

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. CB21-0033
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification for 4700 East Evans Avenue**
7 **in Goldsmith.**

8 **WHEREAS**, the City Council has determined, based on evidence and testimony presented
9 at the public hearing, that the map amendment set forth below conforms with applicable City laws,
10 is consistent with the City's adopted plans, furthers the public health, safety and general welfare of
11 the City, will result in regulations and restrictions that are uniform within the S-MX-8A district, is
12 justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and
13 is consistent with the neighborhood context and the stated purpose and intent of the proposed zone
14 district;

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

17 **Section 1.** That upon consideration of a change in the zoning classification of the land area
18 hereinafter described, Council finds:

- 19 a. The land area hereinafter described is presently classified as I-MX-3.
20 b. It is proposed that the land area hereinafter described be changed to S-MX-8A.

21 **Section 2.** That the zoning classification of the land area in the City and County of Denver
22 described as follows shall be and hereby is changed from I-MX-3 to S-MX-8A:

23 **PARCEL A:**

24
25 Parcel No. 109R of the Department of Transportation, State of Colorado, Project No. HN
26 0252- 299, in Lots 1 - 5, Block 8, WARREN'S UNIVERSITY HEIGHTS, a subdivision lying
27 in the NW¼ of Section 30, Township 4 South, Range 67 West of the Sixth Principal
28 Meridian, more particularly described as follows:

29
30 **COMMENCING** at the center quarter corner of said Section 30, a 1 ½" aluminum cap in
31 Range Box, illegible whence the North quarter corner of said Section 30, a 3¼" aluminum
32 cap in Range Box stamped "PLS 9479" bears North 00° 33'17" West, a distance of 2644.89
33 feet; thence North 11 ° 15'55' West, a distance of 1305.75 feet to the East line of said Lot 1,
34 Block 8, WARREN'S UNIVERSITY HEIGHTS, being a point on the Northeasterly right-of-
35 way line of 1-25 as shown on Colorado Department of Transportation plans for Project NH

1 0252-299 1-25/1-225 Southeast Corridor, project code 11584, also being the **POINT OF**
2 **BEGINNING**;

3
4 Thence South 00° 22'56" East, along the East line of Lots 1-5, a distance of 115.16 feet to
5 the Southeast corner of said Lot 5;

6
7 Thence South 89° 31 '52" West, along the South line of the said Lot 5, a distance of 89.09
8 feet to said Northeasterly right-of-way line of 1-25 as shown on Colorado Department of
9 Transportation plans for Project NH 0252-299 1-25/1-225 Southeast Corridor, project code
10 11584;

11
12 Thence North 33° 11'12" West, non-tangent to the following described curve, along said
13 Northeasterly right-of-way line of 1-25, a distance of 52.73 feet;

14
15 Thence continuing along said Northeasterly right-of-way line of 1-25, on the arc of a curve
16 to the right, having a radius of 42.25 feet, a distance of 15.55 feet, (the chord if said arc
17 bears North 22° 50'17" West, a distance of 15.47 feet), to the Easterly right-of-way line of 1-
18 25 (June, 2000), as delineated on the Colorado Department of Highways right-of-way
19 plans, Project No. FI002-2(7);

20
21 Thence North 00° 22'51" West, non-tangent to the last and following described curve, along
22 said Easterly right-of-way line of 1-25, a distance of 17.44 feet to the Northeasterly right-of-
23 way line of 1-25 as shown on Colorado Department of Transportation plans for Project NH
24 0252-299 1- 25/1-225 Southeast Corridor, project code 11584;

25
26 Thence along said Northeasterly right-of-way line of 1-25 on the arc of a curve to the right,
27 having a radius of 42.25 feet, a distance of 55.20 feet (the chord of said arc bears North
28 48D57'26" East, a distance of 51.35 feet);

29 Thence North 85° 42'44" East, non-tangent to the last described curve, along said
30 Northeasterly right-of-way line of 1-25, a distance of 84.84 feet, more or less, to the **POINT**
31 **OF BEGINNING**,

32
33 City and County of Denver, State of Colorado.

34
35 BASIS OF BEARING: South 22D58'58" East between Colorado High Accuracy Network
36 (HARN) stations "Transportation" and "Jog", as described in the Survey Control Diagram
37 for the CDOT Southeast Corridor Project NH 0252-299.

38
39 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
40 thereof, which are immediately adjacent to the aforesaid specifically described area.

41
42 **PARCEL B:**

43
44 Lots 6 through 11, inclusive and Lots 31 through 48, inclusive, Block 8; and Lots 11, 12 and
45 13, Block 9, WARREN'S UNIVERSITY HEIGHTS,
46 City and County of Denver, State of Colorado

47
48 TOGETHER WITH that portion of vacated Morse Avenue, West of and adjacent to said
49 Lots 11 through 13, Block 9.

1
2 EXCEPTING therefrom that portion of said Lots 6 through 11, Block 8, conveyed to the
3 State Highway Department in Deed recorded June 29, 1949 in Book 640 at Page 444,
4 Arapahoe County Records;

5
6 AND EXCEPTING therefrom that portion of said Lots 31 through 38, Block 8, conveyed to
7 the State Highway Department indeed recorded October 4, 1949 in Book 651 at Page 180,
8 Arapahoe County Records;

9 FURTHER EXCEPTING therefrom the East 30 feet of said Lots 11, 12 and 13, Block 9, as
10 described in Book 206 at page 476, Arapahoe County Records,

11
12 ALSO EXCEPTING those portions described in the Notice of Commencement of Action-Lis
13 Pendens, Case Number 01 CV2186, recorded April 25, 2001 at Reception No. 2001063329
14

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

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

20 COMMITTEE APPROVAL DATE: January 19, 2021

21 MAYOR-COUNCIL DATE: January 26, 2021 by Consent

22 PASSED BY THE COUNCIL: _____

23 _____ - PRESIDENT

24 APPROVED: _____ - MAYOR _____

25 ATTEST: _____ - CLERK AND RECORDER,
26 EX-OFFICIO CLERK OF THE
27 CITY AND COUNTY OF DENVER

28 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

29 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE February 4, 2021

30 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
31 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
32 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
33 3.2.6 of the Charter.

34 Kristin M. Bronson, Denver City Attorney

35 BY: *Kristin J. Bronson*, Assistant City Attorney DATE: Feb 3, 2021