

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2010

COUNCIL BILL NO.  
COMMITTEE OF REFERENCE:  
PUBLIC WORKS

**A BILL**

**For an ordinance extending the vesting period relating to certain parcels within the Commons Planned Unit Development No. 531.**

**WHEREAS**, by Ordinance No. 819, Series of 1997 recorded in the Denver County real property records at Reception No. 9700161599 on December 1, 1997, City Council approved the Central Platte Valley Planned Unit Development No. 442 found in City Clerk File No. 97-940 and recorded in the Denver County real property records at Reception No. 9900125145 on July, 15, 1999; and

**WHEREAS**, by Ordinance No. 263, Series of 2002 recorded in the Denver County real property records at Reception No. 2002070447 on April 16, 2002, City Council approved the Amended Central Platte Valley Planned Unit Development No. 531 found in City Clerk File No. 02-186 and recorded in the Denver County real property records at Reception No. 2002106802 on June 14, 2002, ("Commons PUD"), which superseded PUD No. 442; and

**WHEREAS**, the Commons PUD was amended by Ordinance No. 706, Series of 2004, recorded in the Denver County real property records at Reception No. 2004217722 on October 18, 2004, to remove Subarea 6, the Denver Union Station Subarea; and

**WHEREAS**, D.R.M.C. §59-516 and page 4 of the Commons PUD allows for the Commons PUD to be amended by parcel rather than amending the entire PUD; and

**WHEREAS**, the Commons PUD at page 12 contains a provision vesting the Commons PUD, as extended by the Declaration Regarding Extension of Vesting Period recorded in the Denver County real property records at Reception No. 2006185446 on November 16, 2006, until November 24, 2010 ("Vesting Period"); and

**WHEREAS**, it is desired to extend the Vesting Period for an additional 20 years for only those parcels described herein; and

**WHEREAS**, the City Council hereby finds that the extension of the Vesting Period for the property rights established by the Commons PUD is warranted under D.R.M.C. §59-646 (regarding zone map amendments) and Colo. Rev. Stat. §24-68-104(2) (authorizing development agreements providing for the vesting of property rights created under a site specific development

1 plan for greater than three years) because the extension is necessitated by changing conditions  
2 and is warranted in light of all relevant circumstances, including but not limited to, the size and  
3 phasing of the development, economic cycles and market conditions; specifically (1) delays in the  
4 removal of tail tracks necessary to complete Wewatta Street, (2) the substantial expansion of the  
5 scope and complexity of the Denver Union Station redevelopment project as compared to the  
6 intermodal transit facility originally contemplated, and (3) changes in market conditions that were  
7 not and could not have been foreseen at the time the Commons PUD was adopted; and

8 **WHEREAS**, the City Council has determined, based on evidence and testimony presented  
9 at the public hearing, that the amendment to a portion of the Commons PUD No. 531 set forth  
10 below conforms with applicable City laws, is in accordance with the Comprehensive Plan, is  
11 justified either by changed or changing conditions or to correct manifest error in the prior zoning  
12 and is necessary to promote the public health, safety and general welfare;

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

15 **Section 1.** That the Commons PUD No. 531 is amended to extend the Vesting Period to  
16 November 24, 2030 for only the following parcels (“Extended Vesting Period”) in the City and County  
17 of Denver described as follows:

**CENTRAL PLATTE VALLEY MANAGEMENT, LLC:**

PARCEL 1 (1750 Little Raven Street (2332-22-005-000))

LOT 1, BLOCK 1, THE COMMONS SUBDIVISION - FILING NO. 8, CITY AND COUNTY OF DENVER, STATE OF COLORADO

PARCEL 2 (2135 19<sup>th</sup> Street (2278-21-001-000)):

BLOCK 1, THE COMMONS SUBDIVISION – FILING NO. 7, CITY AND COUNTY OF DENVER, STATE OF COLORADO

PARCEL 3 (1540 Little Raven Street (2332-13-089-998))

THAT PARCEL OF LAND BEING DESCRIBED AS SUBTRACT A-1, BEING A PORTION OF TRACT A, THE COMMONS SUBDIVISION – FILING NO. 1, A PLAT ON FILE IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER’S OFFICE IN BOOK 33 ON PAGE 1, DATED JUNE 16, 2000, AS RECORDED AT RECEPTION NUMBER 2000085197 IN THE RECORDS OF SAID CLERK AND RECORDER, LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT BEING THE INTERSECTION OF THE 20 FOOT RANGE LINE FOR VACATED BASSETT STREET AND 15TH STREET, THENCE NORTH 04°40'30" WEST A DISTANCE OF 370.25 FEET TO THE POINT OF BEGINNING;

THENCE AROUND THE PERIMETER OF SAID SUBTRACT A-1 THE FOLLOWING TWELVE (12) COURSES:

1. THENCE SOUTH 25°43'12" EAST A DISTANCE OF 97.44 FEET TO A POINT OF TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 42.00 FEET;
2. THENCE ALONG SAID CURVE A DISTANCE OF 14.54 FEET, THROUGH A CENTRAL ANGLE OF 19°50'28", THE CHORD OF WHICH BEARS SOUTH 35°38'26" EAST, A DISTANCE OF 14.47 FEET;
3. THENCE SOUTH 45°33'40" EAST A DISTANCE OF 70.91 FEET TO A POINT OF TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 27.00 FEET;
4. THENCE ALONG SAID CURVE A DISTANCE OF 42.34 FEET, THROUGH A CENTRAL ANGLE OF 89°51'24", THE CHORD OF WHICH BEARS NORTH 89°30'38" EAST, A DISTANCE OF 38.14 FEET;
5. THENCE NORTH 44°34'56" EAST A DISTANCE OF 77.09 FEET;
6. THENCE SOUTH 45°28'34" EAST A DISTANCE OF 48.00 FEET;
7. THENCE SOUTH 44°34'56" WEST A DISTANCE OF 77.14 FEET TO A POINT OF TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 75.00 FEET;
8. THENCE ALONG SAID CURVE A DISTANCE OF 117.62 FEET, THROUGH A CENTRAL ANGLE OF 89°51'24", THE CHORD OF WHICH BEARS SOUTH 89°30'38" WEST, A DISTANCE OF 105.93 FEET;
9. THENCE NORTH 45°33'40" WEST A DISTANCE OF 70.91 FEET TO A POINT OF TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 90.00 FEET;
10. THENCE ALONG SAID CURVE A DISTANCE OF 31.17 FEET, THROUGH A CENTRAL ANGLE OF 19°50'28", THE CHORD OF WHICH BEARS NORTH 35°38'26" WEST, A DISTANCE OF 31.01 FEET;
11. THENCE NORTH 25°43'12" WEST A DISTANCE OF 97.44 FEET TO A POINT ON SAID LITTLE RAVEN STREET;
12. THENCE NORTH 64°16'48" EAST A DISTANCE OF 48.00 FEET ALONG SAID LITTLE RAVEN STREET TO THE POINT OF BEGINNING;

BEING THAT PORTION OF THE ABOVE DESCRIBED PARCEL WHICH LIES BETWEEN PLANES LYING SIX FEET UNDER AND SIXTEEN FEET ABOVE FINISHED GRADE. THE AVERAGE ELEVATIONS OF SAID PLANES BEING 5175.5 AND 5197.5, BASED UPON THE BELOW REFERENCED BENCHMARK.

FOR INFORMATION PURPOSES ONLY:

FROM THE POINT OF COMMENCEMENT OF THIS LEGAL DESCRIPTION THE SECTION CORNER COMMON TO SECTIONS 27, 28, 33, AND 34, T.3S., R.68W., 6TH P.M. BEARS NORTH 79°59'29" EAST, A DISTANCE OF 2,467.10 FEET.

BEARINGS FOR THIS DESCRIPTION ARE BASED UPON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 28 BEING NORTH 00°15'28" WEST. THE SOUTHEAST CORNER OF SECTION 28 BEING A 2-3/8 INCH ALUMINUM MONUMENT IN A RANGE BOX STAMPED LS 13155. THE EAST QUARTER CORNER OF SECTION 28 BEING A PIECE OF RAILROAD RAIL SET VERTICALLY IN THE GROUND WITH A CHISELED "X" IN THE TOP.

VERTICAL DATA IS BASED UPON THE FOLLOWING BENCHMARK: CITY OF DENVER BENCHMARK NO. 485; A 3 INCH BRASS CAP IN THE CONCRETE BASE OF THE TRANSMISSION LINE TOWER BEING LOCATED AT THE NORTHERLY CORNER OF 15TH STREET AND VACATED GRINNELL COURT, STAMPED "485". ELEVATION= 5187.62, NGVD 1929 DATUM.

**PARKSIDE TOWNHOMES, LLC** (2135 18<sup>th</sup> Street MISC (2332-20-026-000)):

THAT PORTION OF LOT 1, BLOCK 7, THE COMMONS SUBDIVISION - FILING NO. 1 AS RECORDED JUNE 16, 2000 AT BOOK 33, PAGES 1-6 AND AT RECEPTION # 2000085197, CITY AND COUNTY OF DENVER RECORDS, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE BASED ON THE 20 FOOT RANGE LINE ON THE SOUTHERLY SIDE OF 15TH STREET AS MONUMENTED BY A #8 REBAR IN A RANGE BOX WITH NO CAP FOUND AT THE INTERSECTION OF THE RANGE LINES OF 15TH AND DELGANY STREETS, AND A 3 ¼ INCH ALUMINUM CAPPED MONUMENT STAMPED "W.C. T3S, R68W, PLS 23881, 1992" IN A RANGE BOX FOUND AT THE INTERSECTION OF SAID 20 FOOT RANGE LINE OF 15TH STREET AND THE NORTH LINE OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN. THE BEARING OF SAID 20 FOOT RANGE LINE BEING SOUTH 45°27'06" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 1, BLOCK 7, THE COMMONS SUBDIVISION - FILING NO. 1, SAID POINT ALSO BEING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLE RAVEN STREET AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 19TH STREET;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF 19TH STREET THE FOLLOWING TWO (2) COURSES:

1. SOUTH 45°53'14" EAST A DISTANCE OF 50.97 FEET;
2. SOUTH 45°27'00" EAST A DISTANCE OF 114.35 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 1, BLOCK 7, THE COMMONS SUBDIVISION - FILING NO. 1;

THENCE LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF 19TH STREET AND ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1, BLOCK 7, SOUTH 44°31'02" WEST A DISTANCE OF 200.68 FEET;

THENCE LEAVING SAID SOUTHEASTERLY LINE OF LOT 1, BLOCK 7, NORTH 45°28'58" WEST A DISTANCE OF 232.26 TO A POINT ON THE SOUTHEASTERLY

RIGHT-OF-WAY LINE OF SAID LITTLE RAVEN STREET AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY OF LITTLE RAVEN STREET AND ALONG THE ARC OF SAID CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 530.00 FEET, A LENGTH OF 64.94 FEET AND A CENTRAL ANGLE OF 7°01'12" (THE CHORD OF WHICH BEARS N60°31'42"E, 64.90 FEET);

THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF LITTLE RAVEN STREET NORTH 64°02'18" EAST A DISTANCE OF 146.73 FEET TO THE POINT OF BEGINNING.

**MARK L. SMITH** (1725 Bassett Street (2332-22-004-000)):

LOT 2, BLOCK 1, THE COMMONS SUBDIVISION FILING NO.8, CITY AND COUNTY OF DENVER, STATE OF COLORADO

**16 CHESTNUT LAND LLC** (1601 Chestnut Place (2332-26-006-000)):

A PORTION OF BLOCK 2, THE COMMONS SUBDIVISION - FILING NO.5, RECORDED UNDER RECEPTION NO. 2003013146, CITY AND COUNTY OF DENVER RECORDS, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28 AND THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERN MOST PROPERTY CORNER OF SAID BLOCK 2;

THENCE NORTH 45°24'24" WEST ALONG THE SOUTHWESTERLY PROPERTY LINE OF SAID BLOCK 2, A DISTANCE OF 120.00 FEET;

THENCE NORTH 44°18'02" EAST LEAVING SAID PROPERTY LINE, A DISTANCE OF 334.49 FEET TO A POINT ON THE NORTHEASTERN PROPERTY LINE OF SAID BLOCK 2;

THENCE SOUTH 44°57'42" EAST ALONG SAID NORTHEASTERN PROPERTY LINE, A DISTANCE OF 120.01 FEET TO THE EASTERN MOST CORNER OF SAID BLOCK 2;

THENCE SOUTH 44°18'02" WEST ALONG THE SOUTHEASTERN PROPERTY LINE OF SAID BLOCK 2, A DISTANCE OF 333.56 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF VACATED CHESTNUT STREET, RECORDED UNDER ORDINANCE NO. 832, SERIES 2006, CITY AND COUNTY OF DENVER RECORDS, SITUATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CHESTNUT ST. AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 17TH ST., SAID POINT ALSO BEING THE EASTERNMOST CORNER OF BLOCK 2 OF SAID THE COMMONS SUBDIVISION - FILING NO. 5;

THENCE SOUTH 44°57'42" EAST A DISTANCE OF 5.00 FEET;

THENCE SOUTH 44°18'02" WEST AND PARALLEL WITH SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF CHESTNUT ST. AND THE SOUTHEASTERLY LINE OF SAID BLOCK 2, A DISTANCE OF 333.52 FEET;

THENCE NORTH 45°24'24" WEST A DISTANCE OF 5.00 FEET TO A POINT ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF CHESTNUT ST. AND SAID SOUTHEASTERLY LINE OF BLOCK 2, SAID POINT ALSO BEING THE SOUTHERNMOST CORNER OF SAID BLOCK 2;

THENCE NORTH 44°18'02" EAST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF CHESTNUT ST. AND SAID SOUTHEASTERLY LINE OF BLOCK 2, A DISTANCE OF 333.56 FEET TO THE POINT OF BEGINNING.

**UNION CENTER LLC:**

PARCEL 1 (1709 Chestnut Street (02332-31-004-000)):

THAT PORTION OF BLOCK 4, THE COMMONS SUBDIVISION - FILING NO. 4, AS RECORDED AT RECEPTION NO. 2003197650, CITY AND COUNTY OF DENVER CLERK AND RECORDERS OFFICE, SITUATED THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERN MOST CORNER OF SAID BLOCK 4, THENCE NORTH 44°57'42" WEST ALONG THE SOUTHWESTERLY BOUNDARY OF SAID BLOCK 4, A DISTANCE OF 167.82 FEET;

THENCE NORTH 35°10'21" EAST LEAVING SAID BOUNDARY OF BLOCK 4, A DISTANCE OF 225.79 FEET;

THENCE NORTH 54°49'39" WEST, A DISTANCE OF 24.58 FEET;

THENCE NORTH 35°10'21" EAST, A DISTANCE OF 35.00 FEET TO A POINT OF CURVATURE CONCAVE NORTHWESTERLY;

THENCE ALONG THE ARC OF SAID CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 7°09'10", AND A LENGTH OF 18.73 FEET (THE CHORD OF WHICH BEARS N31°35'46"E, 18.71');

1 THENCE NORTH 28°01'11" EAST, A DISTANCE OF 81.99 FEET TO THE NORTHEASTERLY BOUNDARY OF SAID BLOCK 4;

THENCE ALONG THE BOUNDARY OF SAID BLOCK 4 THE FOLLOWING TWO (2) COURSES:

1. SOUTH 45°29'00" EAST, A DISTANCE OF 260.55 FEET;
2. SOUTH 44°18'02" WEST, A DISTANCE OF 351.72 FEET TO THE POINT OF BEGINNING.

2 TOGETHER WITH:

3 THAT PORTION OF CHESTNUT STREET VACATED BY ORDINANCE NO. 832, SERIES OF 2006 DESCRIBED WITHIN SAID ORDINANCE AS PARCEL 4, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL 2 (1708 Chestnut Street (2332-28-003-000)):

4 BLOCK 3, THE COMMONS SUBDIVISION - FILING NO. 4, AS RECORDED AT RECEPTION NO. 2003197650, CITY AND COUNTY OF DENVER CLERK AND RECORDERS OFFICE, SITUATED WITHIN THE NORTHEAST QUARTER OF SECTION 33 AND THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

TOGETHER WITH:

5 THAT PORTION OF CHESTNUT STREET VACATED BY ORDINANCE NO. 832, SERIES OF 2006 DESCRIBED WITHIN SAID ORDINANCE AS PARCEL 3, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL 3 (1502 Delgany St Apprx (2332-28-001-000)):

6 BLOCK 4, THE COMMONS SUBDIVISION - FILING NO. 5, AS RECORDED AT RECEPTION NO. 2003013146, CITY AND COUNTY OF DENVER CLERK AND RECORDERS OFFICE, SITUATED WITHIN THE NORTHEAST QUARTER OF SECTION 33 AND THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL 4 (1809 Chestnut Street (2332-30-006-000)):

7 THAT PORTION OF BLOCK 1, THE COMMONS SUBDIVISION - FILING NO. 4, AS RECORDED AT RECEPTION NO. 2003197650, CITY AND COUNTY OF DENVER CLERK

AND RECORDERS OFFICE, SITUATED WITHIN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERN MOST CORNER OF SAID BLOCK 1, THENCE NORTH 45°29'00" WEST ALONG THE SOUTHWESTERLY BOUNDARY OF SAID BLOCK 1, A DISTANCE OF 88.00 FEET;

THENCE NORTH 44°18'02" EAST LEAVING SAID SOUTHWESTERLY BOUNDARY, A DISTANCE OF 318.33 FEET;

THENCE NORTH 45°41'58" WEST, A DISTANCE OF 58.90 FEET;

THENCE NORTH 44°18'02" EAST, A DISTANCE OF 84.17 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY OF SAID BLOCK 1;

THENCE ALONG SAID BOUNDARY OF BLOCK 1 THE FOLLOWING TWO (2) COURSES:

1. SOUTH 45°27'00" EAST, A DISTANCE OF 146.90 FEET;
2. SOUTH 44°18'02" WEST, A DISTANCE OF 402.19 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THAT PORTION OF CHESTNUT STREET VACATED BY ORDINANCE NO. 832, SERIES OF 2006 DESCRIBED WITHIN SAID ORDINANCE AS PARCEL 2, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL 5 (1975 18<sup>th</sup> Street (2332-29-003-000)):

BLOCK 2, THE COMMONS SUBDIVISION - FILING NO. 4, AS RECORDED AT RECEPTION NO. 2003197650, CITY AND COUNTY OF DENVER CLERK AND RECORDERS OFFICE, SITUATED WITHIN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

TOGETHER WITH:

THAT PORTION OF CHESTNUT STREET VACATED BY ORDINANCE NO. 832, SERIES OF 2006 DESCRIBED WITHIN SAID ORDINANCE AS PARCEL 1, CITY AND COUNTY OF DENVER, STATE OF COLORADO.



**ALTA CITYHOUSE, LLC (2075 18<sup>th</sup> Street (2332-30-004-000)):**

A PORTION OF BLOCK 1, THE COMMONS SUBDIVISION - FILING NO. 4, RECORDED AT RECEPTION NO. 2003197560, CITY AND COUNTY OF DENVER, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY MOST PROPERTY CORNER FOR SAID BLOCK 1;

THENCE NORTH 45 DEGREES 29 MINUTES 00 SECONDS WEST ALONG THE SOUTHWESTERLY PROPERTY LINE FOR SAID BLOCK 1, A DISTANCE OF 88.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 45°29'00" WEST ALONG SAID SOUTHWESTERLY BOUNDARY, A DISTANCE OF 195.94 FEET;

THENCE NORTH 28°01'11" EAST LEAVING SAID SOUTHWESTERLY BOUNDARY, A DISTANCE OF 27.49 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID BLOCK 1;

THENCE ALONG SAID WESTERLY BOUNDARY OF BLOCK 1 THE FOLLOWING TWO (2) COURSES:

1. NORTH 44°31'00" EAST, A DISTANCE OF 9.64 FEET;
2. NORTH 45°29'00" WEST, A DISTANCE OF 2.76 FEET TO A POINT OF NON-TANGENT CURVE CONCAVE SOUTHEASTERLY;

THENCE LEAVING SAID WESTERLY BOUNDARY OF BLOCK 1 AND ALONG THE ARC OF SAID NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 6°04'53", AND A LENGTH OF 53.07 FEET (THE CHORD OF WHICH BEARS N32°07'55"E, 53.05');

THENCE NORTH 35°10'21" EAST, A DISTANCE OF 217.14 FEET TO A POINT ON THE NORTHWESTERLY BOUNDARY OF SAID BLOCK 1, SAID POINT ALSO BEING A POINT OF NON-TANGENT CURVE CONCAVE NORTHWESTERLY;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID BLOCK 1 THE FOLLOWING FOUR (4) COURSES:

1. ALONG THE ARC OF SAID NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1302.42 FEET, THROUGH A CENTRAL ANGLE OF 2°48'47", AND A LENGTH OF 63.95 FEET (THE CHORD OF WHICH BEARS N41°16'09"E, 63.94');
2. SOUTH 45°27'00" EAST, A DISTANCE OF 54.17 FEET;
3. NORTH 44°33'00" EAST, A DISTANCE OF 36.48 FEET;
4. SOUTH 45°27'00" EAST, A DISTANCE OF 142.16 FEET;

THENCE SOUTH 44°18'02" WEST LEAVING SAID NORTHERLY BOUNDARY OF BLOCK 1, A DISTANCE OF 84.17 FEET;

THENCE SOUTH 45°41'58" EAST, A DISTANCE OF 58.90 FEET;

THENCE SOUTH 44°18'02" WEST, A DISTANCE OF 318.33 FEET TO THE POINT OF BEGINNING.

**BH/JP WEWATTA, LLC** (1502 Delgany St Apprx (2332-25-002-000))

BLOCK 1, THE COMMONS SUBDIVISION FILING NO. 5, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**COLUMBIA PLATTE VALLEY COLORADO II, LLC** (1851 Bassett Street (2332-20-024-000))

LOT 2, BLOCK 7, THE COMMONS SUBDIVISION – FILING NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 16, 2000 UNDER RECEPTION NO. 2000085197, CITY AND COUNTY DENVER, STATE OF COLORADO

**ROHR INVESTMENTS, INC.**

PARCEL 1 (1502 Delgany St Apprx (2332-29-001-0000))

BLOCK 5, THE COMMONS SUBDIVISION - FILING NO. 5, CITY AND COUNTY OF DENVER, STATE OF COLORADO

PARCEL 2 (1701 Wynkoop St Apprx (2332-001-52-000))

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER (SE ¼ ) OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF BLOCK 3, HOYT & ROBINSON'S ADDITION TO DENVER;

THENCE S 44°59'13" W ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 3 A DISTANCE OF 235.06 FEET TO THE MOST WESTERLY CORNER OF LOT 11, SAID BLOCK 3;

THENCE N 45°00'47" W ALONG THE NORTHWESTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF SAID LOT 11, BLOCK 3, A DISTANCE OF 127.70 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE INTERSECTION WITH THE WEST LINE OF SAID HOYT & ROBINSON'S ADDITION TO DENVER;

THENCE S 00°01'13" W ALONG SAID WEST LINE A DISTANCE OF 54.33 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY OF WEWATTA STREET, AS SHOWN ON THE PLAT OF THE COMMONS SUBDIVISION--FILING NO. 5 FILED WITH THE CLERK AND RECORDER, CITY AND COUNTY OF DENVER, AT RECEPTION NO. 2003131146;

THENCE EASTERLY AND NORTHEASTERLY ALONG SAID RIGHT-OF-WAY EXTENDED, SAID RIGHT-OF-WAY EXTENDED ALSO BEING A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 222.50 FEET, A CENTRAL ANGLE OF 10°55'06", AND A CHORD WHICH BEARS N 69°45'37" E A DISTANCE OF 42.34 FEET, AN ARC DISTANCE OF 42.40 FEET TO THE INTERSECTION WITH SAID NORTHWESTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF SAID LOT 11, BLOCK 3, SAID POINT ALSO BEING ON THE NORTHWESTERLY LINE OF WEWATTA STREET, AS DESCRIBED IN ORDINANCE NO. 551, SERIES OF 2001;

THENCE N 45°00'47" W ALONG SAID NORTHWESTERLY EXTENSION A DISTANCE OF 56.13 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: THE RANGE LINE IN WYNKOOP STREET FROM 18<sup>TH</sup> STREET TO 19<sup>TH</sup> STREET IS ASSUMED TO BEAR N 45°00'00" E AS DEFINED BY 1" STEEL PINS IN RANGE BOXES AT THE ABOVE INTERSECTION OF STREETS.

**BALFOUR COSMOPOLITAN CLUB, LLC**

PARCEL 1 (2101 15th St (2332-12-007-000))

LOT 1, BLOCK 3, THE COMMONS SUBDIVISION FILING NO. 1, CITY AND COUNTY OF DENVER, STATE OF COLORADO

PARCEL 2 (1550 Little Raven St (2332-13-016-000))

LOT 1, BLOCK 4, THE COMMONS SUBDIVISION FILING NO. 1, CITY AND COUNTY OF DENVER, STATE OF COLORADO

PARCEL 3 (1540 Little Raven St #TR-A (2332-13-089-000))

THAT PORTION OF TRACT "A", THE COMMONS SUBDIVISION FILING NO. 1, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT BEING THE INTERSECTION OF THE 20 FOOT RANGE LINE FOR VACATED BASSETT STREET AND 15TH STREET; THENCE NORTH 04° 40' 30" WEST A DISTANCE OF 370.25 FEET TO THE POINT OF BEGINNING;

THENCE AROUND THE PERIMETER OF BASSETT CIRCLE THE FOLLOWING TWELVE (12) COURSES:

1. THENCE SOUTH 25° 43' 12" EAST A DISTANCE OF 97.44 FEET TO A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 42.00 FEET;
2. THENCE ALONG SAID CURVE A DISTANCE OF 14.54 FEET, THROUGH A CENTRAL ANGLE OF 19° 50' 28", THE CHORD OF WHICH BEARS SOUTH 35° 38' 26" EAST, A DISTANCE OF 14.47 FEET;
3. THENCE SOUTH 45° 33' 40" EAST A DISTANCE OF 70.91 FEET TO A POINT OF TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 27.00 FEET;
4. THENCE ALONG SAID CURVE A DISTANCE OF 42.34 FEET, THROUGH A CENTRAL ANGLE OF 89° 51' 24", THE CHORD OF WHICH BEARS NORTH 89° 30' 38" EAST, A DISTANCE OF 38.14 FEET;
5. THENCE NORTH 44° 34' 56" EAST A DISTANCE OF 77.09 FEET;
6. THENCE SOUTH 45° 28' 34" EAST A DISTANCE OF 48.00 FEET;
7. THENCE SOUTH 44° 34' 56" WEST A DISTANCE OF 77.14 FEET TO A POINT OF TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 75.00 FEET;
8. THENCE ALONG SAID CURVE A DISTANCE OF 117.62 FEET, THROUGH A CENTRAL ANGLE OF 89° 51' 24", THE CHORD OF WHICH BEARS SOUTH 89° 30' 38" WEST, A DISTANCE OF 105.93 FEET;
9. THENCE NORTH 45° 33' 40" WEST A DISTANCE OF 70.91 FEET TO A POINT OF TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 90.00 FEET;
10. THENCE ALONG SAID CURVE A DISTANCE OF 31.17 FEET, THROUGH A CENTRAL ANGLE OF 19° 50' 28", THE CHORD OF WHICH BEARS NORTH 35° 38' 26" WEST, A DISTANCE OF 31.01 FEET;
11. THENCE NORTH 25° 43' 12" WEST A DISTANCE OF 97.44 FEET TO A POINT ON SAID LITTLE RAVEN STREET;
12. THENCE NORTH 64° 16' 48" EAST A DISTANCE OF 48.00 FEET ALONG SAID LITTLE RAVEN STREET TO THE POINT OF BEGINNING,

EXCEPTING THEREFROM, THAT PORTION LYING BETWEEN PLANE SIX FEET UNDER FINISHED GRADE AND SIXTEEN FEET OVER FINISHED GRADE.

**COMMONS 19 LLC** (1501 Delgany Street (02332-11-013-000))

LOTS 1 AND 2, BLOCK 1, THE COMMONS SUBDIVISION - FILING NO. 3, CITY AND COUNTY OF DENVER, STATE OF COLORADO

All other provision of the Commons PUD No. 531 remains in full force and effect.

**Section 2.** The District Plan together with all Site Plans contained in the Commons PUD No. 531, as amended, as provided in Chapter 59 of the Denver Revised Municipal Code, shall regulate the use and development of the land area within the Commons PUD No. 531.

**Section 3.** None of the land area within the Commons PUD No. 531, as amended, shall be used or occupied and no structure or structures shall be designed, erected, altered, used or occupied thereon except in conformity with all provisions of the District Plan and all Site Plans contained in the Commons PUD No. 531, as amended, and except upon performance of all conditions set forth in the Commons PUD No. 531, as amended.

1           **Section 4.** This Ordinance shall be recorded by the Department of Community Planning  
2 and Development among the records of the Clerk and Recorder of the City and County of Denver.

3 COMMITTEE APPROVAL DATE: May 26, 2010

4 MAYOR-COUNCIL DATE: June 1, 2010 by consent.

5 PASSED BY THE COUNCIL: \_\_\_\_\_, 2010

6 \_\_\_\_\_ - PRESIDENT

7 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2010

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

11 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2010; \_\_\_\_\_, 2010

12 PREPARED BY: KERRY A. BUCKEY, ASSISTANT CITY ATTORNEY, DATE: June 10, 2010

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

17 David R. Fine, City Attorney

18 BY: \_\_\_\_\_, Assistant City Attorney           DATE: \_\_\_\_\_, 2010