

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2018

COUNCIL BILL NO. CB18-1013  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification for 2929 W. 10th Ave. in Sun**  
7 **Valley.**

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 C-MX-5 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 PUD #487.
- 20 b. It is proposed that the land area hereinafter described be changed to C-MX-5.

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 PUD #487 to C-MX-5:

23 **Legal Description**

24 A PARCEL OF LAND BEING ALL OF BLOCK 4 AND BLOCK 5, WEST FAIRVIEW, A  
25 PORTION OF BLOCK 2 AND BLOCK 3, WEST FAIRVIEW, A PORTION OF BLOCK  
26 12, BLOCK 13 AND BLOCK 14, SOUTH FAIRVIEW, A PORTION OF SUN VALLEY  
27 HOMES SECOND FILING, A PORTION OF VACATED WEST 12TH AVENUE AND  
28 VACATED ELIOT STREET ABUTTING SAID BLOCKS 2, 3, 4 AND 5, ALL OF WEST  
29 11 TH AVENUE ABUTTING SAID BLOCKS 4, 12, 13, 14 AND SUN VALLEY HOMES  
30 SECOND FILING A PORTION OF THE VACATED ALLEY IN SAID BLOCK 2 AND ALL  
31 OF THE VACATED ALLEY IN SAID BLOCKS 3, 4 AND 5, A PORTION OF BLOCK 3,  
32 FAIRVIEW ALL SITUATED IN THE NE 1/4 OF SECTION 5, TOWNSHIP 4 SOUTH,  
33 RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF  
34 DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

35  
36 BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5, WEST FAIRVIEW,  
37 SAID CORNER BEING ON

1 THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST HOLDEN PLACE; THENCE S  
2 89°58'32" E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 505.14 FEET;  
3 THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, S 00°17' 13" E,  
4 333.60 FEET; THENCE S 89° 58' 43" E, 269.33 FEET; THENCE S 00° 17' 13" E,  
5 259.20 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 11 TH  
6 AVENUE; THENCE N 89° 59' 27" E, ALONG SAID NORTHERLY RIGHT-OF-WAY  
7 LINE, 113.07 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 12, SOUTH  
8 FAIRVIEW; THENCE S 00° 17' 10" E, 30.00 FEET TO THE CENTER OF THE  
9 VACATED RIGHT-OF-WAY OF SAID WEST 11TH AVENUE, ORDINANCE NUMBER  
10 1015, SERIES 2001; THENCE S 89°59' 27" W, ALONG SAID CENTER OF VACATED  
11 RIGHT-OF-WAY, 365.06 FEET, TO THE EASTERLY LINE OF THE PROPERTY  
12 REFERRED TO AS PARCEL E IN THE DEED RECORDED AT RECEPTION NUMBER  
13 2005132001; THENCE DEPARTING SAID CENTER OF VACATED RIGHT-OF-WAY, S  
14 00° 17' 18" E, 296.14 FEET, ALONG SAID EASTERLY LINE TO THE NORTHERLY  
15 RIGHT-OF-WAY LINE OF WEST 10TH AVENUE; THENCE S 90° 00' 00" W, ALONG  
16 SAID NORTHERLY RIGHT-OF-WAY LINE, 309.94 FEET TO THE WESTERLY LINE  
17 OF SUN VALLEY HOMES SECOND FILING; THENCE DEPARTING SAID  
18 NORTHERLY RIGHT-OF-WAY LINE, ALONG THE WESTERLY LINE N 00° 17' 18" W,  
19 141.04 FEET TO THE NORTHERLY LINE OF THE ALLEY IN BLOCK 14, SOUTH  
20 FAIRVIEW; THENCE S 89° 59' 43" W, ALONG SAID NORTHERLY RIGHT-OF-WAY  
21 LINE, 212.54 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF FEDERAL  
22 BOULEVARD; THENCE N 00° 17' 14" W, ALONG SAID EASTERLY RIGHT-OF-WAY  
23 LINE, 778.27 FEET TO THE POINT OF BEGINNING.

24  
25 THE ABOVE DESCRIBED PARCEL CONTAINS 520,761 SQUARE FEET OR 11.96  
26 ACRES MORE OR LESS.

27  
28 THE BASIS OF BEARINGS BEING THE EASTERLY RIGHT-OF-WAY LINE OF  
29 FEDERAL BOULEVARD BETWEEN  
30 WEST 11TH AVENUE AND WEST HOLDEN PLACE AS MONUMENTED ON THE  
31 SOUTHERLY END BY 1-1/2" WASHER STAMPED WITH LS#28649 AND ON THE  
32 NORTHERLY END WITH 3/4" BRASS TAG STAMPED WITH LS#18475, SAID LINE  
33 ASSUMED TO BEAR N 00° 17' 14" W.

34  
35 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline  
36 thereof, which are immediately adjacent to the aforesaid specifically described area.

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

39 **[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: October 2, 2018

2 MAYOR-COUNCIL DATE: October 9, 2018

3 PASSED BY THE COUNCIL: \_\_\_\_\_

4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

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

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: October 11, 2018

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

15 Kristin M. Bronson, Denver City Attorney

16 BY:  \_\_\_\_\_, Assistant City Attorney DATE: Oct 10, 2018