



DENVER
THE MILE HIGH CITY

201 W Colfax Ave, Dept 205
Denver, CO 80202
p: 720-865-2972
f: 720-865-3056
www.denvergov.org/planning

TO: Land Use Transportation & Infrastructure Committee of the Denver City Council
FROM: Deirdre M. Oss, AICP
DATE: **February 11, 2014**
RE: Official Zoning Map Amendment Application #2013I-00023
7155 E. 36th Avenue - REAR
Rezoning from OS-A to S-MX-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application 2013I-00023 for a rezoning from OS-A to S-MX-3.

Request for Rezoning

Application: #2013I-00023
Address: 7155 E. 36th Ave - REAR
Neighborhood/Council District: Northeast Park Hill / Council District 11
RNOs: Greater Park Hill Community, Inc,
Northeast Park Hill Community Coalition
Inter Neighborhood Cooperation
Denver Neighborhood Association, Inc
Area of Property: 17,930 square feet or .41 acres
Current Zoning: OS-A
Proposed Zoning: S-MX-3
Property Owner(s): NILKANTH HOSPITALITY LLC
Owner Representative: Paul Patel

Summary of Rezoning Request

- The subject property is a vacant sliver of land less than one-half acre oriented north-south along an alley generally bound between Pontiac Street, Quebec Street, 36th Avenue and 38th Avenue. The property is directly adjacent to the Super 8 Motel on Quebec Street and is held in the same ownership as the motel.
- The applicant proposes to rezone the property from OS-A (Open Space district generally reserved for publicly-maintained parks) to S-MX-3 (Suburban – Mixed Use – Three Story) to match the zoning along Quebec Street in order to utilize the property for potential parking accessory to the motel. Further details of the zone districts can be found in Article 3 of the Denver Zoning Code (DZC).
- The property was designated OS-A (formerly O-1) due to a use restriction once placed on the property by a former owner, Denver Airport Services (“developer”), in 1982 when the hotel was constructed. The restriction limited the use of the property to public park to serve as a buffer between the commercial development and the residential neighborhood. It was annotated in

the developer’s quit claim agreement ceding the property to the adjacent Greater Park Hill Community Inc. It should be noted that over the past 30 years, the property was never developed as public open space or park, and has never been at any time maintained or managed by Denver Parks and Recreation. The restriction was removed in 2012 and the property then sold by the GPHC to the current owner. The property is no longer restricted to open space uses in terms of deed, but the current zoning of OS-A is inappropriate as it is generally applied to publicly owned and maintained parks.

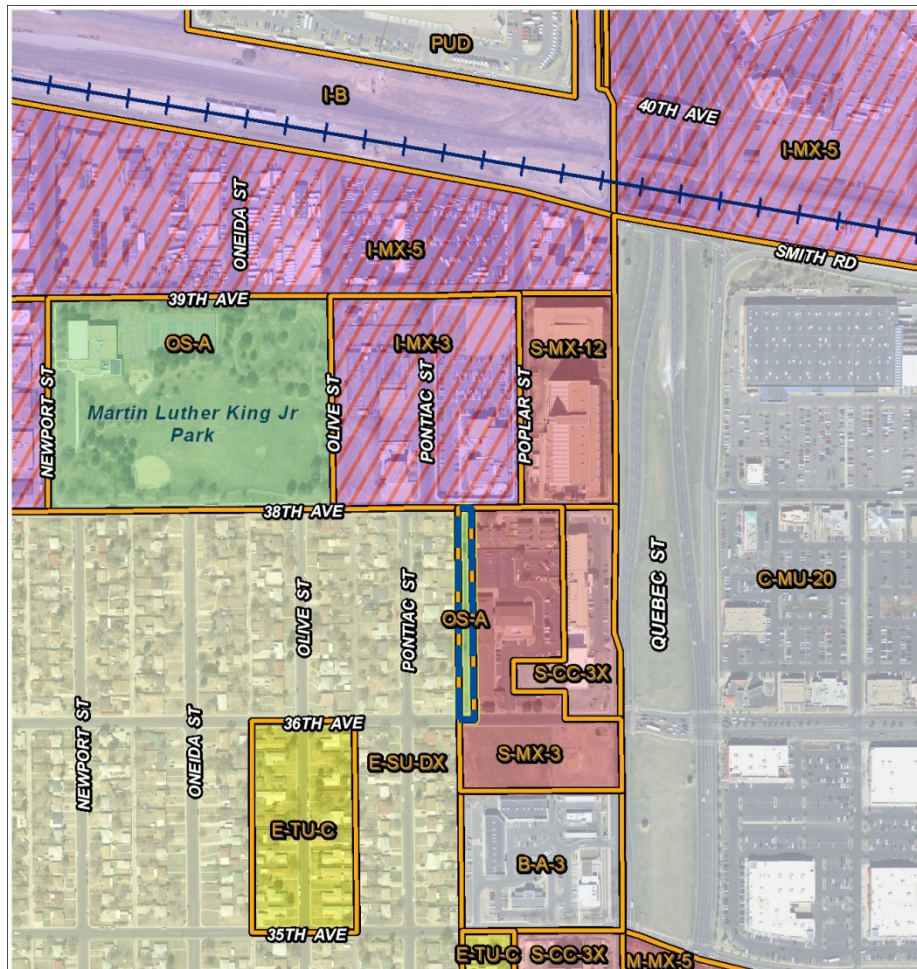
Existing Context

The property is on the northeast corner boundary of the Northeast Park Hill neighborhood, and is effectively associated with the commercial strip historically developed as airport hotel development during Stapleton Airport’s operations. To the west is the residential context of the neighborhood made up of predominantly single-family and two-unit one story ranch structures with vehicle access from both the primary local street and the alley. To the east is a three-story hotel and associated parking. To the north of the subject property are commercial office and industrial business structures (including the iconic Double Tree hotel) oriented to 38th Avenue and to Quebec Street. Across Quebec is the Quebec Square retail center constructed as part of the Stapleton Redevelopment. Quebec Street is a commercial arterial with three lanes each direction separated by a wide median, and hosts local RTD route 73 as well as a regional Skyride Boulder/DIA route ABA.

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	OS-A	Vacant	NA	Generally regular grid of streets; 36 th Street connects across Quebec to the east, while 38 th dead-ends at Quebec frontage road. Block sizes and shapes are consistent and rectangular. Along commercial corridor, vehicle parking in front of buildings; residential parking via alley or local street driveway access
North	I-MX-3/S-MX-12	Office and retail	Office/medical office	
South	S-MX-3	Vacant	NA	
East	S-MX-3/ then S-CC-3X along Quebec	Hotel, restaurant, accessory parking	3-story L-shape hotel with parking/ 1-3 stories restaurant and hotel along Quebec	
West	E-SU-Dx	Single unit residential	One-story ranch homes 850-1,600 SF, with residential conversion/church at south end of residential block to the west across alley	

Existing Zoning



The Open Space-A (OS-A) zone district : The Open Space Context consists of all forms of public and private parks and open spaces. The context accommodates sites ranging from very active to completely passive, and from those embedded in a neighborhood to sites that are large enough to stand alone. Active sites may include high use areas such as ball fields, while passive areas focus on resource protection, trails, walking and biking. Design and development standards governing structures in the OS-A Zone District, including but not limited to landscaping, parking, and signage, shall be determined by either the City Council according to their authority in D.R.M.C., Chapter 39 (Parks) or by the Manager of Parks and Recreation.

Suburban-Mixed Use-Three Story (S-MX-3) applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

Urban Edge-Single Unit-6,000 SF (E-SU-Dx): This is a residential district and context which incorporates both suburban and urban house buildings and access patterns. The E-SU-Dx zone

district allows both urban and suburban house building forms on zone lots with a minimum of 6,000 SF.

1. Existing Land Use, Building Form and Scale



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: Approve-No Comments.

Development Services-Denver Fire Department: Approve Rezoning Only – will require additional information at site plan review.

Development Services-Parks and Recreation: Approve-No Comment.

Development Services – Wastewater: No comment.

Development Services-Transportation: Approve rezoning only. Will require additional information at site plan review.

Public Works – City Surveyor: 1st Submittal is approved as submitted. Approval is for this phase only. Re-zoning does affect Right-of-way, so Survey has no issues with this project.

Public Review Process

Informational Notice - CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on December 20, 2013.

Planning Board notification process- The property was legally posted for a period of 15 days announcing February 5, 2014, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.

Council Land Use Transportation and Infrastructure Committee (LUTI) – 10-Day notice has been posted for the LUTI committee meeting on February 18, 2014.

Registered Neighborhood Organizations (RNOs): CPD has received no response from any of the following applicable RNOs:

- Inter-Neighborhood Cooperation
- Northeast Park Hill Coalition
- Denver Neighborhood Association, Inc.
- Greater Park Hill Community (GPHC) Inc: Prior to the application being submitted, GPHC actually owned the property, and sought community input with particular focus on the adjacent residential neighbors along Pontiac Street regarding the potential change in use and zoning. They received no response, and the property was sold earlier in the year to the current owner whose property most logically would incorporate this sliver of vacant land.

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)
- Park Hill Neighborhood Plan
- Stapleton Perimeter Plan

Denver Comprehensive Plan 2000

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

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 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; and that broadens the variety of compatible uses.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already in place. The S-MX zone districts broaden the variety of uses. The rezoning is consistent with these plan recommendations.

Blueprint Denver (2002)

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Single Family Residential and is located in an Area of Stability.

Future Land Use



Neighborhoods of single family houses represent the majority of Denver’s residential areas, particularly those developed after 1900 and especially those built after 1940. Densities are fewer than 10 units per acre, often less than six units per acre neighborhood-wide, and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type. Some of the many areas in Denver with this attribute include Rosedale, University, Park Hill, Washington Park, Sloan Lake, Regis, Montbello, Green Valley Ranch, Hampden and Bear Valley (p. 42).

Given historical and existing conditions on the property and to the east of the alley abutting the property, the Quebec Corridor does not incorporate any single family land use at this location. Single family land uses do occur on Quebec further south of 30th Avenue. The S-MX-3 zone district allows a mix of uses at a density and scale appropriate as a transition from the busy commercial

arterial Quebec Corridor to the single family residential that does exist west of the alley that abuts the subject property.

Area of Change / Area of Stability

The subject site is designated an Area of Stability. The goal is to maintain the character of these areas yet accommodate some new development and redevelopment to prevent stagnation. The proposed zone change to S-MX-3 does not introduce uses that have not already been in place in the corridor, and does not increase intensity beyond what is already entitled on the owner's site adjacent to this property. This change affords the owner the opportunity to incorporate the sliver in any future site improvements for the larger property to the east.

Street Classifications

Blueprint Denver classifies 36th Avenue as an undesignated Local, 38th Avenue as an industrial Collector, and Quebec Street as a Commercial Arterial. According to Blueprint Denver, "collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas." The amount of development to occur on the subject property will only likely occur part in parcel with the adjacent larger property which is already zoned S-MX-3, a zone district appropriate for collector and local streets.

Small Area Plans: Park Hill Neighborhood Plan (2000) and Stapleton Perimeter Assessment

Development of the subject property is not expected as an independent action but instead will become incorporated with future development on the adjacent currently zoned S-MX-3 hotel site to the east. The **Park Hill Neighborhood Plan** identifies this property within the Quebec Street corridor (Subarea 4) and shows a land use designation of R-4, congruent with the Former Chapter 59 zoning code. The Quebec Corridor to the east of this block is framed by airport hotels and other industrial businesses to the north. Business and Economic Development Goal #BE5 recommends "Develop vacant land in a way that is compatible with the character and density of the surrounding businesses and neighborhoods." Any future development of this strip of land will likely be associated with the adjacent hotel or future uses of that site.

Stapleton Perimeter Assessment (2007) designated the subject property as Underutilized land, but does not hone in on recommended land use.

Uniformity of District Regulations and Restrictions

The proposed rezoning to S-MX-3 will result in the uniform application of zone district building form, use and design regulations.

2. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City by clearly identifying one single zone district that can be utilized on both sites owner by the current owner of the subject property.

3. Justifying Circumstance

Pursuant to DZC Section 12.4.10.14, 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 and included within the application, the subject property is no longer considered, nor was it ever managed as, a public park or open space, and the deed restriction on use was removed by the former owners in 2012. Current zoning is generally reserved for publicly maintained parks and open space, and is not suitable for this site.

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

The requested zone district, S-MX-3 is in the Suburban neighborhood context, capturing current conditions on the commercial sites to the east which incorporate typical suburban site design including parking between the building and the street. This rezoning request simply extends the S-MX-3 already on the hotel site to cover this sliver of property behind the hotel and to the east of the alley that separates the commercial from residential property. Existing and future development will meet the intent of the S-MX-3 district.

Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 7155 E. 36th Avenue-REAR to the S-MX-3 zone district meets the requisite review criteria. Accordingly, staff recommends **approval**. The Denver Planning Board recommended unanimous approval for proposal at their regular meeting on February 5, 2014.

Attachments

1. Application
2. Title history (removal of restriction included)

[Print](#)

Real Property Records

Date last updated: Wednesday, December 18, 2013

[← Real Property Records Search](#)

If you have a question about the value, ownership, or characteristics of this property, or any other property in Denver, please call the Assessor at 720-913-4162.

[Link to real property information for this property](#)[Link to comparable sales information for this property](#)[Link to chain of title information for this property](#)[Link to property sales information for this neighborhood](#)[Back to Property List](#)[Link to property tax information for this property](#)[Link to property sales information for all Denver neighborhoods](#)[Link to map/historic district listing for this Property](#)

The property description shown is data from the Assessor's active, in-progress 2013 file. The "current year" values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.

PROPERTY INFORMATION

Property Type: INDUSTRIAL, MISC IMPS

Parcel: 0129118020000

Name and Address Information

Legal Description

NILKANTH HOSPITALITY LLC

7201 E 36TH AVE

DENVER, CO 80207-1606

HONEYMOON MANOR B7 W 30FT
OF
L11 TO 20

Property Address: 7155 E 36TH AVE

Tax District

DENV

** CHAIN OF TITLE **

RECEPTION NUMBER	RECEPTION DATE	INSTRUMENT	SALE DATE	SALE PRICE	GRANTOR GRANTEE
2013137339	09/18/2013	Special Warranty	09/16/2013	\$1,000	GREATER PARK HILL COMMUNITY NILKANTH HOSPITALITY LLC
0026851770	11/04/1982	Bargain and Sale	11/04/1982		GREATER PARK HILL GREATER PARK HILL COMMUNITY

04-27-2011

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DENVER
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Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Nilkanth Hospitality, LLC	Representative Name	
Address	7201 E 36th Ave	Address	
City, State, Zip	Denver, CO 80207	City, State, Zip	
Telephone	303-585-1348	Telephone	
Email	super8denver@yahoo.com	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>	
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.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	7155 E 36th Ave, Denver, CO 80207		
Assessor's Parcel Numbers:	0129118020000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	HONEYMOON MANOR B7 W 30FT OF L11 TO 20		
Area in Acres or Square Feet:	18000		
Current Zone District(s):	OSA		
PROPOSAL			
Proposed Zone District:	S-MX-3		



REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</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. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</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 rezoning 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 checked="" 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>

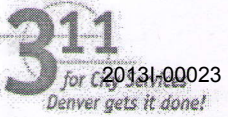
ATTACHMENTS

Please check any attachments provided with this application:

- Authorization for Representative
- Proof of Ownership Document(s)
- Legal Description
- Review Criteria

Please list any additional attachments:

To attach with next parcel # 0129118025000. Because both parcels are under same ownership.





DENVER
THE MILE HIGH CITY

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
Nilkanth Hospitality, LLC	7201 E 36th Ave Denver, CO 80207 303-585-1348 super8denver@yahoo.com	100	<i>Amalaya</i>	11/19/13	A, B	NO

 [Print](#)

Real Property Records

Date last updated: Sunday, November 10, 2013

 **Real Property Records Search**

If you have a question about the value, ownership, or characteristics of this property, or any other property in Denver, please call the Assessor at 720-913-4162.

[Link to real property information for this property](#)

[Link to comparable sales information for this property](#)

[Link to chain of title information for this property](#)

[Link to property sales information for this neighborhood](#)

[Back to Property List](#)

[Link to property tax information for this property](#)

[Link to property sales information for all Denver neighborhoods](#)

[Link to map/historic district listing for this Property](#)

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PROPERTY INFORMATION

Property Type: INDUSTRIAL, MISC IMPS

Parcel: 0129118020000

Name and Address Information

Legal Description

NILKANTH HOSPITALITY LLC

7201 E 36TH AVE

DENVER, CO 80207-1606

HONEYMOON MANOR B7 W 30FT OF L11 TO 20

Property Address: 7155 E 36TH AVE

Tax District: DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	100	30		
Improvements	0	0		
Total	100	30	0	30
Prior Year				
Land	100	30		
Improvements	0	0		
Total	100	30	0	30

Style: Other

Reception No.: 2013137339

Year Built:

Recording Date: 09/18/13

Building Sqr. Foot: 0

Document Type: Special Warranty

Bedrooms:

Sale Price: 1000

Baths Full/Half: 0/0

Mill Levy: 84.071

Basement/Finished: 0/0

Lot Size: 18,000

[Click here for current zoning](#)

Zoning Used for Valuation: OSA

Note: Valuation zoning maybe different from City's new zoning code.

 [Print](#)

Exhibit "A"

PARK DONATION
LEGAL DESCRIPTION

DENVER AIRPORT OFFICE ASSOCIATES

The westernmost 30 feet of Lots 11, 12, 13, 14, 15, 16, 17,
18, 19 and 20;

all in Block 7

HONEYMOON MANOR

City & County of Denver

State of Colorado

SPECIAL WARRANTY DEED

THIS DEED, Made this 16th day of September, 2013 between

Greater Park Hill Community Inc, a Colorado non-Profit corporation

of the City and County of Denver and State of COLORADO, grantor(s), and

Nilkanth Hospitality, LLC

whose legal address is 7201 E. 36th Ave. Denver CO 80207

of the City and County of Denver, State of Colorado, grantee(s):

WITNESS, That the grantor(s), for and in consideration of the sum of **ONE THOUSAND DOLLARS AND NO/100'SS\$1,000.00**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the City and County of Denver, State of COLORADO, described as follows:

See Exhibit "A" Attached Hereto and Made a part Hereto

*****Deed of Convenience*****

also known by street and number as 7155 E. 36th Ave., Rear, Denver CO

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), his heirs, and assigns forever. The grantor(s), for himself, his heirs and personal representatives or successors, does covenant and agree that he shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), his heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above.

SELLER:



Greater Park Hill Community Inc, a Colorado non-Profit corporation

BY: LeAnn Anderson Chair

STATE OF COLORADO
COUNTY OF Denver

} SS:

The foregoing instrument was acknowledged before me this 16th day of September, 2013 by LeAnn Anderson, Chair of **Greater Park Hill Community Inc, a Colorado non-Profit corporation**


Notary Public

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Real Property Records

Date last updated: Wednesday, December 18, 2013

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DENVER, CO 80207-1606

HONEYMOON MANOR B7 W 30FT
OF
L11 TO 20

Property Address: 7155 E 36TH AVE

Tax District

DENV

** CHAIN OF TITLE **

RECEPTION NUMBER	RECEPTION DATE	INSTRUMENT	SALE DATE	SALE PRICE	GRANTOR GRANTEE
2013137339	09/18/2013	Special Warranty	09/16/2013	\$1,000	GREATER PARK HILL COMMUNITY NILKANTH HOSPITALITY LLC
0026851770	11/04/1982	Bargain and Sale	11/04/1982		GREATER PARK HILL GREATER PARK HILL COMMUNITY

04-27-2011

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Greater Park Hill Community, Inc.
2823 Fairfax Street
Denver, CO 80207

Phone: (303) 388-0918

Fax: (303) 388-0910

Date October 29, 2012

Pontiac Street Neighbors
36th to 38th Ave and Pontiac Street
Denver, CO 80207

RE: 7155 E 36th Ave (Vacant Land – East of Alley behind Pontiac between 36th Ave and 38th Ave.)

Dear Pontiac Street Neighbors:

Greater Park Hill Community, Inc. currently owns the strip of vacant property behind your homes. GPHC originally took possession of the property to provide a buffer between the commercial properties that were being developed on Quebec Street and the residences on Pontiac. Unfortunately, GPHC can no longer afford to keep the property.

GPHC is currently exploring options for selling or gifting the property. But before GPHC sells or gifts the property, GPHC wanted to provide the neighbors whose properties back up to the vacant land the opportunity to provide feedback on their vision of possible usages of this land, possible businesses or companies that might be interested in securing this property or if the neighbors themselves might be interested in obtaining possession of the land via a gifting process.

Please notify GPHC by November 15th, if the Pontiac Street Neighbors are interested in obtaining the property.

If GPHC does not hear from the Pontiac Street Neighbors by November 15th, GPHC will proceed with plans to sell or gift the property. If you have any questions, please contact LeAnn Anderson at 303-393-2984 or gphcchair@gmail.com.

LeAnn Anderson, Chair
Greater Park Hill Community, Inc.
2823 Fairfax Street
Denver, Colorado 80207
Telephone: 303-388-0918
Email: gphc@ecentral.com

RELEASE OF DEED EXCEPTION and QUITCLAIM

DENVER AIRPORT OFFICE ASSOCIATES, a joint venture ("**DAOA**"), by Bargain and Sale Deed dated August 26, 1982, recorded in the office of the Clerk and Recorder for the City and County of Denver on November 4, 1982, in Book 2685 at Page 177 (Reception No. 0026851770), conveyed certain real property to Greater Park Hill Community, Inc. (the "**Deed**").

The Deed contained a restriction which stated:

"Said property shall, upon the removal of the existing improvements and thereafter, be used only for a public park and the Grantors, or any of them, and their heirs, successors and assigns, shall have the right to enforce this restriction by an action at law or in equity and shall be entitled to recover in such action costs and expenses, including reasonable attorneys' fees."

(the "**Restriction**").

DAOA wishes to remove and release the Restriction.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficient of which are hereby acknowledged, Denver Airport Office Associates hereby agrees, grants, conveys, and quitclaims as follows:

1. DAOA hereby releases the Restriction. DAOA hereby agrees that the Restriction language shall be removed from the Deed and be considered null and void.

2. DAOA hereby conveys, quitclaims, and assigns unto Greater Park Hill Community, Inc. all its right, title, and interest in and to the property described in the Deed without any restriction and with all its appurtenances.

3. DAOA agrees that it has no right to enforce the Restriction contained in the Deed and that the Restriction is null and void, not enforceable, and of no effect.

4. This Release of Deed Exception and Quitclaim may be signed in counterparts, each of which shall be considered an original and together shall constitute one document.

5. **DALL L. CASSON AGREES TO THIS RELEASE WITH THE EXPRESS CONDITION THAT GERALD L. JENSEN ALSO SIGNS THE EXACT SAME RELEASE. S.A.**
 [See signatures on following page]

CERTIFICATION

The Clerk and Recorder for the CITY AND COUNTY OF DENVER State of Colorado does hereby certify this document to be a full, true and correct copy of the original document recorded in my office



Clerk and Recorder
 by [Signature]
 Deputy County Clerk
 APR 29 2013



STATE OF COLORADO)
) ss.
City and County of Denver)

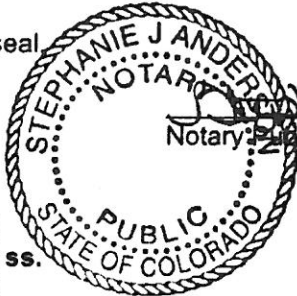
S.A.

The foregoing was subscribed before me this 15TH day of ~~April~~ ^{May}, 2012, by Dan L. Casson, President of Casson Construction Company, Inc. of Colorado, a Colorado corporation, a joint venturer in Denver Airport Office Associates, a joint venture, on behalf of the joint venture.

Witness my hand and official seal.

My commission expires:

12-18-2013



Stephanie Anderson
Notary Public

STATE OF COLORADO)
) ss.
City and County of Denver)

The foregoing was subscribed before me this 2 day of ~~April~~ ^{June}, 2012, by Gerald L. Jensen, President of Host Enterprises, Inc., a Colorado corporation, a joint venturer in Denver Airport Office Associates, a joint venture, on behalf of the joint venture.

Witness my hand and official seal.

My commission expires:

2/7/16

Meaghan Shafer
Notary Public



My Commission Expires 02/07/2016

2830251

Recorded at 0330.05 M., 1982 NOV -6 AM 9 06
Reception No. Recorder.

Record 60

2685 177

KNOW ALL MEN BY THESE PRESENTS, That DENVER AIRPORT OFFICE ASSOCIATES,
a joint venture
of the City and County of Denver, and State of Colorado, for the consideration of
as a gift, does hereby
in and to him, sell and convey to GREATER PARK HILL COMMUNITY, INC., a
Colorado nonprofit corporation
whose legal address is
of the City and County of Denver, and the State of Colorado,
the following real property, situate in the City and County of Denver and State of
Colorado, to wit:

See Exhibit A attached hereto and incorporated herein by reference.
Said property shall, upon the removal of the existing improvements
and thereafter, be used only for a public park and the Grantors, or
any of them, and their heirs, successors and assigns, shall have
the right to enforce this restriction by an action at law or in
equity and shall be entitled to recover in such action costs and
expenses, including reasonable attorneys' fees.

with all its appurtenances.

~~also known as street and number~~

Signed and delivered this 26th day of August, 1982.

In the presence of

DENVER AIRPORT OFFICE ASSOCIATES, (SEAL)
a joint venture
By: Dan L. Casson (SEAL)
By: Gerald L. Jensen (SEAL)

STATE OF COLORADO,
City & County of Denver

The foregoing instrument was acknowledged before me this 26th day of August
19 82 by Dan L. Casson of Casson Construction Company, Inc. of Colorado, a joint
venturer, and Gerald L. Jensen of Host Enterprises, Inc., a joint venturer,
on behalf of Denver Airport Office Associates, a joint venture.

My commission expires 19 . WITNESS my hand and official seal.
My Commission Expires Feb. 24, 1985

M. Elaine Martin
Notary Public.
Address: 3333 Quebec St. #10E
Denver, Co. 80207

2685 177

CERTIFICATION

The Clerk and Recorder for the
CITY AND COUNTY OF DENVER State
of Colorado does hereby certify this
document to be a full, true and
correct copy of the original
document recorded in my office

Clerk and Recorder
by Deputy County Clerk
Date APR 29 2013



CONVENIENCE DEED--NO DOCUMENTARY FEE REQUIRED

SDA/NAA
11-42

PARK DONATION
LEGAL DESCRIPTION

DENVER AIRPORT OFFICE ASSOCIATES

The westernmost 30 feet of Lots 11, 12, 13, 14, 15, 16, 17,
18, 19 and 20;

all in Block 7
HONEYMOON MANOR
City & County of Denver
State of Colorado