

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2015  
**AS AMENDED 02-29-16**

COUNCIL BILL NO. CB15-0937  
COMMITTEE OF REFERENCE:  
Neighborhoods & Planning

**A BILL**

**For an ordinance changing the zoning classification for 725 West 39<sup>th</sup> Avenue.**

**WHEREAS**, the City Council has determined, based on evidence and testimony presented at the public hearing, that the map amendment set forth below conforms with applicable City laws, is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of the City, will result in regulations and restrictions that are uniform within the C-MX-20 district, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is consistent with the neighborhood context and the stated purpose and intent of the proposed zone district;

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

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

1. That the land area hereinafter described is presently classified as I-A, UO-2 and I-B, UO-2.
2. That the Owner proposes that the land area hereinafter described be changed to C-MX-20.

**Section 2.** That the zoning classification of the land area in the City and County of Denver described as follows shall be and hereby is changed from I-A, UO-2 and I-B, UO-2 to C-MX-20:

**LEGAL DESCRIPTIONS:**

~~A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A PART OF BLOCKS 27, 28 AND 38, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, TOGETHER WITH CERTIAN PORTIONS OF ADJACENT VACATED ALLEYS AND VACATED GALAPAGO STREET AND VACATED WEST 40TH AVENUE, CITY AND COUNTY OF DENVER, STATE OF COLORADO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

**PARCEL ONE:**

~~LOTS 1 TO 15, INCLUSIVE, BLOCK 38, VIADUCT ADDITION TO DENVER, AND THE EAST 1/2 OF VACATED GALAPAGO STREET, PER ORDINANCE NO. 116, SERIES OF 1947, ADJOINING SAID LOTS 1 TO 15;~~

1 ~~TOGETHER WITH THE WEST ONE HALF OF VACATED ALLEY, PER ORDINANCE NO 400,~~  
2 ~~SERIES OF 1978, ADJACENT TO SAID LOTS 1 TO 15; CITY AND COUNTY OF DENVER,~~  
3 ~~STATE OF COLORADO.~~

4  
5 ~~in addition thereto those portions of all abutting public rights-of-way, but only to the~~  
6 ~~centerline thereof, which are immediately adjacent to the aforesaid specifically described~~  
7 ~~area.~~

8 **PARCEL TWO;**

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10 ~~LOTS 12 TO 15, BLOCK 27, AND LOTS 16 TO 19, BLOCK 28, VIADUCT ADDITION TO~~  
11 ~~DENVER;~~

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13 ~~TOGETHER WITH VACATED GALAPAGO STREET PER ORDINANCE NO. 23, SERIES OF~~  
14 ~~1934, BETWEEN THE WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF LOT~~  
15 ~~12, IN SAID BLOCK 27, AND THE CENTER LINE OF VACATED WEST 40TH AVENUE PER~~  
16 ~~ORDINANCE NO. 116, SERIES 1947;~~

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18 ~~AND TOGETHER WITH THAT PORTION OF THE EAST 1/2 OF VACATED GALAPAGO~~  
19 ~~STREET, PER ORDINANCE NO. 116, SERIES OF 1947, LYING SOUTH OF THE CENTERLINE~~  
20 ~~OF SAID WEST 40TH AVENUE AND WEST OF THE NORTHERLY EXTENSION OF THE~~  
21 ~~WEST BOUNDARY LINE OF BLOCK 38, IN SAID VIADUCT ADDITION TO DENVER;~~

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23 ~~AND TOGETHER WITH ALL OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 116,~~  
24 ~~SERIES 1947, LYING SOUTH OF AND ADJOINING LOT 15, IN SAID BLOCK 27 AND THE~~  
25 ~~NORTH 1/2 OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 115, SERIES 1926,~~  
26 ~~LYING SOUTH OF AND ADJOINING LOT 16, IN SAID BLOCK 28;~~

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28 ~~AND TOGETHER WITH THAT PART OF THE SW 1/4 OF SW 1/4 OF SECTION 22, TOWNSHIP~~  
29 ~~3 SOUTH, RANGE 68 WEST OF 6TH P.M. BOUNDED ON THE NORTH BY THE WESTERLY~~  
30 ~~EXTENSION OF THE NORTH BOUNDARY LINE OF LOT 19 IN SAID BLOCK 28; ON THE~~  
31 ~~WEST BY THE EAST BOUNDARY LINE OF THE RIGHT OF WAY OF THE DENVER, UTAH~~  
32 ~~AND PACIFIC RAILROAD COMPANY AS DESCRIBED IN DEED RECORDED IN BOOK 607 AT~~  
33 ~~PAGE 230; ON THE SOUTH BY THE WESTERLY EXTENSION OF THE CENTERLINE OF~~  
34 ~~VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 115, SERIES 1926; AND ON THE EAST~~  
35 ~~BY THE WEST BOUNDARY LINE OF SAID BLOCK 28, AND BY THE SOUTHERLY~~  
36 ~~EXTENSION OF SAID WEST BOUNDARY LINE;~~

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38 ~~AND TOGETHER WITH THE WEST ONE HALF OF VACATED ALLEY, PER ORDINANCE NO.~~  
39 ~~400, SERIES 1978, ADJACENT TO LOTS 12 TO 15, IN SAID BLOCK 27, VIADUCT ADDITION~~  
40 ~~TO DENVER;~~

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42 ~~EXCEPT: THE RTD CONDEMNATION PARCEL NO. CM-13, CASE #2011 CV 6547. CITY AND~~  
43 ~~COUNTY OF DENVER, STATE OF COLORADO.~~

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**LEGAL DESCRIPTIONS:**

**A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A PART OF BLOCKS 27 AND 28, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, TOGETHER WITH CERTIAN PORTIONS OF ADJACENT VACATED ALLEYS AND VACATED GALAPAGO STREET AND VACATED WEST 40TH AVENUE, CITY AND COUNTY OF DENVER, STATE OF COLORADO.BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
LOTS 12 TO 15, BLOCK 27, AND LOTS 16 TO 19, BLOCK 28, VIADUCT ADDITION TO DENVER;  
TOGETHER WITH VACATED GALAPAGO STREET PER ORDINANCE NO. 23, SERIES OF 1934, BETWEEN THE WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF LOT 12, IN SAID BLOCK 27, AND THE CENTER LINE OF VACATED WEST 40TH AVENUE PER ORDINANCE NO. 116, SERIES 1947;  
AND TOGETHER WITH THAT PORTION OF THE EAST 1/2 OF VACATED GALAPAGO STREET, PER ORDINANCE NO. 116, SERIES OF 1947, LYING SOUTH OF THE CENTERLINE OF SAID WEST 40TH AVENUE AND WEST OF THE NORTHERLY EXTENSION OF THE WEST BOUNDARY LINE OF BLOCK 38, IN SAID VIADUCT ADDITION TO DENVER;  
AND TOGETHER WITH ALL OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 116, SERIES 1947, LYING SOUTH OF AND ADJOINING LOT 15, IN SAID BLOCK 27 AND THE NORTH 1/2 OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 115, SERIES 1926, LYING SOUTH OF AND ADJOINING LOT 16, IN SAID BLOCK 28;  
AND TOGETHER WITH THAT PART OF THE SW 1/4 OF SW 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF 6TH P.M. BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF LOT 19 IN SAID BLOCK 28; ON THE WEST BY THE EAST BOUNDARY LINE OF THE RIGHT-OF-WAY OF THE DENVER, UTAH AND PACIFIC RAILROAD COMPANY AS DESCRIBED IN DEED RECORDED IN BOOK 607 AT PAGE 230; ON THE SOUTH BY THE WESTERLY EXTENSION OF THE CENTERLINE OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 115, SERIES 1926; AND ON THE EAST BY THE WEST BOUNDARY LINE OF SAID BLOCK 28, AND BY THE SOUTHERLY EXTENSION OF SAID WEST BOUNDARY LINE;  
AND TOGETHER WITH THE WEST ONE-HALF OF VACATED ALLEY, PER ORDINANCE NO. 400, SERIES 1978, ADJACENT TO LOTS 12 TO 15, IN SAID BLOCK 27, VIADUCT ADDITION TO DENVER;  
EXCEPT: THE RTD CONDEMNATION PARCEL NO. CM-13, CASE #2011 CV 6547.CITY AND COUNTY OF DENVER, STATE OF COLORADO.**

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

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

3 COMMITTEE APPROVAL DATE: December 9, 2015.

4 MAYOR-COUNCIL DATE: December 15, 2015.

5 PASSED BY THE COUNCIL: \_\_\_\_\_, 2015  
6 \_\_\_\_\_ - PRESIDENT

7 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2015

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

11 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2015; \_\_\_\_\_, 2015

12 PREPARED BY: Nathan J. Lucero, Assistant City Attorney           DATE: December 17, 2015

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14 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
15 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
16 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
17 § 3.2.6 of the Charter.

18 D. Scott Martinez, Denver City Attorney

19 BY: \_\_\_\_\_, Assistant City Attorney           DATE: \_\_\_\_\_, 2015