

Zone Map Amendment (Rezoning) - Application

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

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</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. 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.
	<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.
	<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>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>Justifying Circumstances - One of the following circumstances exists:</p> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <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. <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. <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. Please provide an attachment describing the justifying circumstance.
	<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. Please provide an attachment describing how the above criterion is met.
	<p>REQUIRED ATTACHMENTS</p> <p>Please ensure the following required attachments are submitted with this application:</p> <input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria
<p>ADDITIONAL ATTACHMENTS</p> <p>Please identify any additional attachments provided with this application:</p> <input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
<p>Please list any additional attachments:</p> 	

REZONING GUIDE

Rezoning Application Page 3 of 3

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Westfield-4120, LLLP	4020 Brighton Blvd. 4120 Brighton Blvd. 4000 Brighton Blvd. Denver, CO 80216 (303) 298-1111 rmeclintoc1@nfmmail.com	95.27%	<i>[Signature]</i>	7/11/16	B	YES
Westfield-4120, LLLP	*Address not available Option Parcel to 4120 Brighton Blvd. See attached legal description	4.61%	<i>[Signature]</i>	7/11/16	B	YES
Union Pacific Railroad Co.	4001 Wynkoop St. Denver, CO 80216	0.12%	—	—	—	NO
Regional Transportation District	4000 Brighton Blvd. Denver, CO 80216	0.0%	—	—	—	NO

Last updated: February 4, 2015

Return completed form to rezoning@denvergov.org

Westfield-4120, LLLP

July 7, 2016

Re: Property Owner's Representative for Rezoning of 4020 Brighton Blvd., 4120 Brighton Blvd., and 4000 Brighton Blvd.

To Whom It May Concern,

Westfield-4120, LLLP authorizes Kelly Yamasaki with OZ Architecture to act as our Property Owner's Representative.

Regards,



Steven K. Taniguchi
Registered Agent, Colorado Secretary of State

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Summary

Details			
Name	Westfield-4120, LLLP		
Status	Good Standing	Formation date	04/03/2014
ID number	20141223102	Form	Limited Liability Limited Partnership
Periodic report month	April	Jurisdiction	Colorado
Principal office street address	1800 Larimer Street, Suite 1800, Denver, CO 80202, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	STEVEN K. TANIGUCHI
Street address	1800 Larimer Street, Suite 1800, Denver, CO 80202, United States
Mailing address	1800 Larimer Street, Suite 1800, DENVER, CO 80202, United States

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Summary

Details			
Name	Westfield-4120 General Partner, LLC		
Status	Good Standing	Formation date	04/03/2014
ID number	20141223140	Form	Limited Liability Company
Periodic report month	April	Jurisdiction	Colorado
Principal office street address	1800 Larimer Street, Suite 1800, Denver, CO 80202, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	STEVEN K. TANIGUCHI
Street address	1800 Larimer Street, Suite 1800, Denver, CO 80202, United States
Mailing address	1800 Larimer Street, Suite 1800, DENVER, CO 80202, United States

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Main Midtown parcel, 536,559 LSF, 12.318 acres, Parcel # 02233-00-055-000
Midtown Option parcel, 27,833 LSF, 0.639 acres, Parcel #02233-00-061-000
CJ Roofing NE parcel, 28,663 LSF, 0.66 acres, Parcel # 02233-01-007-000
CJ Roofing middle parcel, 11,465 LSF, 0.26 acres, Parcel # 02233-01-010-000
CJ Roofing SW parcel, 6,417 LSF, 0.15 acres, Parcel # 02233-01-011-000
UP triangle parcel, 876 LSF, 0.02 acres, Parcel # 02233-01-003-000
RTD 40th & Brighton parcel, 233 LSF, 0.01 acres, Parcel # 02233-01-012-000

Find Denver Property

- Real Estate**
 Business Personal Property

Note: Enter schedule numbers without dashes

Results

Address **4120 BRIGHTON BLVD**

Schedule/Parcel# 0223300055000

Owner WESTFIELD-4120 LLLP

Co-Owner

Year 2016

Assessed Value \$3,824,810

Actual Value \$13,189,000

Property Type INDUSTRIAL - WAREHOUSE



pocketgov **denver**

Find Denver Property

- Real Estate**
 Business Personal Property

Note: Enter schedule numbers without dashes

1 result is available, use up and down arrow keys to navigate.

Results

Address	4020 BRIGHTON BLVD
Schedule/Parcel#	0223301007000
Owner	WESTFIELD-4120 LLLP
Co-Owner	
Year	2016
Assessed Value	\$254,070
Actual Value	\$876,100
Property Type	INDUSTRIAL - WAREHOUSE

Find Denver Property

- Real Estate**
 Business Personal Property

Note: Enter schedule numbers without dashes

1 result is available, use up and down arrow keys to navigate.

Results

Address **4000 BRIGHTON BLVD MISC**

Schedule/Parcel# 0223301010000

Owner WESTFIELD-4120 LLLP

Co-Owner

Year 2016

Assessed Value \$18,910

Actual Value \$65,200

Property Type

Find Denver Property

- Real Estate**
 Business Personal Property

Note: Enter schedule numbers without dashes

1 result is available, use up and down arrow keys to navigate.

Results

Address **4000 BRIGHTON BLVD**

Schedule/Parcel# 0223301011000

Owner WESTFIELD-4120 LLLP

Co-Owner

Year 2016

Assessed Value \$10,380

Actual Value \$35,800

Property Type

Find Denver Property

- Real Estate**
 Business Personal Property

Note: Enter schedule numbers without dashes

1 result is available, use up and down arrow keys to navigate.

Results

Address	4001 WYNKOOP ST
Schedule/Parcel#	0223301003000
Owner	UNION PACIFIC RR CO
Co-Owner	
Year	2016
Assessed Value	\$30
Actual Value	\$100
Property Type	VACANT LAND

Find Denver Property

- Real Estate**
- Business Personal Property**

Note: Enter schedule numbers without dashes

1 result is available, use up and down arrow keys to navigate.

Results

Address	4000 BRIGHTON BLVD
Schedule/Parcel#	0223301012000
Owner	REGIONAL TRANSPORTATION
Co-Owner	
Year	2016
Assessed Value	\$90
Actual Value	\$300
Property Type	INDUSTRIAL, MISC IMPS

that will fulfill these general purposes, and the 8 story height is justified because of the adjacency to Brighton Blvd., an arterial street, as described in Section 9.1.2.1 , A.4 of the Denver Zoning Code.

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF BLOCK 27, ST. VINCENT ADDITION, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET; THENCE N44°35'17"E ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD, 1378.55 FEET; THENCE S45°10'49"E ALONG A LINE PARALLEL WITH THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET, 263.67 FEET; THENCE S44°22'29"W, 18.63 FEET; THENCE S45°10'19"E, 185.50 FEET; THENCE S39°23'04"W, 91.46 FEET TO A POINT THAT IS 457.5 FEET, MORE OR LESS, SOUTHEASTERLY FROM THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD; THENCE S44°35'17"W ON A LINE PARALLEL WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD, 1274.09 FEET TO A POINT THAT IS 5.27 FEET SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF BLOCK 28, ST. VINCENT ADDITION; THENCE N45°10'49"W ALONG A LINE PARALLEL WITH AND 5.27 FEET FROM THE SAID SOUTHWESTERLY LINE OF SAID BLOCK 28 AND SAID LINE EXTENDED, 191.51 FEET TO A POINT 5.27 FEET SOUTHWESTERLY OF THE SOUTHERLY CORNER OF SAID BLOCK 27; THENCE N44°35'17"E, 5.27 FEET TO THE MOST SOUTHERLY CORNER OF SAID BLOCK 27; THENCE N45°10'49"W ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 27, 266.03 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 627,745 SQUARE FEET OR 14.4110 ACRES MORE OR LESS. CERTIFICATE OF SURVEY: I HEREBY CERTIFY THAT ON AUGUST 26, 2016, A SURVEY WAS MADE OF THE ABOVE DESCRIBED PROPERTY UNDER MY DIRECT SUPERVISION AND THE CORNERS WERE SET AS SHOWN, HOLDING FOUND POINTS AND PLAT DISTANCES WHEREVER POSSIBLE AND UTILIZING CITY OF DENVER SURVEY INFORMATION FOR CONTROL.

DAMIEN CAIN PLS 38284
FOR AND ON BEHALF OF
39 NORTH ENGINEERING AND SURVEYING LLC



04/12/2016 08:12 AM
City & County of Denver
Electronically Recorded

R \$26.00

WD

D \$102.98

WHEN RECORDED

RETURN TO:

Michael S. Friedman, Esq.
Fox Rothschild LLP
1225 17th Street, Suite 2200
Denver, Colorado 80202

SPECIAL WARRANTY DEED

JCRS II COLFAX L.L.C., a Colorado limited liability company, as to an undivided 40% interest, and MIDTOWN INDUSTRIAL CENTER L.L.C., a Colorado limited liability company, as to an undivided 60% interest, as tenants-in-common (individually and collectively, "Grantor"), for and in consideration of the sum of TEN and no/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, have GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents do GRANT, BARGAIN, SELL AND CONVEY unto WESTFIELD-4120, LLLP, a Colorado limited liability limited partnership (the "Grantee"), the real property more particularly described in Exhibit A hereto, together with all improvements, easements, privileges and rights, titles and interests appurtenant thereto and/or located thereon (collectively, the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereunto in anywise belonging unto Grantee, its successors and assigns forever, and each Grantor does hereby covenant and agree, for itself and its successors and assigns, that it shall WARRANT AND FOREVER DEFEND all and singular the title to the portion of the Property owned by such Grantor unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under such Grantor, subject to those matters listed in Exhibit B hereto.

Grantee's address is: c/o Westfield Company, Inc.
1800 Larimer Street
Suite 1800
Denver, Colorado 80202
Attention: Kevin G. McClintock

[SIGNATURE PAGE FOLLOWS]



FD542687

WHEN RECORDED
RETURN TO:
Michael S. Friedman, Esq.
Fox Rothschild LLP
1225 17th Street, Suite 2200
Denver, Colorado 80202

SPECIAL WARRANTY DEED

JCRS II COLFAX L.L.C., a Colorado limited liability company, as to an undivided 40% interest, and **MIDTOWN INDUSTRIAL CENTER L.L.C.**, a Colorado limited liability company, as to an undivided 60% interest, as tenants-in-common (individually and collectively, "**Grantor**"), for and in consideration of the sum of TEN and no/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, have GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents do GRANT, BARGAIN, SELL AND CONVEY unto **WESTFIELD-4120, LLLP**, a Colorado limited liability limited partnership (the "**Grantee**"), the real property more particularly described in Exhibit A hereto, together with all improvements, easements, privileges and rights, titles and interests appurtenant thereto and/or located thereon (collectively, the "**Property**").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereunto in anywise belonging unto Grantee, its successors and assigns forever, and each Grantor does hereby covenant and agree, for itself and its successors and assigns, that it shall WARRANT AND FOREVER DEFEND all and singular the title to the portion of the Property owned by such Grantor unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under such Grantor, subject to those matters listed in Exhibit B hereto.

Grantee's address is: c/o Westfield Company, Inc.
1800 Larimer Street
Suite 1800
Denver, Colorado 80202
Attention: Kevin G. McClintock

[SIGNATURE PAGE FOLLOWS]



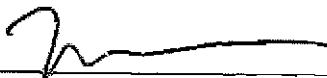
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39635913v3 115646/00049


EXECUTED as of this 11~~th~~ day of April 2016.

GRANTOR:

JCRS II COLFAX L.L.C.,
a Colorado limited liability company

By: 
John C. Webb, Manager

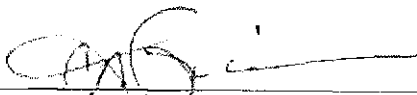
MIDTOWN INDUSTRIAL CENTER L.L.C.,
a Colorado limited liability company

By: 
John C. Webb, Manager

STATE OF COLORADO)
) ss.
COUNTY OF Denver)

The foregoing instrument was acknowledged before me this 5th day of April 2016, by John C. Webb, in his capacity as a Manager of JCRS II COLFAX L.L.C., a Colorado limited liability company, and as a Manager of MIDTOWN INDUSTRIAL CENTER L.L.C., a Colorado limited liability company.

CHRISTINE A. GEISSBUNLER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144045022
MY COMMISSION EXPIRES NOVEMBER 24, 2018


Notary Public

My Commission Expires: 11-24-18

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND IN PORTIONS OF ST. VINCENT'S ADDITION AND A PORTION OF VACATED 40TH STREET AND VACATED WYNKOOP STREET, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY ROW LINE OF BRIGHTON BOULEVARD FROM WHICH THE NORTHEASTERLY LINE OF 40TH STREET BEARS S44°53'00"W, A DISTANCE OF 180.0 FEET; THENCE N44°53'00"E ALONG THE SOUTHEAST LINE OF BRIGHTON BOULEVARD, A DISTANCE OF 1198.58 FEET; THENCE S44°52'26"E PARALLEL WITH THE NORTHEASTERLY LINE OF 40TH STREET, A DISTANCE OF 263.67 FEET; THENCE S44°53'00"W PARALLEL WITH THE SOUTHEASTERLY LINE OF BRIGHTON BOULEVARD, A DISTANCE OF 18.63 FEET; THENCE S44°52'26"E PARALLEL WITH THE NORTHEASTERLY LINE OF 40TH STREET, A DISTANCE OF 185.53 FEET; THENCE S39°40'36"W, A DISTANCE OF 91.46 FEET TO A POINT THAT IS 457.5 FEET SOUTHEASTERLY FROM THE SOUTHEASTERLY LINE OF BRIGHTON BOULEVARD AND 1268.9 FEET NORTHEASTERLY FROM THE NORTHEASTERLY LINE OF 40TH STREET; THENCE S44°53'00"W PARALLEL WITH THE SOUTHEASTERLY LINE OF BRIGHTON BOULEVARD, A DISTANCE 1048.10 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING S44°53'00"W PARALLEL WITH THE SOUTHEASTERLY LINE OF BRIGHTON BOULEVARD, A DISTANCE OF 226.08 FEET TO A POINT 5.27 FEET SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF BLOCK 28 IN SAID ST. VINCENT'S ADDITION MEASURED AT RIGHT ANGLES THERETO; THENCE N44°52'26"W AND PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID BLOCK 28, A DISTANCE OF 112.04 FEET TO THE NORTHWESTERLY LINE OF SAID BLOCK 28 EXTENDED SOUTHWESTERLY; THENCE N44°53'00"E ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 154.37 FEET TO THE EAST LINE OF ST. VINCENT'S ADDITION; THENCE N00°02'17"W ALONG SAID EAST LINE, A DISTANCE OF 100.61 FEET; THENCE S45°06'51"E, A DISTANCE OF 183.08 FEET TO THE TRUE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 27,833 SQUARE FEET OR 0.639 ACRES, MORE OR LESS.

EXHIBIT B

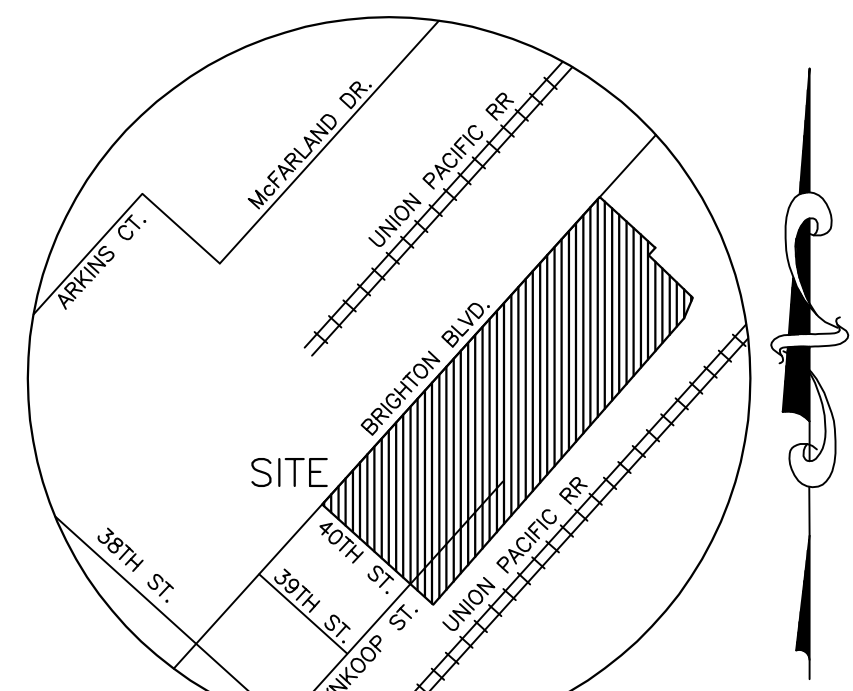
PERMITTED EXCEPTIONS

1. General real estate taxes for the year 2015, first half paid, second half due and payable, but not delinquent. General real estate taxes and assessments for the year 2016 and subsequent years, a lien not yet due and payable.
2. Easements, if any, for public utilities, pipelines or facilities installed in any portion of the vacated street or alley, lying within the land, together with the right of ingress and egress to repair, maintain, replace and remove the same as reserved in Ordinance No. 187 of 1925.
3. Easements, if any, for public utilities, pipelines or facilities installed in any portion of the vacated street or alley, lying within the land, together with the right of ingress and egress to repair, maintain, replace and remove the same as reserved in Ordinance No. 102 of 1923 recorded January 29, 1946 in Book 5999 at Page 23.
4. Easement Agreement between JCRS II Colfax L.L.C., a Colorado limited liability company Midtown Industrial Center L.L.C., a Colorado limited liability company and the City and County of Denver, a Home Rule City and municipal corporation of the State of Colorado recorded July 17, 2012 at Reception No. 2012092843.
5. The following matters disclosed by ALTA/ACSM Land Title Survey dated March 12, 2016, prepared by Rubino Surveying, as Job Number 13149, to wit:
 - a) Intentionally Deleted.
 - b) Intentionally Deleted.
 - c) A low concrete wall encroaches onto the neighboring property along the Southeast line.
 - d) A portion of the fencing does not coincide with the boundaries of subject property.
 - e) existence of railroad trackage traversing on and over the west portion of the land
 - f) Overhead utility lines as shown thereon and not lying within a found recorded easement(s)
6. Reservations and Covenants, as set forth in that certain Release and Quitclaim Deed, by and between Union Pacific Railroad Company and JCRS II COLFAX, L.L.C and MIDTOWN INDUSTRIAL CENTER, L.L.C., recorded September 5, 2014 at Reception No. 2014108324
7. Covenants, conditions, and restrictions as set forth in Special Warranty Deed recorded September 5, 2014 at Reception No. 2014108200
8. Terms, conditions, provisions, agreements and obligations contained in the Ordinance No. 15-0731 as set forth below:

Recording Date: October 28, 2015
Recording No.: Reception No. 2015151686

LAND SURVEY PLAT

PARCEL LOCATED IN SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF BLOCK 27, ST. VINCENT ADDITION, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET; THENCE N44°35'17"E ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD, 1378.55 FEET; THENCE S45°10'49"E ALONG A LINE PARALLEL WITH THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET, 263.67 FEET; THENCE S44°22'29"W, 18.63 FEET; THENCE S45°10'19"E, 185.50 FEET; THENCE S39°23'04"W, 91.46 FEET TO A POINT THAT IS 457.5 FEET, MORE OR LESS, SOUTHEASTERLY FROM THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD; THENCE S44°35'17"W ON A LINE PARALLEL WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD, 1274.09 FEET TO A POINT THAT IS 5.27 FEET SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF SAID BLOCK 28, ST. VINCENT ADDITION; THENCE N45°10'49"W ALONG A LINE PARALLEL WITH AND 5.27 FEET FROM THE SAID SOUTHWESTERLY LINE OF SAID BLOCK 28 AND SAID LINE EXTENDED, 191.51 FEET TO A POINT 5.27 FEET SOUTHWESTERLY OF THE SOUTHERLY CORNER OF SAID BLOCK 27; THENCE N44°35'17"E, 5.27 FEET TO THE MOST SOUTHERLY CORNER OF SAID BLOCK 27; THENCE N45°10'49"W ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 27, 266.03 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 627,745 SQUARE FEET OR 14.4110 ACRES MORE OR LESS.

CERTIFICATE OF SURVEY: I HEREBY CERTIFY THAT ON AUGUST 26, 2016, A SURVEY WAS MADE OF THE ABOVE DESCRIBED PROPERTY UNDER MY DIRECT SUPERVISION AND THE CORNERS WERE SET AS SHOWN, HOLDING FOUND POINTS AND PLAT DISTANCES WHEREVER POSSIBLE AND UTILIZING CITY OF DENVER SURVEY INFORMATION FOR CONTROL.

DAMIEN CAIN PLS 38284
FOR AND ON BEHALF OF
39 NORTH ENGINEERING AND SURVEYING LLC

1. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

2. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 C.R.S.

3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY 39 NORTH ENGINEERING AND SURVEYING LLC TO DETERMINE TITLE OR EASEMENTS OF RECORD.

4. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

5. UTILITIES SHOWN HEREON ARE DRAWN FROM OBSERVABLE EVIDENCE IN THE FIELD AND/OR THE BEST INFORMATION AVAILABLE FROM THE UTILITY COMPANIES. THIS INFORMATION IS FOR GENERAL USE ONLY AND NOT TO BE USED FOR EXCAVATION PURPOSES. CONTRACTOR TO FIELD LOCATE & VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION WORK IN AREA SET FORTH ON THIS DRAWING.

6. LINEAL UNITS SHOWN HEREON ARE IN U.S. SURVEY FEET.

7. THE CLIENT REQUESTED THAT NO EASEMENTS OF RECORD BE SHOWN ON THIS LAND SURVEY PLAT.

8. BASIS OF BEARINGS: AN ASSUMED BEARING OF N44°35'13"E BEING A 20' RANGE LINE LOCATED IN BRIGHTON BOULEVARD BETWEEN TWO FOUND MONUMENTS 480.15 FEET APART; ONE MONUMENT BEING A 2.5" DIAMETER ILLEGIBLE ALUMINUM CAP IN A RANGE BOX AT THE INTERSECTION OF 39TH STREET AND BRIGHTON BOULEVARD AND THE OTHER MONUMENT BEING A NO. 6 REBAR WITH NO CAP IN A RANGE BOX AT THE INTERSECTION OF 40TH STREET AND BRIGHTON BOULEVARD.

9. SURVEYOR RECOVERED A RANGE POINT MONUMENT LOCATED NEAR THE MIDPOINT OF THE ABOVE DESCRIBED PARCEL IN BRIGHTON BOULEVARD (THE NORTHEASTERLY END OF THE 574.21 FOOT RANGE LINE AS PER THE PLATS). IT IS THE PROFESSIONAL OPINION OF THIS SURVEYOR THAT THIS MONUMENT IS NOT LOCATED IN THE CORRECT POSITION. IF THIS RANGE POINT WERE TO BE HELD IT WOULD CREATE A KINK, OR BEND, IN THE BRIGHTON BOULEVARD RIGHT-OF-WAY. A BEND IN THE RIGHT-OF-WAY WOULD NOT BE IN CONCERT WITH DEEDED LANDS, HISTORIC PLATS AND PREVIOUS SURVEYORS WORK.

A LARGE NUMBER OF DEEDS (4201 BRIGHTON, 4375 BRIGHTON, 4000 BRIGHTON, 4020 BRIGHTON, 4120 BRIGHTON, ETC.) BETWEEN 40TH AND 44TH STREET ON BRIGHTON BOULEVARD BEGIN AT THE INTERSECTION OF 40TH STREET AND BRIGHTON BOULEVARD AND CONTINUE NORTHEASTERLY ALONG THE RIGHT-OF-WAY OF BRIGHTON BOULEVARD. NONE OF THESE DEEDS MENTION A BEND IN THE RIGHT-OF-WAY LINE WITHIN THE DEEDS. IT IS TO BE INFERRED THAT THERE IS NO BEND OR KINK IN THE RIGHT-OF-WAY LINE BASED ON THESE DEEDS. THERE IS NO VISIBLE KINK OR BEND SHOWN ON THE CITY RESURVEY PLATS OR THE BOOK RECORDS. BASED ON THE PLATS AND PREVIOUS SURVEYOR'S WORK, IT IS THIS SURVEYOR'S PROFESSIONAL OPINION THAT THERE IS NO BEND IN THE BRIGHTON BOULEVARD RIGHT-OF-WAY FROM 38TH STREET TO 44TH STREET.

THE SURVEYOR RECOVERED A CDOT RIGHT-OF-WAY MONUMENT NEAR THE WESTERLY CORNER OF THE INTERSECTION OF 44TH STREET AND BRIGHTON BOULEVARD AS PER DOCUMENT RECORDED AT RECEPTION NO. 9900116214. AS PER THE DEED, THIS MONUMENT IS ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD. THIS POINT WAS HELD IN CONJUNCTION WITH THE RANGE POINT FOUND AT THE INTERSECTION OF 40TH STREET AND BRIGHTON BOULEVARD TO ESTABLISH THE CALCULATED RANGE LINE. THIS CALCULATED RANGE LINE APPEARS TO BE IN CONCERT WITH A NUMBER OF MONUMENTS FOUND ON BOTH SIDES OF BRIGHTON BOULEVARD. IT SHOULD BE NOTED THAT THE SURVEYOR ALSO FOUND MONUMENTS THAT DON'T AGREE WITH THE CALCULATED RANGE LINE. SOME OF THESE MONUMENTS WERE ALSO FOUND BY OTHER SURVEYORS AND NOT ACCEPTED.

THE BEND IN THE RANGE LINE IS DEPICTED IN THE DOCUMENT RECORDED IN BOOK 88 AT PAGE 18 (307_243H) OF THE CITY AND COUNTY OF DENVER RECORDS FOR THE RTD FASTTRACKS PROJECT. THIS IS SHOWN ON SHEET 20 OF 44 FOR PROJECT NO. 072120. IT IS ASSUMED THAT THIS IS THE BASIS OF THE LOCATION OF THE RANGE POINT FOUND IN THE FIELD. THE BEARING OF THE RANGE LINES SHOWN ON THIS DOCUMENT FROM 38TH STREET TO 40TH STREET WITHIN BRIGHTON BOULEVARD ARE SHOWN AS N44°53'46"E. THE BEARING THEN SHIFTS NORTHEAST OF THE INTERSECTION OF 40TH STREET AND BRIGHTON BOULEVARD TO N44°51'38"E. BASED ON THE RANGE POINTS LOCATED IN THE FIELD, 39 NORTH ENGINEERING AND SURVEYING LLC CONCURS WITH THIS CHANGE IN DIRECTION AT 40TH STREET. HOWEVER, IF THIS RANGE LINE WERE TO BE EXTENDED TO 44TH STREET ON ITS CURRENT COURSE, THE CDOT RIGHT-OF-WAY MONUMENT WOULD BE 18.6± FEET FROM THE RANGE LINE WHEN IT SHOULD BE 20 FEET. IT WOULD ALSO MEAN THE SURVEY OF THE ABOVE DESCRIBED PARCEL WOULD SHIFT NORTHWESTERLY BY UP TO 1.0' WHICH WOULD NOT BE IN CONCERT WITH THE MONUMENTS LOCATED IN THE FIELD AND OTHER SURVEYORS WORK. THE ONLY OTHER ANSWER IS THERE IS A KINK OR BEND IN THE RIGHT-OF-WAY LINE IN BRIGHTON BOULEVARD WHICH IS CONTRARY TO THE DEEDS, THE PLATS AND PREVIOUS SURVEYORS WORK. IT IS THE SURVEYOR'S OPINION THAT THIS RANGE POINT IS 0.4± NORTHWESTERLY OF WHERE IT SHOULD BE LOCATED.

OTHER SURVEY'S PERFORMED IN THIS AREA:

FRONTIER SURVEYING:
ADDRESS: 4305 BRIGHTON BOULEVARD JOB NO. 2000204 DATED 12-10-2000

PALMER WOOLDRIDGE, SURVEYING, INC.:
ADDRESS: 4303 BRIGHTON BOULEVARD DATED 6-23-1998

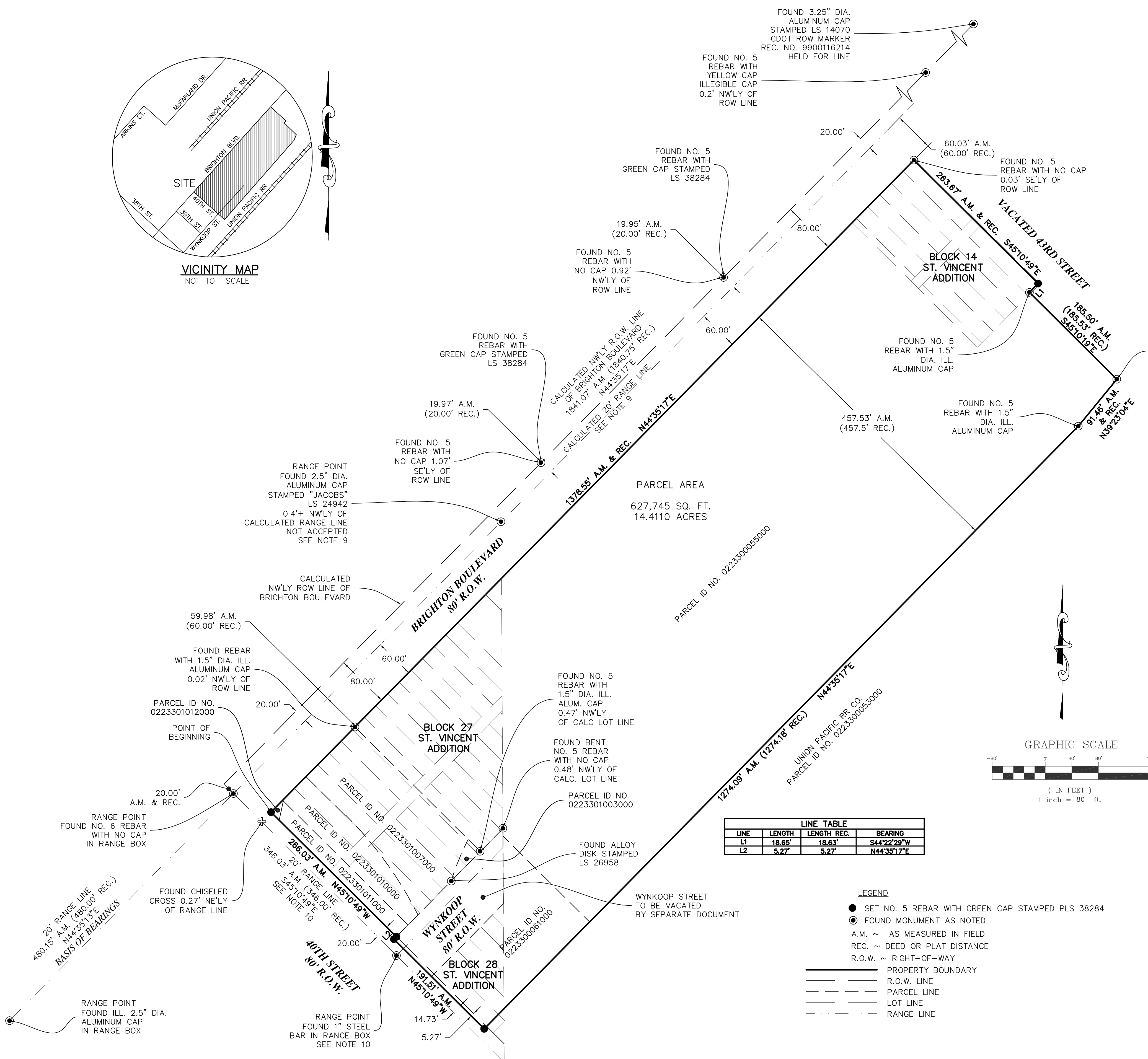
TIMBERLINE SURVEYING:
ADDRESS: NONE JOB NO. 98047A DATED 8-13-1999

RUBINO SURVEYING:
ADDRESS: 4120 BRIGHTON BOULEVARD JOB NO. 13149 DATED 2-14-16

COLORADO ENGINEERING AND SURVEYING INC.:
ADDRESS: 4000 BRIGHTON BOULEVARD JOB NO. CES 2014-1554 DATED 7-22-14

CDOT PROJECT NUMBER: IR-IM(CX) 070-4(145) UNIT 3
PARCEL NUMBER: 342 PROJECT CODE 89100 DATED 8-6-98

10. IT APPEARS THIS RANGE POINT HAS BEEN REDISCOVERED. THERE IS EVIDENCE OF RECENT CONSTRUCTION IN THIS AREA. BASED ON PREVIOUS SURVEYORS JOBS, RANGE POINT TIE SHEETS FROM 2011 AND THE DEED FOR THE 4120 BRIGHTON BOULEVARD, THE HISTORIC LENGTH OF THIS RANGE LINE WAS APPROXIMATELY 345.5 FEET. BASED ON FIELD OBSERVATION AT THE TIME OF SURVEY IT IS NOW 346.03 FEET. NO ORIGINAL TIES WERE FOUND DUE TO CONSTRUCTION.



LINE	LENGTH	LENGTH REC.	BEARING
L1	18.65'	18.63'	S44°22'29"W
L2	5.27'	5.27'	N44°35'17"E

LEGEND

- SET NO. 5 REBAR WITH GREEN CAP STAMPED PLS 38284
- FOUND MONUMENT AS NOTED
- A.M. ~ AS MEASURED IN FIELD
- REC. ~ DEED OR PLAT DISTANCE
- R.O.W. ~ RIGHT-OF-WAY
- PROPERTY BOUNDARY
- - - R.O.W. LINE
- · - · - PARCEL LINE
- · - · - LOT LINE
- · - · - RANGE LINE

INDEXING STATEMENT:

DEPOSITED THIS _____ DAY OF _____
20____ AT _____ M., IN BOOK _____ OF THE COUNTY
SURVEYOR'S LAND SURVEY/RIGHT-OF-WAY SURVEYS AT PAGE(S) _____
RECEPTION NUMBER _____

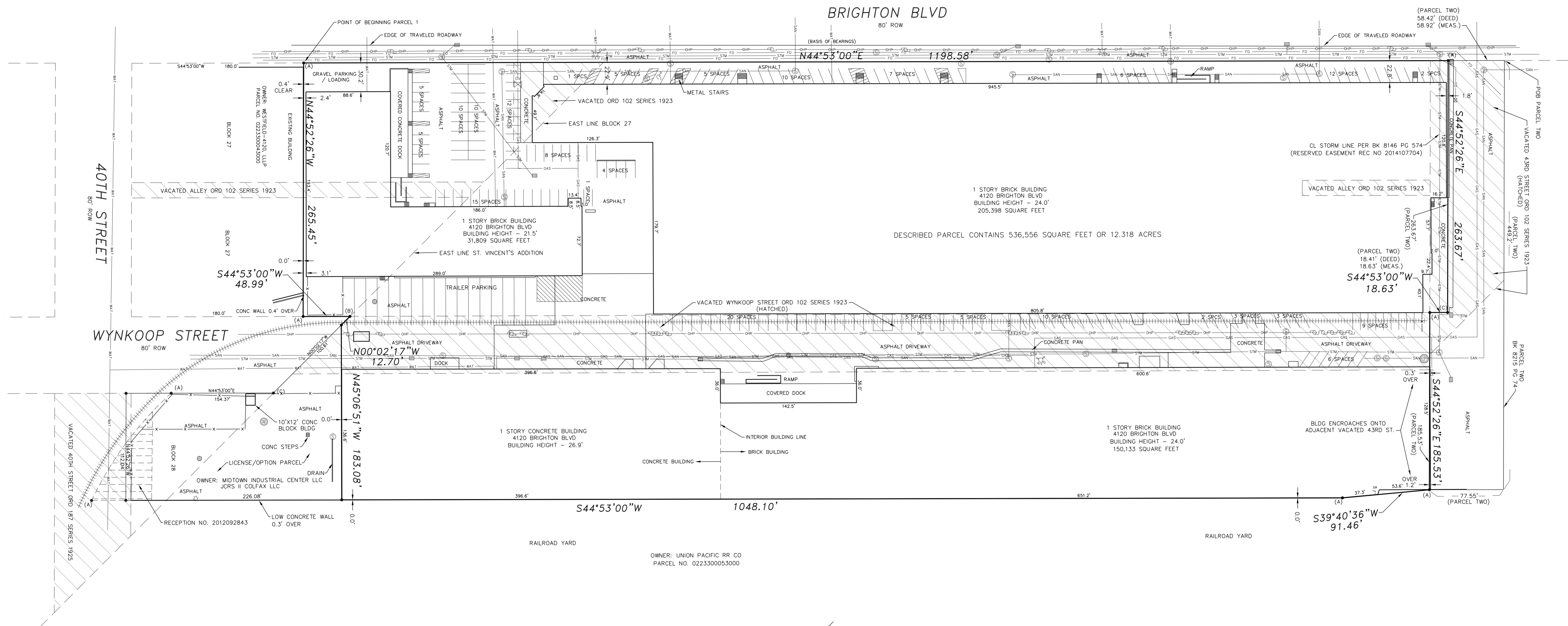
811
Know what's below.
Call before you dig.

PREPARED BY: 39 NORTH ENGINEERING AND SURVEYING LLC
4495 HALE PARKWAY
SUITE 305
DENVER, COLORADO 80220
PH: 303-325-5071
EMAIL: damien.cain@39north.net
JOB#0100386

39 NORTH
Engineering & Surveying LLC

A.L.T.A./A.C.S.M. LAND TITLE SURVEY

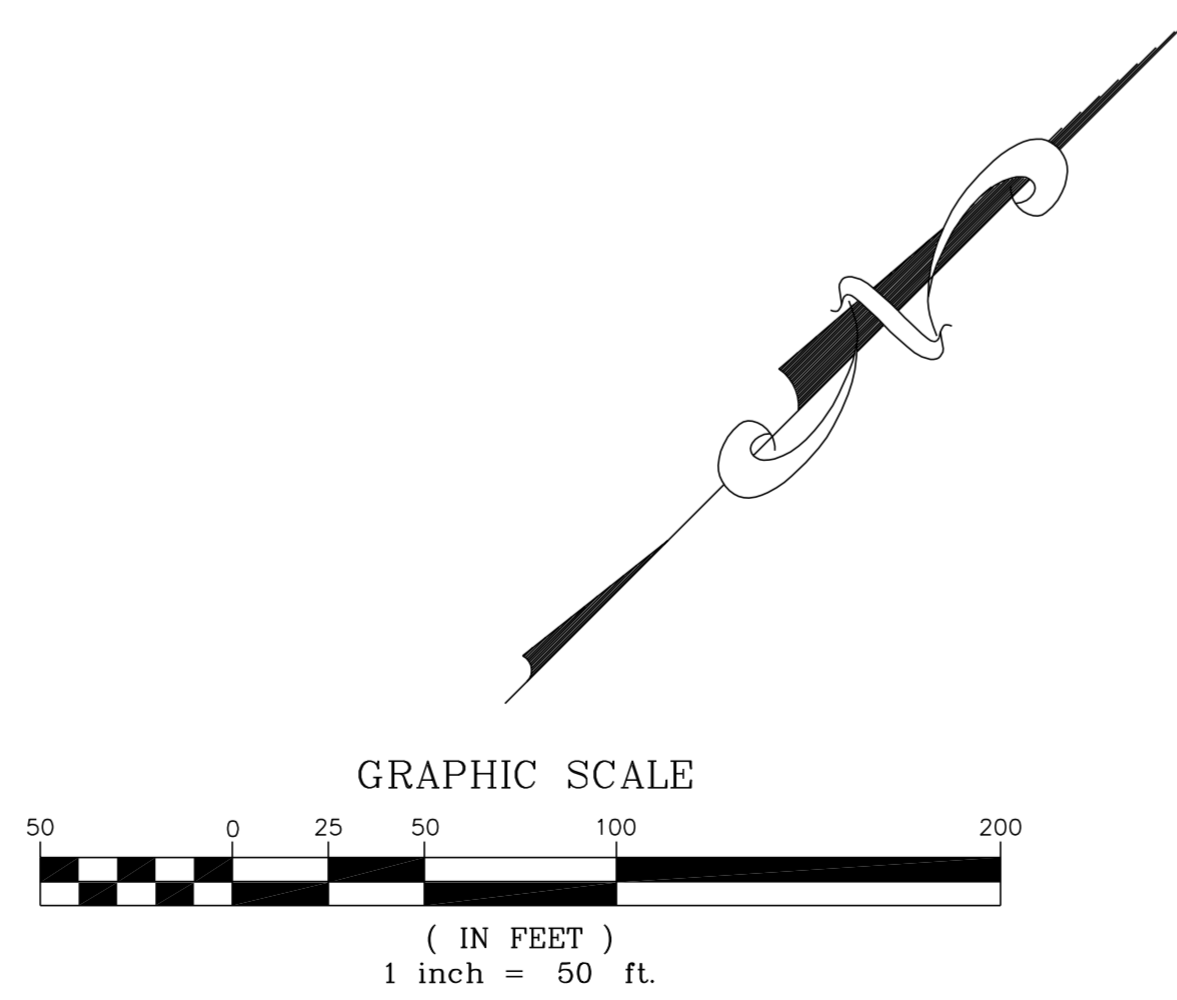
A PORTION OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE
6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO



SURVEYOR'S CERTIFICATE:

TO:
WESTFIELD-4120, LLLP, A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP;
FIDELITY NATIONAL TITLE INSURANCE COMPANY;
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED
WERE MADE IN ACCORDANCE WITH 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR
ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND
NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7(a),(b),(c), 8, 11(b), 13, 14, 16, 17, 18, 19,
AND 20(a) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 1/26/16.

Robert J. Rubino
ROBERT J. RUBINO, PLS 14142



- LEGEND**
- (A) FND PIN/CAP PLS 2149
 - (B) FND NO. 5 REBAR NO CAP
 - (C) SET NAIL/TAG PLS 14142
 - ===== RAILROAD TRACKS
 - x- FENCE LINE
 - OHP- OVERHEAD UTILITY LINES
 - o UTILITY POLE
 - o LIGHT POLE
 - o INLET
 - o INLET
 - o MONITORING WELL
 - o FIRE HYDRANT
 - o SEWER MANHOLE
 - STM- STORM SEWER
 - SAN- SANITARY SEWER
 - GAS- GAS LINE
 - WAT- WATER LINE
 - FO- FIBER OPTIC LINE

INDEXING STATEMENT:

DEPOSITED THIS _____ DAY OF _____, 2016, AT _____ M., IN
BOOK _____ OF THE COUNTY SURVEYOR'S LAND SURVEY PLATS/ RIGHT-OF-WAY
SURVEYS AT PAGE _____, RECEPTION NUMBER _____

REVISED 2/02/16, 2/14/16	
FIELD INSPECTED AND REVISED 2/01/16	
REVISED 4/30/14	
REVISED 4/17/14	
REVISED 4/04/14	
DRAWING NO: 13149.DWG	SHEET 1 OF 2
DATE OF SURVEY: 6/06/13	DATE OF DRAWING: 6/08/13
DRAWN BY: BR	PROJECT NO: 13149



prepared by:
RUBINO SURVEYING
3312 AIRPORT ROAD
BOULDER, COLORADO 80301
(303) 464-9515

A.L.T.A./A.C.S.M. LAND TITLE SURVEY

A PORTION OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO

LEGAL DESCRIPTION:

PARCEL ONE:

A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND IN PORTIONS OF BLOCKS 14, 27 AND 28 ST. VINCENT'S ADDITION AND THE VACATED ALLEYS IN SAID BLOCKS 14 AND 27 AND IN PORTIONS OF VACATED 41ST STREET, VACATED 43RD STREET AND VACATED WYNKOOP STREET, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY ROW LINE OF BRIGHTON BOULEVARD FROM WHICH THE NORTHEASTERLY LINE OF 40TH STREET BEARS S 44°53'00" W, A DISTANCE OF 180.0 FEET; THENCE N 44°53'00" E ALONG THE SOUTHEAST LINE OF BRIGHTON BOULEVARD, A DISTANCE OF 1198.58 FEET; THENCE S 44°52'26" E PARALLEL WITH THE NORTHEASTERLY LINE OF 40TH STREET, A DISTANCE OF 263.67 FEET; THENCE S 44°53'00" W PARALLEL WITH THE SOUTHEASTERLY LINE OF BRIGHTON BOULEVARD, A DISTANCE OF 18.63 FEET; THENCE S 44°52'26" E PARALLEL WITH THE NORTHEASTERLY LINE OF 40TH STREET, A DISTANCE OF 185.53 FEET; THENCE S 39°40'36" W, A DISTANCE OF 91.46 FEET TO A POINT THAT IS 475.5 FEET SOUTHEASTERLY FROM THE SOUTHEASTERLY LINE OF BRIGHTON BOULEVARD AND 1268.9 FEET NORTHEASTERLY FROM THE NORTHEASTERLY LINE OF 40TH STREET; THENCE S 44°53'00" W PARALLEL WITH THE SOUTHEASTERLY LINE OF BRIGHTON BOULEVARD, A DISTANCE OF 1048.10 FEET; THENCE N 45°06'51" W, A DISTANCE OF 183.08 FEET TO THE EAST LINE OF ST. VINCENT'S ADDITION; THENCE N 0°02'17" W ALONG SAID EAST LINE, A DISTANCE OF 12.70 FEET TO THE SOUTHEASTERLY CORNER OF SAID BLOCK 27; THENCE S 44°53'00" W ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK 27, A DISTANCE OF 48.99 FEET, MORE OR LESS, TO A POINT 180.0 FEET NORTHEASTERLY FROM THE NORTHEASTERLY LINE OF 40TH STREET, AS MEASURED AT RIGHT ANGLES THERETO; THENCE N 44°52'26" W PARALLEL WITH THE NORTHEASTERLY LINE OF SAID 40TH STREET, A DISTANCE OF 265.45 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL TWO:

TOGETHER WITH A NON-EXCLUSIVE PERPETUAL EASEMENT FOR INGRESS AND EGRESS OVER PORTIONS OF VACATED 43RD STREET AND VACATED WYNKOOP STREET IN ST. VINCENT'S ADDITION TO THE CITY OF DENVER, AND UN-PLATTED PROPERTY IN THE EAST ½ OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, ALL IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF VACATED 43RD STREET WITH THE SOUTHEASTERLY LINE OF BRIGHTON BOULEVARD; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF VACATED 43RD STREET AND THE EXTENSION THEREOF, A DISTANCE OF 449.2 FEET, MORE OR LESS, TO A POINT 449.2 FEET DISTANT SOUTHEASTERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTHEASTERLY LINE OF BRIGHTON BLVD.; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE PARALLEL WITH AND 449.2 FEET DISTANCE SOUTHEASTERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTHEASTERLY LINE OF BRIGHTON BLVD., A DISTANCE OF 77.55 FEET, MORE OR LESS, TO THE MOST EASTERLY CORNER OF THAT CERTAIN SECOND DESCRIBED PARCEL OF LAND HERETOFORE CONVEYED BY UNION PACIFIC RAILROAD COMPANY TO MILLER'S GROCERERIA COMPANY BY WARRANTY AND QUIT CLAIM DEED DATED SEPTEMBER 28, 1950, WHICH DEED WAS RECORDED ON MARCH 22, 1951, IN BOOK 6896 AT PAGE 51, OF THE RECORDS IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF DENVER, COLORADO; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID SECOND DESCRIBED PARCEL CONVEYED IN THE AFORESAID DEED TO MILLER'S GROCERERIA COMPANY AND ALONG THE EXTENSION THEREOF, WHICH IS A STRAIGHT LINE FORMING AN ANGLE OF 89 DEGREES 46 MINUTES 30 SECONDS FROM NORTHEAST TO NORTHWEST WITH LAST DESCRIBED LINE, A DISTANCE OF 185.53 FEET, MORE OR LESS, TO A POINT IN THE SOUTHEASTERLY BOUNDARY LINE OF THAT CERTAIN DESCRIBED TRACT OF LAND HERETOFORE CONVEYED BY UNION PACIFIC RAILROAD COMPANY TO NATIONAL TEA COMPANY BY WARRANTY AND QUIT CLAIM DEED DATED JANUARY 7, 1958, WHICH WAS RECORDED ON FEBRUARY 10, 1958, IN BOOK 8146 AT PAGE 574 OF THE RECORDS IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF DENVER, COLORADO; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY BOUNDARY LINE OF THE AFORESAID DESCRIBED TRACT OF LAND HERETOFORE CONVEYED TO NATIONAL TEA CO, WHICH IS A STRAIGHT LINE PARALLEL WITH AND 263 FEET AND 8 INCHES DISTANCE SOUTHEASTERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTHEASTERLY LINE OF BRIGHTON BLVD., A DISTANCE OF 18.41 FEET, MORE OR LESS, TO THE MOST EASTERLY CORNER OF SAID TRACT; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID TRACT; HERETOFORE CONVEYED TO NATIONAL TEA CO, WHICH IS A STRAIGHT LINE AT RIGHT ANGLES TO THE SOUTHEASTERLY LINE OF BRIGHTON BLVD., A DISTANCE OF 263 FEET AND 8 INCHES TO A POINT IN SAID SOUTHEASTERLY LINE OF BRIGHTON BLVD., THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF BRIGHTON BOULEVARD, A DISTANCE OF 58.42 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SCHEDULE B-TITLE EXCEPTION COMMENTS:

3. EASEMENTS, IF ANY, FOR PUBLIC UTILITIES, PIPELINES OR FACILITIES INSTALLED IN ANY PORTION OF THE VACATED STREET OR ALLEY, LYING WITHIN THE LAND, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO REPAIR, MAINTAIN, REPLACE AND REMOVE THE SAME AS RESERVED IN ORDINANCE NO. 102 OF 1923 RECORDED JANUARY 29, 1946 IN BOOK 5999 AT PAGE 23. (VACATED STREETS AND ALLEYS SHOWN HEREON)
4. RESERVATION OF (1) ALL MINERALS UNDERLYING SUBJECT PROPERTY; (2) THE EXCLUSIVE RIGHT TO PROSPECT FOR, MINE AND REMOVE MINERALS; AND THE RIGHT TO INGRESS, EGRESS AND REGRESS TO PROSPECT FOR, MINE, AND REMOVE MINERALS, WITHOUT ENTERING OR USING THE SURFACE AS CONTAINED IN DEED(S) FROM UNION PACIFIC RAILROAD COMPANY RECORDED MARCH 22, 1951 IN BOOK 6896 AT PAGE 51; JANUARY 29, 1957 IN BOOK 7991 AT PAGE 99; FEBRUARY 10, 1958 IN BOOK 8146 AT PAGE 574; JULY 21, 1958 IN BOOK 8215 AT PAGE 61 AND JUNE 12, 1959 IN BOOK 8366 AT PAGE 528. (AFFECTS SUBJECT PROPERTY - NOT PLOTTABLE)
5. DELETED BY TITLE COMPANY
6. DELETED BY TITLE COMPANY
7. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND AGREEMENTS CONTAINED IN DEED AND AGREEMENT RECORDED JULY 21, 1958 IN BOOK 8215 AT PAGE 74 AT RECEPTION NO. 5740. (PLOTTED AND SHOWN HEREON)
8. THE EFFECT OF THE LETTER FROM THE DEPARTMENT OF PUBLIC WORKS FOR THE CITY AND COUNTY OF DENVER RELATED TO A VARIANCE RECORDED NOVEMBER 30, 1990 AT RECEPTION NO. 90-0111037. (NOT PLOTTABLE)
9. EASEMENT AGREEMENT BETWEEN JCRS II COLFAX L.L.C., A COLORADO LIMITED LIABILITY COMPANY MIDTOWN INDUSTRIAL CENTER L.L.C., A COLORADO LIMITED LIABILITY COMPANY AND THE CITY AND COUNTY OF DENVER, A HOME RULE CITY AND MUNICIPAL CORPORATION OF THE STATE OF COLORADO RECORDED JULY 17, 2012 AT RECEPTION NO. 2012092843. (AFFECTS SUBJECT PROPERTY - NOT PLOTTABLE)
10. SEE SURVEY FOR REFERENCED ITEMS
11. A DEED OF TRUST TO SECURE AN INDEBTEDNESS IN THE AMOUNT SHOWN BELOW, AMOUNT: \$10,500,000.00 TRUSTOR/GRANTOR WESTFIELD-4120, LLLP, A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP TRUSTEE: PUBLIC TRUSTEE OF DENVER COUNTY BENEFICIARY: CITYWIDE BANKS RECORDING DATE: JUNE 13, 2014 RECORDING NO: RECEPTION NO. 2014068509 NOTE: ASSIGNMENT OF RENTS RECORDED JUNE 13, 2014 AT RECEPTION NO. 2014068510. (NOT ADDRESSED)
12. A FINANCING STATEMENT AS FOLLOWS: DEBTOR: WESTFIELD-410, LLLP, A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP SECURED PARTY: CITYWIDE BANKS RECORDING DATE: JUNE 13, 2014 RECORDING NO: RECEPTION NO. 2014068511 (NOT ADDRESSED)
13. RESERVATIONS AND COVENANTS, AS SET FORTH IN THAT CERTAIN RELEASE AND QUITCLAIM DEED, BY AND BETWEEN UNION PACIFIC RAILROAD COMPANY AND WESTFIELD-4120, LLLP, RECORDED SEPTEMBER 4, 2014 AT RECEPTION NO. 2014107704. (STORM SEWER REFERENCED THEREIN IS PLOTTED AND SHOWN HERON)

GENERAL NOTES:

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.
 2. THIS A.L.T.A./A.C.S.M. LAND TITLE SURVEY, AND THE INFORMATION HEREON, MAY NOT BE USED FOR ANY ADDITIONAL OR EXTENDED PURPOSES BEYOND THAT FOR WHICH IT WAS INTENDED AND MAY NOT BE USED BY ANY PARTIES OTHER THAN THOSE TO WHICH IT IS CERTIFIED.
 3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY RUBINO SURVEYING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD, RIGHT OF WAY OR TITLE OF RECORD. RUBINO SURVEYING RELIED UPON FIDELITY NATIONAL TITLE INSURANCE COMPANY, POLICY NO. CO-FSTG-IMP-27306-1-14-F0478634, EFFECTIVE JUNE 24, 2014.
 4. THE BEARINGS ARE ASSUMED AND BASED ON THE SOUTHERLY LINE OF BRIGHTON BLVD BEING N44°53'E BETWEEN MONUMENTS FOUND AND DESCRIBED HEREON.
 5. ALL NON VISIBLE UNDERGROUND UTILITIES WERE PLOTTED USING MARKS ON THE GROUND BY LOCATORS AND PLATS AND MAPS OBTAINED FROM THE UTILITY COMPANIES. RUBINO SURVEYING IS NOT RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF THE UNDERGROUND UTILITIES SHOWN HEREON GIVEN THAT THE UNDERGROUND UTILITIES WERE NOT ACTUALLY VISIBLE DURING THE SURVEY. EXCAVATION WOULD BE NECESSARY FOR MORE PRECISE LOCATIONS OF UNDERGROUND UTILITIES. ALL SURFACE STRUCTURES ARE FIELD LOCATED AND ACCURATELY SHOWN HEREON.
 6. THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
 7. THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
 8. THERE IS NO EVIDENCE OF PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
 9. THERE IS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
 10. THERE IS NO OBSERVED EVIDENCE OF WETLAND AREAS.
 11. DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X (UNSHADED) BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP NO. 0800460088H DATED NOVEMBER 20, 2013, FOR COMMUNITY NUMBER 080046, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
 12. SUBJECT PROPERTY IS ZONED I-MX-5, UO-2.
 13. PER DENVER ZONING GUIDE FOR I-MX-5:
- HEIGHT: STORIES (MAX) - 5; FEET (MAX) 70'.
SETBACKS: STREET, REAR, SIDE - 0'.



prepared by:
RUBINO SURVEYING
3312 AIRPORT ROAD
BOULDER, COLORADO 80301
(303) 464-9515

REVISED 2/02/16, 2/14/16	
FIELD INSPECTED AND REVISED 2/01/16	
REVISED 4/30/14	
REVISED 4/17/14	
REVISED 4/04/14	
DRAWING NO: 13149.DWG	SHEET 2 OF 2
DATE OF SURVEY: 6/06/13	DATE OF DRAWING: 6/08/13
DRAWN BY: BR	PROJECT NO: 13149

ALTA / ACSM LAND TITLE SURVEY

PART OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE 6TH. P.M.
BEING ALSO A PART OF BLOCK 27, ST. VINCENTS ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO

EXCEPTIONS FROM TITLE COMMITMENT

PER TITLE COMMITMENT (SEE NOTE NO. 5)

- EXCEPTION #10: Any existing easements and rights of way lying within that portion of vacated streets and alley ways of the Land, if any, as reserved by City and County of Denver in Ordinance No. 102, Series of 1923, recorded January 29, 1949 in Book 5999 at Page 23. (Affects Parcels One, Two & Three - see document)
- EXCEPTION #11: Terms, conditions, provisions, easements, agreements and obligations contained in the Easement Agreement recorded June 7, 2013 at Reception No. 2013082164. (Affects Parcel One and is plotted)
- EXCEPTION #12: Terms, conditions, provisions, easements, agreements and obligations contained in the Temporary Easement recorded June 7, 2013 at Reception No. 2013082165. (Affects Parcels One, Two & Three and is plotted)
- EXCEPTION #13: Easement Deed by Court Order in Settlement of Landowner Action recorded March 19, 2013 at Reception No. 2013038643 and recorded July 12, 2013 at Reception No. 201301342. (Not a survey related matter)
- EXCEPTIONS #8 & #9: Reservations, covenants, conditions and provisions by the Union Pacific Railroad Company recorded June 15, 1944 in Book 5783 at Page 300. (Affects Parcel Three - Not a survey related matter)

LEGAL DESCRIPTION

PER TITLE COMMITMENT (SEE NOTE NO. 5)

PARCEL ONE

LOTS 16 AND 17, BLOCK 27, ST. VINCENT'S ADDITION, TOGETHER WITH THAT PORTION OF VACATED ALLEY IN SAID BLOCK 27, ADJOINING SAID LOTS VESTED IN THE OWNERS OF SAID LOTS BY VIRTUE OF ORDINANCE NO. 102, SERIES OF 1923, RECORDED JANUARY 29, 1946 IN BOOK 5999 AT PAGE 23.

EXCEPT THAT PORTION GRANTED TO REGIONAL TRANSPORTATION DISTRICT BY INSTRUMENT RECORDED APRIL 29, 2011 AT RECEPTION NO. 2011047189,
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

TOTAL AREA OF PARCEL ONE IS 6,417.3 SQUARE FEET OR 0.1473 ACRE.
CITY AND COUNTY OF DENVER PARCEL I.D. #2233-01-011

PARCEL TWO

LOTS 13, 14, 15, 18, AND 19, BLOCK 27, ST. VINCENT'S ADDITION, TOGETHER WITH THAT PORTION OF VACATED ALLEY IN SAID BLOCK 27, ADJOINING SAID LOTS VESTED IN THE OWNERS OF SAID LOTS BY VIRTUE OF ORDINANCE NO. 102, SERIES OF 1923, RECORDED JANUARY 29, 1946 IN BOOK 5999 AT PAGE 23.

EXCEPT THAT PORTION DESCRIBED IN DEED RECORDED NOVEMBER 6, 1974 IN BOOK 968 AT PAGE 428,
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

TOTAL AREA OF PARCEL TWO IS 11,658.6 SQUARE FEET OR 0.2676 ACRE.
CITY AND COUNTY OF DENVER PARCEL I.D. #2233-01-010

PARCEL THREE

ALL THOSE PARTS OF LOTS 9 TO 14, INCLUSIVE, AND LOTS 18 TO 24, INCLUSIVE, BLOCK 27, ST. VINCENT'S ADDITION, TOGETHER WITH THE VACATED ALLEY IN SAID BLOCK 27 ADJOINING SAID LOTS VESTED IN THE OWNERS OF SAID LOTS BY VIRTUE OF ORDINANCE NO. 102, SERIES OF 1923, RECORDED JANUARY 29, 1946 IN BOOK 5999 AT PAGE 23, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID BLOCK 27 THAT IS 75 FEET DISTANT NORTHEASTERLY FROM THE SOUTHWESTERLY LINE OF SAID BLOCK 27 MEASURED ALONG SAID NORTHWESTERLY LINE;

THENCE, NORTHEASTERLY, ALONG SAID NORTHWESTERLY LINE OF BLOCK 27, A DISTANCE OF 105 FEET TO A POINT THAT IS 180 FEET DISTANT NORTHEASTERLY FROM SAID SOUTHWESTERLY LINE OF BLOCK 27;

THENCE, SOUTHEASTERLY ALONG A STRAIGHT LINE PARALLEL WITH AND 180 FEET DISTANT NORTHEASTERLY, MEASURED AT RIGHT ANGLES FROM SAID SOUTHWESTERLY LINE OF BLOCK 27, A DISTANCE OF 240.17 FEET TO A POINT THAT IS 9.5 FEET DISTANT NORTHWESTERLY, MEASURED RADIALLY, FROM THE CENTER LINE OF A SPUR TRACK OF THE UNION PACIFIC RAILROAD COMPANY, AS NOW CONSTRUCTED ACROSS LOTS 22, 23, AND 24 OF SAID BLOCK 27;

THENCE, SOUTHWESTERLY, ALONG A LINE CURVING TO THE LEFT, HAVING A RADIUS OF 380.28 FEET AND WHICH IS CONCENTRIC WITH AND 9.5 FEET DISTANT NORTHWESTERLY FROM SAID CENTER LINE OF SPUR TRACK, A DISTANCE OF 67.52 FEET, MORE OR LESS, TO A POINT ON THE SOUTHEASTERLY LINE OF SAID BLOCK 27 THAT IS 117.38 FEET DISTANT NORTHEASTERLY FROM SAID SOUTHWESTERLY LINE OF BLOCK 27, MEASURED ALONG SAID SOUTHEASTERLY LINE;

THENCE, SOUTHWESTERLY ALONG SAID SOUTHEASTERLY LINE OF BLOCK 27, A DISTANCE OF 71.43 FEET TO A POINT;

THENCE, NORTHWESTERLY, ALONG A LINE CURVING TO THE LEFT, HAVING A RADIUS OF 579.4 FEET, A DISTANCE OF 184.75 FEET, MORE OR LESS, TO A POINT THAT IS 84.22 FEET DISTANT SOUTHEASTERLY FROM SAID NORTHWESTERLY LINE OF BLOCK 27, MEASURED ALONG A STRAIGHT LINE PARALLEL WITH AND 76 FEET DISTANT NORTHEASTERLY, MEASURED AT RIGHT ANGLES FROM THE SOUTHWESTERLY LINE OF SAID BLOCK;

THENCE, SOUTHWESTERLY, ALONG A STRAIGHT LINE AT RIGHT ANGLES TO SAID SOUTHWESTERLY LINE OF BLOCK 27, A DISTANCE OF 1 FOOT TO A POINT;

THENCE, NORTHWESTERLY, ALONG A STRAIGHT LINE PARALLEL WITH SAID SOUTHWESTERLY LINE OF BLOCK 27, A DISTANCE OF 84.22 FEET TO THE POINT OF BEGINNING,
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

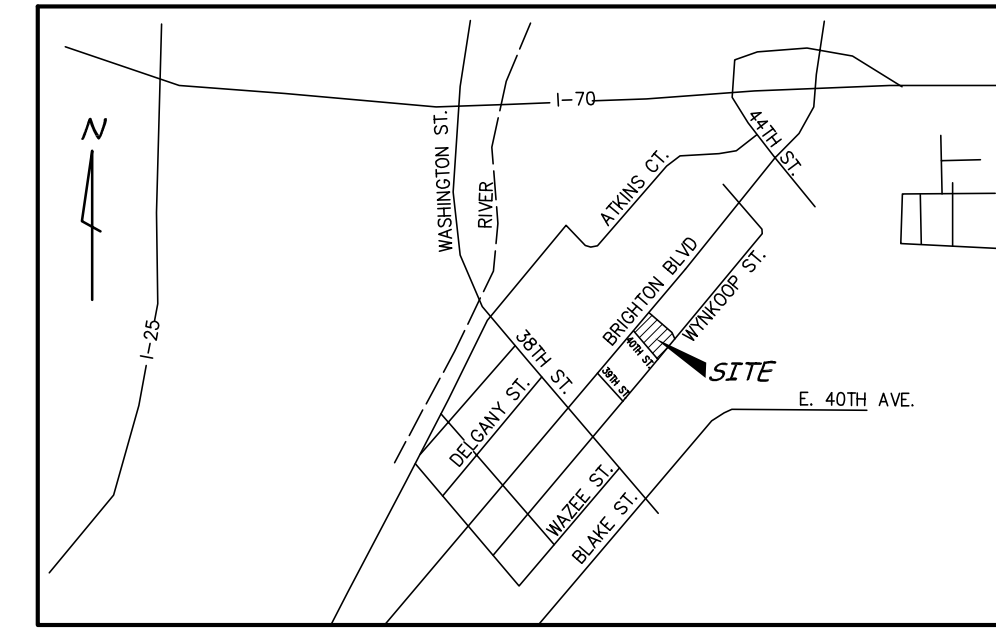
TOTAL AREA OF PARCEL THREE IS 28,693.7 SQUARE FEET OR 0.6587 ACRE.
CITY AND COUNTY OF DENVER PARCEL I.D. #2233-01-007

PROPERTY ADDRESS:

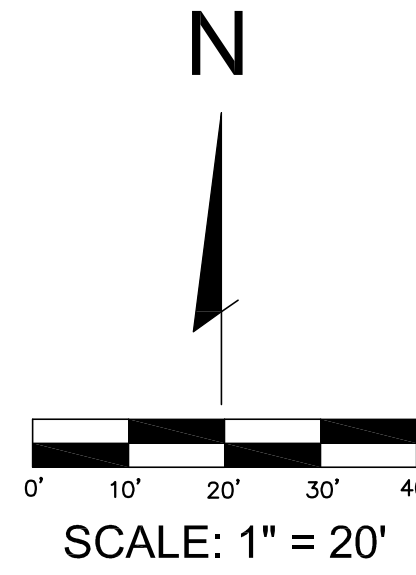
4000 AND 4020 BRIGHTON BOULEVARD
TOTAL AREA OF SUBJECT PROPERTY IS 46,769.6 SQUARE FEET OR 1.074 ACRES

NOTES

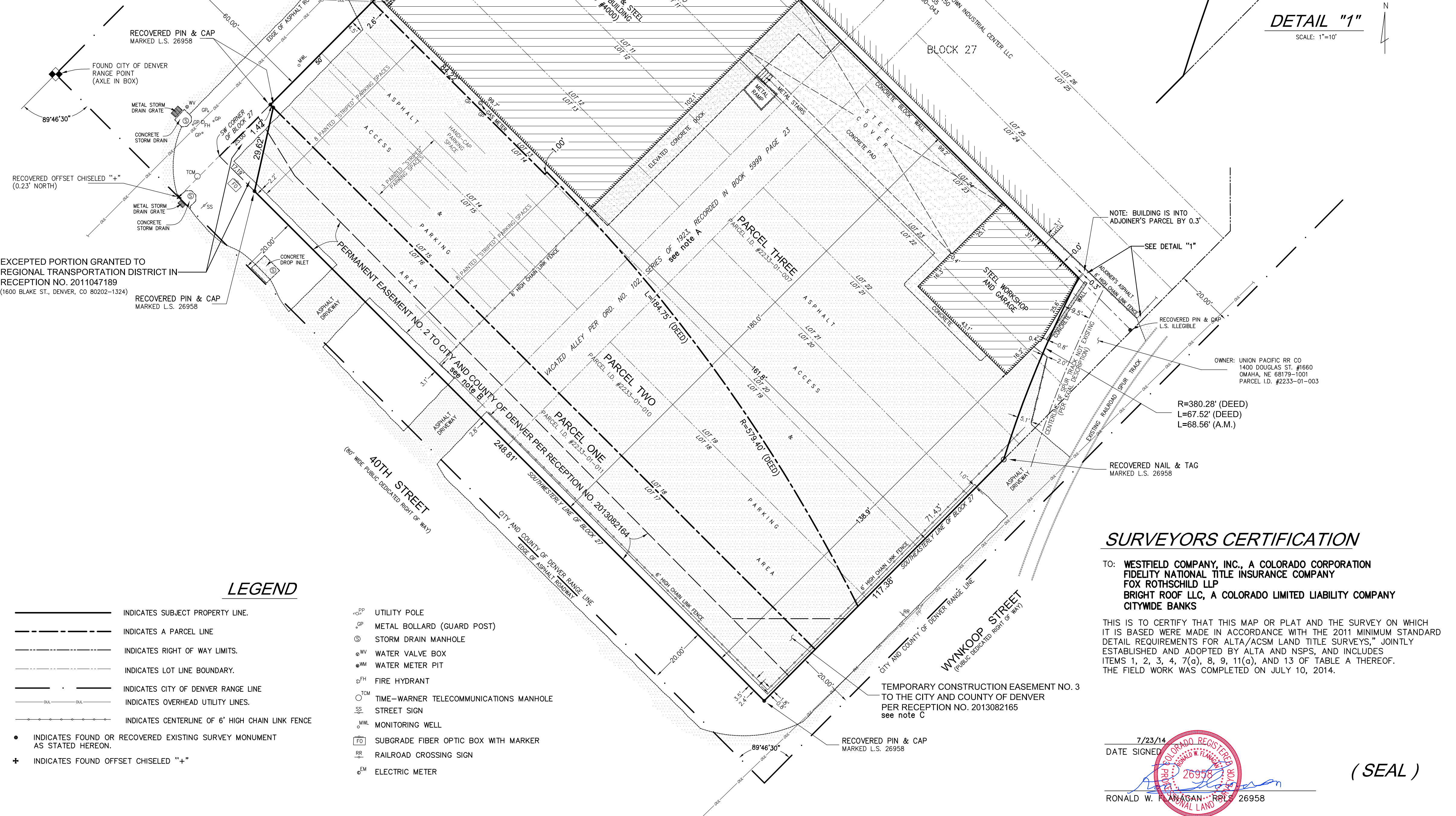
- THIS ALTA/ACSM LAND TITLE SURVEY IS A RESURVEY OF A PORTION OF BLOCK 27, ST. VINCENTS ADDITION, AS RECORDED AT THE CLERK AND RECORDER IN THE CITY AND COUNTY OF DENVER ON THE 23RD DAY OF MAY, 1874.
- ALTHOUGH EVERY EFFORT WAS MADE TO ACCURATELY LOCATE ALL INDICATION OF ABOVE GROUND UTILITY LINES AND ALL UTILITY EASEMENTS, THE LOCATION MUST BE VERIFIED PRIOR TO ANY DIGGING OR CONSTRUCTION.
- COLORADO STATE LAW CRS 9-1.5-101 STATES THAT EVERYONE PLANNING TO DIG IN OR NEAR A PUBLIC ROAD, STREET, ALLEY RIGHT-OF-WAY, OR UTILITY EASEMENT TO NOTIFY THE UTILITY NOTIFICATION CENTER OF COLORADO OF YOUR INTENT, TWO (2) BUSINESS DAYS BEFORE YOU DIG CALL 1-800-922-1987 OR 534-6700 IN METRO DENVER TO LOCATE BURIED LINES.
- ALL ANGLES AND DISTANCES SHOWN ARE ACTUAL MEASUREMENTS UNLESS OTHERWISE NOTED.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY COLORADO ENGINEERING AND SURVEYING, INC. TO DETERMINE OWNERSHIP AND EASEMENTS OF RECORD.
FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY AND TITLE OF RECORD WE RELIED UPON TITLE COMMITMENT NO. 508-F0485964-017-VB2, AMENDMENT NO. 2
EFFECTIVE DATE: JULY 16TH, 2014 AT 7:00 A.M.
BY: FIDELITY NATIONAL TITLE INSURANCE COMPANY
- THE WORD "CERTIFY" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
- DATE OF FIELD WORK: JULY 10, 2014
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON A DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE CERTIFICATION SHOWN HEREON.
- THERE ARE 19 REGULAR PAINTED "STRIPED" PARKING SPACES AND 1 PAINTED HANDI-CAP PARKING SPACE ON THE PROPERTY.
- FLOOD ZONE CLASSIFICATION BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, ACCORDING TO THE MOST CURRENT FLOOD INSURANCE RATE MAP (FIRM), PRODUCED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA); MAPS DATED 11-20-2013, COMMUNITY NO. 080046, PANEL NO. 0088H, FLOOD ZONE CLASSIFICATION: NOT WITHIN A 100 YEAR FLOOD PLAIN, ZONE "X".
- LINEAL MEASUREMENTS SHOWN AND STATED HEREON ARE IN U. S. SURVEY FEET.



VICINITY MAP
NOT TO SCALE



SCALE: 1" = 20'



LEGEND

- | | | | |
|-----------|---|---|--|
| — | INDICATES SUBJECT PROPERTY LINE. | ⊙ | UTILITY POLE |
| - - - | INDICATES A PARCEL LINE | ⊙ | METAL BOLLARD (GUARD POST) |
| - · - · - | INDICATES RIGHT OF WAY LIMITS. | ⊙ | STORM DRAIN MANHOLE |
| - · - · - | INDICATES LOT LINE BOUNDARY. | ⊙ | WATER VALVE BOX |
| - · - · - | INDICATES CITY OF DENVER RANGE LINE | ⊙ | WATER METER PIT |
| - · - · - | INDICATES OVERHEAD UTILITY LINES. | ⊙ | FIRE HYDRANT |
| - · - · - | INDICATES CENTERLINE OF 6' HIGH CHAIN LINK FENCE | ⊙ | TIME-WARNER TELECOMMUNICATIONS MANHOLE |
| ● | INDICATES FOUND OR RECOVERED EXISTING SURVEY MONUMENT AS STATED HEREON. | ⊙ | STREET SIGN |
| + | INDICATES FOUND OFFSET CHISELED "+" | ⊙ | MONITORING WELL |
| | | ⊙ | SUBGRADE FIBER OPTIC BOX WITH MARKER |
| | | ⊙ | RAILROAD CROSSING SIGN |
| | | ⊙ | ELECTRIC METER |

SURVEYORS CERTIFICATION

TO: WESTFIELD COMPANY, INC., A COLORADO CORPORATION
FIDELITY NATIONAL TITLE INSURANCE COMPANY
FOX ROTHSCHILD LLP
BRIGHT ROOF LLC, A COLORADO LIMITED LIABILITY COMPANY
CITYWIDE BANKS

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 8, 9, 11(a), AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 10, 2014.

7/23/14
DATE SIGNED

RONALD W. F. ANAGAN - RBL 26958

(SEAL)

1.Consistency with Adopted Plans

This proposed official map amendment is consistent with the following relevant adopted plans that relate to the 4120 Brighton Blvd. property location.

Denver Comprehensive Plan 2000. The proposal is consistent with following Comprehensive Plan 2000 strategies.

- **Environmental Sustainability Strategy 2E. Promote efforts to adapt existing building for new uses rather than destroying them.** Portions of the existing industrial buildings will be repurposed for new mixed uses, including a proposed public marketplace.
- **Environmental Sustainability Strategy 2F. Conserve Land By: promoting infill development within Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl; creating more density at transit nodes; sharing parking at activity centers.** The project that results from the proposed map amendment will make significant use of existing infrastructure, including the expanded Brighton Blvd. as well as available utilities. Multi-modal infrastructure including light rail (close by at 38th and Blake) and the new bike lanes in Brighton Blvd. are present. The robust availability of this infrastructure, including the transit node, justifies the proposed increase of height, changing from I-MX-5 to I-MX-8. These changes will allow for increased density and a greater range of uses. This mixed-use project at this location, with increased density and denser uses will reduce urban sprawl.
- **Land Use Strategy 3B. Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities, and that broadens the variety of compatible uses.** The nature of this project and the proposal to expand the height from 5 to 8 stories is totally consistent with this strategy.
- **Land Use Strategy 3D. Encourage the development of neighborhood focal points where none exist.** The vision for this project includes the development of Wynkoop as an internal pedestrian oriented street with limited automobile use, which will serve as a linear focal point within the development and the neighborhood. In addition, several internal plazas are planned, which will serve as neighborhood gathering places. And the overall site itself is planned to be a special precinct within the larger RHINO/Elyria Swansea neighborhood. Taken together these various focal points will help to create a neighborhood that is itself a focal point.
- **Mobility Strategy 4A. Promote the development of sustainable communities where shopping, jobs, recreation, and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.** This proposed map amendment will provide for a rich, mixed-use district within the greater neighborhood and will include entertainment, restaurants, a market place, residential and light industrial uses, all of which being easily accessible from adjacent multi-modal transportation options. The increase in height will provide added density, creating synergies that will further enhance opportunities for people to live, work, and play, all in close proximity.

- **Legacies Strategy 3A. Identify areas in which increased density and new uses are desirable and can be accommodated.** This proposal certainly meets this strategy, as discussed above under Land Use Strategy 3B.

Blueprint Denver (2002)

Area of Change. This site is designated as an Area of Change in Blueprint Denver, which is consistent with this proposal for rezoning. Areas of Change are places to “channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and short auto trips. Areas of change are parts of the city where most people agree that development or redevelopment would be beneficial.”

Street Classifications. Brighton Blvd., which is immediately adjacent to the property being proposed for rezoning, is classified as a major arterial and designated as an Enhanced Transit Corridor with higher frequency bus service. Major improvements to Brighton Blvd. are starting soon, which will further enhance the boulevard’s capacity. The adjacency of this proposed mixed-use project with increased density will take advantage of this capacity. The proposed introduction of a local street grid into this property will enhance transportation alternatives within the neighborhood.

Elyria Swansea Neighborhood Plan (2015)

The Elyria Swansea Neighborhood Plan was adopted in 2015 by the Denver City Council. Like Blueprint Denver, the plan shows areas of stability and areas of change. The subject property is located in an area of change.

This rezoning will pave the way for redevelopment of the Westfield property in a manner that is consistent with the Guiding Principles of the Elyria Swansea Neighborhood Plan. The following is a summary of key guiding principles and how the proposal meets them.

History and Culture. This proposal includes repurposing portions of the existing industrial buildings on the site for new uses, such as a market place, as well as continuing some light industrial uses. This will provide continuity and honor the History and Culture of the Elyria Swansea Neighborhood.

Land Use. Recommendation 1 calls for Balanced Land Use and the Land Use Map shows Industrial Mixed Use as the recommended use for the Westfield’s property on the east side of Brighton Blvd. **Recommendation 2** delineates “Urban Design Strategies”, noting that this location along Brighton Blvd is a “Corridor Development Opportunity”. This project, with heights up to 8 stories, as recommended in the “Future Maximum Building Heights Map” of the Urban Design Section, along with the “build-to” required in the I-MX zoning, will strongly enhance the newly developing Brighton Blvd. Corridor.

Community. The Elyria Swansea Community will be enhanced and strengthened with the approval of this rezoning request. In addition to the continuation of light industrial uses, new proposed uses on the site include:

- Affordable and Market Rate Housing
- Office/Retail/Commercial including a Marketplace.
- Restaurant/Beverage and Hospitality/Hotel
- Entertainment/Cultural
- Parking to support the above listed uses.

Beyond enhancing the community, these uses will also bring with them employment opportunities.

Connections. This project will introduce a street grid on the east side of Brighton Blvd., extending 41st and 42nd into the site, which, along with Wynkoop, will become local pedestrian oriented streets within. The new grid will then connect what is now an isolated urban/industrial island into the larger Elyria Swansea and River North Community.

Healthy. The pedestrian oriented streets described in “Connections” above will help create a walkable district within the neighborhood, promoting active living and improved health for residents.

38th and Blake Station Area Plan (2009)

The 38th and Blake Station Area Plan adopts Blueprint Denver’s designations of Areas of Stability and Areas of Change. The Westfield properties are shown as Areas of Change, which is consistent with this rezoning request.

The Station Area Plan also shows this property basically within the half-mile radius of the station, and the property is identified as a TOD site on the River North Land Use Concept Map included in the document. The TOD use is further reinforced by the street classification of Brighton Blvd. as an “enhanced transit corridor”. The new pedestrian bridge lands very near to the south end of the Westfield property and provides a direct link from the property to the 38th and Blake Station.

The future land use map indicates “mixed use employment” for the properties, which is consistent with the rezoning request for I-MX, which is already in place for the properties on the east side of Brighton Blvd.

Summary: This proposed official map amendment is consistent with all of the relevant adopted plans.

2. Uniformity of District Regulations and Restrictions.

This rezoning will maintain uniformity of district regulations and restrictions: by maintaining the properties as I-MX zoning.

3. Public Health, Safety and General Welfare

The proposed official map amendment will promote Public Health, Safety, and General Welfare, primarily through the implementation of the City's adopted plans.

4. Justifying Circumstances: 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.

This southwest end of the Elyria Swansea Neighborhood, and the adjacent River North Neighborhood are changing from containing largely industrial uses to becoming part of a vibrant mixed-use district, essentially an emerging town center that will offer many of the necessities of urban living, including housing, shopping, employment, lodging, recreation and entertainment. The changes that will take also place at the National Western Center and to the properties between National Western and the Westfield properties will provide additional synergies for this exciting transformation.

Perhaps the most significant indication of the changing circumstances taking place in this area is the "Legislative Rezoning" proposal being sponsored by Councilman Albus Brooks to create a height overlay in this area emanating from the 38th and Blake Light Rail Station, which shows an overlay of 12 stories in height for these properties.

5. Consistency with the Description of the Neighborhood Context and consistency with Purpose and intent of the proposed Zone District.

The requested zone district is within the Industrial Context, consisting of areas that are subject to transitions from industrial to mixed-use. This map amendment request is consistent with that transition, and the proposed uses are allowed within the Industrial Mixed use District.

The Industrial Mixed Use Zone Districts are intended to develop in a pedestrian oriented pattern, with buildings built up to the street and having an active Street Level. They are intended to provide a transition between mixed use areas and traditional industrial districts, and to accommodate a variety of industrial, commercial, civic, and residential uses. This map amendment will pave the way for a project