Denver, to secure \$700,000.00, dated May 24, 2007 and recorded May 24, 2007 at [Reception No. 2007082141](#). (Parcels I and II)
8. Recordation of Release by the Public Trustee of the Deed of Trust from The Delores Project, a Colorado nonprofit corporation, for the benefit of Centennial Bank, to secure \$75,000.00, dated January 30, 2012, and recorded February 1, 2012, at [Reception No. 2012012773](#). (Parcel I)
NOTE: Assignment of Rents recorded February 1, 2012 at [Reception No. 2012012774](#).



COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART II

File No.: 01330-49961- Amendment No. 1

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession, not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land and not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records or listed in Schedule B.
7. Water rights, claims or title to water.
8. Taxes for the year 2014, a lien, but not yet due or payable.
9. Ordinance 82, Series of 1975 regarding the vacation of King Street and reservation of certain easements by The City and County of Denver and Associated Railroads, recorded March 19, 1975 in [Book 1026 at Page 351](#).
10. Ordinance 1016, Series of 1993 regarding the zoning classification, recorded December 22, 1993 at [Reception No. 9300175616](#),
11. Ordinance No. 411, Series of 2005, regarding the zoning classification, recorded June 24, 2005 at [Reception No. 2005105595](#).
12. Easement Agreement with the City and County of Denver recorded August 15, 2005 at [Reception No. 2005137035](#).
13. Emergency Access Easement Agreement (12990-1292 King Street) recorded August 15, 2005 at [Reception No. 2005137036](#).
14. Easement Agreement with Qwest Corporation, recorded September 25, 2006 at [Reception No. 2006153729](#).
15. Colorado Division of Housing Beneficiary and Rent Use Covenants recorded January 18, 2007 at [Reception No. 2007008224](#).
16. Grant of Easement to Mile Hi Cable Partners, L.P. recorded January 29, 2007 at [Reception No. 2007013886](#).
17. Permanent Easement to Regional Transportation District recorded February 8, 2010 at [Reception No. 2010014620](#).



COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART II

18. Existing leases and tenancies.

NOTE: Upon receipt by the Company of the Commercial Lien Affidavit, this exception may be modified or deleted.

NOTE: Exceptions 1 and 4 may be deleted from the Loan Title Policy, provided the owner/borrower executes the Company's affidavits, as required herein, and the Company approves such deletions. Exceptions 2 and 3 may be deleted from the Loan Title Policy, provided the Company receives and approves the survey or survey affidavit required herein. Exception 5 will not appear on the Loan Title Policy, provided the Company, or its authorized agent, conducts the closing of the proposed transaction and is responsible for the recordation of the documents.



Stewart Title - Denver Commercial

MINERAL DISCLOSURE

To comply with the provisions of C.R.S. 10-11-123, the Company makes the following disclosure:

- a. That there is recorded evidence that a mineral estate has been severed, leased or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- b. That such mineral estate may include the right to enter and use the property without the surface owner's permission.

NOTE: THIS DISCLOSURE APPLIED ONLY IF SCHEDULE B, SECTION 2 OF THE TITLE COMMITMENT HEREIN INCLUDES AN EXCEPTION FOR SEVERED MINERALS.

Stewart Title - Denver - Commercial

FUNDS DISCLOSURE

The title company, Stewart Title - Denver - Commercial in its capacity as escrow agent, has been authorized to receive funds and disburse them when all funds received are either: (a) available for immediate withdrawal as a matter of right from the financial institution in which the funds are deposited, or (b) are available for immediate withdrawal as a consequence of an agreement of a financial institution in which the funds are to be deposited or a financial institution upon which the funds are to be drawn.

The title company is disclosing to you that the financial institution may provide the title company with computer accounting or auditing services, or other bank services, either directly or through a separate entity which may or may not be affiliated with the title company. This separate entity may charge the financial institution reasonable and proper compensation for these services and retain any profits there from.

The title company may also receive benefits from the financial institution in the form of advantageous interest rates on loans, sometimes referred to as preferred rate loan programs, relating to loans the title company has with the financial institution. The title company shall not be liable for any interest or other charges on the earnest money and shall be under no duty to invest or reinvest funds held by it at any time. In the event that the parties to this transaction have agreed to have interest on earnest money deposit transferred to a fund established for the purpose of providing affordable housing to Colorado residents, then the earnest money shall remain in an account designated for such purpose, and the interest money shall be delivered to the title company at closing.