



**TO:** **Denver City Council**  
Christopher Herndon, President

**FROM:** Tim Watkins, Senior City Planner

**DATE:** September 10, 2015

**RE:** Official Zoning Map Amendment Application #2015I-00041  
4400 N Fox St  
Rezoning from I-B, UO-2 to C-MX-12, UO-2

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2014I-00072 for a rezoning from I-B, UO2 to C-MX-12, UO-2 for the property located at 4400 N Fox St.

### Request for Rezoning

Application: #2014I-00072  
Address: 4400 N Fox St.  
Neighborhood/Council District: Globeville / Council District 9

RNOs: Denver Neighborhood Association, Inc., Elyria  
Swansea/Globeville Business Association,  
Inter-Neighborhood Cooperation (INC), North Highlands  
Neighbors Association, Globeville Civic Association #2, United  
Community Action Network Inc., Globeville Civic Association #1,  
Denver Urban Resident Association

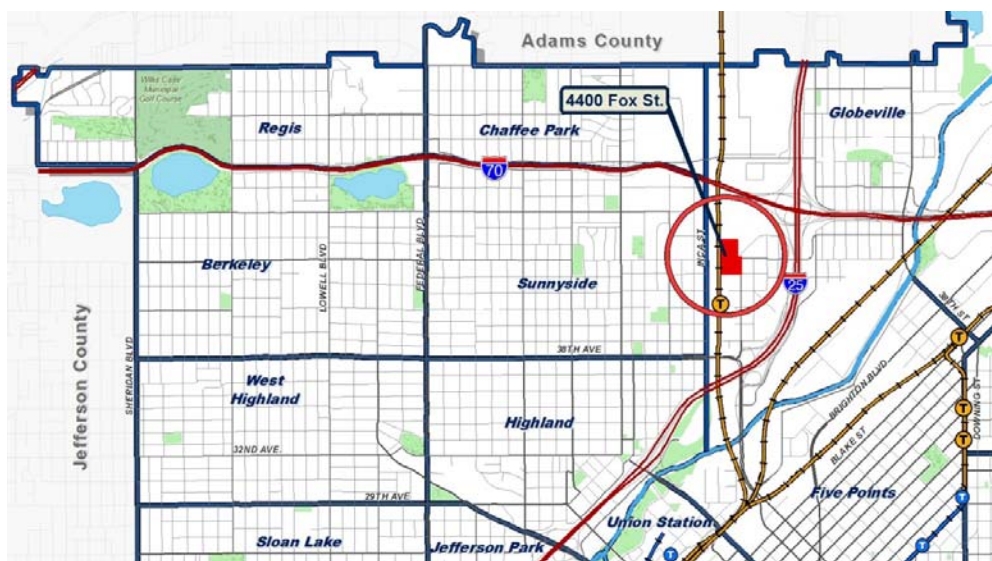
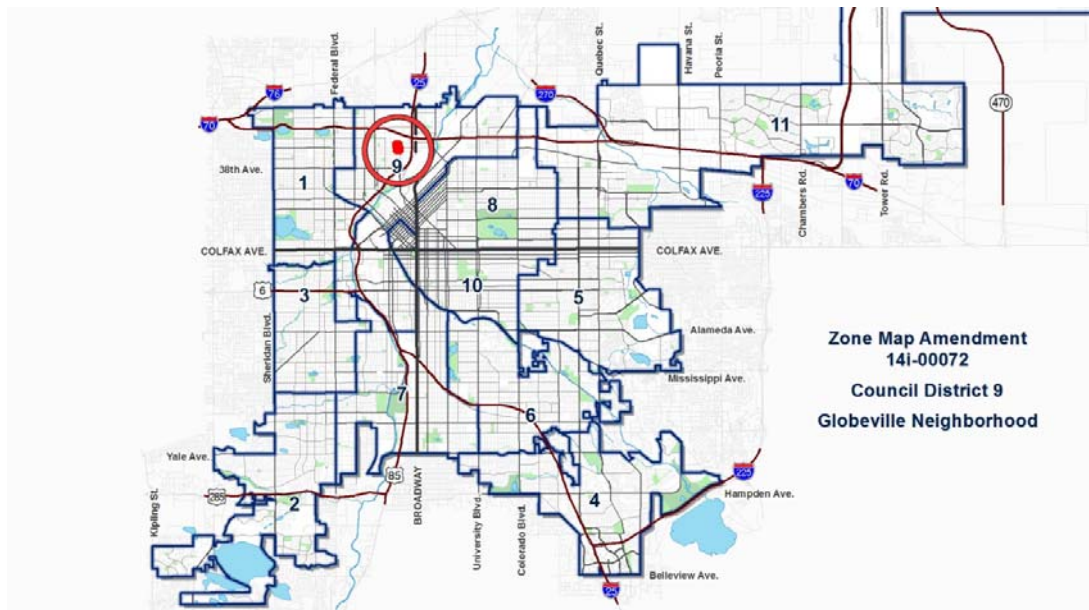
Area of Property: Total: 10.49 acres

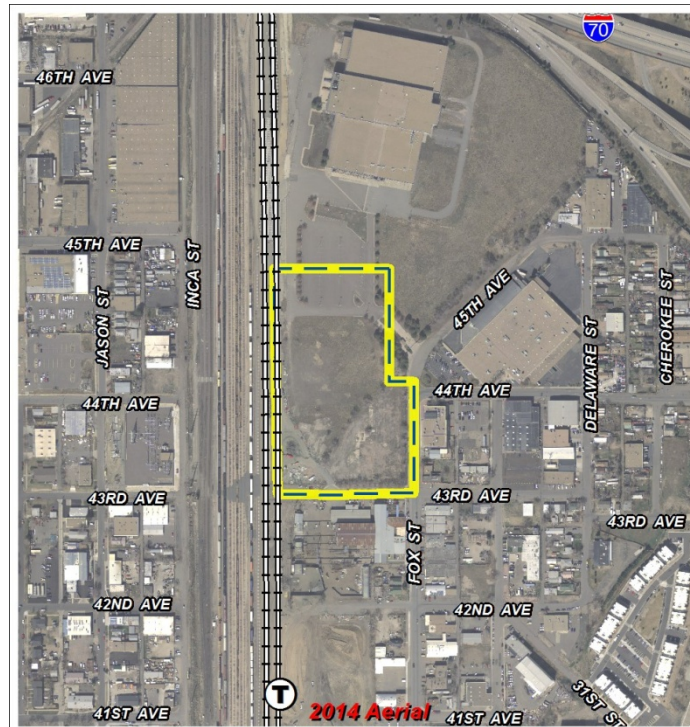
Current Zoning: I-B, UO-2  
Proposed Zoning: C-MX-12, UO-2  
Property Owner(s): Ascendant Capital Partners DNA, LLC  
Owner Representative: Zakary Kessler

Presenter: Tim Watkins, CPD-Planning Services  
Staff Recommendation: Approval

## Summary of Rezoning Request

Located in north Denver in Council District 9, this former industrial property lies near the convergence of I-70 and I-25, and within one block from the future 41<sup>st</sup> and Fox commuter rail station along the Gold Line. The property today is vacant, and was formerly part of the former Denver Post site and building that lies to the north. It is surrounded industrial uses and rail, and is positioned for redevelopment as the Gold rail line is expected to open in 2016. The property is part of a larger General Development Plan for the area bounded by the BNSF railway, I-70 and 45<sup>th</sup> Ave.





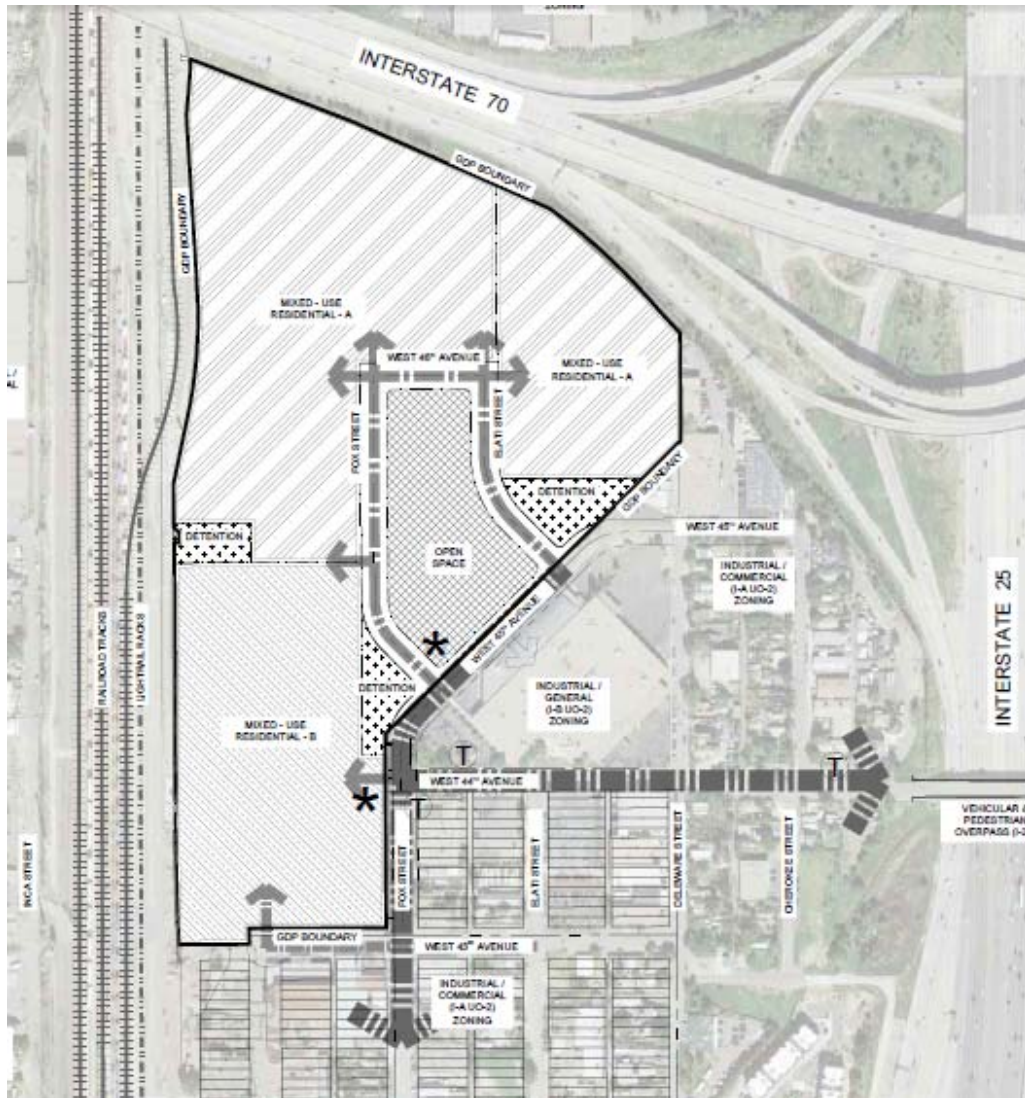
## Existing Context

Located in southwest Globeville, the property lies within a predominantly industrial district that is separated from Globeville’s traditional residential area to the northeast by I-25 and I-70. Although the built environment, zoning and neighborhood context around the property is primarily industrial, recently adopted plans encourage redevelopment of the station area into an urban center along future commuter rail service.

The following table summarizes the existing context proximate to the subject site:

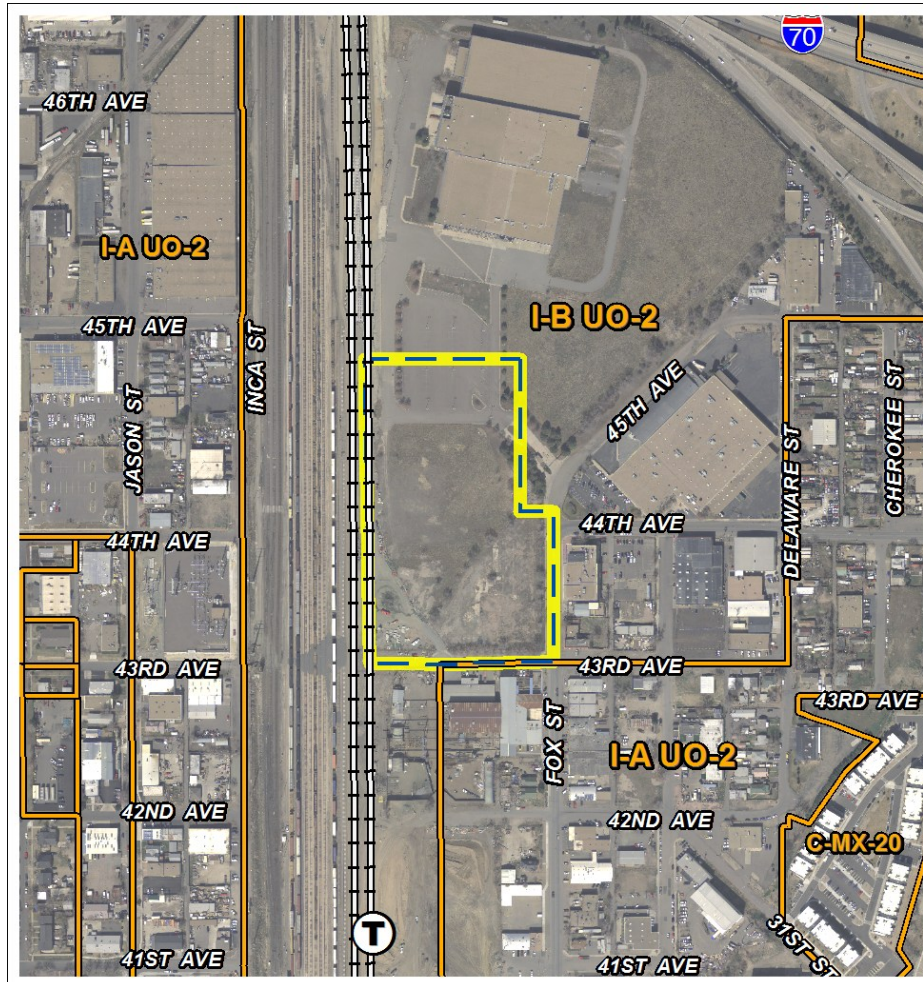
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-B, UO-2	Vacant, former Industrial	N/A	A limited orthogonal grid extends along Fox Street from 38 <sup>th</sup> Ave to 44 <sup>th</sup> Ave. The grid is limited by the rail corridor to the west, I-25 to the south and west, and by large industrial sites and I-70 to the north. The area has limited access from other neighborhoods, including 44 <sup>th</sup> Ave from the southeast portion of Globeville, 38 <sup>th</sup> Ave from the Sunnyside neighborhood (west), and Fox Street to Park Avenue that provides direct access to downtown.
North	I-B, UO-2	Vacant Industrial manufacturing	1 -2 Story	
South	I-A, UO-2 I-B, UO-2	Industrial fabrication & warehouse	1 Story	
East	I-B, UO-2	Light industrial, Multi-family, Commercial Retail	1-2 Story	
West	I-B, UO-2	Railroad right-of-way	N/A	

### 1. Proposed 25/70 General Development Plan (GDP)



A GDP application has been proposed by Woodspear Properties in accordance with DZC Section 12.4.12 to create an infrastructure framework plan for a vibrant, residential mixed-use redevelopment of the Denver Post site near the 41<sup>st</sup> and Fox station. Titled 25/70, this 41-acre plan aims to better connect this area to Globeville and to the future station platform. The development concept is based on 340 to 1,500 dwelling units with density that will range from 10 to 40 units per acre, as well as retail, commercial/office, and amenities that within a walkable transit oriented development environment. The property proposed for rezoning to C-MX-12 lies within the above GDP map area to the south labeled as Mixed-use Residential – B, which is anticipated to have a maximum building heights of 3 to 12 stories. The proposed C-MX-12 zone district promotes safe, active, and pedestrian-scaled, diverse areas consistent with the land use and building height recommendations provided in this GDP framework.

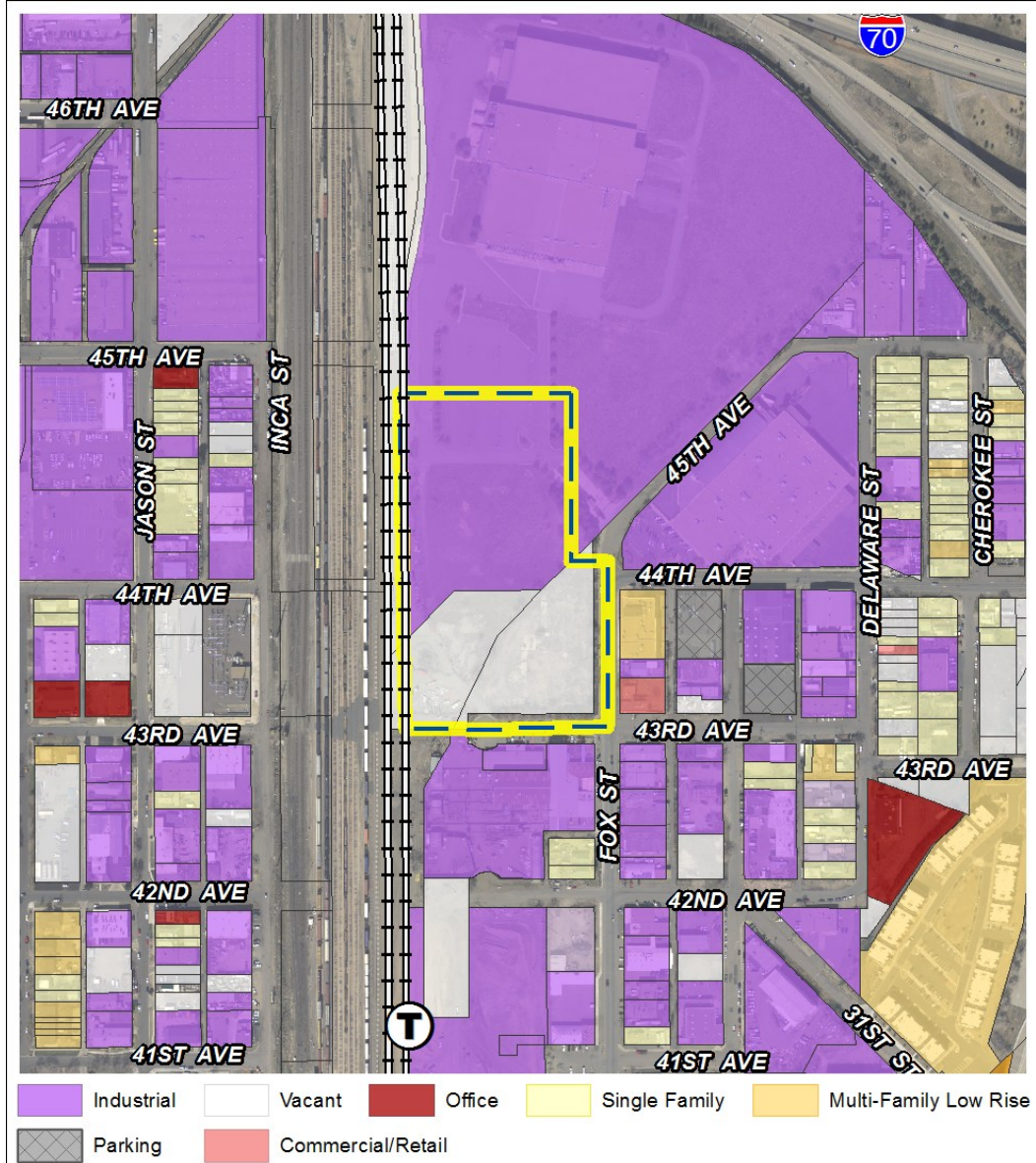
## 2. Existing Zoning



The current zone district I-B, or General Industrial is intended to be an employment area containing industrial uses that are generally more intensive than uses permitted in the I-A Zone District. The overall purpose of the district is to promote industrial development and economic activity. No new residential uses may be established in the I-B Zone District in order to promote and continue a stable employment base for the city. General and Industrial Building forms are allowed with no limit to the building height. Surface parking is allowed between a building and primary or side street, and no transparency or other pedestrian level activation is required. See DZC Section 9.1.2.1.

The UO-2 Overlay, Billboard Use Overlay District allows for the potential of a billboard as an outdoor general advertising device with the acquisition of billboard credits, subject to minimum separation and distance requirements. See DZC Section 9.4.4.7. Although there are no billboards on the property today, the property's general separation from Globeville's predominantly residential area(s), and its adjacency to the Gold Line commuter rail corridor makes this a suitable location for possible future billboard installation. The applicant proposes to retain this use overlay (See DZC Section 9.4.4.7).

### 3. Existing Land Use Map



#### 4. Existing Building Form and Scale



Site fronting 43<sup>rd</sup> Ave.



Recently constructed pedestrian bridge at the 41<sup>st</sup> and Fox Station platform construction site (Source: RTD)



North – former Denver Post Site



West – BNSF Rail right-of-way corridor.



South - along 43rd Ave.



East – along Fox Street, north of 43<sup>rd</sup> Ave.



## Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Asset Management:** Approved No Comments.

**Environmental Health:** Approved: DEH reviewed the historical use and environmental conditions of the property and has no objection to the requested rezoning.

**Development Services – Wastewater:** Approved: There is no objection to the rezone, however applicant should be under notice that Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be required. These studies may results in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning change.

**Public Works – City Surveyor:** Approved – No Comments.

**Development Services – Transportation:** Approve Rezoning Only - Will require additional information at Site Plan Review. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right-of-way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process.

**Denver Parks and Recreation:** Approved - No Comments.

**Development Services – Project Coordination:** No Comments to present

**Development Services – Fire Prevention:** No Comments to present

## Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on May 13<sup>th</sup>, 2015.
- The property was legally posted for a period of 15 days announcing the July 15<sup>th</sup>, 2015, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members (see public hearing summary on pg 16).
- **City Council Notification Process:** The property was legally posted for a period of 21 days announcing the March 16<sup>th</sup>, 2015 Denver City Council public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. A representative of Globeville Civic Association #2 spoke in favor of the application at the Planning Board public hearing, expressing optimism that rezoning could lead to transit oriented development that could increase demand for private and public services in the neighborhood.
- **Neighborhoods and Planning Notification Process:** Written notification of the August 5<sup>th</sup> hearing was sent on July 22<sup>nd</sup> to all affected registered neighborhood organizations and City Council members.
- **City Council Notification Process:** The property was legally posted for a period of 21 days announcing the September 14<sup>th</sup>, 2015 Denver City Council public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- **Applicant Outreach to Registered Neighborhood Organizations (RNOs)**
  - The applicant has reached out to the applicable neighborhood organizations listed on the cover page of this report. Letters of support have been received from the following Organizations and individuals:
    - Globeville Civic Association #1
    - Globeville Civic Association #2
    - UCAN (letters attached).
    - Letter of support from nearby property owner
  - See the attached correspondence following the application for the full text of all of these public comments.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

### **DZC Section 12.4.10.13**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

### **DZC Section 12.4.10.14**

1. Justifying Circumstances

2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

**1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- 41<sup>st</sup> and Fox Station Area Plan (2009)
- Globeville Neighborhood Plan (2014)

**Denver Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

**Environmental Sustainability Strategies:**

- 2-F: Promoting infill development within Denver at sites where services and infrastructure are already in place, Creating more density near transit, and Designing mixed use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.

**The Environment and Community:**

- 4-A: Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools area accessible by multiple forms of transportation, providing opportunities for people to live where they work.

**Land Use Strategies:**

- 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.
- 4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure . . . increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.
- 4-B: Ensure that land use policies and decisions support a variety of mobility choices (per Blue Print Denver land use and transportation vision, referenced below).

**Our Long Term Physical Environment:**

- 4-E: Continue to promote mixed-use development, which enables people to live near work, retail and services.

**Legacies Strategies:**

- 3-A: Identify areas in which increased density and new uses are desirable and can be accommodated.  
3-B: Create regulations and incentives that encourage high-quality, mixed-use development at densities that will support Denver’s diverse housing needs and public transportation alternatives.

Rezoning Application #2014I-00072

4400 N Fox St.

September 10, 2015

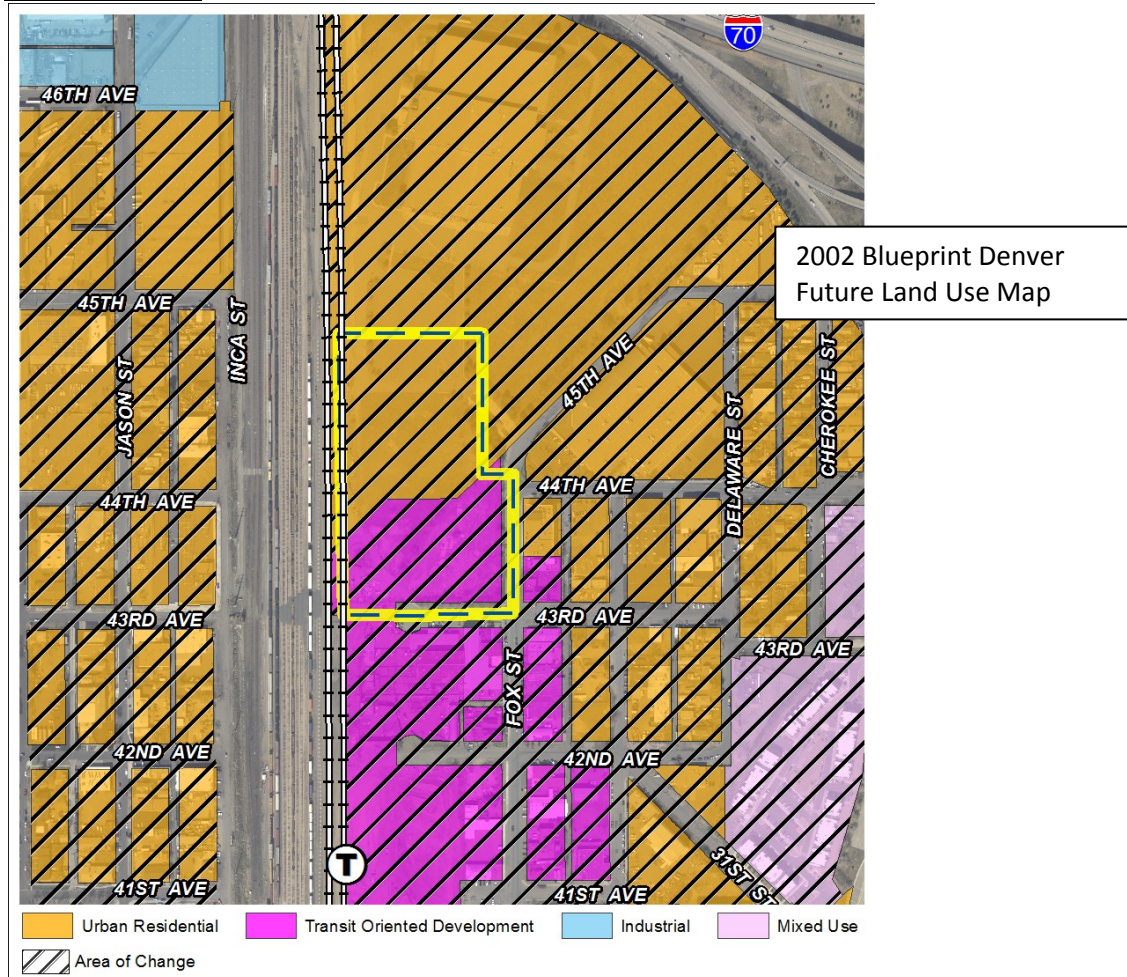
Page 12

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already in place and where transit oriented development investment is taking place. The C-MX-12 zone districts broaden the variety of uses and increased density appropriate for transit-oriented development infill development. The rezoning is consistent with these plan recommendations.

## Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has concept land uses of Urban Residential and Transit-Oriented Development, and is located in an Area of Change.

### Future Land Use



Urban residential neighborhoods are higher density and primarily residential but may include a noteworthy number of 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 (p. 41). The C-MX-12 zone districts allow a mix of uses that would provide for a variety of residential building forms, in addition to complementary commercial uses.

Transit-oriented developments have a direct correlation to the function of a mass transit system, and may accommodate a balanced mix of land uses (residential, retail, office entertainment, public facilities, etc). Development can be compact, mid-to high-density development, within a walkable environment with features active street edges, and attractive multi-story buildings that place less emphasis on auto parking.

### **Area of Change / Area of Stability**

As noted, the site is in an Area of Change. In general, “The goal for 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” (p. 127). Blueprint Denver provides additional specific guidance for the 41<sup>st</sup> and Fox station area as a Transit Oriented Development (TOD) area of change that will have a rail transit stop as a focal point surrounded by TOD (p. 137).

The rezoning application is consistent with the Blueprint Denver Area of Change recommendations. The rail station is currently under construction and will open in 2016 to provide convenient access to jobs, housing, and services along the Gold commuter rail line. Additionally, RTD bus route 8 will provide additional transit service through the station area.

### **Street Classifications**

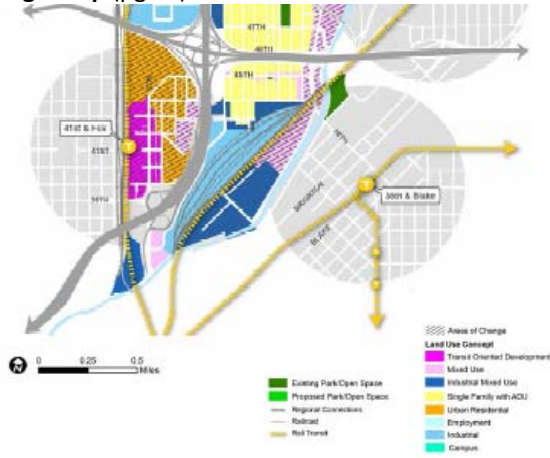
Blueprint Denver classifies 43rd Avenue as Local – Undesignated Street, and Fox Street as Residential Collector Street. According to Blueprint Denver, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas (pg 51). They consist of two to four travel lanes but place a higher priority on pedestrian and bicycle friendliness than on auto mobility, with initial priority given to design elements such as sidewalks, tree lawns, on-street parking, bike routes, and alleys with rear-facing garages. Residential streets are designed to emphasize walking, bicycling and land access over mobility (pg 55).”

The C-MX-12 zone district is proposed along these streets and would allow the high-intensity mixed uses imagined for these streets in Blueprint Denver. The proposed map amendment will enable growth in an area that Blueprint Denver identifies as appropriate for change and urban residential uses along streets that promote walkable development within higher-intensity mixed use areas.

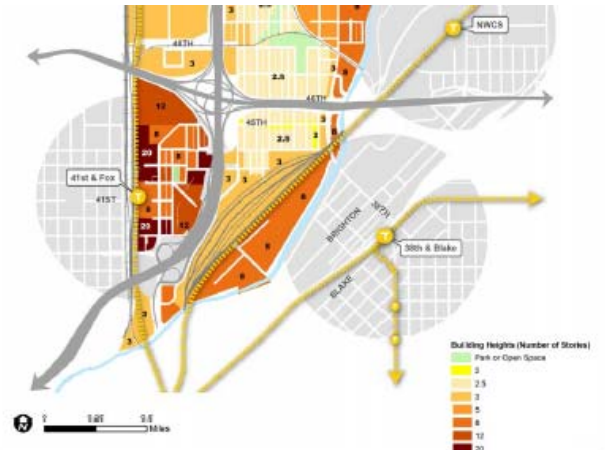
### **Small Area Plan: Globeville Neighborhood Plan**

The Globeville Neighborhood plan was adopted by City Council in December 2014, and reinforces the land use and building height recommendations provided in the 41<sup>st</sup> and Fox Station Area plan. “The Globeville Neighborhood Plan does not update the recommendations of the 41st and Fox Station Area Plan . . .”, instead, it emphasizes the improvement of connectivity from the Globeville Residential Neighborhood Core to this area along 44<sup>th</sup> Avenue through capital investment in bike and pedestrian pathways.

**Globeville Plan Concept Land Use and Areas of Change Map (pg 33)**

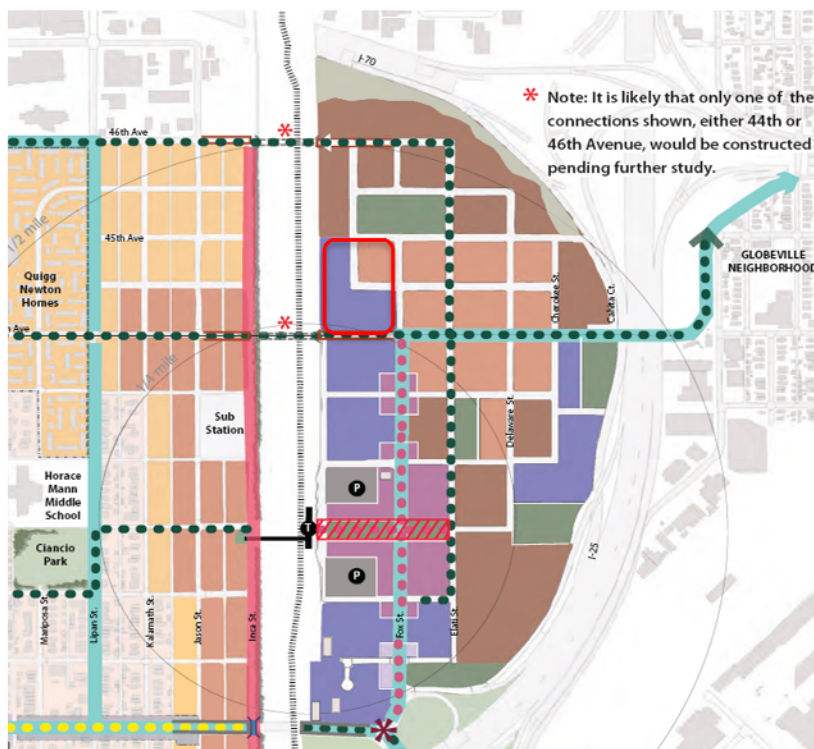


**Globeville Plan Maximum Recommended Building Heights (pg 36)**



**Small Area Plan: 41<sup>st</sup> and Fox Station Area Plan**

The 41<sup>st</sup> and Fox Station Area Plan was adopted by City Council in November 2009, and applies to the subject property. Applicable Land use and building height recommendations in the 41<sup>st</sup> and Fox Station Area Plan include Mixed-Use Office / Residential (3-20 stories, purple color), and Urban Residential (2-8 stories, orange color). To the north of the site is Urban Residential (2-12 stories, brown color), and Proposed open space / parks / plaza (green area). The 25/70 GDP further refines the street network pattern, the land uses and building height averages, with a general height of 12 stories across the entire site.



- Pedestrian Shopping District (2-8 stories)
- Pedestrian Shopping District (2-5 stories)
- Mixed-Use Office/Residential (3-20 stories)
- Urban Residential (2-12 stories)
- Urban Residential (2-8 stories)
- Urban Residential (1-3 stories)
- Single Family / Single Family Duplex
- Proposed Open Space/ Parks/ Plaza

The C-MX-12 zone district adds minimum ground story activation transparency standards and build to requirements, broadens the mix of uses and allows for versatile building forms to promote safe, active, and pedestrian-scaled, diverse areas through the use of development forms that will define and activate public street edges in a transit oriented environment.

This site is specifically identified as a key development opportunity in the plan. Rezoning will allow additional development and reinvestment that cannot be achieved under the current I-B Zoning.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to C-MX-12 (while retaining UO-2) will result in the uniform application of zone district building form, use and design regulations.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the city's adopted land use plans.

## **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." As discussed above, many adopted plan recommendations state that redevelopment of the area is desired, and the recently adopted plan also recognized that the character of the area is changing. This is an appropriate justifying circumstance for the proposed rezoning.

Additionally, the following changed or changing conditions to the site and surrounding area apply:

- Early industrial use buildings were demolished prior to the 1980s, and the site is currently vacant
- A concluding GDP planning process with community engagement
- 41<sup>st</sup> and Fox Station platform, pedestrian bridge and park-n-ride construction is nearing completion with a projected opening date in 2016
- Other properties surrounding in the station area are pursuing rezoning for potential future transit oriented development.
- Recent Regency student housing built at 42<sup>nd</sup> Ave and Elati st., and new retail built at 39<sup>th</sup> Avenue and Fox St.



## **5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements**

C-MX-12 is an Urban Center Mixed Use Zone District that is intended to promote safe, active, and pedestrian-scaled, diverse areas through the use apartment and shop-front building forms that clearly define and activate the public street edge. This district is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. See DZC 7.2.2.1

Although the neighborhood context around the 41st and Fox station today is generally industrial with current I-A and I-B zoning, the proposed zone district of C-MX-12 will allow the station area to evolve into the intended neighborhood center as envisioned in adopted city plans, and meet the intent of this future, desired neighborhood context as a vibrant, walkable transit oriented development area.

According to the zone district intent stated in the Denver Zoning Code, the C-MX-12 district "C-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired" (DZC Section 7.2.2.2.C). The intersections adjacent to this site are served by collector streets, and rail service is under construction and projected to open next year. These complementary transportation facilities will support Mixed Use that is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods, and in particular at the emerging 41<sup>st</sup> and Fox station area. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 4400 N Fox St. from I-B to C-MX-12 meets the requisite review criteria. Accordingly, staff recommends that Planning Board recommend *approval of this rezoning application to City Council*.

### **Planning Board Recommendation**

Following the public hearing, the Planning Board Voted 8 in favor and 1 opposed to recommend that the Denver City Council approve the rezoning application. The opposing vote was cast by a board member following expressed concern that retaining the UO-2 Billboard Use Overlay would allow for an inappropriate use in a transit-oriented development area. Other board members expressed support for potential billboard use along the rail corridor.

### **Attachments**

1. Application
2. Letters of Support



## Rezoning Pre-Application Review Request

Save this form to your computer and return it as an email attachment when complete

SUBJECT PROPERTY INFORMATION		
Property Address(es)		
Nearest Major Intersection		
Total Area		
Current Zoning		
CONTACT INFORMATION		
Pre-Applicant	Name	
	Company Name	
	Email Address	
	Phone:	
	Please indicate if you are: <input type="checkbox"/> Property Owner <input type="checkbox"/> Owner Representative <input type="checkbox"/> Other (specify below)	
POTENTIAL REQUEST		
Describe the purpose/reason for rezoning including whether any demolition is proposed (e.g., redevelop the site, reuse an existing building, expand the permitted uses)		
Potential zone districts for discussion		
Describe any contact with City agencies or departments regarding this property or project (e.g., Neighborhood Inspection Services, Development Services)		
Dates and times you are available to meet in the next two weeks		

## 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><b>*If More Than One Property Owner:</b>            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><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></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. 12.4.10.7</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. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></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 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						
<p>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.</p>						
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)
<b>EXAMPLE</b> 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
Ascendant Capital Partners DNA, LLC	2 Inverness Drive East Suite 200 Englewood, CO 80112 303-792-3456 jwoodward@woodspearproperties.com	100%	By: DNAMSW, LLC, the Manager of Ascendant Capital Partners DNA, LLC, by John A. Woodward, Its Manager <i>John A. Woodward</i>	4/28/15	(C)	<del>NO</del> YES

Last updated: February 4, 2015

Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)



Customer Distribution

Our Order Number: /

Date: 04-16-2015

Property Address: 4400 FOX ST, DENVER, CO 80216

For Closing Assistance

Leigh Renfro
3033 E 1ST AVE #600
DENVER, CO 80206
303-331-6231 (phone)
303-393-4774 (fax)
lrenfro@ltgc.com

Closer's Assistant

Pete Jurgs
3033 E 1ST AVE #600
DENVER, CO 80206
303-331-6238 (phone)
303-393-4883 (fax)
pjurgs@ltgc.com

For Title Assistance

SCOTT BENNETTS
5975 GREENWOOD PLAZA BLVD
GREENWOOD VILLAGE, CO 80111
303-850-4175 (phone)
303-393-4842 (fax)
sbennetts@ltgc.com

Buyer/Borrower

Agent for Buyer

Attorney for Seller

SPIERER WOODWARD CORBALIS & GOLDBERG
Attention: JOHN WOODWARD
2 INVERNESS DR EAST #200
ENGLEWOOD, CO 80112
303-792-3456 (work)
303-792-9092 (work fax)
jwoodward@practicallawyer.com
Delivered via: Electronic Mail

Attorney for Buyer

Seller/Owner

ASCENDANT CAPITAL PARTNERS DNA, LLC
Attention: JOHN WOODWARD
2 INVERNESS DR EAST #200
ENGLEWOOD, CO 80112
303-792-3456 (work)
303-792-9092 (work fax)
jwoodward@woodspearproperties.com
Delivered via: Electronic Mail

SPIERER WOODWARD CORBALIS & GOLDBERG

Attention: JANE POOLE
2 INVERNESS DR EAST #200
ENGLEWOOD, CO 80112
303-792-3456 (work)
303-792-9092 (work fax)
jpoole@woodspearproperties.com
Delivered via: Electronic Mail

Seller/Owner

WOODSPEAR PROPERTIES
Attention: ZAKARY KESSLER
2 INVERNESS DR EAST #200
ENGLEWOOD, CO 80112
720-415-2295 (home)
303-792-3456 (work)
303-792-9092 (work fax)
zkessler@woodspearproperties.com
Delivered via: Electronic Mail

LAND TITLE GUARANTEE COMPANY

Attention: LUKE DAVIDSON
3033 E 1ST AVE #600
DENVER, CO 80206
303-321-1880 (work)
303-393-4912 (work fax)
ldavidson@ltgc.com
Delivered via: Electronic Mail

Seller/Owner

ASCENDANT DEVELOPMENT  
Attention: GRAHAM BENES  
1165 S PENNSYLVANIA ST #110  
DENVER, CO 80210  
303-551-7170 (work)  
303-551-7171 (work fax)  
gtb@ascendantdevelopment.com  
Delivered via: Electronic Mail





## Wire Instructions

Bank: FIRSTBANK OF COLORADO  
Address: 10403 W COLFAX AVENUE  
LAKEWOOD, CO 80215  
Phone: 303-237-5000  
Credit: LAND TITLE GUARANTEE COMPANY  
ABA No: 107005047  
Account: 2160521825  
Attention: Leigh Renfro  
Reference ABC70442381-2

\*If any of the above information is missing, the wire will be returned to sender.

\*If you have questions or concerns, please contact your closer.

\*Please remit funds in the form of a cashiers check or wire

**\*\*\*NOTE: Land Title can not accept buyer funds in the form of personal checks, and buyer funds delivered using ACH payment systems may result in the delay or cancellation of your closing.**



# Land Title Guarantee Company

Estimate of Title Fees

Order Number:

Date: 04-16-2015

Property Address: 4400 FOX ST, DENVER, CO 80216

Buyer/Borrower: |

Seller: ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY

Visit Land Title's website at [www.ltgc.com](http://www.ltgc.com) for directions to any of our offices.

Estimate of Title Insurance Fees	
ALTA Owners Policy 06-17-06	
Tax Certificate	
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
	<b>Total</b>
<b>THANK YOU FOR YOUR ORDER!</b>	

**ALTA COMMITMENT**  
**First American Title Insurance Company**  
**Schedule A**

Order Number:

Customer Ref-Loan No.:

**Property Address:**

4400 FOX ST, DENVER, CO 80216

**1. Effective Date:**

04-09-2015 at 17:00:00

**2. Policy to be Issued and Proposed Insured:**

"ALTA" Owner's Policy 06-17-06

Proposed Insured:  
---

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

A FEE SIMPLE

**4. Title to the estate or interest covered herein is at the effective date hereof vested in:**

ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY

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

A PARCEL OF LAND BEING A PORTION OF THE WEST HALF OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH RIGHT-OF-WAY LINE OF WEST 43RD AVENUE, PER THE VIADUCT ADDITION TO THE CITY OF DENVER, BEING MONUMENTED AS SHOWN HEREIN, AND CONSIDERED TO BEAR SOUTH 89°45'13" WEST.

BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 6, SAID VIADUCT ADDITION, THENCE ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

1. SOUTH 89°45'13" WEST, A DISTANCE OF 286.05 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 50.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 16°00'50" WEST;

2. ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32°31'13", AN ARC LENGTH OF 28.38 FEET;

3. SOUTH 89°45'13" WEST, A DISTANCE OF 31.95 FEET;

THENCE SOUTH 00°15'07" EAST, A DISTANCE OF 28.36 FEET TO THE WESTERLY RIGHT-OF-WAY OF SAID 43RD AVENUE AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 50.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 67°11'39" EAST;

THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 13°54'55", AN ARC LENGTH OF 12.14 FEET TO THE CENTERLINE OF VACATED 43RD AVENUE AS DESCRIBED IN ORDINANCE NUMBER 30, SERIES OF 1943;

**ALTA COMMITMENT**  
**First American Title Insurance Company**  
**Schedule A**

Order Number:

Customer Ref-Loan No.:

THENCE, ALONG SAID CENTERLINE SOUTH 89°45'13" WEST, A DISTANCE OF 175.06 FEET TO THE EASTERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN RULE AND ORDER RECORDED UNDER RECEPTION NO. 2012112161 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID CITY AND COUNTY OF DENVER;

THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING EIGHT (8) COURSES:

1. NORTH 02°28'59" WEST, A DISTANCE OF 57.22 FEET;

2. NORTH 02°23'14" WEST, A DISTANCE OF 4.86 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5440.25 FEET;

3. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°28'25", AN ARC LENGTH OF 139.92 FEET;

4. NORTH 00°54'49" WEST, A DISTANCE OF 46.97 FEET;

5. NORTH 00°54'49" WEST, A DISTANCE OF 7.80 FEET;

6. NORTH 00°10'36" EAST, A DISTANCE OF 471.64 FEET;

7. NORTH 00°20'10" WEST, A DISTANCE OF 70.02 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 37775.14 FEET;

8. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°12'54", AN ARC LENGTH OF 141.82 FEET;

THENCE, DEPARTING SAID EASTERLY BOUNDARY, NORTH 89°45'13" EAST, A DISTANCE OF 471.48 FEET;

THENCE SOUTH 00°14'47" EAST, A DISTANCE OF 462.12 FEET;

THENCE NORTH 89°45'13" EAST, A DISTANCE OF 59.44 FEET TO THE WESTERLY RIGHT-OF-WAY OF FOX STREET, AS DEDICATED ON SAID PLAT OF THE VIADUCT ADDITION;

THENCE, ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 00°14'47" EAST, A DISTANCE OF 438.04 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION PREPARED BY:

JOHN R. WEST, JR.

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 25645

FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122

303-713-1898

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**ALTA COMMITMENT**  
**First American Title Insurance Company**  
**Schedule B Section 1**

**(Requirements)**

Order Number:

The following are the requirements to be complied with:

**Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.**

**Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:**

**Item (c) Payment of all taxes, charges or assessments levied and assessed against the subject premises which are due and payable.**

**Item (d) Additional requirements, if any disclosed below:**

1. RELEASE OF DEED OF TRUST DATED APRIL 19, 2010 FROM ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY TO THE PUBLIC TRUSTEE OF DENVER COUNTY FOR THE USE OF AMERICAN NATIONAL BANK TO SECURE THE SUM OF \$11,100,000.00 RECORDED APRIL 22, 2010, UNDER RECEPTION NO. 2010044050.

CONSENT AND SUBORDINATION AGREEMENT IN CONNECTION WITH SAID DEED OF TRUST WAS RECORDED MARCH 28, 2013 UNDER RECEPTION NO. 2013043553.

PARTIAL RELEASE OF DEED OF TRUST RECORDED JANUARY 8, 2015 UNDER RECEPTION NO. 2015002309.

2. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.

3. PROVIDE LAND TITLE GUARANTEE COMPANY WITH AN EXECUTED COPY OF ALTA/ACSM LAND TITLE SURVEY, PREPARED BY AZTEC CONSULTANTS, INC., JOB NO. 92315-01. LAND TITLE GUARANTEE COMPANY IS IN RECEIPT OF AN UNEXECUTED COPY.

SAID SURVEY MUST BE CERTIFIED TO LAND TITLE GUARANTEE COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY.

4. WARRANTY DEED FROM ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY TO CONVEYING SUBJECT PROPERTY.

NOTE: THE STATEMENT OF AUTHORITY RECORDED JANUARY 7, 2015 UNDER RECEPTION NO. 2015002274 FOR ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY DISCLOSES GRAHAM BENES AND JOHN WOODWARD AS THE MANAGERS THAT ARE AUTHORIZED TO EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

**First American Title Insurance Company**  
**Schedule B Section 2**

**(Exceptions)**

Order Number:

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

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, 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 hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EXISTING LEASES AND TENANCIES, IF ANY.
9. RIGHT OF WAY FOR INGRESS AND EGRESS RECORDED DECEMBER 13, 1946 IN BOOK 6125 AT PAGE 215.
10. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN DEED RECORDED FEBRUARY 20, 1964 IN BOOK 9188 AT PAGE 260.  
  
NOTE: PARTIAL RELEASE AND QUIT CLAIM DEED RECORDED JULY 21, 1982 IN BOOK 2623 AT PAGE 40.
11. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT OF WAY FOR INGRESS AND EGRESS FROM PROPERTY CONVEYED BY THE DENVER SEWER PIPE AND CLAY COMPANY TO ELECTRON CORPORATION IN WARRANTY DEED RECORDED DECEMBER 13, 1946 IN BOOK 6152 AT PAGE 342.
12. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH AND GRANTED IN AGREEMENT RECORDED JUNE 12, 1947 IN BOOK 6225 AT PAGE 526.  
  
CONSENT TO THE ASSIGNMENT RECORDED JUNE 12, 1947 IN BOOK 6225 AT PAGE 529,  
EASEMENT RECONVEYED IN INSTRUMENT RECORDED OCTOBER 5, 1959 IN BOOK 8418 AT PAGE 421,  
CONSENT TO REASSIGNMENT RECORDED MAY 2, 1960 IN BOOK 8505 AT PAGE 520,  
ASSIGNMENT RECORDED JUNE 12, 1947 IN BOOK 6225 AT PAGE 533.
13. RIGHTS OF CONTRACTS IN THE NAME OF PUBLIC SERVICE COMPANY OF COLORADO, AS RESERVED IN DEED RECORDED JANUARY 7, 1965 IN BOOK 9363 AT PAGE 226.

**First American Title Insurance Company**  
**Schedule B Section 2**

**(Exceptions)**

Order Number:

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

14. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN ROADWAY LICENSE AGREEMENT RECORDED AUGUST 23, 1960 IN BOOK 8556 AT PAGE 543.  
  
ASSIGNMENT RECORDED DECEMBER 16, 1960 IN BOOK 8609 AT PAGE 368, CONSENT TO ASSIGNMENT RECORDED AUGUST 23, 1960 IN BOOK 8556 AT PAGE 541.
15. RESERVATIONS AND EASEMENTS AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO AS DISCLOSED IN DEED RECORDED JULY 31, 1968 IN BOOK 9910 AT PAGE 220.
16. (ITEM INTENTIONALLY DELETED)
17. RESERVATIONS, EASEMENTS AND EXCEPTIONS CONTAINED IN ORDINANCE #30, SERIES OF 1943, RECORDED MAY 26, 1952 IN BOOK 7120 AT PAGE 540.
18. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN ORDINANCE #38, SERIES OF 1946 ( STORED AS ESI 20237625 ).
19. (ITEM INTENTIONALLY DELETED)
20. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN COVENANT RECORDED OCTOBER 29, 1985 UNDER RECEPTION NO. 1084670 AND RECORDED NOVEMBER 13, 1985 UNDER RECEPTION NO. 1190842.
21. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT OF WAY AGREEMENT RECORDED DECEMBER 03, 1985 UNDER RECEPTION NO. 098929.  
  
CORRECTIVE RIGHT OF WAY AGREEMENT RECORDED SEPTEMBER 24, 1986 UNDER RECEPTION NO. 26014, RIGHT OF WAY AGREEMENT AMENDMENT RECORDED MARCH 15, 1996 UNDER RECEPTION NO. 34221.
22. (ITEM INTENTIONALLY DELETED)
23. RESERVATIONS OF COAL, OIL, GAS, CASINGHEAD GAS AND ALL ORES AND MINERALS OF EVERY KIND AND NATURE UNDERLYING THE SURFACE, TOGETHER WITH THE FULL RIGHT, PRIVILEGE AND LICENSE AT ANY AND ALL TIMES TO EXPLORE, OR DRILL FOR AND TO PROTECT, CONSERVE, MINE, TAKE, REMOVE AND MARKET ANY AND ALL SUCH PRODUCTS IN ANY MANNER WHICH WILL NOT DAMAGE STRUCTURES ON THE SURFACE OF THE PREMISES HEREIN CONVEYED, TOGETHER WITH THE RIGHT OF ACCESS AT ALL TIMES TO EXERCISE SAID RIGHTS, AS SET FORTH IN QUIT CLAIM DEED RECORDED JANUARY 30, 1987 UNDER RECEPTION NO. 85084.
24. (ITEM INTENTIONALLY DELETED)
25. (ITEM INTENTIONALLY DELETED)
26. EASEMENT AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED APRIL 14, 1998 UNDER RECEPTION NO. 9800056545.
27. (ITEM INTENTIONALLY DELETED)

**First American Title Insurance Company**  
**Schedule B Section 2**

**(Exceptions)**

Order Number:   

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

28. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RULE AND ORDER RECORDED AUGUST 20, 2012 UNDER RECEPTION NO. 2012112161.

PARTIAL ASSIGNMENT OF PERMANENT EASEMENT TO CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS RECORDED JUNE 22, 2012 UNDER RECEPTION NO. 2012082113.

PARTIAL ASSIGNMENT OF PERMANENT EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO RECORDED APRIL 17, 2013 UNDER RECEPTION NO. 2013054580.

29. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN UTILITY EASEMENT AGREEMENT RECORDED JANUARY 07, 2015 UNDER RECEPTION NO. 2015002279.

30. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA/ACSM LAND TITLE SURVEY DATED APRIL 9, 2015 AND LAST REVISED \_\_\_\_\_, 2015, PREPARED BY AZTEC CONSULTANTS, INC., JOB NO. 92315-01:

ACCESS ROAD AND PARKING LOT IN THE NORTHERLY PORTION OF SUBJECT PROPERTY SERVES PROPERTY ADJACENT TO THE NORTH.





LAND TITLE GUARANTEE COMPANY  
LAND TITLE GUARANTEE COMPANY - GRAND JUNCTION

DISCLOSURE STATEMENTS

**Note:** Pursuant to CRS 10-11-122, notice is hereby given that:

- A) The Subject real property may be located in a special taxing district.
- B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property)
- C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

**Note:** Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

**Note:** Colorado Division of Insurance Regulations 3-5-1, Paragraph C of Article VII requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

**Note:** Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B-2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- D) The Company must receive payment of the appropriate premium.
- E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

**Note:** Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- 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:** Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.



First American Title™

## Privacy Information

### We are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

### Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

### Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others, and
- Information we receive from a consumer reporting agency.

### Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to non affiliated parties except: (1) as necessary for us to provide the product or service you have requested to us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

### Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

### Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information values. We currently maintain physical, electronic, and procedural safeguards that comply with referral regulations to guard your nonpublic personal information.

### Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet. In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us how you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site. There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process and order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

### Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

### Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive. [FirstAm.com](http://FirstAm.com) uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

### Fair Information Values

**Fairness** We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

**Public Record** We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

**Use** We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

**Accuracy** We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

**Education** We endeavor to educate the uses of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

**Security** We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.



**JOINT NOTICE OF PRIVACY POLICY OF  
LAND TITLE GUARANTEE COMPANY,  
LAND TITLE GUARANTEE COMPANY - GRAND JUNCTION,  
LAND TITLE INSURANCE CORPORATION AND  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company and Meridian Land Title, LLC, as agents for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- ▶ applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
  - ▶ your transactions with, or from the services being performed by, us, our affiliates, or others;
  - ▶ a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- ▶ the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- ▶ We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- ▶ We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- ▶ Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- ▶ We regularly access security standards and procedures to protect against unauthorized access to Personal Information.

**WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT PERMITTED BY LAW.**

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows. Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



First American Title™

## Commitment for Title Insurance

ISSUED BY

**First American Title Insurance Company**

FIRST AMERICAN TITLE INSURANCE COMPANY, a Nebraska 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 (6) 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, First American Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

### CONDITIONS

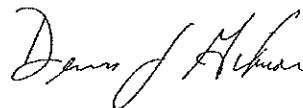
1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or the matter affecting the estate or interest or mortgage thereon covered by this 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 and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of the 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 the Conditions and Stipulations 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 [www.alta.org](http://www.alta.org)

Issued by:  
Land Title Guarantee Company  
3033 East First Avenue  
Suite 600  
Denver, Colorado 80206  
303-850-4165

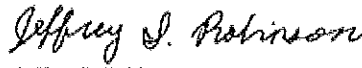
First American Title Insurance Company

  
John E. Freyer  
President

Authorized Officer or Agent



Dennis J. Gilmore



Jeffrey S. Robinson  
Secretary

AMERICAN  
LAND TITLE  
ASSOCIATION



**25/70 MIXED-USE PARCEL B REZONING  
APPLICATION – STATEMENT REGARDING THE  
ADDITIONAL REVIEW CRITERIA**

**City and County of Denver  
April 28, 2015**



---

**2 Inverness Drive East, Suite 200  
Englewood, Colorado 80112**

## **I. STATEMENT OF GENERAL REVIEW CRITERIA CONFORMITY**

---

The rezoning of this 10.49 acre parcel within the proposed 25/70 General Development Plan (GDP) area to C-MX-12 is consistent with the plan recommendations for this area identified in the 41st and Fox Station Area Plan, TOD Denver, Blueprint Denver, and the Globeville Neighborhood Plan. As stated in the 41st and Fox Station Area Plan, the long-term vision for the area around the station area is that of a “diverse, transit supportive and environmentally sustainable urban center.” Following the vision set forth in Blueprint Denver, this rezoning encourages urban residential development in a part of the bigger 25/70 Redevelopment that is closest to the 41<sup>st</sup> and Fox Station. The mixed-use zoning requested will help to implement connectivity and a variety of uses at a pedestrian friendly scale in the redevelopment of this site from vacant land into a higher and better use.

TOD Denver and Blueprint Denver broadly designating the broader neighborhoods as areas of change and locations where mixed use development will be encouraged. This rezoning proposal fits the general intent of those plans. The 41<sup>st</sup> and Fox Station Area Plan and Globeville Neighborhood Plan each provide a more detailed analysis of the City’s vision for the area subject to this rezoning application. Those plans call for mixed-use residential and commercial at heights varying between 2 and 8 stories in some areas and 3 and 20 stories in other parts of the area represented by these 10.49 acres. To that end, this rezoning application seeks to balance all of those goals by seeing the C-MX-12 zoning, recognizing that this zoning promotes a mix of structures, uses, and densities in the future redevelopment of this site. The primary intended focus for the uses on the site are residential with connectivity to the surrounding neighborhood and 41<sup>st</sup> and Fox Station.

## **II. STATEMENT OF JUSTIFYING CIRCUMSTANCES FOR REZONING**

---

Pursuant to the vision set forth in the 25/70 Redevelopment General Development Plan, the Rezoning Application to which this statement is attached seeks to implement the vision of a vibrant, mixed-use community within this part of the 25/70 Redevelopment. This 10.49 acre site is currently undeveloped and the entire area surrounding the 25/70 Redevelopment is changing from its former, historical focus as an industrial area. With this rezoning, this site will be poised to be redeveloped into a vibrant for-rent residential development within the broader mixed use redevelopment of the entire 25/70 Redevelopment. This rezoning will help to create a focal point of residential development in the neighborhood area surrounding the site. Rezoning this area will implement the vision and concept contained in the 41<sup>st</sup> and Fox Station Area Plan. This rezoning serves as the foundational catalyst to build on as this neighborhood transitions from an industrial area to a “diverse, transit supportive and environmentally sustainable urban center” as the 41<sup>st</sup> and Fox Station Area Plan envisions for this neighborhood.

Without this rezoning, this vacant land cannot be redeveloped into any residential use. The proposed zoning will foster strong connectivity between uses with significant densities, provide a link to the neighborhood, and activate the area surrounding the 41<sup>st</sup> and Fox Station.

The major goals of this rezoning are to promote the development of this land in a way that adds a diverse and pedestrian friendly mix of new housing opportunities to the neighborhood and setting the stage for additional redevelopment throughout the area surrounding the 41<sup>st</sup> and Fox Station. New housing opportunities on this 10.49 acre site will further attract other developers and businesses to this neighborhood, improving the overall experience for all people who work and live in the area.

### **III. STATEMENT OF CONSISTENCY WITH THE APPLICABLE NEIGHBORHOOD CONTEXT**

---

Currently, the neighborhood surrounding this 10.49 acre site, including the proposed GDP area and extending beyond the GDP area, is primarily industrial. There are some single family homes in the neighborhood, especially when one moves further to the east of the site into more of Globeville. There is also some mixed use retail to the south of the 41<sup>st</sup> and Fox Station, and student housing is located in the neighborhood to the southeast of the site. The sites featuring industrial uses exist in a wide variety of building forms and sizes. The neighborhood context for this site is best defined as one in transition and lacking in any clear development type or use.

There is generally no clear neighborhood context. Within the proposed GDP area, the land adjacent to this site features the former Denver Post Printing facility and additional vacant land. This 10.49 acres of land is currently undeveloped. In the adopted plans for this area, the applicable future neighborhood context calls for a mixture of transit-oriented, mixed-use, and urban residential contexts. The C-MX-12 zoning that is proposed in the application for this 10.49 acre site establishes each of the contexts set forth in the preceding sentence. As a mixed-use zone district, it promotes the building forms and uses that should provide the neighborhood context that the applicable plans hope to create in this area. This zone district fits with the proposed neighborhood context for this undeveloped land by promoting pedestrian-scaled, diverse development. This zone district supports a neighborhood context that supports multi-modal transportation. This zone district should encourage broadly applied redevelopment of this area, starting the creation of the desired neighborhood context.

**ASCENDANT CAPITAL PARTNERS DNA, LLC**  
**2 Inverness Drive East, Suite 200**  
**Englewood, Colorado 80112**  
**Telephone (303) 792-3456**  
**Facsimile (303) 792-9092**

April 30, 2015

City and County of Denver  
Community Planning and Development  
201 West Colfax Avenue, Dept. 205  
Denver, Colorado 80202

Re: 4400 Fox Street; 10.49 Acre Rezoning Submittal (25/70)

To Whom It May Concern:

I am writing this letter in connection with the Rezoning Application submitted on April 28, 2015, in connection with the above property. Ascendant Capital Partners DNA, LLC, is the Owner of the property. I am the Manager of DNAMSW, LLC, which is the Manager of the Owner.

Please accept this letter as the Owner's authorization for Woodspear Properties, and Zakary Kessler, its Associate General Counsel, to act on behalf of the Owner as its Representative in all matters relating to the Rezoning Application. This authorization is effective immediately, and will remain in effect until the earlier of: (1) approval of the zoning map amendment or (2) withdrawal/termination of the zoning map amendment application.

In addition, any and all other actions heretofore taken by either Woodspear Properties or Mr. Kessler to execute, negotiate, and deliver any documents in connection with the Rezoning Application are hereby approved, ratified, and confirmed in all respects by the Owner.

Please let me know if you need any additional information.

Sincerely,

ASCENDANT CAPITAL PARTNERS DNA, LLC,  
a Colorado limited liability company

By: DNAMSW, LLC, a Colorado limited liability company,  
its Manager

By:   
\_\_\_\_\_  
John A. Woodward, Manager

JAW:jp



## PARCEL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE WEST HALF OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH RIGHT-OF-WAY LINE OF WEST 43<sup>RD</sup> AVENUE, PER THE VIADUCT ADDITION TO THE CITY OF DENVER, BEING MONUMENTED AS SHOWN HEREIN, AND CONSIDERED TO BEAR SOUTH 89°45'13" WEST.

**BEGINNING** AT THE SOUTHEAST CORNER OF BLOCK 6, SAID VIADUCT ADDITION, THENCE ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

1. SOUTH 89°45'13" WEST, A DISTANCE OF 286.05 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 50.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 16°00'50" WEST;
2. ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32°31'13", AN ARC LENGTH OF 28.38 FEET;
3. SOUTH 89°45'13" WEST, A DISTANCE OF 31.95 FEET;

THENCE SOUTH 00°15'07" EAST, A DISTANCE OF 28.36 FEET TO THE WESTERLY RIGHT-OF-WAY OF SAID 43<sup>RD</sup> AVENUE AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 50.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 67°11'39" EAST;

THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 13°54'55", AN ARC LENGTH OF 12.14 FEET TO THE CENTERLINE OF VACATED 43<sup>RD</sup> AVENUE AS DESCRIBED IN ORDINANCE NUMBER 30, SERIES OF 1943;

THENCE, ALONG SAID CENTERLINE SOUTH 89°45'13" WEST, A DISTANCE OF 175.06 FEET TO THE EASTERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN RULE AND ORDER RECORDED UNDER RECEPTION NO. 2012112161 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID CITY AND COUNTY OF DENVER;

THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING EIGHT (8) COURSES:

1. NORTH 02°28'59" WEST, A DISTANCE OF 57.22 FEET;
2. NORTH 02°23'14" WEST, A DISTANCE OF 4.86 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5440.25 FEET;
3. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°28'25", AN ARC LENGTH OF 139.92 FEET;
4. NORTH 00°54'49" WEST, A DISTANCE OF 46.97 FEET;
5. NORTH 00°54'49" WEST, A DISTANCE OF 7.80 FEET;
6. NORTH 00°10'36" EAST, A DISTANCE OF 471.64 FEET;
7. NORTH 00°20'10" WEST, A DISTANCE OF 70.02 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 37775.14 FEET;

S:\PS\12\_Implementation - Zoning Code and Map\01\_Amendments Team\03\_Map Amendments\2014\00072 - 4400 Fox\002 - Application\App\_042815\2570 10.49 AC - Legal Description - April 2015.docx;  
5/13/2015  
Page 1 of 2

8. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°12'54", AN ARC LENGTH OF 141.82 FEET;

THENCE, DEPARTING SAID EASTERLY BOUNDARY, NORTH 89°45'13" EAST, A DISTANCE OF 471.48 FEET;

THENCE SOUTH 00°14'47" EAST, A DISTANCE OF 462.12 FEET;

THENCE NORTH 89°45'13" EAST, A DISTANCE OF 59.44 FEET TO THE WESTERLY RIGHT-OF-WAY OF FOX STREET, AS DEDICATED ON SAID PLAT OF THE VIADUCT ADDITION;

THENCE, ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 00°14'47" EAST, A DISTANCE OF 438.04 FEET TO THE **POINT OF BEGINNING**.

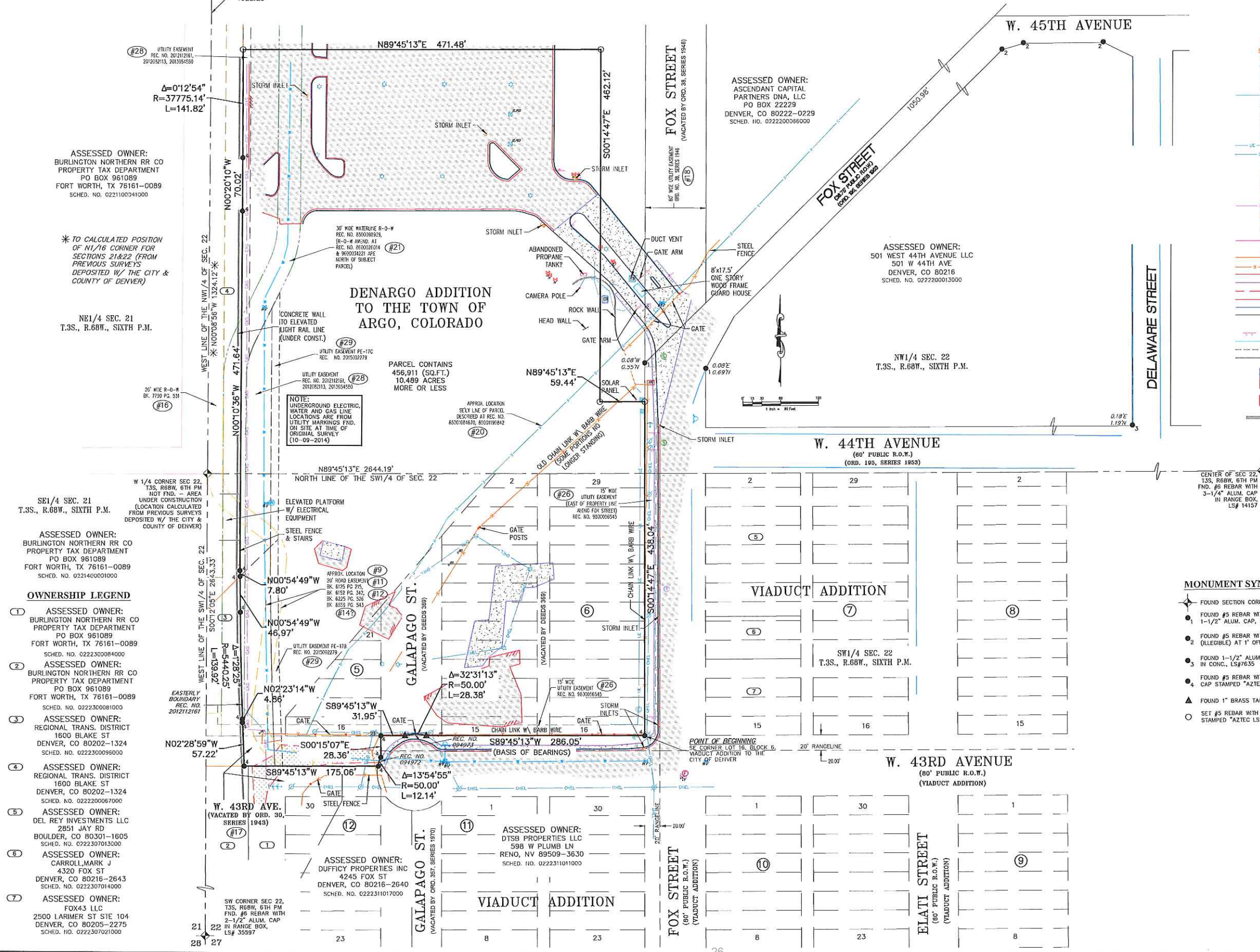
CONTAINING 456,911 SQUARE FEET OR 10.489 ACRES, MORE OR LESS.

PREPARED BY:  
JOHN R. WEST, JR.  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 25645  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898



# ALTA/ACSM LAND TITLE SURVEY

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 22,  
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO



### LEGEND

- SANITARY MANHOLE
- STORM INLET
- STORM MANHOLE
- WATER FIRE HYDRANT
- WATER MANHOLE
- WATER VALVE
- WATER LINE UNDERGROUND
- ELECTRIC BREAKER BOX
- ELECTRIC MH
- ELECTRIC PEDESTAL
- ELECTRIC POLE
- ELECTRIC TRANSFORMER
- ELECTRIC UNDERGROUND
- ELECTRIC OVERHEAD
- GUY WIRE
- LIGHT POLE
- TELEPHONE MANHOLE
- GAS METER
- GAS VALVE
- GAS LINE UNDERGROUND
- IRRIGATION CONTROL BOX
- IRRIGATION VALVE
- FUEL MANHOLE
- UTILITY MISC
- FENCE POST
- FENCE
- FENCE - TEMPORARY
- EDGE ASPHALT
- EDGE CONCRETE
- EDGE ROAD
- CURB LIP OF GUTTER
- FLOWLINE
- CURB TOP BACK
- SIGN
- BUILDING
- BUILDING OVERHANG-EAVE WALL
- CONCRETE
- ASPHALT PAVEMENT
- GRAVEL ROAD
- WALL

### MONUMENT SYMBOL LEGEND

- FOUND SECTION CORNER, AS NOTED
- FOUND #5 REBAR WITH 1-1/2" ALUM. CAP, ILLEGIBLE
- FOUND #5 REBAR WITH ALUM. COLLAR (ILLEGIBLE) AT 1' OFFSET TO CORNER
- FOUND 1-1/2" ALUM. CAP IN CONC., LS#7635
- FOUND #5 REBAR WITH 1-1/4" ORANGE PLASTIC CAP STAMPED "AZTEC LS 25645"
- FOUND 1" BRASS TAG STAMPED "AZTEC 25645"
- SET #5 REBAR WITH 1-1/4" ORANGE PLASTIC CAP STAMPED "AZTEC LS 25645"

ASSESSED OWNER:  
BURLINGTON NORTHERN RR CO  
PROPERTY TAX DEPARTMENT  
PO BOX 961089  
FORT WORTH, TX 76161-0089  
SCHED. NO. 0221100041000

\* TO CALCULATED POSITION  
OF N1/16 CORNER FOR  
SECTIONS 21&22 (FROM  
PREVIOUS SURVEYS  
DEPOSITED W/ THE CITY &  
COUNTY OF DENVER)

NE1/4 SEC. 21  
T.3S., R.68W., SIXTH P.M.

SE1/4 SEC. 21  
T.3S., R.68W., SIXTH P.M.

ASSESSED OWNER:  
BURLINGTON NORTHERN RR CO  
PROPERTY TAX DEPARTMENT  
PO BOX 961089  
FORT WORTH, TX 76161-0089  
SCHED. NO. 0221400010000

#### OWNERSHIP LEGEND

- ① ASSESSED OWNER:  
BURLINGTON NORTHERN RR CO  
PROPERTY TAX DEPARTMENT  
PO BOX 961089  
FORT WORTH, TX 76161-0089  
SCHED. NO. 0222300084000
- ② ASSESSED OWNER:  
BURLINGTON NORTHERN RR CO  
PROPERTY TAX DEPARTMENT  
PO BOX 961089  
FORT WORTH, TX 76161-0089  
SCHED. NO. 0222300081000
- ③ ASSESSED OWNER:  
REGIONAL TRANS. DISTRICT  
1600 BLAKE ST  
DENVER, CO 80202-1324  
SCHED. NO. 0222300095000
- ④ ASSESSED OWNER:  
REGIONAL TRANS. DISTRICT  
1600 BLAKE ST  
DENVER, CO 80202-1324  
SCHED. NO. 0222200067000
- ⑤ ASSESSED OWNER:  
DEL REY INVESTMENTS LLC  
2851 JAY RD  
BOULDER, CO 80301-1605  
SCHED. NO. 0222307013000
- ⑥ ASSESSED OWNER:  
CARROLL MARK J  
4320 FOX ST  
DENVER, CO 80216-2643  
SCHED. NO. 0222307014000
- ⑦ ASSESSED OWNER:  
FOX43 LLC  
2500 LARIMER ST STE 104  
DENVER, CO 80205-2275  
SCHED. NO. 0222307021000

DENARGO ADDITION  
TO THE TOWN OF  
ARGO, COLORADO

PARCEL CONTAINS  
456,911 (SQ.FT.)  
10.489 ACRES  
MORE OR LESS

ASSESSED OWNER:  
ASCENDANT CAPITAL  
PARTNERS DNA, LLC  
PO BOX 22229  
DENVER, CO 80222-0229  
SCHED. NO. 0222200005000

ASSESSED OWNER:  
501 WEST 44TH AVENUE LLC  
501 W 44TH AVE  
DENVER, CO 80216  
SCHED. NO. 0222200013000

NW1/4 SEC. 22  
T.3S., R.68W., SIXTH P.M.

VIADUCT ADDITION

SW1/4 SEC. 22  
T.3S., R.68W., SIXTH P.M.

W. 43RD AVENUE  
(80' PUBLIC R.O.W.)  
(VIADUCT ADDITION)

FOX STREET  
(80' PUBLIC R.O.W.)  
(VIADUCT ADDITION)

ELATI STREET  
(80' PUBLIC R.O.W.)  
(VIADUCT ADDITION)

GALAPAGO ST.  
(VACATED BY ORD. 307, SERIES 1970)

FOX STREET  
(VACATED BY ORD. 38, SERIES 1946)

DELAWARE STREET

FOR AND ON BEHALF OF  
AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1  
LITTLETON, CO 80122  
303-713-1898

SCALE 1" = 60'	DATE 4-17-2015	BY JRW	APPV DBH	REVISION DESCRIPTION	REV. NO. FOR ITEM 23 ON SHT. 1 & ADDED COMMENTS TO SHT. 2
<p><b>ALTA/ACSM LAND TITLE SURVEY</b> W1/2 SECTION 22, T3S, R68W, 6TH P.M. DENVER, COLORADO</p>					
<p>PREPARED FOR WOODSPEAR PROPERTIES 2 INVERNESS DRIVE EAST, STE. 200, ENGLEWOOD, CO 80112</p>					
<p>300 East Mineral Ave., Suite 1 Littleton, Colorado 80122 Phone: (303) 713-1898 Fax: (303) 713-1897 www.aztecconsultants.com west@aztecconsultants.com</p>					
<p><b>AZTEC</b> CONSULTANTS, INC.</p>					
<p>SHEET 2 OF 2 SHEETS</p>					
<p>92315-01</p>					

## 2. Letters of Support



Councilman Brooks  
City & County Building  
1437 Bannock Street, Room 451  
Denver, CO 80202

cc: Denver City Council  
Tim Watkins, CDP

Dear Councilman Brooks,

I am writing to voice my support for the rezoning of 4400 Fox Street to C-MX-12. I am a longtime resident of the Globeville neighborhood and was instrumental in developing the Globeville Plan. I am actively involved in multiple ways in my neighborhood and I am fully supportive of this step in improving the area of my community that lies in between I-70, I-25, and the railroad.

The rezoning of 4400 Fox to C-MX-12 is fully supported by the Globeville Plan and the 41<sup>st</sup> and Fox Station Area Plan. This is exactly the type of zoning we envisioned for the area when we wrote the plan. Not only that, but we would strongly prefer this type of residential housing to go into the community as opposed to a grow house, HUD housing, or allowing it to stay the way it is. We want people in the community to be able to live close to transit, with pedestrian and bike friendly infrastructure. This rezoning is one step in ensuring that happens.

I also look forward to the new 3.8 acre park that the developer will be setting aside and think it will be a great addition to the area. With the additional feature of a pedestrian bridge connecting the neighborhood, I strongly support C-MX-12 zoning in this area.

For all of these reasons, I encourage you and your colleagues to vote yes on rezoning 4400 Fox Street to C-MX-12. Thank you.

Sincerely,



David Oletski

Globeville Civic Association #1

Tim Watkins  
City Planner  
Wellington Webb Building  
201 West Colfax Avenue  
Denver, Colorado

Dear Mr. Watkins:

This letter is in support of the Rezoning request made by Woodspear Properties and application # 20141-00072 for the property located 4400 Fox Street Denver, Colorado 80216 near the Fox Street Light Rail Project. It is truly indeed a pleasure to write this letter of support as the stake holders of the property completely understand and have great comprehension of urban development in a light rail multi-model transportation setting. We have met with the stake holders of the rezoning project and they clearly understand the impacts of their projected development onto the community so much so that they have considered presenting the following points to future developers and buyers to be considered as part of future projects:

The following development outlines will be offered as references for future developers to evaluate as part of the impacts on the community:

- 1) Help foster an environment for the development of a new school i.e. elementary, junior high and high school. This endeavor will help the new residents to integrate and be part of the community. The neighborhood group considers the current schools as at capacity or exceeding capacity.
- 2) Help foster an environment to bring grocery stores to provide much needed to nutrition into the neighborhood. Currently, the neighborhood group considers the community is in a food desert and grocery outlets are reluctant to come into the neighborhood because the lack of connectivity of the transportation infrastructure.
- 3) Help foster an environment to bring a Multi-Faceted Recreation Center that serves the elderly and the youth and provide quality services. Again, the neighborhood group considers that since 15% of the population in this community are seniors and they need basic services i.e. food, banking, house cleaning, basic health care, etc.

We have met with the stake holders of the rezoning project and they are looking beyond the development and to help the community enhance the quality of life for all residents in the City and County of Denver. To us as a community this is smart growth and development at its best. Therefore, we are supported of this rezoning request.

Please feel free to contact me [armandopayan@yahoo.com](mailto:armandopayan@yahoo.com).

Sincerely

Armando Payan

President of Globeville Civic Association #2



**From:** UCAN Metro Denver [<mailto:ucanmetrodenver@gmail.com>]  
**Sent:** Wednesday, July 15, 2015 2:06 PM  
**To:** Rezoning - CPD  
**Cc:** Bold, Tim; armando payan  
**Subject:** Support for OMA # Item #6 #2014I-00072 Rezoning, 4400 Fox Street, from I-B, UO-2 to C-MX-12, UO-2

Dear Denver Planning Board:

Please accept this letter of support from United Community Action Network of Metro Denver, a Denver Registered Neighborhood Organization based in Globeville, Elyria, and Swansea, endorsing the applied for Zoning Change for the 4400 Fox Street property.

The representatives of this property have made an active effort to contact and meet with members of the Globeville neighborhood, in the hopes of gaining insight into how the development of 4400 Fox Street can respect the aspirations of the Globeville Neighborhood Plan.

We offer our support to this Rezoning based on the favorable impression we have been given that those leading the sale and development of this property are respectful of the Globeville neighborhood's hopes for greater amenities, housing opportunities, and commerce within our community.

We look forward to continued engagement with the managers, owners, and developers of 4400 Fox St as we welcome their investment to our neighborhood on the foundation of this Rezoning opportunity.

Thank you,  
AE  
Anne-Elizabeth  
Globeville  
UCAN Metro Denver Board of Directors

cc: Denver Planning Board, Tim Watkins CPD, Armando Payan, UCAN Board President

Official Map Amendment, Application #2014I-00072 Rezoning, 4400 Fox Street, from I-B, UO-2 to C-MX-12, UO-2  
Public hearing to recommend to City Council approval, approval with conditions, or denial of the proposed map amendment. See Denver Zoning Code, Section 12.4.10.  
Presenter: Tim Watkins, CPD-Planning Services  
Staff Recommendation: Approval

501 west 44<sup>th</sup> Ave LLC

September 8, 2015

Denver City Council  
1437 Bannock St, #451, Denver CO 80202

Community Planning and Development Staff  
201 West Colfax Ave, Dept. 205  
Denver CO 80202

Dear Members:

I am writing on behalf of 501 west 44<sup>th</sup> Ave LLC, owner of The AmerisourceBergen Pharmaceutical Co Building, to express our support for the rezoning request for the 10.5 acre project at 4400 Fox Street. We are the landowner immediately adjacent to the south of the property and fully support the proposed mixed-use zone district. We think that this type of rezoning in conformity with the 41<sup>st</sup> and Fox Station Area Plan and the Globeville Plan will help support the rebirth of this area into a vibrant and less industrially focused community. This rezoning will help improve the health and welfare of the residents and workers in this part of Globeville by introducing pedestrian friendly redevelopment around a transit station.

We know that this neighborhood is in need of change, and we believe that this rezoning is one of the first steps in providing for a true community in this part of Globeville by encouraging responsible redevelopment. We respectfully ask you to support the efforts of our adjacent landowner to improve our part of Denver by approving this rezoning application.

Sincerely,



James F. Heimbecher  
Owner