

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> 	

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-Amen, LLP	4201, 4203, 4211, 4221 Brighton Blvd. Denver, CO 80214 (303) 298-1111 rmeclintock@wfmll.com	100%	<i>[Signature]</i>	7/11/16	D	YES

Last updated: February 4, 2015

Return completed form to rezoning@denvergov.org

Westfield-Amen, LLLP

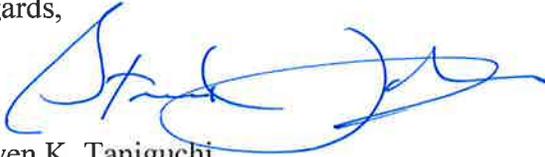
July 7, 2016

Re: Property Owner's Representative for Rezoning of 4201 Brighton Blvd.

To Whom It May Concern,

Westfield-Amen, 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

**For this Record...**

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Business Home
 Business Information
 Business Search

FAQs, Glossary and Information

Summary

Details			
Name	Westfield-Amen, LLLP		
Status	Good Standing	Formation date	12/31/2015
ID number	20151841426	Form	Limited Liability Limited Partnership
Periodic report month	December	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	Westfield-4120 General Partner, LLC
Street address	1800 Larimer Street, Suite 1800, Denver, CO 80202, United States
Mailing address	n/a

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Amen front parcel, 62,800 LSF, 1.44 acres, Parcel # 02232-00-049-000
Amen back parcel, 64,482 LSF, 1.48 acres, Parcel # 02232-00-182-000

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	4201 BRIGHTON BLVD
Schedule/Parcel#	0223200049000
Owner	WESTFIELD-AMEN LLLP
Co-Owner	
Year	2016
Assessed Value	\$568,750
Actual Value	\$1,961,200
Property Type	INDUSTRIAL - WAREHOUSE

Find Denver Property

- Real Estate**
 Business Personal Property

Note: Enter schedule numbers without dashes

0223200182000

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

Search 

Advanced Search

Results

Address	4201 BRIGHTON BLVD
Schedule/Parcel#	0223200182000
Owner	WESTFIELD-AMEN LLLP
Co-Owner	
Year	2016
Assessed Value	\$165,500
Actual Value	\$570,700
Property Type	INDUSTRIAL - WAREHOUSE



02/03/2016 09:03 AM
City & County of Denver
Electronically Recorded

R \$31.00

WD

D \$530.00

When Recorded Return to:
Fox Rothschild LLP
1225 17th Street, Suite 2200
Denver, Colorado 80202
Attn: Michael S. Friedman, Esq.

SPECIAL WARRANTY DEED

THIS DEED, made as of this 29th day of January, 2016 between:

HUNT FAMILY PARTNERSHIP LLLP, a Colorado limited liability limited partnership, whose address is 4201 Brighton Boulevard, Denver, Colorado 80216 ("Grantor"), and WESTFIELD-AMEN, LLLP, a Colorado limited liability limited partnership, whose address is 1800 Larimer Street, Suite 1800, Denver, Colorado 80202 ("Grantee"):

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN and NO/100 DOLLARS (\$10.00), 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, Grantees' heirs, successors and assigns forever, all the real property together with improvements situate, lying and being in the City and County of Denver and State of Colorado, described as follows:

See Exhibit A attached hereto

also known by street and number as 4201-4221 Brighton Boulevard, Denver, Colorado 80216.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, including, without limitation, all minerals, oil, gas and other hydrocarbon substances as well as all development rights, air rights, water and water rights relating to said property, if any, and any easements, rights of way or other appurtenances used in connection with the beneficial use and enjoyment of said property, 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, 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, Grantees' heirs, successors and assigns forever. The Grantor, for itself, its successors and assigns does covenant and agree that the above-bargained premises are free from all encumbrances made by Grantor except for those described on Exhibit B attached hereto, and that except for those matters described on Exhibit B, Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, Grantees' heirs, successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor.

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

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

38440845v2 115646/00055



F050040Z

IN WITNESS WHEREOF, the Grantor has executed this deed as of the date set forth above.

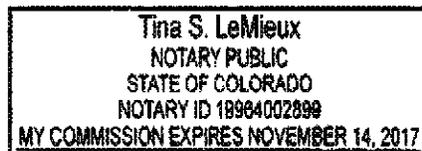
“GRANTOR”

HUNT FAMILY PARTNERSHIP LLLP,
a Colorado limited liability limited partnership

By: *Anna Maria Hunt*
Name: Anna Maria Hunt
Title: Co-General Partner

By: *Bernadette O'Donnell*
Name: Bernadette O'Donnell
Title: Co-General Partner

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)



The foregoing instrument was acknowledged before me this 29th day of January, 2016 by Anna Maria Hunt as Co-General Partner and Bernadette O'Donnell as Co-General Partner of HUNT FAMILY PARTNERSHIP LLLP, a Colorado limited liability limited partnership.

Witness my hand and official seal.

My commission expires: _____
Tina S. LeMieux
Notary Public

SPECIAL WARRANTY DEED

EXHIBIT A**Legal Description of Property****Parcel One:**

That part of the Northwest $\frac{1}{4}$ and of the Southwest $\frac{1}{4}$ of Section 23, Township 3 South, Range 68 West of the 6th Principal Meridian, described as follows:

Beginning at a point on the Northwesterly line of Brighton Boulevard, formerly St. Vincent Avenue, as said roadway was established in the recorded plat of St. Vincent Addition, 660 feet Northeasterly from the point of intersection of the Northeasterly line of 40th Street as likewise established (produced Northwesterly) with the Northwesterly line of Brighton Boulevard; Thence Northwesterly at right angles to said Brighton Boulevard 160.5 feet to a point; Thence Northeasterly parallel with Brighton Boulevard 391.33 feet to a point; Thence Southeasterly 160.5 feet to a point on the Northwesterly line of said Brighton Boulevard; Thence Southwesterly along said Northwesterly line of Brighton Boulevard a distance of 391.33 feet to the point of beginning,
City and County of Denver, State of Colorado.

Parcel Two:

Beginning at a point that is 190.5 feet distant Northwesterly from the Northwesterly line of Brighton Boulevard, formerly St. Vincent Avenue as said roadway was established in the recorded plat of St. Vincent Addition measured along a straight line at right angles thereto from a point thereon that is 660 feet Northeasterly from the point of intersection of the Northeasterly line of 40th Street as likewise established (produced Northwesterly) with the Northwesterly line of Brighton Boulevard, as measured along the said Northwesterly line of Brighton Boulevard; Thence Northeasterly along a straight line parallel with and 190.5 feet distance Northwesterly measured at right angles from said Northwesterly line of Brighton Boulevard a distance of 391.33 feet to a point; Thence Northwesterly along a straight line at right angles to the last described course a distance of 175 feet to a point; Thence Southwesterly along a straight line at right angles to the last described course a distance of 391.33 feet to a point; Thence Southeasterly along a straight line at right angles to the last described course a distance of 175 feet to the point of beginning, except that portion thereof as described in the Deed recorded February 20, 1975 in Book 1013 at Page 553,
City and County of Denver, State of Colorado.

Parcel Three:

A parcel of land described in the Deed recorded February 20, 1975 in Book 1013 at Page 553, being more particularly described as follows:

A parcel of land situate in the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and in the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 23, Township 3 South, Range 68 West of the 6th P.M., to-wit:

Beginning at a point that is 290.5 feet distant Northwesterly from the Northwesterly line of Brighton Boulevard, measured along a straight line at right angles thereto at a point thereon that is 660.0 feet distant Northeasterly from the Northeasterly line produced of 40th Street, measured along said Northwesterly line of Brighton Boulevard; Thence Northeasterly along a straight line parallel with and 290.5 feet distant Northwesterly measured at right angles from said Northwesterly line of Brighton Boulevard a distance of 240 feet to a point; Thence Northwesterly along a straight line at right angles to the last described course a distance of 75 feet to a point; Thence Southwesterly along a straight line at right angles to the last described a distance of 240 feet to a point; Thence Southeasterly along a straight line at right angles to the last described course a distance of 75 feet to the point of beginning,
City and County of Denver, State of Colorado.

EXHIBIT B**Permitted Exceptions**

1. General real estate taxes and assessments for 2016 and subsequent years, a lien not yet due and payable.
2. Leases, and the rights of tenants thereunder as tenants only, set forth in the Certification of Leases of even date herewith from Grantor to Grantee.
3. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 9, 1949

Recording No: Book 6643, page 301

(Affects Parcels Two and Three)

4. Improvements located upon Parcels Two and Three as excepted and excluded by deed recorded December 9, 1949 in Book 6643, Page 301. (Affects Parcels Two and Three)
5. Reservations as set for in deed recorded December 9, 1949 in Book 6643, Page 301. (Affects Parcels Two and Three)
6. The following matters as disclosed on survey prepared by 39 North, Job No. 0100198, dated June 1, 2015:
 - (a) the fact the fence lines do not correspond with the lot lines as shown.
 - (b) Building Wall of the Parcel One improvements encroaches over property line on the north as shown.
 - (c) Public utilities as shown thereon and not lying within a found recorded easement(s).
7. Covenants, conditions and restrictions, the reservation of any and all coal, oil and other minerals and the perpetual and exclusive right to remove the same, as set forth in Warranty Deed recorded September 14, 1944 in Book 5834 at Page 221. (Affects Parcel One)

ALTA/ACSM LAND TITLE SURVEY

PARCEL LOCATED IN THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.

#4201 BRIGHTON BOULEVARD
SHEET 1 OF 2

LEGAL DESCRIPTION:

PARCEL ONE:

THAT PART OF THE NORTHWEST 1/4 AND OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF BRIGHTON BOULEVARD, FORMERLY ST. VINCENT AVENUE, AS SAID ROADWAY WAS ESTABLISHED IN THE RECORDED PLAT OF ST. VINCENT ADDITION, 660 FEET NORTHEASTERLY FROM THE POINT OF INTERSECTION OF THE NORTHEASTERLY LINE OF 40TH STREET AS LIKEWISE ESTABLISHED (PRODUCED NORTHWESTERLY) WITH THE NORTHWESTERLY LINE OF BRIGHTON BOULEVARD; THENCE NORTHWESTERLY AT RIGHT ANGLES TO SAID BRIGHTON BOULEVARD 160.5 FEET TO A POINT; THENCE NORTHEASTERLY PARALLEL WITH BRIGHTON BOULEVARD 391.33 FEET TO A POINT; THENCE SOUTHEASTERLY 160.5 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID BRIGHTON BOULEVARD; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF BRIGHTON BOULEVARD A DISTANCE OF 391.33 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL TWO:

BEGINNING AT A POINT THAT IS 190.5 FEET DISTANT NORTHWESTERLY FROM THE NORTHWESTERLY LINE OF BRIGHTON BOULEVARD, FORMERLY ST. VINCENT AVENUE AS SAID ROADWAY WAS ESTABLISHED IN THE RECORDED PLAT OF ST. VINCENT ADDITION MEASURED ALONG A STRAIGHT LINE AT RIGHT ANGLES THERETO FROM A POINT THEREON THAT IS 660 FEET NORTHEASTERLY FROM THE POINT OF INTERSECTION OF THE NORTHEASTERLY LINE OF 40TH STREET AS LIKEWISE ESTABLISHED (PRODUCED NORTHWESTERLY) WITH THE NORTHWESTERLY LINE OF BRIGHTON BOULEVARD, AS MEASURED ALONG THE SAID NORTHWESTERLY LINE OF BRIGHTON BOULEVARD; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE PARALLEL WITH AND 190.5 FEET DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM SAID NORTHWESTERLY LINE OF BRIGHTON BOULEVARD A DISTANCE OF 391.33 FEET TO A POINT; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 175 FEET TO A POINT; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 391.33 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 175 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PORTION THEREOF AS DESCRIBED IN THE DEED RECORDED FEBRUARY 20, 1975 IN BOOK 1013 AT PAGE 553, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL THREE:

A PARCEL OF LAND DESCRIBED IN THE DEED RECORDED FEBRUARY 20, 1975 IN BOOK 1013 AT PAGE 553, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATE IN THE NORTH 1/2 OF THE SOUTHWEST 1/4 AND IN THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., TO-WIT: BEGINNING AT A POINT THAT IS 290.5 FEET DISTANT NORTHWESTERLY FROM THE NORTHWESTERLY LINE OF BRIGHTON BOULEVARD, MEASURED ALONG A STRAIGHT LINE AT RIGHT ANGLES THERETO AT A POINT THEREON THAT IS 660.0 FEET DISTANT NORTHEASTERLY FROM THE NORTHEASTERLY LINE PRODUCED OF 40TH STREET, MEASURED ALONG SAID NORTHWESTERLY LINE OF BRIGHTON BOULEVARD; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE PARALLEL WITH AND 290.5 FEET DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM SAID NORTHWESTERLY LINE OF BRIGHTON BOULEVARD A DISTANCE OF 240 FEET TO A POINT; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 75 FEET TO A POINT; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 240 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

AS SURVEYED LEGAL DESCRIPTION OF PARCEL ONE:

A PARCEL OF LAND LOCATED IN THE WEST 1/2 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD WHENCE THE EAST 1/4 CORNER OF SAID SECTION 23 BEARS S87°54'01"E A DISTANCE OF 3,142.78 FEET; THENCE S44°35'30"W ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD, 391.38 FEET; THENCE DEPARTING FROM SAID NORTHWESTERLY RIGHT-OF-WAY LINE N45°24'30"W, 160.50 FEET TO THE SOUTHEASTERLY LINE OF A TRACT OF LAND OWNED BY THE UNION PACIFIC RAILROAD; THENCE N44°35'30"E ALONG SAID SOUTHEASTERLY LINE, 391.38 FEET; THENCE DEPARTING FROM SAID SOUTHEASTERLY LINE S45°24'30"E, 160.50 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

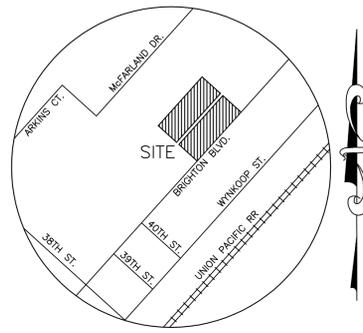
THE ABOVE DESCRIBED PARCEL CONTAINS 62,817 SQUARE FEET OR 1.4421 ACRES MORE OR LESS.

AS SURVEYED LEGAL DESCRIPTION OF PARCELS TWO AND THREE:

A PARCEL OF LAND LOCATED IN THE WEST 1/2 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 365.50 FEET NORTHWEST OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD, MEASURED AT RIGHT ANGLES FROM SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD, WHENCE THE WEST 1/4 CORNER OF SAID SECTION 23 BEARS S85°44'55"W A DISTANCE OF 1,613.77 FEET; THENCE N44°35'30"E PARALLEL WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD, 391.38 FEET; THENCE S45°24'30"E, 175.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF A TRACT OF LAND OWNED BY THE UNION PACIFIC RAILROAD; THENCE S44°35'30"W ALONG SAID NORTHWESTERLY LINE, 391.38 FEET; THENCE DEPARTING FROM SAID NORTHWESTERLY LINE N45°24'30"W, 175.00 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 68,492 SQUARE FEET OR 1.5724 ACRES MORE OR LESS.



VICINITY MAP
NOT TO SCALE

CERTIFICATE OF SURVEY:

TO: HUNT FAMILY PARTNERSHIP LLLP, A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP; WESTFIELD-AMEN, LLLP, A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP; AND 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 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, 6(a), 6(b), 7(a), 8, 9, 10, 11(a), 13, 16, 17 AND 18 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON NOVEMBER 21, 2014 (ADDITIONAL FIELD WORK COMPLETED ON JANUARY 11, 2016).

DATE OF PLAT OR MAP: NOVEMBER 25, 2014
REVISED MAY 6, 2015
REVISED JANUARY 12, 2016

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



ALTA/ACSM NOTES:

- MAXIMUM POSITIONAL TOLERANCE OF CORNERS IS 0.07 FEET PLUS 50 PARTS PER MILLION.
- AREA OF PROPERTY (ALL PARCELS COMBINED) 131,309 SQUARE FEET OR 3.0145 ACRES MORE OR LESS.
- PROPERTY IS WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS PER FIRM MAP NO. 0800460088H DATED NOVEMBER 20, 2013.
- SURVEYOR RELIED UPON THE TITLE REPORT PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 508-F0500402-017-TLM, AMENDMENT NO. 10, WITH AN EFFECTIVE DATE OF JANUARY 4, 2016, FOR THE PREPARATION OF THIS SURVEY.

THREE (3) STANDARD PARKING SPACES AND NO HANDICAPPED PARKING SPACES EXIST ON THE PROPERTY. PARKING BLOCKS EXIST ON THE PROPERTY BUT NOT STRIPED PARKING DELINEATING SPACING ADJACENT TO SAID BLOCKS.

NOTE: AS PER ZONING CODE, NO PARKING ALLOWED BETWEEN BUILDING AND PRIMARY STREET. THE SURVEYOR WOULD INTERPRET THE BUILDING USE AS "COMMERCIAL LOW" AS PER THE ZONING CODE AND THERE ARE NO PARKING REQUIREMENTS FOR THIS DESIGNATION. PLEASE NOTE THAT THIS IS THE SURVEYORS OPINION BASED ON THE EXISTING USE OF THE BUILDINGS.

BASIS OF BEARINGS: AN ASSUMED BEARING OF N89°42'42"E BEING THE EAST-WEST CENTERLINE OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BETWEEN TWO FOUND MONUMENTS 5,285.12 FEET APART AS SHOWN ON ACCOMPANYING SURVEY.

THERE IS NO EVIDENCE OF PARTY WALLS ON THE PROPERTY. ALL WALLS ARE INDEPENDENT FREE STANDING WALLS.

THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK OR BUILDING CONSTRUCTION AT THE TIME OF SURVEY.

THERE IS NO PROPOSED CHANGES IN THE STREET RIGHT-OF-WAY. THERE IS PROPOSED IMPROVEMENTS TO BRIGHTON BOULEVARD BUT THE PROPOSED IMPROVEMENTS WILL NOT AFFECT THE EXISTING LOCATION OF THE RIGHT-OF-WAY.

THERE IS NO EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

SURVEY NOTES:

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.

ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS 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.

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

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.

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

SCHEDULE B-II EXCEPTIONS:

- STANDARD EXCEPTIONS
- INTENTIONALLY DELETED
- INTENTIONALLY DELETED
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- INTENTIONALLY DELETED
- PARCELS TWO AND THREE ARE SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, SOURCE OF INCOME, GENDER, GENDER IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT RECORDED DECEMBER 9, 1949, IN BOOK 6643, PAGE 301 (AFFECTS PROPERTY- GENERAL DOCUMENT- NOT SHOWN ON SURVEY).
- PARCELS TWO AND THREE ARE SUBJECT TO IMPROVEMENTS LOCATED UPON PARCELS TWO AND THREE AS EXPECTED AND EXCLUDED BY DEED RECORDED DECEMBER 9, 1949 IN BOOK 6643, PAGE 301 (AFFECTS PROPERTY- GENERAL DOCUMENT- NOT SHOWN ON SURVEY).
- PARCELS TWO AND THREE ARE SUBJECT TO RESERVATIONS AND RESTRICTIONS AS SET FOR IN DEED RECORDED DECEMBER 9, 1949 IN BOOK 6643, PAGE 301 (AFFECTS PROPERTY- GENERAL DOCUMENT- NOT SHOWN ON SURVEY).
- LACK OF ACCESS TO AND FROM A PUBLIC ROAD, HIGHWAY OR STREET AS TO PARCEL TWO AND THREE (ACCESS TO PARCEL TWO AND THREE EXISTS TO AND FROM BRIGHTON OVER THE EXISTING PARCEL ONE AND OVER THE EXISTING RAILROAD PARCEL- NO EASEMENT FOR INGRESS/EGRESS FOR ACCESS IN COMMITMENT- AS SHOWN ON SURVEY).
- INTENTIONALLY DELETED
- PARCEL ONE IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS, THE RESERVATION OF ANY AND ALL COAL, OIL AND OTHER MINERALS AND THE PERPETUAL AND EXCLUSIVE RIGHT TO REMOVE THE SAME, AS SET FORTH IN WARRANTY DEED RECORDED SEPTEMBER 14, 1944, IN BOOK 5834 AT PAGE 221 (AFFECTS PARCEL ONE- NOT SHOWN ON SURVEY).

- REVISED 5-6-15: AS PER ATTORNEY'S COMMENTS
- REVISED 1-12-16: UPDATED CERTIFICATION; NEW COMMITMENT

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 _____



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JOB#0100198

1.Consistency with Adopted Plans

This proposed official map amendment is consistent with the following relevant adopted plans that relate to this 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 on along this portion of Brighton Blvd., changing from I-A 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 change from I-A to I-MX-8 is totally consistent with this strategy.
- **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 on the east side 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 as well as continuing some 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. The map shows "industrial" use, but it also shows industrial mixed use immediately adjacent, which would indicate compatibility for industrial mixed use at the location. **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 may 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.

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., and is certainly a consistent use for the properties on the west side of Brighton.

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: The properties will become I-MX-8, furthering uniformity. This rezoning will result in regulations and restrictions that are uniform throughout the properties that make up the proposed map amendment area.

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 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 of Property

Parcel: 0223200049000

That part of the Northwest $\frac{1}{4}$ and of the Southwest $\frac{1}{4}$ of Section 23, Township 3 South, Range 68 West of the 6th Principal Meridian, described as follows:

Beginning at a point on the Northwesterly line of Brighton Boulevard, formerly St. Vincent Avenue, as said roadway was established in the recorded plat of St. Vincent Addition, 660 feet Northeasterly from the point of intersection of the Northeasterly line of 40th Street as likewise established (produced Northwesterly) with the Northwesterly line of Brighton Boulevard; Thence Northwesterly at right angles to said Brighton Boulevard 160.5 feet to a point; Thence Northeasterly parallel with Brighton Boulevard 391.33 feet to a point; Thence Southeasterly 160.5 feet to a point on the Northwesterly line of said Brighton Boulevard; Thence Southwesterly along said Northwesterly line of Brighton Boulevard a distance of 391.33 feet to the point of beginning,

City and County of Denver, State of Colorado.

Parcel: 0223200182000

Beginning at a point that is 190.5 feet distant Northwesterly from the Northwesterly line of Brighton Boulevard, formerly St. Vincent Avenue as said roadway was established in the recorded plat of St. Vincent Addition measured along a straight line at right angles thereto from a point thereon that is 660 feet Northeasterly from the point of intersection of the Northeasterly line of 40th Street as likewise established (produced Northwesterly) with the Northwesterly line of Brighton Boulevard, as measured along the said Northwesterly line of Brighton Boulevard; Thence Northeasterly along a straight line parallel with and 190.5 feet distance Northwesterly measured at right angles from said Northwesterly line of Brighton Boulevard a distance of 391.33 feet to a point;

Thence Northwesterly along a straight line at right angles to the last described course a distance of 175 feet to a point; Thence Southwesterly along a straight line at right angles to the last described course a distance of 391.33 feet to a point; Thence Southeasterly along a straight line at right angles to the last described course a distance of 175 feet to the point of beginning, except that portion thereof as described in the Deed recorded February 20, 1975 in Book 1013 at Page 553,

City and County of Denver, State of Colorado.