



**TO:** Denver Planning Board  
Julie Underdahl, Chair

**FROM:** Tim Watkins, Senior City Planner

**DATE:** June 15, 2016

**RE:** Official Zoning Map Amendment Application #2015I-00151 – 3801 Himalaya Road  
Rezoning from B-2 with Waiver and Conditions to S-MX-3

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00151 for a rezoning from B-2 with Waiver and Conditions to S-MX-3 for the property located at 3801 Himalaya Road.

### Request for Rezoning

Application: #2015I-00151  
Address: 3801 Himalaya Road  
Neighborhood/Council District: Gateway / Green Valley Ranch / Council District 11

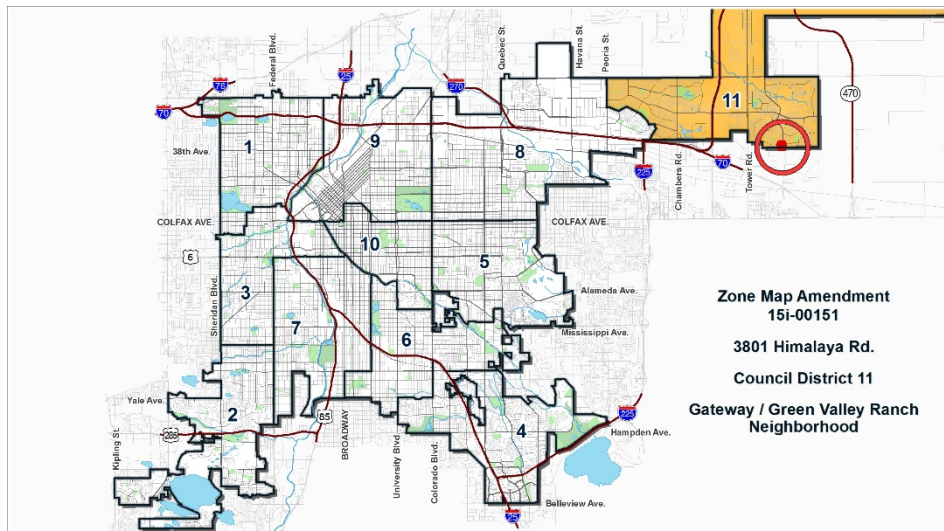
RNOs: Far Northeast Neighbors, Inc.  
Montbello 20/20  
GVR Metropolitan District  
Green Valley Ranch Citizen's Advisory Board  
Inter-Neighborhood Cooperation (INC)  
Northern Corridor Coalition  
Denver Neighborhood Association, Inc.

Area of Property: Total: 4.0 Acres

Current Zoning: B-2 with Waiver and Conditions  
Proposed Zoning: S-MX-3  
Property Owner(s): HC Land Investments, LLC  
Owner Representative: Layla Rosales

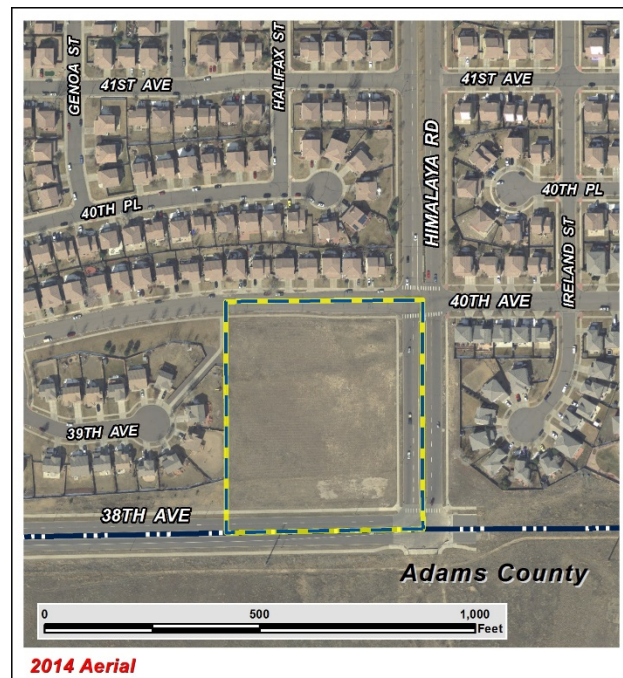
### Summary of Rezoning Request

Located in northeast Denver in Council District 11, this property lies between 38<sup>th</sup> Ave and 40<sup>th</sup> Avenue along Himalaya Road, and lies at the boundary of Denver and Aroura along 38<sup>th</sup> Avenue. The surrounding area north of 38<sup>th</sup> Avenue in Denver is predominantly single family residential in a suburban context, while the property south of this arterial street in Aurora / Adams County is developing as commercial industrial park.



The property owner seeks to rezone the property with the intent of developing residential townhomes at this corner site. The requested zone district is S (Suburban) – MX (Mixed Use) – 3 (3 Story Maximum).

The Mixed Use building form is intended to promote safe, active, pedestrian-scaled diverse areas, and to ensure that new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods within the character of the Suburban Neighborhood Context. Mixed use districts are appropriate along corridors and at major intersections. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).



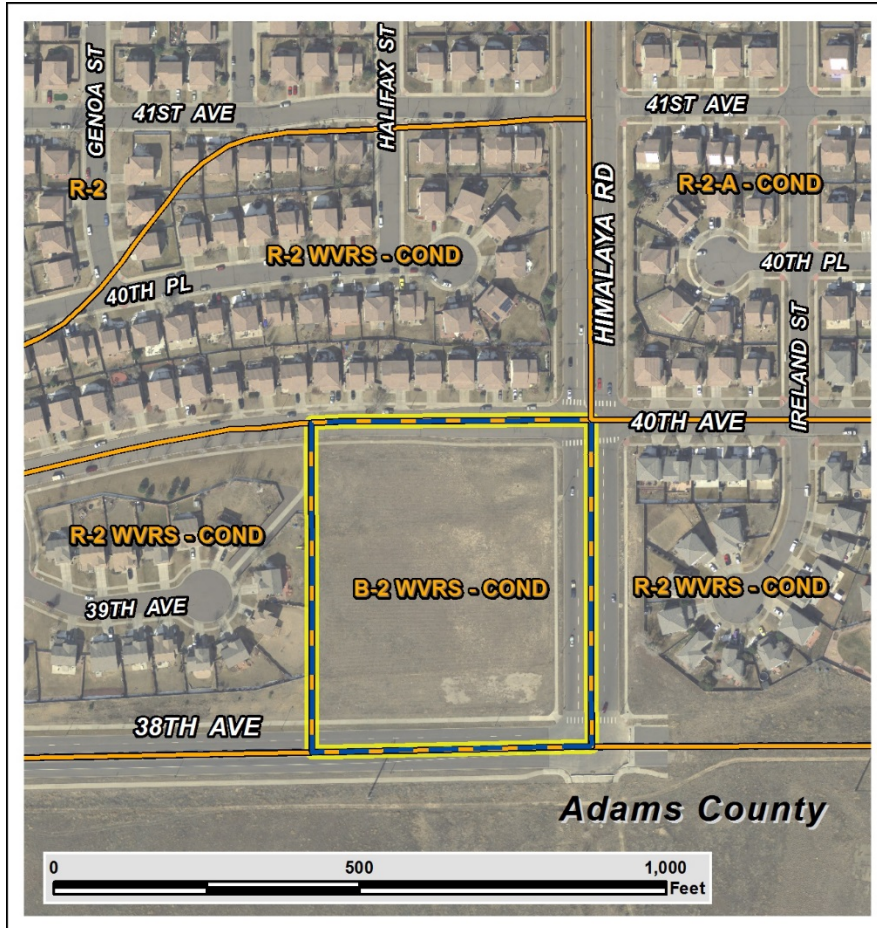
## Existing Context

The property lies at a transition in land use from commercial industrial park fronting an arterial street to the south, to lower scale, suburban residential homes to the north.

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	B2 w W/C	Vacant	N/A	The property lies at the intersection of two arterial streets, including 38 <sup>th</sup> Ave. and Himalaya Road. 38 <sup>th</sup> Ave is the boundary between Denver and Aurora, and divides commercial arterial uses to the south (in Aurora) from residential uses to the north in Denver). 38 <sup>th</sup> currently dead ends at Himalaya road. Suburban single family homes in Denver back to Himalaya Road, and are directly accessed by local streets that connect to the arterial streets via collector streets along 40 <sup>th</sup> Ave and Ensenada St.
North	R-2 w W/C	Single Family Homes	1 ½ - 2 Stories	
South	(Aurora City Industrial Zoning)	Commercial Industrial	1 – 2 Stories (with tall ceiling heights)	
East	R-2 w W/C	Single Family Homes	1 ½ - 2 Stories	
West	R-2 w W/C	Single Family Homes	1 ½ - 2 Stories	

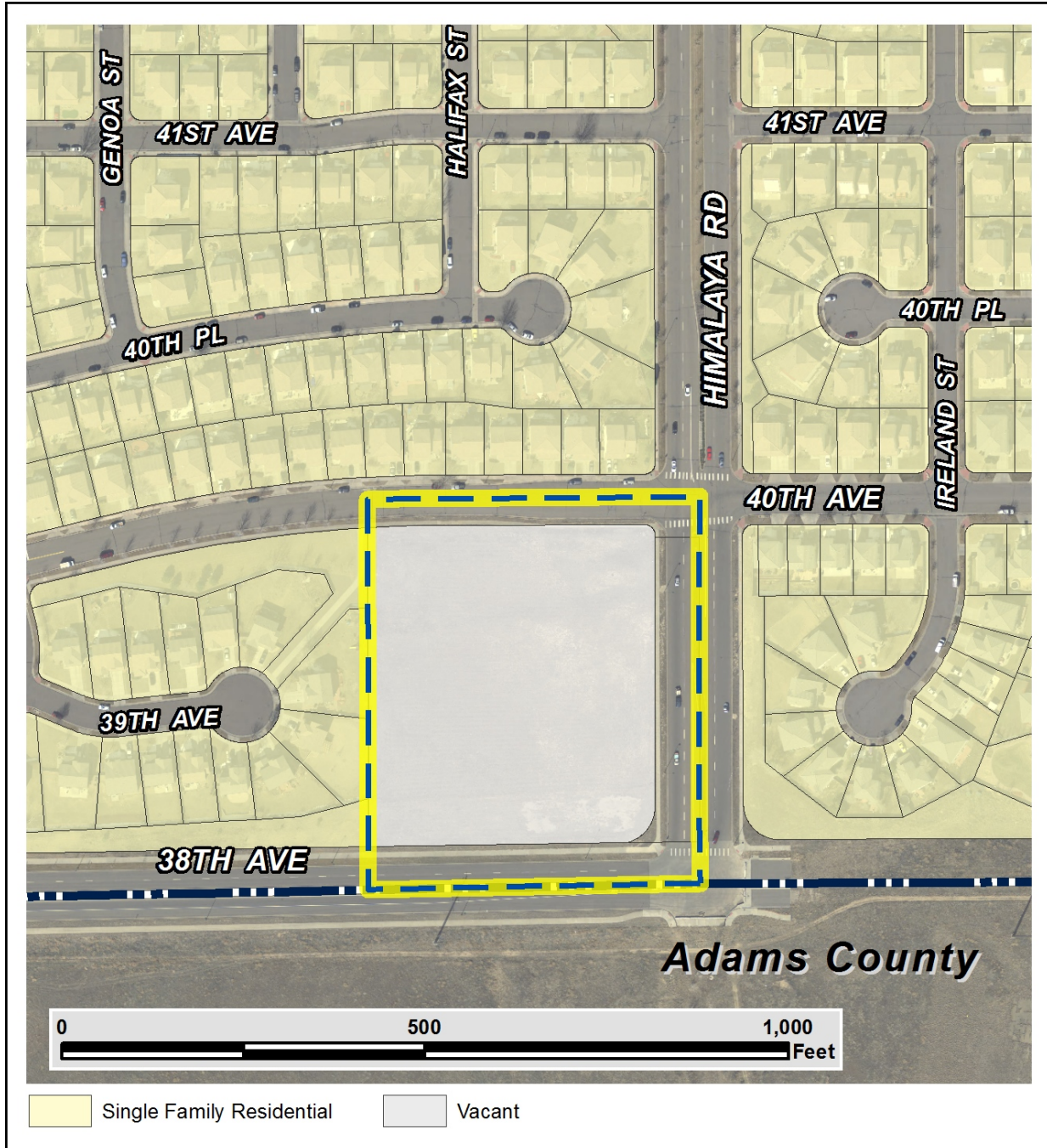
### 1. Existing Zoning



The current zoning of B-2 with Waivers and Conditions allows for business uses intended to provide services and goods to satisfy the needs of surrounding residential neighborhoods, and allows for multiple family and single family residential dwelling units. The property rezoned from B-4 to B-2 with waivers and conditions in 2000 based on changing conditions and the general agreement at the time that a business park was no longer feasible in this area. The waivers exclude multi-unit residential and drive through services. Conditions require a 30 ft. landscaping strip along 38<sup>th</sup> Avenue.



## 2. Existing Land Use Map



### 3. Existing Building Form and Scale



*Site at 38<sup>th</sup> Ave and Himalaya Road (vacant land)*



*North – Single family residential (1.5 to 2 stories)*



**West (left side of image)**– Single family residential (1.5 to 2 stories). Homes back to Himalaya with a substantial landscape setback between homes and the arterial street. **South (right side of image)** – Emerging commercial industrial / warehouse development in Aurora (1 – 2 tall ceiling stories).



**East** – Single family residential at the corner of 38<sup>th</sup> Ave and Himalaya St. (1.5 to 2 stories). Homes back to Himalaya with a substantial landscape setback between homes and the arterial street.

## 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:

**Parks and Recreation:** Approved – No Comments

**Public Works – City Surveyor:** Approved no Comments

## Public Review Process

- CPD staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on March 15<sup>th</sup>, 2016.
- The property has been legally posted for a period of 15 days announcing the July 6<sup>th</sup>, 2016 Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- Following Planning Board review, the rezoning application will be referred to the Planning and Neighborhoods Committee of the City Council for review at a public meeting. The Committee meeting is tentatively scheduled for July 20<sup>th</sup>, 2016.
- Following Council committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.
  
- **Applicant Outreach to Registered Neighborhood Organizations (RNOs)**
  - The applicant has reached out to the applicable neighborhood organizations listed on the cover page of this report, and held outreach meetings to engage surrounding residents and discuss development and rezoning proposals. Staff attended one of the meetings to respond to questions related to zoning and the rezoning process.
  - Three letters of support have been received, and an email string of opposition with comments from 6 individuals or 5 households, plus one additional letter of opposition from one of the opposing group .
  - Letters of support express support for the rezoning based on developer commitments to specific development features / design standards, and support based on a desire to see the vacant corner use for compatible residential townhome use.
  - Opposing emails raise concern about increasing density from a single family use to a townhome development density, and that this development would add too much traffic to the neighborhood. The current B-2 Zoning with W/C is preferred to allow for desired commercial uses (and ratio of open space).

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

### **DZC Section 12.4.10.7**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

### **DZC Section 12.4.10.8**

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)

### **Denver Comprehensive Plan 2000**

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

**Environmental Sustainability Strategies:** 2-F: Promoting infill development within Denver at sites where services and infrastructure are already in place

**Land Use Strategies:** 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.

**Neighborhood Strategies:** 1-F – Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility.

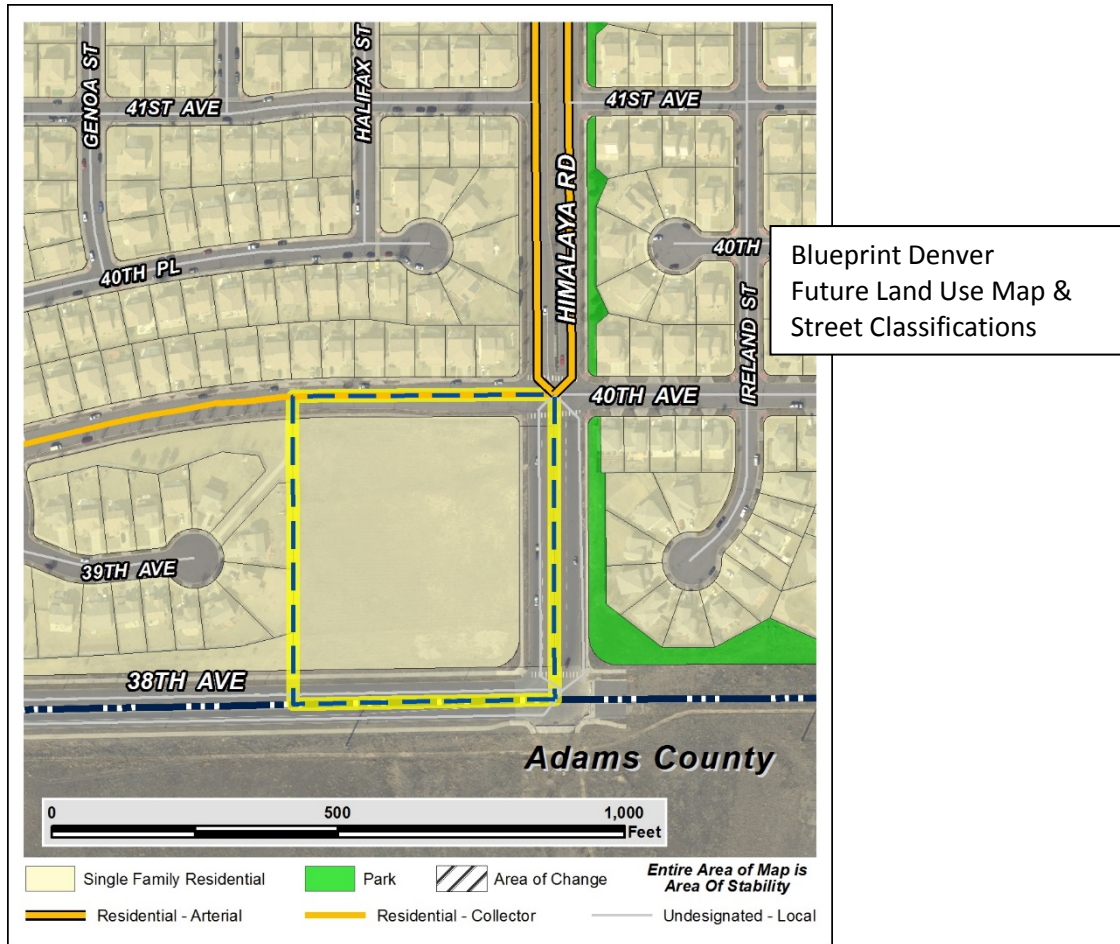
The proposed map amendment will enable residential development at an infill location where services and infrastructure are already in place and to enable new development contributes positively to established residential neighborhoods and character, and that improves the transition between commercial development and adjacent residential neighborhoods within the character of the Suburban Neighborhood Context. The rezoning is consistent with these plan recommendations.



### Blueprint Denver

According to the 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



The Blueprint Denver Future Land Use for the property is 'Single Family Residential' in an 'Area of Stability.' Single family homes are the predominant residential type in this Land Use Area, (pgs 41-42), with neighborhood-wide densities averaging less than 10 units per acre, and often less than six units per acre. Single family neighborhoods are defined under a broader category of Residential Areas and Neighborhoods, which Blueprint Denver states: "A neighborhood is an area that consists primarily of residential land uses. A city should contain neighborhoods that offer a variety of housing types, as well as complementary land-use types such as stores, parks and schools that provide the basic needs of nearby residents . . . Neighborhoods are primarily residential but vary in density, size and adjacency of non-residential uses" (Page 41).

When paired with Blueprint Denver and City of Denver Street Classifications the proposed S-MX-3 zone district is compatible with the single family residential land use designation because of the greater

intensity and capacity of streets fronting the subject site. 40<sup>th</sup> Avenue is classified as a Residential Collector Street in Blueprint Denver Himalaya Road and 38<sup>th</sup> Avenue are classified as arterial streets by Denver Public Works (see map above and section on pg. 10, below).

The S-MX-3 zone district is intended to enable new development contributes positively to established residential neighborhoods and character, and that improves the transition between commercial development and adjacent residential neighborhoods within the character of the Suburban Neighborhood Context. The zone district allows for a variety of lower-scale general and residential building forms that enable the variety of types and density called for by Blueprint Denver. The S-MX-3 zone district is especially appropriate along arterial streets at an intersection that serves residential and emerging commercial industrial uses. S-MX-3 would provide a transitional mixed use between the intensity of commercial industrial uses to the south (as well as arterial streets on the south and east), and the single family residential to the north, west and east of the site.

### **Area of Change / Area of Stability**

The site lies within in an Area of Stability. Blueprint Denver's Areas of Stability are intended to maintain the character of an area while accommodating some new development and redevelopment. The rezoning application is consistent with the Blueprint Denver Areas of Stability because it will enable minor infill development that is compatible with the existing residential character of the neighborhood to the east, and transition to the commercial industrial development south of 38<sup>th</sup> Ave.

### **Street Classifications**

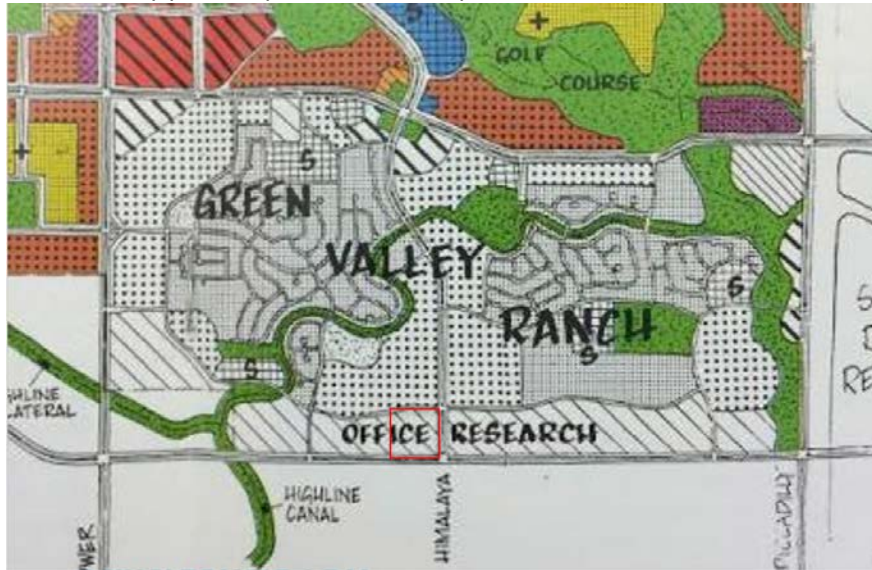
The property fronts Franklin Street to the north, a Residential Collector Street, as well as 38<sup>th</sup> Avenue and Himalaya Road which are classified by Denver Public Works as arterial streets. According to Blueprint Denver, "collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas (pg 51). A residential collector streets is designed to emphasize walking, bicycling and land access over mobility. Residential streets are intended to be pedestrian oriented, giving a higher priority to landscaped medians, tree lawns, sidewalks, on-street parking and bicycle lanes.

Arterial streets connect neighborhoods to regional destinations and corridors of travel. Himalaya Road connects north to Green Valley Ranch Boulevard and 56<sup>th</sup> Avenue, while 38<sup>th</sup> Avenue connects west to Tower Road and Pena Boulevard via 40<sup>th</sup> Avenue. These corridors of travel provide convenient connections to DIA and I-70. 38<sup>th</sup> Avenue is shown connecting east to Picadilly Road in the Denver Strategic Transportation Plan on pgs. 33 and 34 as a future project. It is also shown in Aurora's Travel Framework Plan as a future major arterial street connection.

The S-MX-3 zone district is consistent with the Blueprint Denver future street classification of 40<sup>th</sup> Avenue as a residential Collector Street and 38<sup>th</sup> Ave and Himalaya Road as arterial streets. The proposed map amendment will support appropriate infill development in an area that Blueprint Denver identifies as single family residential, yet is bounded by Collector and arterial streets at the land use transition from residential to commercial industrial uses south of 38<sup>th</sup> Avenue.

**Gateway Concept Plan (1990, Amended in 1993)**

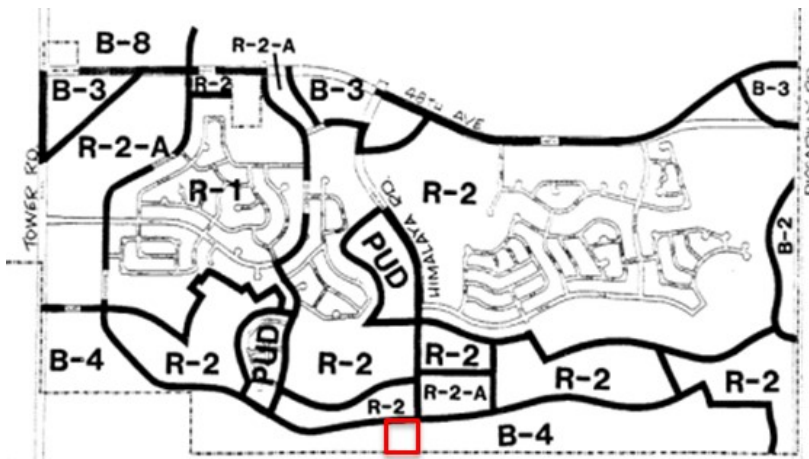
The Gateway plan map shows a concept land use of Office Research Park between 38<sup>th</sup> Ave and 40<sup>th</sup> Ave



**Montbello / Green Valley Ranch Neighborhood Plan (1991)**

The neighborhood existing zoning map (below) from pg. 12 shows B-4 between 38<sup>th</sup> Ave and Himalaya Road, with R-2 and R-2-A north of 40<sup>th</sup> Ave.

- B-4 is described as General Business District, intended for a variety of consumer and business services adjacent to arterial streets and abutting residential districts.
- R-2 is defined as Single and Multi-Unit Dwellings, Low Density at 14.5 DU's / acre.
- R-2-A is described as Multi-Unit Dwellings, Medium Density at 21.8 to 29 DU's / acre, depending on open space requirements.



The S-MX-3 zone district is consistent with these plan recommendations given the permitted mix of commercial and residential uses that are well-suited along arterial collector streets, and that are

intended to support a land use transition from more intensive commercial areas and arterial streets to residential areas.

## **2. 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.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the City's adopted land use plans.

## **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "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." This is an appropriate justifying circumstance for the proposed rezoning.

The following changed or changing conditions to the site and surrounding area apply:

- New commercial industrial uses have recently developed south of 38<sup>th</sup> Ave, with additional projects underway as part of an industrial business park in Aurora.
- The site has remained vacant since the development of single family residential occurred to the west, north and east from 1999 until 2002. The emergence of commercial industrial land to the south does not further support local demand for neighborhood serving commercial uses on the site.

## **5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements**

The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Commercial buildings are typically separated from residential, with single-unit residential uses that are primarily located away from arterial streets. The street and block pattern consists of block shapes surrounded curvilinear streets within a modified or non-existent grid, sometimes with cul-de-sacs and typically no alleys. Commercial buildings may have varying orientation and typically have deep front and side setbacks to accommodate landscaping and parking. The proposed rezoning to S-MX-3 is consistent with the Suburban neighborhood context description.

The Suburban context associated with the S-MX-3 zone district is intended to provide transitional mixed uses between the intensity of commercial uses, such as from commercial industrial uses to the south (and arterial streets on the south and east), to the single family residential to the north, west and east of



the site. The S-MX-3 zone district is intended to promote safe, active, pedestrian-scaled diverse areas, and to ensure that new development contributes positively to established residential neighborhoods and character. See DZC Section 3.2.4.1.

The Suburban Gateway Concept Plan and the Montbello / Green Valley Ranch Neighborhood plans encourage commercial and/or mixed use residential development between 38<sup>th</sup> Ave and 40<sup>th</sup> Ave. Blueprint Denver recognizes the potential for a variety of housing types and complementary land-use types, including complementary stores, parks and schools that provide for the needs of nearby residents. Blueprint Denver also provides a street classification for 40<sup>th</sup> Ave of Residential Collector which is intended to balance mobility with adjacent land use access, while 38<sup>th</sup> Ave and Himalaya Road are recognized by Public Works as Arterial Streets. The concept land use of these plans, the street classifications, and the existing land use context of commercial industrial uses at the intersection of 38<sup>th</sup> Ave and Himalaya Road are consistent with the purpose and intent of the S-MX-3 zone district as described in Article 3.1 of the Denver zoning Code.

### Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3801 Himalaya Road from B-2 with Waivers and Conditions to S-MX-3 meets the requisite review criteria. Accordingly, staff recommends that Planning Board recommend *approval of this rezoning application to City Council*.

### Attachments

1. Application
2. Correspondence

## 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><b>*If More Than One Property Owner:</b>            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><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></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><b>Justifying Circumstances - One of the following circumstances exists:</b></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.
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<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	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
Please list any additional attachments:	

**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)
<b>EXAMPLE</b> 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
Layla Rosales Terracina Design	10200 E. Girard Avenue A-314 Denver, Colorado 80231 (303) 632-8867 lrossales@terracinadesign.	100%	<i>[Signature]</i>	03/04/16	(C)	YES
				03/04/16	(C)	
				03/04/16	(C)	
				03/04/16	(C)	
				03/04/16	(C)	

Last updated: February 4, 2015

 Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)



Legal Description

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN; CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 22;

THENCE NORTH 83°24'47" WEST, A DISTANCE OF 460.32 FEET TO A POINT ON THE EAST BOUNDARY OF GREEN VALLEY RANCH FILING NO. 33, BEING THE SOUTHEAST CORNER OF TRACT F OF SAID GREEN VALLEY RANCH FILING NO. 33, AS PLATTED UNDER RECEPTION NUMBER 2001005856 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER, ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 00°00'25" EAST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 439.12 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF 40TH AVENUE, AS PLATTED IN GREEN VALLEY RANCH FILING NO. 20 UNDER RECEPTION NUMBER 9700088416 IN SAID RECORDS, BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1,965.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 03°09'39" EAST;

THENCE, ALONG SAID SOUTHERLY RIGHT-OF-WAY, THE FOLLOWING THREE (3) COURSES;

1. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°10'03", AN ARC LENGTH OF 108.63 FEET;
2. SOUTH 89°59'35" EAST, A DISTANCE OF 273.72 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 15.00 FEET;
3. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 23.56 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER 2004256582 IN SAID RECORDS;

THENCE, ALONG THE WESTERLY AND NORTHERLY BOUNDARY OF SAID PARCEL, THE FOLLOWING THREE (3) COURSES;

1. SOUTH 00°00'22" WEST, A DISTANCE OF 371.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 50.00 FEET;
2. SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°05'29", AN ARC LENGTH OF 77.75 FEET;
3. SOUTH 89°05'51" WEST, A DISTANCE OF 348.14 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 3.988 ACRES, (173,726 SQUARE FEET), MORE OR LESS.

This consent authorizes Layla Rosales of Terracina Design, LLC to represent HC Land Investments, LLC in all matters concerning the Rezone Application for the real property known as 3801 Himalaya Road Denver, CO 80249 or more particularly described on Exhibit A.

By: Robert M Evans, Sr Vice President Date: 2-17-2016

State of: Nevada

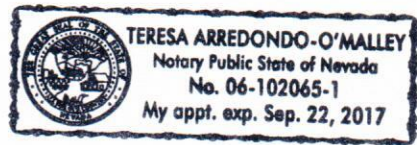
County of: Clark

Acknowledged before me this 17<sup>th</sup> day of February, 2016 by

Robert M. Evans as Sr. Vice President.  
(Name) (Title)

Witness my hand and official Seal:

Teresa Arredondo-O'Malley  
Notary Public



My Commission Expires: 09/22/2017

**EXHIBIT A**

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN; CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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3. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 23.56 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER 2004256582 IN SAID RECORDS;

THENCE, ALONG THE WESTERLY AND NORTHERLY BOUNDARY OF SAID PARCEL, THE FOLLOWING THREE (3) COURSES;

1. SOUTH 00°00'22" WEST, A DISTANCE OF 371.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 50.00 FEET;
2. SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°05'29", AN ARC LENGTH OF 77.75 FEET;
3. SOUTH 89°05'51" WEST, A DISTANCE OF 348.14 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 3.988 ACRES, (173,726 SQUARE FEET), MORE OR LESS.

**STATEMENT OF AUTHORITY**  
**(Section 38-30-172, C.R.S.)**

1. This Statement of Authority relates to an entity named HC Land Investments LLC.
2. The type of entity is a limited liability company.
3. The entity is formed under the laws of the State of Colorado.
4. The mailing address for the entity is 4908 Tower Road, Denver, Colorado 80249.
5. The names of the persons authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity are Lawrence D. Canarelli, President, or Robert M. Evans, Senior Vice President, each with the authority to act individually.
6. The authority of the foregoing person to bind the entity is not limited.
7. Other matters concerning the manner in which the entity deals with interests in real property: None
- 8.<sup>1</sup> This Statement of Authority is executed on behalf of the entity pursuant to the provisions of Sec. 38-30-172, C.R.S.

Executed this 16 day of August, 2013.

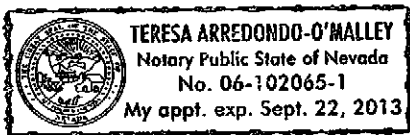
HC LAND INVESTMENTS LLC

By: Robert M. Evans  
 Robert M. Evans, Senior Vice President

STATE OF \_\_\_\_\_ )  
 ) ss.  
 COUNTY OF Nevada )

The foregoing instrument was acknowledged before me this 16 day of August, 2013, by Robert M. Evans, Senior Vice President.

Witness my hand and official seal.



Teresa Arredondo-O'Malley  
 Notary Public  
 My commission expires: 09/22/2013

<sup>1</sup> The statement of authority must be recorded to obtain the benefits of the statute.





Stewart Title Guaranty Company Commercial Services  
(Denver)  
55 Madison Street Suite 400  
Denver, CO 80206

**Date:** January 28, 2016  
**File Number:** 16000310048  
**Property:** 3801 Himalaya Road, Denver, CO

**Please direct all Title inquiries to:**

Laura Rihel  
**Phone:** (303) 780-4041  
**Email Address:** LRihel@stewart.com

**SELLER:**

HC Land Investments LLC, a Colorado limited liability  
company

**LISTING AGENT:**

Terracina Design  
10200 East Girard Avenue, Suite A-314  
Denver, CO 80231  
Attn: Layla Rosales  
Phone: 303.632.8867  
Email: lrosales@terracinadesign.com  
Delivery Method: Emailed

**ATTACHED PLEASE FIND THE FOLLOWING:**

Linked Title Commitment

***We Appreciate Your Business and Look Forward to Serving You in the Future.***

**ALTA Commitment Form**  
**COMMITMENT FOR TITLE INSURANCE**  
Issued by  
**STEWART TITLE GUARANTY COMPANY**

STEWART TITLE GUARANTY COMPANY, a Texas Corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Countersigned by:

  
Authorized Countersignature

**stewart**  
title guaranty company



  
Matt Morris  
President and CEO

Stewart Title Guaranty Company  
Commercial Services (Denver)  
55 Madison Street Suite 400  
Denver, CO 80206  
(303) 331-0333  
Agent ID: 06J050

  
Denise Carraux  
Secretary



## CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.*

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252.

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File No. 16000310048  
004-UN ALTA Commitment (6/17/06)



COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A

File No.: 16000310048

1. **Effective Date:** January 22, 2016, at 5:30 PM

2. **Policy or Policies to be issued:**

**Amount of Insurance**

(a) A.L.T.A. Owner's Policy

(b) A.L.T.A. Loan Policy

3. **The estate or interest in the land described or referred to in this Commitment and covered herein is:**

Fee Simple

4. **Title to the referenced estate or interest in said land is at the effective date hereof vested in:**

HC Land Investments LLC, a Colorado limited liability company

5. **The land referred to in this Commitment is described as follows:**

See Attached Legal Description

Purported Address:  
3801 Himalaya Road  
Denver, CO

**STATEMENT OF CHARGES**

These charges are due and payable  
before a policy can be issued

Informational Commitment  
Informational Commitment Fee: \$500.00

(Sch. # [00224-00-026-000](#))



## SCHEDULE A

### LEGAL DESCRIPTION

A parcel of land being a portion of the Southeast 1/4 of Section 22, Township 3 South, Range 66 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, described as follows:

Beginning at the Southeast corner of said Section 22 whence the South quarter corner of said Section 22 bears South 89° 05'55" West 2638.06 feet;  
Thence along the South line of said Southeast quarter of Section 22 South 89°05'55" West 452.34 feet to the Easterly boundary of Green Valley Ranch Filing No. 33, recorded at Reception No. 2001005856, City and County of Denver records;  
Thence along said Easterly boundary North 00°00'25" East 499.31 feet to the Southerly boundary of Green Valley Ranch Filing No. 20, recorded at Reception No. 9700088416 said City and County of Denver records and the beginning of a non-tangent curve concave Southerly having a radius of 1965.00 feet, the radius point of said curve bears South 03°00'51" East;  
Thence Easterly along said curve through a central angle of 03°01'16" an arc length of 103.61 feet; Thence tangent to said curve South 89°59'35" East 273.72 feet to the beginning of a tangent curve concave Southwesterly having a radius of 15.00 feet;  
Thence Easterly, Southeasterly and Southerly along said curve through a central angle of 90°00'00" an arc length of 23.56 feet;  
Thence non-tangent to said curve South 89°59'35" East 60.00 feet to the Easterly line of said Southeast quarter of Section 22;  
Thence along said Easterly line South 00°00'25" West 479.87 feet to the POINT OF BEGINNING,

EXCEPT that portion conveyed to The City and County of Denver, a Colorado Municipal Corporation in Warranty Deed recorded December 20, 2004, at [Reception Number 2004256582](#),

City and County of Denver,  
State of Colorado

ALSO DESCRIBED AS:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN; CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 22;

THENCE NORTH 83°24'47" WEST, A DISTANCE OF 460.32 FEET TO A POINT ON THE EAST BOUNDARY OF GREEN VALLEY RANCH FILING NO. 33, BEING THE SOUTHEAST CORNER OF TRACT F OF SAID GREEN VALLEY RANCH FILING NO. 33, AS PLATTED UNDER RECEPTION NUMBER 2001005856 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER, ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 00°00'25" EAST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 439.12 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF 40TH AVENUE, AS PLATTED IN GREEN VALLEY RANCH FILING NO. 20 UNDER RECEPTION NUMBER 9700088416 IN SAID RECORDS, BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1,965.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 03°09'39" EAST;

THENCE, ALONG SAID SOUTHERLY RIGHT-OF-WAY, THE FOLLOWING THREE (3) COURSES;



1. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°10'03", AN ARC LENGTH OF 108.63 FEET;
2. SOUTH 89°59'35" EAST, A DISTANCE OF 273.72 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 15.00 FEET;
3. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 23.56 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER 2004256582 IN SAID RECORDS;

THENCE, ALONG THE WESTERLY AND NORTHERLY BOUNDARY OF SAID PARCEL, THE FOLLOWING THREE (3) COURSES;

1. SOUTH 00°00'22" WEST, A DISTANCE OF 371.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 50.00 FEET;
2. SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°05'29", AN ARC LENGTH OF 77.75 FEET;
3. SOUTH 89°05'51" WEST, A DISTANCE OF 348.14 FEET TO THE POINT OF BEGINNING,

CITY AND COUNTY OF DENVER,  
STATE OF COLORADO.



COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B  
PART I

File No.: 16000310048

**The following are the requirements to be complied with:**

1. Payment to or for the account of the grantor(s) or mortgagor(s) of the full consideration for the estate or interest to be insured.
2. Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record:

NONE

NOTE: This product is for informational purposes only. It is not a title insurance product and does not provide any form of coverage. This product is not a guarantee or assurance and does not warrant, or otherwise insure any condition, fact or circumstance. This product does not obligate this Company to issue any policies of title insurance for any subsequent transaction based on the information provided or involving the property described herein. This Company's sole liability for any error(s) relating to this product is limited to the amount that was paid for this product.



COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B  
PART II

File No.: 16000310048

**Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:**

1. Rights or claims of parties in possession, not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land and not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records or listed in Schedule B.
7. Water rights, claims or title to water.
8. Any and all unpaid taxes and assessments and any unredeemed tax sales.
9. Master Declaration of Covenants recorded October 30, 1984 at [Reception 841036850](#).  
NOTE: Assignment of Declarant's Rights recorded October 17, 1996, at [Reception Number 9600144437](#).  
NOTE: Supplemental Declaration recorded December 30, 1998, at [Reception Number 9800219609](#).
10. Denver Water Letter recorded November 24, 1998 at Reception No. [9800197190](#) and at [Reception No. 9800197191](#)
11. Ordinance No. 666 Series 2000 recorded September 8, 2000, at [Reception Number 2000129828](#).
12. Development Agreement Green Valley Ranch North recorded February 28, 2003, at [Reception Number 2003032407](#).
13. Public Service Company of Colorado Easement recorded March 24, 2006, at [Reception Number 2006046841](#)
14. Existing leases and tenancies.



u

**SPECIAL WARRANTY DEED**  
(Denver)

C & H COLORADO LAND INVESTMENTS LLC, a Colorado limited liability company ("Grantor"), with an address of 4908 Tower Road, Denver, Colorado 80249, for good and valuable mutual consideration, the receipt and sufficiency of which are hereby acknowledged, hereby sells and conveys to HC LAND INVESTMENTS LLC, a Colorado limited liability company, with an address of 4908 Tower Road, Denver, Colorado 80249 the real property located in the City and County of Denver, State of Colorado, more particularly described in Exhibit A attached hereto, with all its appurtenances, and warrants the same against all persons claiming by, through, or under the Grantor, subject to taxes and assessments and matters of record.

27

NO DOCUMENTARY FEE DUE. No separate consideration paid - conveyance is made as a contribution to a limited liability company for which Grantor is receiving equivalent value in the form of membership interests in the Grantee.

SIGNED this 27th day of November, 2003.

C & H COLORADO LAND INVESTMENTS LLC,  
a Colorado limited liability company

THIS SPECIAL WARRANTY DEED IS BEING RE-RECORDED TO INCLUDE PARCEL M (GREEN VALLEY RANCH PLANNING PARCEL L), WHICH THE PARTIES INTENDED TO INCLUDE WITH THE ORIGINAL CONVEYANCE.

By: [Signature]  
Thomas J. Mussallem, Chief Financial Officer

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City & County of Denver MD

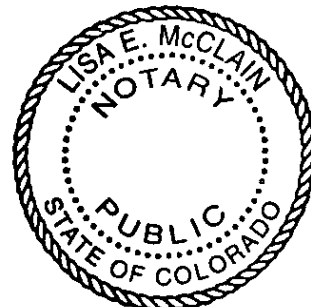
STATE OF COLORADO )  
CITY AND COUNTY OF DENVER) ss.

The foregoing instrument was acknowledged before me this 26th day of November, 2003, by Thomas J. Mussallem, as Chief Financial Officer of C & H Colorado Land Investments LLC, a Colorado limited liability company.

Witness my hand and official seal.

(Notarial Seal)

[Signature]  
Notary Public  
07/19/07



My commission expires: \_\_\_\_\_ My Commission Expires 07/19/2007



90159761

②  
\$131.00



**EXHIBIT A**  
**(Legal Description of Property)**

The following described real property located in the City and County of Denver, Colorado:

**PARCEL A**  
**(GREEN VALLEY RANCH COMMERCIAL SITE (HIMALAYA RD. AND 40TH AVE.))**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

**BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 22 WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION 22 BEARS SOUTH 89°05'55" WEST 2638.06 FEET;**

**THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 22 SOUTH 89°05'55" WEST 452.34 FEET TO THE EASTERLY BOUNDARY OF GREEN VALLEY RANCH FILING NO. 33, RECORDED AT RECEPTION NO. 2001005856 CITY AND COUNTY OF DENVER RECORDS;**

**THENCE ALONG SAID EASTERLY BOUNDARY NORTH 00°00'25" EAST 499.31 FEET TO THE SOUTHERLY BOUNDARY OF GREEN VALLEY RANCH FILING NO. 20, RECORDED AT RECEPTION NO. 9700088416 SAID CITY AND COUNTY OF DENVER RECORDS AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1965.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 03°00'51" EAST;**

**THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°01'16" AN ARC LENGTH OF 103.61 FEET**

**THENCE TANGENT TO SAID CURVE SOUTH 89°59'35" EAST 273.72 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 15.00 FEET;**

**THENCE EASTERLY, SOUTHEASTERLY AND SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC LENGTH OF 23.56 FEET;**

**THENCE NON-TANGENT TO SAID CURVE SOUTH 89°59'35" EAST 60.00 FEET TO THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 22;**

**THENCE ALONG SAID EASTERLY LINE SOUTH 00°00'25" WEST 479.87 FEET TO THE POINT OF BEGINNING.**

**PARCEL B**  
**(GREEN VALLEY RANCH PLANNING PARCEL E-1)**

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 22;**

**THENCE SOUTH 00°00'06" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22 A DISTANCE OF 1223.78 FEET;**

THENCE NORTH 89°05'15" EAST A DISTANCE OF 68.01 FEET TO THE EASTERLY RIGHT-OF-WAY OF TOWER ROAD, AND THE POINT OF BEGINNING;

THENCE NORTH 89°05'15" EAST A DISTANCE OF 391.55 FEET;

THENCE SOUTH 00°00'06" WEST A DISTANCE OF 556.31 FEET;

THENCE SOUTH 89°05'15" WEST A DISTANCE OF 399.55 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF TOWER ROAD;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF TOWER ROAD THE FOLLOWING THREE COURSES:

- 1) NORTH 00°00'06" EAST A DISTANCE OF 0.86 FEET;
- 2) SOUTH 89°59'54" EAST A DISTANCE OF 8.00 FEET;
- 3) NORTH 00°00'06" EAST A DISTANCE OF 555.58 FEET TO THE POINT OF BEGINNING.

**PARCEL C**  
**(GREEN VALLEY RANCH PLANNING PARCEL J)**

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 22 WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 22 BEARS NORTH 89°31'41" EAST 2641.67 FEET, WITH ALL BEARINGS HEREIN BEING REFERENCED TO THIS LINE;

THENCE SOUTH 65°37'07" EAST 1128.35 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF ORCHARD CROSSING III APARTMENTS;

THENCE ALONG THE WESTERLY BOUNDARY OF SAID ORCHARD CROSSING III APARTMENTS BOUNDARY THE FOLLOWING 5 COURSES:

- 1) SOUTH 40°06'18" EAST 79.69 FEET;
- 2) SOUTH 11°08'11" EAST 239.64 FEET;
- 3) SOUTH 45°00'41" WEST 276.41 FEET;
- 4) SOUTH 40°07'52" EAST 480.11 FEET;
- 5) SOUTH 27°39'54" EAST 95.62 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF ARGONNE STREET;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY THE FOLLOWING 3 COURSES:

- 1) SOUTH 62°19'26" WEST 271.06 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 360.69 FEET;

- 2) SOUTHWESTERLY AND SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 62°19'35" AN ARC LENGTH OF 392.36 FEET;
- 3) TANGENT TO SAID CURVE SOUTH 00°00'10" EAST 189.82 FEET TO THE NORTHERLY RIGHT-OF-WAY OF EAST 45TH AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 4 COURSES:

- 1) NORTH 89°59'57" WEST 540.36 FEET;
- 2) NORTH 84°17'35" WEST 100.50 FEET;
- 3) SOUTH 89°59'46" WEST 135.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 15.00 FEET;
- 4) WESTERLY, NORTHWESTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC LENGTH OF 23.56 FEET TO THE EASTERLY RIGHT-OF-WAY OF TOWER ROAD;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY NORTH 00°00'14" WEST 737.37 FEET TO THE SOUTHEASTERLY LINE OF AN EASEMENT TO COLORADO INTERSTATE GAS CORPORATION AS DESCRIBED IN BOOK 1777, PAGE 507 AND BOOK 1982, PAGE 869, CITY AND COUNTY OF DENVER RECORDS;

THENCE ALONG SAID SOUTHEASTERLY LINE NORTH 49°51'27" EAST 1265.81 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL D**  
**(GREEN VALLEY RANCH PLANNING PARCEL M)**

TRACT G, GREEN VALLEY RANCH FILING 24 IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, AS SHOWN ON SAID PLAT RECORDED AT RECEPTION NO. 9900021768 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID CITY AND COUNTY, BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY, AND STATE.

**PARCEL E**  
**(GREEN VALLEY RANCH PLANNING PARCEL P-1)**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE EASTERLY TERMINUS OF THAT CERTAIN CURVE HAVING A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 23.56 FEET, AND A CENTRAL ANGLE OF 90°00'00" AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF 49TH AVENUE, AS SHOWN ON THE PLAT GREEN VALLEY RANCH FILING NO. 34, RECORDED AT RECEPTION NO. 2001129847, IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, AND THE WESTERLY RIGHT-OF-WAY OF HIMALAYA DRIVE, AS SHOWN ON THE PLAT GREEN VALLEY RANCH FILING NO. 32, RECEPTION NO. 2001061337 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING 3 COURSES:

- 1) SOUTH 48°34'32" EAST 469.64 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 640.00 FEET;
- 2) SOUTHEASTERLY ALONG SAID CURVE 510.93 FEET THROUGH A CENTRAL ANGLE OF 45°44'26" TO THE BEGINNING OF A COMPOUND CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 15.00 FEET
- 3) SOUTHWESTERLY ALONG SAID CURVE 24.64 FEET THROUGH A CENTRAL ANGLE OF 94°07'43" TO THE NORTHERLY RIGHT-OF-WAY OF 48TH DRIVE, AS SHOWN ON SAID PLAT GREEN VALLEY RANCH FILING NO. 34;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY AND ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 3 COURSES:

- 1) TANGENT TO SAID CURVE NORTH 88°42'23" WEST 293.68 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 430.00 FEET;
- 2) WESTERLY ALONG SAID CURVE 132.01 FEET THROUGH A CENTRAL ANGLE OF 17°35'23" TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 15.00 FEET
- 3) NORTHWESTERLY ALONG SAID CURVE 22.21 FEET THROUGH A CENTRAL ANGLE OF 84°50'34" TO THE EASTERLY RIGHT-OF-WAY OF HALIFAX WAY, AS SHOWN ON SAID PLAT GREEN VALLEY RANCH FILING NO. 34;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY AND ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING 4 COURSES:

- 1) TANGENT TO SAID CURVE NORTH 21°27'12" WEST 61.55 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 500.00 FEET;
- 2) NORTHWESTERLY ALONG SAID CURVE 236.69 FEET THROUGH A CENTRAL ANGLE OF 27°07'20";
- 3) TANGENT TO SAID CURVE NORTH 48°34'32" WEST 313.74 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 15.00 FEET;
- 4) NORTHERLY ALONG SAID CURVE 23.56 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO SAID SOUTHERLY RIGHT-OF-WAY OF 49TH AVENUE;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY AND ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 2 COURSES:

- 1) TANGENT TO SAID CURVE NORTH 41°25'28" EAST 395.99 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 15.00 FEET;
- 2) EASTERLY ALONG SAID CURVE 23.56 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO THE POINT OF BEGINNING.

**PARCEL F**  
**(GREEN VALLEY RANCH PLANNING PARCEL Q-1)**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 15 AND THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22, WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 22 BEARS SOUTH 89°31'30" EAST, WITH ALL BEARINGS HEREIN BEING REFERENCED TO THIS LINE;

THENCE NORTH 67°11'39" WEST 790.42 FEET TO THE WESTERLY TERMINUS OF THAT CERTAIN COURSE SHOWN AS HAVING A BEARING AND DISTANCE OF "NORTH 88°42'23" WEST 293.69 FEET" ALONG THE SOUTHERLY RIGHT-OF-WAY OF 48TH AVENUE, 60 FEET WIDE, AS SHOWN ON THE PLAT GREEN VALLEY RANCH FILING NO. 34, RECORDED AT RECEPTION NO. 2001129847, IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 2 AS-MEASURED COURSES:

- 1) SOUTH 88°43'23" EAST 293.86 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 15.00 FEET;
- 2) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 94°06'49" AN ARC LENGTH OF 24.64 FEET TO THE WESTERLY RIGHT-OF-WAY OF HIMALAYA ROAD, 120 FEET WIDE, AS SHOWN ON THE PLAT GREEN VALLEY RANCH FILING NO. 32, RECORDED AT RECEPTION NO. 2001061337 IN SAID OFFICE OF THE CLERK AND RECORDER, BEING THE BEGINNING OF A COMPOUND CURVE CONCAVE WESTERLY HAVING A RADIUS OF 640.00 FEET;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY AND ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING 5 COURSES:

- 1) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°01'17" AN ARC LENGTH OF 201.30 FEET;
- 2) TANGENT TO SAID CURVE SOUTH 23°24'43" WEST 48.42 FEET;
- 3) SOUTH 23°42'16" WEST 53.61 FEET TO THE NORTHERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 22;
- 4) CONTINUING SOUTH 23°42'16" WEST 196.99 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 50.00 FEET;
- 5) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'14" AN ARC LENGTH OF 78.54 FEET TO THE NORTHERLY RIGHT-OF-WAY OF 48TH AVENUE, 120 FEET WIDE, AS SHOWN ON THE PLAT GREEN VALLEY RANCH FILING NO. 9, RECORDED AT RECEPTION NO. 022874 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY AND ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 2 COURSES:

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- 1) TANGENT TO SAID CURVE NORTH 66°17'29" WEST 205.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2060.00 FEET;
- 2) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07°30'16" AN ARC LENGTH OF 269.82 FEET TO THE EASTERLY RIGHT-OF-WAY OF 48TH DRIVE, 60 FEET WIDE, AS SHOWN ON SAID PLAT GREEN VALLEY RANCH FILING NO. 34, BEING THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 15.00 FEET;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE EASTERLY AND SOUTHEASTERLY RIGHT-OF-WAY OF SAID 48TH DRIVE THE FOLLOWING 3 AS-MEASURED COURSES:

- 1) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°40'50" AN ARC LENGTH OF 23.22 FEET;
- 2) TANGENT TO SAID CURVE NORTH 14°53'04" EAST 50.79 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 370.00 FEET;
- 3) NORTHEASTERLY ALONG SAID CURVE 493.32 FEET THROUGH A CENTRAL ANGLE OF 76°23'33" TO THE TRUE POINT OF BEGINNING.

**PARCEL G**  
**(GREEN VALLEY RANCH PLANNING PARCEL R-1)**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, THE SOUTHEAST QUARTER OF SECTION 15, THE NORTHEAST QUARTER OF SECTION 22, AND THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22, WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 22 BEARS SOUTH 89°31'30" WEST, WITH ALL BEARINGS HEREIN BEING REFERENCED TO THIS LINE;

THENCE SOUTH 12°55'57" EAST 568.70 FEET TO THE SOUTHWEST CORNER OF GREEN VALLEY RANCH FILING NO. 31, PER PLAT RECORDED AT RECEPTION NO. 2000156602 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY OF EAST 48TH AVENUE AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 9, RECORDED AT RECEPTION NO. 022874 IN SAID OFFICE OF THE CLERK AND RECORDER AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 66°17'29" WEST 545.45 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 3135 AT PAGE 382 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE EASTERLY AND NORTHERLY LINES OF SAID PARCEL THE FOLLOWING 2 COURSES:

- 1) NORTH 23°42'16" EAST 150.00 FEET;
- 2) NORTH 66°17'29" WEST 140.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL, BEING

ALSO A POINT ON THE EASTERLY RIGHT-OF-WAY OF HIMALAYA ROAD AS DESCRIBED IN ORDINANCE NO. 489, SERIES OF 1986, FILED IN THE OFFICE OF THE CITY CLERK AND RECORDER OF SAID CITY AND COUNTY;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, NORTH 23°42'16" EAST 150.92 FEET TO THE NORTHERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 22 AND THE SOUTHEASTERLY CORNER OF HIMALAYA ROAD AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 32, RECORDED AT RECEPTION NO. 2001061337 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF SAID HIMALAYA ROAD THE FOLLOWING 2 COURSES:

- 1) NORTH 23°24'43" EAST 48.72 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 760.00 FEET;
- 2) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°28'50" AN ARC LENGTH OF 192.08 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY AND NON-TANGENT TO SAID CURVE SOUTH 60°51'49" EAST 74.38 FEET;

THENCE NORTH 86°18'26" EAST 191.31 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 100.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 68°14'05" AN ARC LENGTH OF 119.09 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 4389.44 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°56'40" AN ARC LENGTH OF 302.18 FEET;

THENCE NON-TANGENT TO SAID CURVE SOUTH 45°14'46" EAST 128.91 FEET TO THE WESTERLY BOUNDARY OF SAID GREEN VALLEY RANCH FILING NO. 31;

THENCE ALONG SAID WESTERLY BOUNDARY SOUTH 23°42'31" WEST 371.60 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL H**  
**(GREEN VALLEY RANCH PLANNING PARCELS T & A-1)**

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 15, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 15 BEARS NORTH 89°29'24" EAST, WITH ALL BEARINGS HEREIN BEING REFERENCED TO THIS LINE;

THENCE ALONG THE WESTERLY LINE OF SAID NORTHWEST QUARTER NORTH 00°15'08" WEST 594.11 FEET TO THE WESTERLY PROLONGATION OF THE NORTHERLY RIGHT-OF-WAY OF ELMENDORF DRIVE AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 37



RECORDED AT RECEPTION NO. 2003004077 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID CITY AND COUNTY;

THENCE ALONG SAID WESTERLY PROLONGATION AND SAID NORTHERLY RIGHT-OF-WAY, NORTH 89°59'55" EAST 89.87 FEET TO THE EASTERLY RIGHT-OF-WAY OF TOWER ROAD, THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 30.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 00°00'05" WEST, THE NORTHERLY TERMINUS OF SAID CURVE BEING TANGENT WITH A LINE PARALLEL WITH AND DISTANT 60.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM SAID WESTERLY LINE OF THE NORTHWEST QUARTER, AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING 2 COURSES:

- 1) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°44'57" AN ARC LENGTH OF 46.99 FEET;
- 2) ALONG SAID PARALLEL LINE, NORTH 00°15'08" WEST 1005.82 FEET;

THENCE DEPARTING SAID PARALLEL LINE AND SAID EASTERLY RIGHT-OF-WAY NORTH 84°55'36" EAST 215.66 FEET;

THENCE NORTH 75°48'57" EAST 275.59 FEET;

THENCE NORTH 72°57'54" EAST 208.15 FEET;

THENCE SOUTH 59°17'32" EAST 105.82 FEET;

THENCE SOUTH 23°40'53" EAST 300.98 FEET;

THENCE SOUTH 56°19'38" EAST 202.71 FEET;

THENCE SOUTH 21°29'50" EAST 115.31 FEET;

THENCE SOUTH 31°32'53" EAST 135.13 FEET;

THENCE SOUTH 58°49'05" EAST 81.07 FEET TO THE MOST NORTHERLY CORNER OF SAID GREEN VALLEY RANCH FILING NO. 37, ALSO BEING THE NORTHERLY RIGHT-OF-WAY OF ELMENDORF DRIVE, AS SHOWN ON SAID PLAT OF GREEN VALLEY RANCH FILING NO. 37, AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1101.50 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 46°49'11" EAST;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID GREEN VALLEY RANCH FILING NO. 37 AND ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 3 COURSES:

- 1) SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°14'57" AN ARC LENGTH OF 100.91 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1038.50 FEET;
- 2) SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 52°04'03" AN ARC LENGTH OF 943.74 FEET;

3) TANGENT TO SAID CURVE, SOUTH 89°59'55" WEST 324.79 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL I**  
**(GREEN VALLEY RANCH PLANNING PARCEL U)**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER AND THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 15, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 15 BEARS NORTH 89°29'24" EAST, WITH ALL BEARINGS HEREIN BEING REFERENCED TO THIS LINE;

THENCE ALONG THE WESTERLY LINE OF SAID NORTHWEST QUARTER NORTH 00°15'08" WEST 533.71 FEET TO THE WESTERLY PROLONGATION OF THE SOUTHERLY RIGHT-OF-WAY OF ELMENDORF DRIVE, AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 37, RECORDED AT RECEPTION NO. 2003004077 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID CITY AND COUNTY;

THENCE ALONG SAID WESTERLY PROLONGATION AND SAID SOUTHERLY RIGHT-OF-WAY, NORTH 89°59'55" EAST 90.13 FEET TO THE EASTERLY RIGHT-OF-WAY OF TOWER ROAD AND THE TRUE POINT OF BEGINNING;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY AND ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 3 COURSES:

- 1) NORTH 89°59'55" EAST 324.27 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1098.50 FEET;
- 2) EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°56'10" AN ARC LENGTH OF 190.50 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 15.00 FEET;
- 3) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 87°41'02" AN ARC LENGTH OF 22.96 FEET TO THE WESTERLY RIGHT-OF-WAY OF ARGONNE STREET, AS SHOWN ON SAID PLAT OF GREEN VALLEY RANCH FILING NO. 37;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING 4 COURSES:

- 1) TANGENT TO SAID CURVE, SOUTH 12°15'13" EAST 156.68 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 961.99 FEET;
- 2) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°15'07" AN ARC LENGTH OF 205.71 FEET;
- 3) NON-TANGENT TO SAID CURVE SOUTH 00°00'08" EAST 680.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 15.00 FEET;

- 4) SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'03" AN ARC LENGTH OF 23.56 FEET TO THE NORTHERLY RIGHT-OF-WAY OF 51ST AVENUE, AS SHOWN ON SAID PLAT OF GREEN VALLEY RANCH FILING NO. 37;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY AND TANGENT TO SAID CURVE, SOUTH 89°59'55" WEST 566.87 FEET TO THE EASTERLY RIGHT-OF-WAY OF TOWER ROAD AND THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 30.00 FEET, THE NORTHERLY TERMINUS OF SAID CURVE BEING TANGENT WITH A LINE PARALLEL WITH AND DISTANT 60.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 15;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING 4 COURSES:

- 1) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°44'42" AN ARC LENGTH OF 46.99 FEET;
- 2) TANGENT TO SAID CURVE AND ALONG SAID PARALLEL LINE, NORTH 00°15'23" WEST 483.66 FEET TO A LINE PARALLEL WITH AND DISTANT EASTERLY 60.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE WESTERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 15;
- 3) ALONG SAID PARALLEL LINE, NORTH 00°15'08" WEST 503.71 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 30.00 FEET;
- 4) NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°15'03" AN ARC LENGTH OF 47.26 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL J**  
**(GREEN VALLEY RANCH PLANNING PARCEL V)**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 15, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 15 BEARS NORTH 89°29'24" EAST, WITH ALL BEARINGS HEREIN BEING REFERENCED TO THIS LINE;

THENCE ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER SOUTH 00°15'23" EAST 573.27 FEET TO THE WESTERLY PROLONGATION OF THE SOUTHERLY RIGHT-OF-WAY OF 51ST AVENUE AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 37 RECORDED AT RECEPTION NO. 2003004077 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID CITY AND COUNTY;

THENCE ALONG SAID WESTERLY PROLONGATION AND SAID SOUTHERLY RIGHT-OF-WAY, NORTH 89° 59'55" EAST 90.13 FEET TO THE EASTERLY RIGHT-OF-WAY OF TOWER ROAD AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 49, RECORDED IN SAID OFFICE OF THE CLERK AND RECORDER, AND THE TRUE POINT OF BEGINNING;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY, AND CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY, NORTH 89°59'55" EAST 560.25 FEET TO THE WESTERLY RIGHT-OF-WAY OF ARGONNE STREET, AS SHOWN ON SAID PLAT OF GREEN VALLEY RANCH FILING NO.





49, AND THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 15.00 FEET;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING 5 COURSES:

- 1) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'09" AN ARC LENGTH OF 23.56 FEET;
- 2) TANGENT TO SAID CURVE, SOUTH 00°00'04" WEST 178.86 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 4964.00 FEET;
- 3) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°08'18" AN ARC LENGTH OF 11.98 FEET;
- 4) TANGENT TO SAID CURVE, SOUTH 00°08'22" WEST 474.66 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5036.00 FEET;
- 5) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°08'51" AN ARC LENGTH OF 12.96 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 15.00 FEET;

SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°45'06" AN ARC LENGTH OF 23.50 FEET TO THE NORTHERLY RIGHT-OF-WAY OF 50TH AVENUE, AS SHOWN ON SAID PLAT OF GREEN VALLEY RANCH FILING NO. 49;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 2 COURSES:

- 1) TANGENT TO SAID CURVE, SOUTH 89°44'37" WEST 556.08 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 30.00 FEET;
- 2) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC LENGTH OF 47.12 FEET TO SAID EASTERLY RIGHT-OF-WAY OF TOWER ROAD, AS SHOWN ON SAID GREEN VALLEY RANCH FILING NO. 49;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING 2 COURSES:

- 1) TANGENT TO SAID CURVE, NORTH 00°15'23" WEST 650.95 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 30.00 FEET;
- 2) NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°15'18" AN ARC LENGTH OF 47.26 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL K**  
**(GREEN VALLEY RANCH PLANNING PARCEL N-1 AND O-1)**

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 15, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 15 BEARS SOUTH 89°31'41" WEST, AND ALL BEARINGS ARE REFERENCED HEREON;

THENCE NORTH 81° 00'38" EAST 405.35 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF 48TH AVENUE, AS SHOWN ON THE PLAT GREEN VALLEY RANCH FILING NO. 9, RECORDED AT RECEPTION NO. 022874 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, AND THE WESTERLY RIGHT-OF-WAY OF FLANDERS WAY, AS SHOWN ON THE PLAT GREEN VALLEY RANCH FILING NO. 34, RECORDED AT RECEPTION NO. 2001129847 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 2 COURSES:

- 1) SOUTH 89°31'33" WEST 947.04 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 30.00 FEET;
- 2) WESTERLY, NORTHWESTERLY, AND NORTHERLY ALONG SAID CURVE 47.13 FEET THROUGH A CENTRAL ANGLE OF 90°00'08" TO THE EASTERLY RIGHT-OF-WAY OF FUTURE ARGONNE STREET, AS SHOWN ON THE PLAT GREEN VALLEY RANCH FILING NO. 38;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING 3 COURSES:

- 1) TANGENT TO SAID CURVE NORTH 00°28'19" WEST 279.20 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 472.00 FEET;
- 2) NORTHERLY ALONG SAID CURVE 81.50 FEET THROUGH A CENTRAL ANGLE OF 09°53'34" TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 15.00 FEET;
- 3) NORTHERLY, NORTHEASTERLY, AND EASTERLY ALONG SAID CURVE 22.17 FEET THROUGH A CENTRAL ANGLE OF 84°41'54" TO A FUTURE SOUTHERLY RIGHT-OF-WAY, AS SHOWN ON SAID PLAT OF GREEN VALLEY RANCH FILING NO. 38;

THENCE ALONG SAID FUTURE SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 8 COURSES:

- 1) TANGENT TO SAID CURVE NORTH 74°20'01" EAST 44.47 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 130.00 FEET;
- 2) NORTHEASTERLY ALONG SAID CURVE 82.51 FEET THROUGH A CENTRAL ANGLE OF 36°21'58";
- 3) TANGENT TO SAID CURVE NORTH 37°58'03" EAST 188.01 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 490.00 FEET;
- 4) NORTHEASTERLY ALONG SAID CURVE 203.82 FEET THROUGH A CENTRAL ANGLE OF 23°49'57"
- 5) TANGENT TO SAID CURVE NORTH 14°08'06" EAST 207.45 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 490.00 FEET;
- 6) NORTHERLY ALONG SAID CURVE 120.88 FEET THROUGH A CENTRAL ANGLE OF 14°08'03";

- 7) TANGENT TO SAID CURVE NORTH 00°00'03" EAST 103.43 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 15.00 FEET;
- 8) NORTHERLY, NORTHEASTERLY, AND EASTERLY ALONG SAID CURVE 23.56 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO THE FUTURE SOUTHERLY RIGHT-OF-WAY OF 50TH AVENUE, AS SHOWN ON SAID PLAT OF GREEN VALLEY RANCH FILING NO. 38;

THENCE ALONG SAID FUTURE SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 3 COURSES:

- 1) TANGENT TO SAID CURVE SOUTH 89°59'57" EAST 500.21 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 500.00 FEET;
- 2) EASTERLY ALONG SAID CURVE 57.07 FEET THROUGH A CENTRAL ANGLE OF 06°32'22" TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 15.00 FEET;
- 3) EASTERLY, SOUTHEASTERLY, AND SOUTHERLY ALONG SAID CURVE 22.25 FEET THROUGH A CENTRAL ANGLE OF 84°59'14" TO SAID WESTERLY RIGHT-OF-WAY OF FLANDERS WAY;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING 4 COURSES:

- 1) TANGENT TO SAID CURVE SOUTH 11°33'05" EAST 68.22 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 440.00 FEET;
- 2) SOUTHERLY ALONG SAID CURVE 88.69 FEET THROUGH A CENTRAL ANGLE OF 11°32'57";
- 3) TANGENT TO SAID CURVE SOUTH 00°00'08" EAST 1047.17 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 15.00 FEET, THE WESTERLY TERMINUS OF SAID CURVE BEING TANGENT WITH SAID NORTHERLY RIGHT-OF-WAY OF 48TH AVENUE;
- 4) SOUTHERLY, SOUTHWESTERLY, AND WESTERLY ALONG SAID CURVE 23.44 FEET THROUGH A CENTRAL ANGLE OF 89°31'34" TO THE TRUE POINT OF BEGINNING.

**PARCEL L**  
**(GREEN VALLEY RANCH PLANNING PARCELS S-1, T-1, U-1, V-1, W-1, X-1, B-2, AND C-2, FUTURE FILINGS 39, 45, 46)**

A PARCEL OF LAND BEING A PORTION OF SECTION 14 AND A PORTION OF THE EAST HALF OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14, WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 14 BEARS NORTH 89°56'31" EAST, AND ALL BEARINGS ARE MADE AS A REFERENCE HEREON;

THENCE SOUTH 70°31'00" EAST 179.38 FEET TO THE INTERSECTION OF A LINE PARALLEL WITH AND DISTANT 60.00 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14, AND THE EASTERLY BOUNDARY OF THE LAND DESCRIBED AS PARCEL 7 IN THE SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER RECORDED JUNE 19, 2002, AT RECEPTION NO. 2002108637 IN THE OFFICE

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OF THE CLERK AND RECORDER OF SAID CITY AND COUNTY, SAID INTERSECTION BEING THE TRUE POINT OF BEGINNING;

THENCE DEPARTING SAID EASTERLY BOUNDARY AND ALONG SAID PARALLEL LINE, NORTH 89°56'31" EAST 2484.33 FEET TO A LINE PARALLEL WITH AND DISTANT 60.00 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE ALONG SAID PARALLEL LINE, NORTH 89°56'17" EAST 657.07 FEET;

THENCE DEPARTING SAID PARALLEL LINE, SOUTH 00°03'43" EAST 94.16 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 758.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°06'05" AN ARC LENGTH OF 27.80 FEET;

THENCE TANGENT TO SAID CURVE SOUTH 02°02'22" WEST 603.83 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 442.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°36'24" AN ARC LENGTH OF 212.97 FEET;

THENCE TANGENT TO SAID CURVE, SOUTH 25°34'02" EAST 59.15 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 25.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 96°29'53" AN ARC LENGTH OF 42.11 FEET;

THENCE ALONG A RADIAL LINE OF SAID LAST DESCRIBED CURVE, SOUTH 19°04'09" EAST 72.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 636.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 19°04'09" WEST;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°08'53" AN ARC LENGTH OF 234.75 FEET;

THENCE TANGENT TO SAID CURVE, NORTH 49°46'58" EAST 19.66 FEET;

THENCE SOUTH 40°29'07" EAST 183.27 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1250.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°12'11" AN ARC LENGTH OF 266.23 FEET TO THE NORTHERLY BOUNDARY OF THE GREEN VALLEY RANCH GOLF COURSE;

THENCE ALONG THE NORTHERLY, EASTERLY, SOUTHERLY, AND WESTERLY BOUNDARY OF SAID GREEN VALLEY RANCH GOLF COURSE THE FOLLOWING 36 COURSES:

- 1) NON-TANGENT TO SAID CURVE, NORTH 70°38'43" WEST 396.70 FEET;
- 2) SOUTH 34°34'55" WEST 263.33 FEET;
- 3) SOUTH 03°26'30" WEST 130.72 FEET;

- 4) SOUTH 08°17'59" EAST 260.39 FEET;
- 5) SOUTH 12°57'28" EAST 124.00 FEET;
- 6) SOUTH 12°57'28" EAST 408.54 FEET;
- 7) NORTH 89°42'26" WEST 143.26 FEET;
- 8) SOUTH 00°17'34" WEST 137.43 FEET;
- 9) SOUTH 11°26'03" WEST 470.95 FEET;
- 10) SOUTH 12°14'39" WEST 471.19 FEET;
- 11) NORTH 79°49'10" WEST 139.51 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 150.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 05°45'16" EAST;
- 12) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°53'22" AN ARC LENGTH OF 23.27 FEET;
- 13) TANGENT TO SAID CURVE, NORTH 75°21'22" WEST 656.81 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 500.00 FEET;
- 14) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°11'10" AN ARC LENGTH OF 202.34 FEET;
- 15) TANGENT TO SAID CURVE, SOUTH 81°27'28" WEST 430.12 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 150.00 FEET;
- 16) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 92°27'47" AN ARC LENGTH OF 242.07 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE EASTERLY HAVING A RADIUS OF 2115.75 FEET;
- 17) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35°10'39" AN ARC LENGTH OF 1298.99 FEET;
- 18) NON-TANGENT TO SAID CURVE, NORTH 09°35'55" WEST 101.49 FEET;
- 19) NORTH 77°45'53" WEST 389.03 FEET;
- 20) NORTH 67°44'51" WEST 486.58 FEET;
- 21) SOUTH 50°38'11" WEST 158.51 FEET;
- 22) NORTH 37°36'40" WEST 104.19 FEET;
- 23) SOUTH 14°18'43" WEST 259.23 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 200.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 50°01'58" EAST;



- 24) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 29°41'14" AN ARC LENGTH OF 103.63 FEET;
- 25) TANGENT TO SAID CURVE, SOUTH 69°39'16" EAST 71.31 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1000.00 FEET;
- 26) EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°15'25" AN ARC LENGTH OF 283.74 FEET;
- 27) TANGENT TO SAID CURVE, SOUTH 85°54'41" EAST 52.71 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 150.00 FEET;
- 28) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 104°20'51" AN ARC LENGTH OF 273.18 FEET;
- 29) TANGENT TO SAID CURVE, SOUTH 18°26'10" WEST 425.91 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 250.00 FEET;
- 30) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°16'36" AN ARC LENGTH OF 123.38 FEET;
- 31) TANGENT TO SAID CURVE, SOUTH 09°50'26" EAST 268.88 FEET;
- 32) SOUTH 33°32'31" WEST 37.01 FEET;
- 33) SOUTH 42°35'20" EAST 55.21 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 475.00 FEET;
- 34) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35°42'07" AN ARC LENGTH OF 295.98 FEET;
- 35) TANGENT TO SAID CURVE, SOUTH 06°53'13" EAST 136.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 325.00 FEET;
- 36) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 54°32'33" AN ARC LENGTH OF 309.38 FEET TO THE NORTHWESTERLY BOUNDARY OF THE LAND DESCRIBED AS PARCEL 5 IN THE DEED TO THE CITY AND COUNTY OF DENVER RECORDED JUNE 19, 2002, AT RECEPTION NO. 2002108637 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID CITY AND COUNTY;

THENCE ALONG THE NORTHWESTERLY, NORTHEASTERLY, SOUTHEASTERLY, AND NORTHERLY BOUNDARY OF SAID PARCEL 5 THE FOLLOWING 22 COURSES:

- 1) SOUTH 43°28'15" WEST 104.21 FEET;
- 2) NORTH 51°38'29" WEST 30.95 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 230.00 FEET;
- 3) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25°37'25" AN ARC LENGTH OF 102.86 FEET;



- 4) NON-TANGENT TO SAID CURVE, NORTH 61°38'02" WEST 60.84 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 270.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 74°32'15" EAST;
- 5) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36°10'44" AN ARC LENGTH OF 170.49 FEET;
- 6) TANGENT TO SAID CURVE, SOUTH 51°38'29" EAST 57.49 FEET;
- 7) NORTH 43°28'15" EAST 207.33 FEET;
- 8) SOUTH 81°36'25" EAST 129.33 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1030.00 FEET;
- 9) EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°10'57" AN ARC LENGTH OF 290.91 FEET;
- 10) TANGENT TO SAID CURVE, NORTH 82°12'38" EAST 20.16 FEET;
- 11) SOUTH 38°55'09" EAST 169.93 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 305.00 FEET;
- 12) EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 74°58'48" AN ARC LENGTH OF 399.14 FEET;
- 13) TANGENT TO SAID CURVE, NORTH 66°06'03" EAST 78.21 FEET;
- 14) NORTH 89°28'07" EAST 199.33 FEET;
- 15) SOUTH 82°38'07" EAST 163.70 FEET;
- 16) SOUTH 72°27'28" EAST 185.40 FEET;
- 17) SOUTH 58°02'59" EAST 19.82 FEET;
- 18) SOUTH 77°34'52" EAST 52.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 120.00 FEET THE RADIUS POINT OF SAID CURVE BEARS SOUTH 60°12'11" WEST;
- 19) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 48°47'15" AN ARC LENGTH OF 102.18 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1030.00 FEET;
- 20) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°15'48" AN ARC LENGTH OF 328.32 FEET;
- 21) TANGENT TO SAID CURVE, SOUTH 00°43'38" WEST 205.16 FEET;
- 22) THENCE SOUTH 06°12'50" WEST 434.03 FEET TO THE NORTHERLY BOUNDARY OF GREEN VALLEY RANCH FILING NO. 35, PER PLAT RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF SAID CITY AND COUNTY;

THENCE ALONG SAID NORTHERLY BOUNDARY, SOUTH 76°47'41" WEST 130.62 FEET TO THE NORTHERLY BOUNDARY OF SAID GREEN VALLEY RANCH GOLF COURSE;

THENCE ALONG THE NORTHERLY AND EASTERLY BOUNDARY OF SAID GREEN VALLEY RANCH GOLF COURSE THE FOLLOWING 16 COURSES:

- 1) NORTH 65°16'13" WEST 239.12 FEET;
- 2) NORTH 80°51'07" WEST 155.20 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 150.00 FEET;
- 3) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 48°41'52" AN ARC LENGTH OF 127.49 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 150.00 FEET;
- 4) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 57°18'40" AN ARC LENGTH OF 150.04 FEET;
- 5) TANGENT TO SAID CURVE, NORTH 89°27'55" WEST 837.79 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1000.00 FEET;
- 6) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°19'36" AN ARC LENGTH OF 215.14 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 240.00 FEET;
- 7) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°38'25" AN ARC LENGTH OF 48.76 FEET;
- 8) TANGENT TO SAID CURVE, NORTH 65°29'54" WEST 160.47 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 129.00 FEET;
- 9) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 106°14'04" AN ARC LENGTH OF 239.18 FEET;
- 10) TANGENT TO SAID CURVE, NORTH 40°44'10" EAST 173.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 500.00 FEET;
- 11) NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35°18'36" AN ARC LENGTH OF 308.14 FEET;
- 12) TANGENT TO SAID CURVE, NORTH 05°25'34" EAST 147.17 FEET;
- 13) NORTH 43°28'15" EAST 106.43 FEET
- 14) NORTH 51°38'29" WEST 22.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 330.00 FEET;
- 15) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36°10'44" AN ARC LENGTH OF 208.38 FEET;
- 16) NON-TANGENT TO SAID CURVE NORTH 15°52'12" WEST 47.90 FEET TO THE EASTERLY BOUNDARY OF PARCEL 6 IN THE DEED TO THE CITY AND COUNTY OF DENVER RECORDED

JUNE 19, 2002, AT RECEPTION NO. 2002108637 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID CITY AND COUNTY;

THENCE ALONG THE EASTERLY, NORTHERLY, SOUTHEASTERLY, AND NORTHERLY BOUNDARY OF SAID PARCEL 6 THE FOLLOWING 45 COURSES:

- 1) NORTH 15°33'29" WEST 58.68 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 330.00 FEET;
- 2) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°01'38" AN ARC LENGTH OF 92.31 FEET;
- 3) TANGENT TO SAID CURVE, NORTH 00°28'09" EAST 113.65 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 320.00 FEET;
- 4) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36°28'28" AN ARC LENGTH OF 203.71 FEET;
- 5) NORTH 36°00'19" WEST 251.51 FEET;
- 6) SOUTH 53°59'41" WEST 92.00 FEET;
- 7) NORTH 64°30'59" WEST 172.82 FEET;
- 8) SOUTH 68°21'30" WEST 33.27 FEET;
- 9) SOUTH 85°36'44" WEST 66.74 FEET;
- 10) NORTH 69°30'36" WEST 124.01 FEET;
- 11) NORTH 68°28'19" WEST 155.96 FEET;
- 12) SOUTH 76°45'16" WEST 54.09 FEET;
- 13) SOUTH 78°53'52" WEST 54.89 FEET;
- 14) SOUTH 88°39'08" WEST 46.64 FEET;
- 15) SOUTH 88°42'52" WEST 225.00 FEET;
- 16) SOUTH 87°54'08" WEST 44.97 FEET;
- 17) SOUTH 86°01'50" WEST 44.93 FEET;
- 18) SOUTH 84°09'19" WEST 44.75 FEET;
- 19) SOUTH 73°53'17" WEST 45.27 FEET;
- 20) SOUTH 65°20'05" WEST 47.54 FEET;
- 21) SOUTH 88°07'26" WEST 68.19 FEET;





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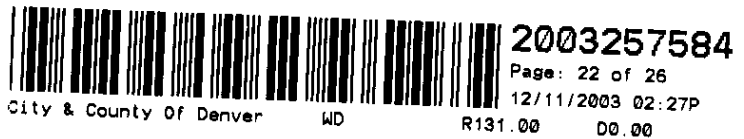
- 22) NORTH 61°00'47" WEST 88.18 FEET;
- 23) NORTH 26°05'53" WEST 88.08 FEET;
- 24) NORTH 00°53'07" WEST 40.03 FEET;
- 25) NORTH 24°19'39" EAST 88.08 FEET;
- 26) NORTH 59°14'34" EAST 87.63 FEET;
- 27) NORTH 35°55'36" EAST 36.15 FEET;
- 28) NORTH 16°29'09" EAST 58.68 FEET;
- 29) NORTH 26°48'47" EAST 58.89 FEET;
- 30) NORTH 38°37'26" EAST 58.59 FEET;
- 31) NORTH 45°58'04" EAST 58.78 FEET;
- 32) NORTH 53°58'33" EAST 280.23 FEET;
- 33) NORTH 66°01'45" EAST 63.14 FEET;
- 34) NORTH 55°09'33" EAST 244.04 FEET;
- 35) NORTH 04°26'03" EAST 53.24 FEET;
- 36) NORTH 10°49'56" EAST 55.46 FEET;
- 37) SOUTH 75°56'55" EAST 97.12 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 380.48 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 75°38'11" EAST;
- 38) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°30'26" AN ARC LENGTH OF 56.49 FEET;
- 39) TANGENT TO SAID CURVE, NORTH 22°52'15" EAST 291.79 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1170.00 FEET;
- 40) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°37'41" AN ARC LENGTH OF 176.19 FEET;
- 41) NON-TANGENT TO SAID CURVE, NORTH 15°54'21" EAST 95.76 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET;
- 42) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'05" AN ARC LENGTH OF 39.35 FEET;
- 43) TANGENT TO SAID CURVE, NORTH 74°16'44" WEST 333.02 FEET;
- 44) SOUTH 15°43'16" WEST 35.00 FEET;

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45) SOUTH 74°16'44" EAST 269.67 FEET TO THE NORTHWESTERLY BOUNDARY OF THE GREEN VALLEY RANCH GOLF COURSE;

THENCE ALONG THE NORTHWESTERLY, NORTHERLY, AND NORTHEASTERLY BOUNDARY OF SAID GREEN VALLEY RANCH GOLF COURSE THE FOLLOWING 15 COURSES:

- 1) SOUTH 35°42'41" WEST 232.21 FEET;
- 2) SOUTH 65°24'43" WEST 218.07 FEET;
- 3) SOUTH 40°22'27" WEST 194.44 FEET;
- 4) SOUTH 64°07'25" WEST 181.38 FEET;
- 5) SOUTH 83°20'30" WEST 303.75 FEET;
- 6) SOUTH 15°02'13" WEST 339.89 FEET;
- 7) SOUTH 41°29'22" WEST 380.60 FEET;
- 8) NORTH 73°23'09" WEST 181.73 FEET;
- 9) SOUTH 53°16'23" WEST 89.40 FEET;
- 10) SOUTH 54°46'14" WEST 447.65 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 150.00 FEET;
- 11) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 129°02'09" AN ARC LENGTH OF 337.82 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 450.00 FEET THE RADIUS POINT OF SAID CURVE BEARS NORTH 89°29'00" WEST;
- 12) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°12'23" AN ARC LENGTH OF 182.26 FEET;
- 13) TANGENT TO SAID CURVE, NORTH 22°41'23" WEST 167.46 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 450.00 FEET;
- 14) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 63°00'26" AN ARC LENGTH OF 494.86 FEET;
- 15) TANGENT TO SAID CURVE, NORTH 85°41'49" WEST 614.23 FEET TO THE EASTERLY RIGHT-OF-WAY OF DUNKIRK STREET, SAID EASTERLY RIGHT-OF-WAY BEING A LINE PARALLEL WITH AND DISTANT 60.00 FEET EASTERLY FROM THE WESTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 15;



THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, NORTH 00°10'03" WEST 1859.64 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 50.00 FEET, THE EASTERLY TERMINUS OF SAID CURVE BEING TANGENT WITH A LINE PARALLEL WITH AND DISTANT 60.00 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 15;

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THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°37'08" AN ARC LENGTH OF 78.21 FEET;

THENCE ALONG SAID PARALLEL LINE, NORTH 89°27'05" EAST 2539.85 FEET TO A LINE PARALLEL WITH AND DISTANT 60.00 FEET SOUTHERLY FROM SAID NORTHERLY LINE OF THE NORTHWESTERLY QUARTER OF SECTION 14;

THENCE ALONG SAID PARALLEL LINE, NORTH 89°56'31" EAST 25.55 FEET TO THE WESTERLY LINE OF SAID PARCEL 7;

THENCE ALONG THE WESTERLY, SOUTHERLY, AND EASTERLY BOUNDARY OF SAID PARCEL 7 THE FOLLOWING 11 COURSES:

- 1) SOUTH 00°00'00" WEST 162.39 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 375.00 FEET;
- 2) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°13'05" AN ARC LENGTH OF 328.68 FEET;
- 3) SOUTH 50°13'05" EAST 162.64 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 435.00 FEET;
- 4) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 65°56'21" AN ARC LENGTH OF 500.62 FEET;
- 5) TANGENT TO SAID CURVE, SOUTH 15°43'16" WEST 139.00 FEET;
- 6) SOUTH 74°16'44" EAST 143.31 FEET;
- 7) NORTH 15°43'16" EAST 139.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 578.31 FEET;
- 8) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 65°56'21" AN ARC LENGTH OF 665.55 FEET;
- 9) TANGENT TO SAID CURVE, NORTH 50°13'05" WEST 162.64 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 231.69 FEET;
- 10) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°13'05" AN ARC LENGTH OF 203.07 FEET;
- 11) TANGENT TO SAID CURVE, NORTH 00°00'00" EAST 162.54 FEET TO THE TRUE POINT OF BEGINNING.

**EXCEPT THEREFROM THE FOLLOWING FOUR PARCELS:**

**PARCEL 1:**

COMMENCING AT SAID NORTHWEST CORNER OF SECTION 14, WHENCE SAID NORTH QUARTER CORNER OF SECTION 14 BEARS NORTH 89°56'31" EAST, AND ALL BEARINGS ARE MADE AS A REFERENCE HEREON;

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THENCE SOUTH 72°03'41" WEST 2050.84 FEET TO THE SOUTHWESTERLY BOUNDARY OF A GAS EASEMENT TO COLORADO-WYOMING GAS COMPANY RECORDED IN BOOK 2935, AT PAGE 96 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE ALONG SAID SOUTHWESTERLY BOUNDARY, SOUTH 34°40'15" EAST 679.38 FEET;

THENCE DEPARTING SAID SOUTHWESTERLY BOUNDARY, SOUTH 77°55'24" WEST 190.29 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1428.00 FEET;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°04'36" AN ARC LENGTH OF 300.99 FEET;

THENCE NORTH 90°00'00" WEST 536.20 FEET TO SAID EASTERLY RIGHT-OF-WAY OF DUNKIRK STREET;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, NORTH 00°10'03" WEST 628.30 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY, NORTH 89°49'57" EAST 636.41 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL 2:**

COMMENCING AT SAID NORTHWEST CORNER OF SECTION 14, WHENCE SAID NORTH QUARTER CORNER OF SECTION 14 BEARS NORTH 89°56'31" EAST, AND ALL BEARINGS ARE MADE AS A REFERENCE HEREON;

THENCE SOUTH 10°41'58" EAST 1278.96 FEET TO THE WESTERLY PROLONGATION OF THAT CERTAIN PREVIOUSLY DESCRIBED COURSE SHOWN AS HAVING A BEARING AND DISTANCE OF "SOUTH 74°16'44" EAST, 269.67 FEET", SAID CERTAIN COURSE BEING ALSO THE SOUTHERLY BOUNDARY OF SAID PARCEL 6 AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID WESTERLY PROLONGATION AND SAID SOUTHERLY BOUNDARY SOUTH 74°16'44" EAST 399.91 FEET TO THE NORTHWESTERLY BOUNDARY OF SAID GREEN VALLEY RANCH GOLF COURSE;

THENCE ALONG SAID NORTHWESTERLY BOUNDARY THE FOLLOWING 3 COURSES:

- 1) SOUTH 35°42'41" WEST 232.21 FEET;
- 2) SOUTH 65°24'43" WEST 218.07 FEET;
- 3) SOUTH 40°22'27" WEST 78.92 FEET;

THENCE DEPARTING SAID NORTHWESTERLY BOUNDARY NORTH 00°00'00" EAST 447.76 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL 3:**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER;

THENCE SOUTH 89°43'59" WEST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 77.40 FEET, TO THE POINT OF BEGINNING;

THENCE SOUTH 00°16'01" EAST, 150.00 FEET;

THENCE SOUTH 89°43'59" WEST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 270.00 FEET;

THENCE NORTH 00°16'01" WEST, 150.00 FEET TO A POINT ON SAID NORTH LINE;

THENCE NORTH 89°43'59" EAST, ALONG SAID NORTH LINE 270.00 FEET TO THE POINT OF BEGINNING,

CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**PARCEL 4:**

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 14, WHENCE THE NORTHWEST CORNER OF SAID SECTION 14 BEARS SOUTH 89°56'40" WEST, AND ALL BEARINGS ARE MADE AS A REFERENCE HEREON;

THENCE ALONG THE NORTHERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 14, SOUTH 89°56'40" WEST 77.40 FEET;

THENCE DEPARTING SAID NORTHERLY LINE, SOUTH 00°03'20" EAST 100.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°03'20" EAST 50.00 FEET;

THENCE NORTH 89°56'40" EAST 50.00 FEET;

THENCE NORTH 00°03'20" WEST 50.00 FEET;

THENCE SOUTH 89°56'40" WEST 50.00 FEET TO THE TRUE POINT OF BEGINNING;

CITY AND COUNTY OF DENVER, STATE OF COLORADO.

TOGETHER WITH the Grantor's interest in all appurtenances to or used in connection therewith, including without limitation, all of the Grantor's right, title, and interest, if any, in and to (a) all minerals, oil, gas, and other hydrocarbon substances on and under such real property (including, but not limited to, the Grantor's rights pursuant to any mineral leases, production agreements, and

surface owners' agreements relating to such real property, (b) all air rights, development rights, and other rights of the Grantor relating to the use or development of such real property, (c) all rights of the Grantor to any land lying in the bed of any existing dedicated street, road, or alley adjoining such real property and to all strips and gores adjoining such real property, (d) all other appurtenances, easements, or rights-of-way used in connection with the beneficial use and enjoyment of such real property, (e) all water, water rights, ditch rights, reservoir rights, and stock or other evidence of ownership in water, reservoir, ditch, and canal companies relating to or providing water to such real property, (f) all water taps, sewer taps, rights to receive water and sewer taps or service, and all other rights to receive water and sewer service provided by any governmental, quasi-governmental, or private agency, authority, district, or other provider of water and sewer service to such real property; and (g) all personal property associated with, or appurtenant to, or used in connection with such real property.



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Page: 26 of 26  
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City & County Of Denver    WD    R131.00    D0.00

**PARCEL M**  
**(GREEN VALLEY RANCH PLANNING PARCEL L)**

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF THE PLAT OF GREEN VALLEY RANCH FILING NO. 24, RECORDED AT RECEPTION NO. 9900021768 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, BEING A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF 42ND AVENUE, AS SHOWN ON SAID PLAT AND THE WESTERLY RIGHT-OF-WAY OF PICADILLY ROAD;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 2 COURSES:

- 1) SOUTH 89°55'45" WEST 205.02 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 965.00 FEET;
- 2) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°59'21" AN ARC LENGTH OF 168.24 FEET TO THE EASTERLY BOUNDARY OF TRACT B GREEN VALLEY RANCH FILING NO. 8, RECORDED IN BOOK 30, PAGES 42-46 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY AND ALONG SAID EASTERLY BOUNDARY THE FOLLOWING 5 COURSES:

- 1) NORTH 06°10'51" WEST 48.25 FEET;
- 2) NORTH 24°45'17" EAST 269.81 FEET;
- 3) NORTH 02°45'30" EAST 145.17 FEET;
- 4) NORTH 29°11'39" WEST 332.18 FEET;
- 5) NORTH 03°41'24" EAST 145.04 FEET TO THE SOUTHERLY BOUNDARY OF THE HIGHLINE CANAL, RECORDED IN BOOK 249, PAGE 278 IN SAID OFFICE OF THE CLERK AND RECORDER AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 120.35 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 04°03'27" WEST

THENCE DEPARTING SAID EASTERLY BOUNDARY ALONG SAID SOUTHEASTERLY BOUNDARY THE FOLLOWING 5 COURSES:

- 1) NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 71°51'15" AN ARC LENGTH OF 150.93 FEET;
- 2) NON-TANGENT TO SAID CURVE NORTH 13°05'47" EAST 316.32 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 8.67 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 76°41'25" EAST;
- 3) NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°04'15" AN ARC LENGTH OF 4.10 FEET;
- 4) TANGENT TO SAID CURVE NORTH 40°22'50" EAST 128.31 FEET;
- 5) NORTH 35°41'47" EAST 245.77 FEET TO THE WESTERLY RIGHT-OF-WAY OF PICADILLY ROAD; THENCE DEPARTING SAID SOUTHERLY BOUNDARY AND ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 00°04'33" EAST 1586.69 FEET TO THE **POINT OF BEGINNING**.

March 2, 2016

Tim Watkins  
Senior City Planner  
Community Planning & Development  
City and County of Denver  
201 W Colfax Avenue  
Denver, CO 80202

RE: 3801 Himalaya Road Rezone Application

Dear Mr. Watkins,

Terracina Design is pleased to present an application for the Rezone of 3801 Himalaya Road. The following narrative is in response to the Review Criteria of the application.

#### Consistency with Adopted Plans

Blueprint Denver and the Green Valley Ranch Neighborhood Plan support the rezone of this property from B2 to S-MX-3. Blueprint Denver designates this property as Single Family Residential in a "context" area of stability. In Blueprint Denver, Single Family Residential is defined as a neighborhood where "single family residences are the predominant residential type".

The Green Valley Ranch Neighborhood Plan identifies this site as being within a Neighborhood Business District; however the plan itself does not identify this site as an area to 'encourage retail business development'. Existing conditions are that all adjacent land within the City of Denver has been developed as residential.

The streets bordering the site; specifically 38<sup>th</sup> Avenue and Himalaya Road are classified as 'Mixed Use Arterial and Residential Collector respectively. East 40<sup>th</sup> Avenue borders the site to the north and serves residential areas within the immediate vicinity.

Rezoning this property reconciles any discrepancy in existing plans without detrimental changes to the allowed uses or additional impacts to existing neighborhoods. The proposed S-MX-3 zoning category is a mixed use category, allowing residential uses consistent with the Single Family Residential "context" of 'Blueprint Denver', the developed conditions of the surrounding residential areas and the existing B2- 'Neighborhood Business District'. In effect the rezoning removes the current 'waivers' that significantly restrict this site from developing in a manner most consistent with the existing plans. Furthermore the '*Design Standards in Business Zone Districts*' in the Green Valley Ranch Neighborhood Plan encourage pedestrian friendly site planning with buildings along the streets and parking in the rear, a development standard shared with the S-MX3 Zone District.

#### Uniformity of District Regulations and Restrictions

The current Zoning Code was adopted in 2010 and with it came the remapping of a majority of the City. Since its adoption the City has expressed a desire to build more conformity within the city by converting as much land as feasible over from the Section 59 zoning to current standards. Rezoning of this parcel from the current 'B2 with waivers' to the requested S-MX-3 will accomplish the aforementioned City goal and thereby entitle the use of the property as currently proposed and consistent with current regulations and restrictions.

#### Public Health, Safety and General Welfare

The proposed map amendment promotes the Public Health, safety and Welfare by aligning the use and development regulations for the property with those in the general area. The proposed zoning and use is

compatible with the existing area uses, is responsive to current market demands, and is not anticipated to generate impacts detrimental to the welfare of the area.

#### Justifying Circumstances

3801 Himalaya Road is located on the northwest corner of 38<sup>th</sup> Avenue and Himalaya Road. This site is midway along the the southern edge of the Green Valley Ranch community; surrounded on three sides by single family detached residential development and City of Aurora light industrial development to the south. The southern property line is bounded by 38<sup>th</sup> Avenue (Mixed Use Arterial) which provides a physical barrier between the residential uses in the Green Valley Ranch neighborhood and those existing light industrial uses to the south, essentially creating a transitional area appropriate for mixed use.

Current Zoning of 'B2 with Waivers' is a Business District that allows a variety of residential and business uses; such as but not limited to: senior center, religious assembly, retail, eating establishments, but excluding attached residential development. The proposed S-MX-3 zoning allows very similar uses, including attached residential development. The latter is the impetus for the requested zoning change.

City regulations state "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 neighborhood." as a condition which justifies a change in zoning. As noted, the adjacent land within the City of Denver has developed as single family detached residential, leaving this site as a small satellite parcel, zoned to encourage commercial development, but without any opportunity for supporting commercial uses within a half mile or more. The likelihood of a successful commercial use on this site is low and furthermore would encourage incoming destination traffic into a predominantly residential pedestrian oriented neighborhood.

The adopted Green Valley Ranch Neighborhood Plan and the Development Regulations for S-MX-3 zoning both and encourage and specify pedestrian oriented, street facing development with parking internal to the site. Attached residential development can easily accommodate these requirements on a small site and within an enclave development that maintains the pedestrian scale and residential feel of the neighborhood, thus providing a proper transition between the light industrial uses to the south, the existing streets and the existing residential community.

Housing demand, and therefore housing cost is significantly high, with a market demand for affordable, low maintenance, lifestyle and pedestrian oriented living environments. Attached single-family homes, as an alternative to multi-family and single family detached residences are in high demand. The existing development within a half mile of this site is ideal for this market sector. The two elementary schools, acres of parkland and the connecting open space and trails support zoning that allows relatively higher density residential.

The classification and anticipated traffic of the adjacent roads is such that the site is less appropriate for traditional single family detached residential development with street facing garages; however the same infrastructure is ideal for supporting of the proposed zoning, specifically the relatively higher density of attached residential development that is best served by a proximity to these higher classification streets.

#### Consistency with Proposed Zone District

##### Neighborhood Context Description

*The Suburban Neighborhood Context is characterized by single unit and multi-unit residential, commercial strips and centers and office parks. Single unit residential consists typically of Suburban House forms with street-facing garages. The Suburban Neighborhood Context consists of an irregular pattern of block shapes surrounded by curvilinear streets within a modified grid, with cul-de-sacs and typically no alleys.*

Green Valley Ranch is clearly considered suburban due to the curvilinear pattern of the streets and dominant Suburban House form with street-facing garages.

#### General Purpose

- A. *The Mixed Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods.*

This property is located at the intersection of a residential collector and an arterial roadway making it an optimal location for a mixed use enclave, well suited to accommodate a small attached residential development.

- B. *The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections.*

This property is located at the intersection of a collector and an arterial roadway making it an optimal location for the development of a mixed use enclave.

- C. *The building form standards of the Mixed Use Zone Districts balance the importance of street presence and provision of adequate parking through build-to requirements, ground story activation and parking lot screening along the right-of-way. Standards offer predictable flexibility consistent with the variety of mixed use development found in the Suburban Neighborhood Context.*

This site has frontage onto 38<sup>th</sup> Avenue and Himalaya Road making it well suited for a transitional density of residential development with a strong street presence to serve as a gateway into the Suburban Neighborhood Context.

- D. *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.*

Providing for attached residential uses on this site will allow it to develop in a manner consistent with the adjacent properties, neighborhood and citywide plans.

#### Specific Intent

*S-MX-3 applies to areas or intersections served primarily by local streets or collector streets where a building scale of 1 to 3 stories is desired.*

The Himalaya site is located at the intersection of an arterial and collector roadway making it an optimal location for the development of a relatively higher density residential product. The scale of 1 to 3 stories is consistent with adjacent development which is predominantly two story single family homes.



April 26, 2016

**RE: 3801 Himalaya Road Townhome Development**

To Whom it May Concern,

Over the past few months, Terracina Design has held several neighborhood meetings and addressed our shared concerns via phone and e-mail regarding the rezone and site plan for the development of townhomes on the vacant property located on the northwest corner of 38<sup>th</sup> and Himalaya. The neighbors have been provided a 'Neighbor Agreement' that addresses additional commitments the developer has made that are outside of the City's requirements. In summary I understand that:

- The site plan includes 48 townhome units with a maximum building height of 35 feet.
- Units/Buildings facing Himalaya Road will be limited to two (2) stories.
- The developer will provide a new fence along the west property line, with the fence to be maintained by the Home Owner's Association of the new development.
- Parking will be located on the east side of the western access drive on the site – as depicted on the Conceptual Site Plan.

Given the above commitments I support the rezoning of the property to S-MX-3 to allow for the development of townhomes per the Conceptual Site Plan presented.

Sincerely,

*Lee M. Jackson*  
(Lee M. Jackson)

19842 E. 39th Ave  
Denver, CO 80249

4371 Ceylon St.  
Denver CO 80249


April 28, 2016

**RE: 3801 Himalaya Road Townhome Development**

To Whom it May Concern,

As a property owner and resident of Green Valley Ranch, I have reviewed the current proposal to allow townhomes at the northwest corner of 38<sup>th</sup> Avenue and Himalaya Road. Given the type of existing development in the area and appreciating the current demand for housing alternatives I can fully support this project.

I believe this residential project is compatible with the area and an appropriate use of a site that has otherwise sat vacant for many years. Therefore, I am voicing my support of the rezoning of the parcel to S-MX-3 to allow for the development of townhomes per the Conceptual Site Plan reviewed.

Sincerely,  
  
Stephanie Sanchez

April 28, 2016

**RE: 3801 Himalaya Road Townhome Development**

To Whom It May Concern,

In regards to the Townhome Development Proposal at 38<sup>th</sup> and Himalaya, I give my full support. I own property and live in Green Valley Ranch; I've noticed growth over the years and believe this is a good thing. As a member of this community I don't only want to see it grow, but I want to see it thrive. I believe that a Townhome Development in place of a vacant lot achieves this goal. Again, I give my full support to rezone the parcel in order to allow the Townhome Development at 38<sup>th</sup> and Himalaya.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Bishop", with a long horizontal line extending to the right.

Jennifer Bishop  
21369 E 50<sup>th</sup> Ave.  
Denver, CO. 80249

**From:** [Ermias Weldemicael](#)  
**To:** [Mark McDonald](#)  
**Cc:** [Gilmore, Stacie M. - City Council](#); [J Stallman](#); [Knott, John](#); [Yamileth Munoz](#); [semhar belay](#); [Matt Stallman](#); [Emmah Carroll](#); [boykinz@msn.com](#); [Karoline Fritz](#); [Jason Fritz](#); [chair@mygvr.org](#); [Molly](#); [Elenz, Magen M. - City Council](#); [LRosales@terracedesign.com](#); [newstips@9news.com](#); [Watkins, Tim - Community Planning and Development](#)  
**Subject:** Re: Neighbors concern on townhouse development  
**Date:** Wednesday, April 06, 2016 9:27:18 AM

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Dear Stacie, Magen, John (GVR Chair), and Layla,

We, the neighbors, have been exchanging our concerns with regard to the proposed rezoning of the vacant land in 38th and Himalaya rd. Here is the summary of it:

1. The neighborhood is developed in early 2000s and the current zoning (B-2) of the vacant space is done with the intention of making convenience stores and other personal services available within walking distance. It greatly benefits all of us that it is used for the designated purposes. Moreover, we do not see the need for rezoning in such a short period of time.
2. The current zoning stipulates that any development should be consistent with the level of density and height of the existing residential neighborhood. The proposed rezoning and townhouse development has a very high density that it will compromise the integrity and ambiance of the the neighborhood. In fact, there is no any development in GVR with a with a similar density (not even close).
3. By comparison, the newly built Church in Himalaya rd and Green valley, not only is consistent with the B-2 zoning types of services, but also the ratio of built space to open space is proportionally maintained that it does not impose any shadow on the neighbors. The built space is surrounded by ample open space on all sides.
4. The warehouse development has already started to increase truck traffic to 38th. With the growing traffic in 38th and Himalaya, and a near future extension of 38th to Piccadilly, the newly built 48 units will add a huge traffic to the neighborhood. Moreover, garbage collection and other services to additional 48 units will unduly inconvenience and worsen traffic condition.
5. The neighbors adjacent to the vacant land have made their purchase decision based on the current zoning. The proposed rezoning will put us at a great disadvantage in terms of livability, desirability, and possible loss of value in the future.

For all these reasons, we do not support the proposed rezoning. We hope the city council, the GVR advisory board, and the developer understand the concerns of the neighbors and seriously consider the proposal.

NB: I tried to summarize the main points of the email discussions. Please add if I have missed anything.

Best regards,  
Ermias

On Tue, Apr 5, 2016 at 9:25 PM, Mark McDonald <[mark@markmcdonald.me](mailto:mark@markmcdonald.me)> wrote:  
Stacie,

I hate to be blunt, but as an elected city council member, I expect you to represent the

residents that voted you in to office and can also vote you out of office next term, not the elite corporations who will make \$\$\$\$ at the cost of current residents and then move on. It seems like the current property owner should have not acquired the property if it wasn't zoned for their intended use.

I am not interested spending a significant amount of time fighting against zoning change or trying to compromise with Layla. I understand you may not be able to tell us how you will vote now, but if my view (and it seems like the majority's view) is not reflected in your city council vote, I will simply vote against you 2019.

Mark

Sent from my iPhone

On Apr 5, 2016, at 8:02 PM, Gilmore, Stacie M. - City Council

<[Stacie.Gilmore@denvergov.org](mailto:Stacie.Gilmore@denvergov.org)> wrote:

Hello,

Thanks for including me on the email. Since this rezoning application has been submitted, legally I'm unable to comment until I vote on it - for rezoning council sits in a quasi-judicial role.

I can hear from all view points though and I would suggest you reach out directly to Layla to share all your concerns. I'm not sure how many of the below emails have been shared with her to help frame a good information exchange about this topic.

You bring up good questions, I think it's fair to ask her to respond to them. Thanks for sharing your concerns.

Kind Regards,

Stacie

Stacie Gilmore, MNM  
Denver City Council, District 11

[303-720-9139](tel:303-720-9139)

<http://www.denvergov.org/district11>

----- Original message -----

From: Mark McDonald <[mark@markmcdonald.me](mailto:mark@markmcdonald.me)>

Date: 4/4/2016 7:18 PM (GMT-07:00)

To: J Stallman <[jjjstallman@gmail.com](mailto:jjjstallman@gmail.com)>, Ermias Weldemicael

<[ermiaswe@gmail.com](mailto:ermiaswe@gmail.com)>, "Knott, John" <[JOHN.KNOTT@ucdenver.edu](mailto:JOHN.KNOTT@ucdenver.edu)>

Cc: Yamileth Munoz <[yyymunoz@gmail.com](mailto:yyymunoz@gmail.com)>, semhar belay <[semhar2004@yahoo.com](mailto:semhar2004@yahoo.com)>, Matt Stallman <[matt.stallman@hotmail.com](mailto:matt.stallman@hotmail.com)>, Emmah Carroll <[emma222k@gmail.com](mailto:emma222k@gmail.com)>, [boykinz@msn.com](mailto:boykinz@msn.com), Karoline Fritz <[linnylin22@hotmail.com](mailto:linnylin22@hotmail.com)>, Jason Fritz <[lokster@juno.com](mailto:lokster@juno.com)>, [chair@mygvr.org](mailto:chair@mygvr.org), "Gilmore, Stacie M. - City Council" <[Stacie.Gilmore@denvergov.org](mailto:Stacie.Gilmore@denvergov.org)>, Molly <[molly@dalpes.me](mailto:molly@dalpes.me)>  
Subject: Re: Neighbors concern on townhouse development

Hi all,

I do not support the re-zoning as well. I cc'ed [chair@mygvr.org](mailto:chair@mygvr.org), as well as, Stacie Gilmore. It sounds like the GVR Citizens Advisory Board does not have a position ya or nay and I am not sure if Stacie does. Please email [chair@mygvr.org](mailto:chair@mygvr.org) to let them know your position to help represent us as a whole.

Some concerns I have about the re-zone, other then I don't feel it will benefit the community, is if the re-zone does happen, is the current property owner committed to build or can they then sell the property with the re-zone without resident input on what would be developed by the new owner.

Mark McDonald

On Apr 4, 2016, 6:43 PM -0600, Knott, John <[JOHN.KNOTT@ucdenver.edu](mailto:JOHN.KNOTT@ucdenver.edu)>, wrote:

Hi,

I will not support the rezoning because it will not benefit the existing community but will have some negative impact. However, I don't think we are in a good position to oppose it without more people and a well crafted letter explaining how the current zoning is a better fit. I am not interested in taking a lead role in our rag tag resistance, but if someone else is, I will be happy to assist.

Attached are several documents (some of which you may already have). I also have the complete Denver Zoning Code, but the file is a bit large. Here are some links I found:

<https://denvergov.org/maps/map/zoning>

<http://www.denvergov.org/maps/map/property>

<https://www.denvergov.org/content/denvergov/en/community-planning-and-development/zoning/denver-zoning-code/former-chapter-59.html>

John Knott

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**From:** J Stallman <[jjjstallman@gmail.com](mailto:jjjstallman@gmail.com)>

**Sent:** Monday, April 4, 2016 1:47 PM

**To:** Ermias Weldemicael

**Cc:** Knott, John; Yamileth Munoz; semhar belay; Matt Stallman; Mark McDonald; Emmah Carroll; [boykinz@msn.com](mailto:boykinz@msn.com); Karoline Fritz; Jason Fritz

**Subject:** Re: Neighbors concern on townhouse development

The more I look at it, the more I do NOT think it will benefit our neighborhood - fact it will make it worse.

I asked Layla about "where trash would go" and her reply was "at the end of the driveways". That I do not see working out well at all.

I agree with you that this will add to traffic 3-fold and it is already a dangerous intersection as it is.

I'm with Ermias and will NOT support this project.

Jacque

p.s. I am cc'ing my neighbors that own the house two doors down from me that will also be directly affected by this change.

On Mon, Apr 4, 2016 at 1:39 PM, Ermias Weldemicael <[ermiaswe@gmail.com](mailto:ermiaswe@gmail.com)> wrote:



Hello all,  
Any responses? It would be good if we can have a united voice before it is too late.

Thanks,  
Ermias

On Mon, Mar 28, 2016 at 11:11 AM, Ermias Weldemicael <[ermiaswe@gmail.com](mailto:ermiaswe@gmail.com)> wrote:

Dear all,  
This is Ermias, your neighbor on 3843 Ireland St.  
My wife and I attended the last meeting with the developers, and we had concerns on proposed townhouse development. Now that I have done a little research, I thought I would share it with you and start a conversation so that we all share our concerns. I took the emails from the last email sent by Layla and added a couple of emails of our neighbors. Please feel free to add emails of other neighbors that are not included in the email list.

These are my concerns in brief.

1. The neighborhood is developed in early 2000s and the zoning of the (current) open space is done with the intention of making convenience stores available to the neighborhood. It benefits all of us that it is used for the designated purpose. See attached under B-2 zoning.
2. The proposed townhouse has a very high density that it will compromise the integrity and ambiance of the the neighborhood. I checked in GVR area, there is no any place with a similar density (not even close).
3. Looking at the newly built church in Himalaya and Green valley, the ratio of built space to open space is proportionally maintained that it does not impose any shadow on the neighbors. The built space is surrounded by ample open space on all sides.
4. With the growing traffic in 38th and Himalya, and a near future extension of 38th to Piccadilly, the newly built 48 units will add a huge traffic to the neighborhood.

5. I spoke with few of the owners, there is a concern that such development will lower the value of existing properties in the immediate neighborhood.

For these reasons, I do not believe it is to our best interest to support the proposed development. Please chime in and share your concerns.

If you think it is better to meet in person, we can set a date/time/place and meet for 1 hour.

Best regards,

Ermias and Semhar

**B-2 Neighborhood Business District:**

This district provides for the [retailing of commodities classed as “convenience goods,” and the furnishing of certain personal services, to satisfy the daily and weekly household or personal needs of the residents](#) of surrounding residential neighborhoods. This district is located on collector streets, characteristically is small in size, usually is entirely surrounded by residential districts and is located at a convenient walking distance from the residential districts it is designed to serve. [The district regulations establish standards comparable to those of low density residential districts](#), resulting in similar standards. Building floor area cannot exceed the site area.

On Fri, Mar 25, 2016 at 9:01 AM, Layla Rosales <[lorosales@terracedesign.com](mailto:lorosales@terracedesign.com)> wrote:

Neighbors-

As promised at our last meeting, attached is a letter agreement about the items we discussed at our last meeting as well as an updated conceptual site plan reflecting the changes.

Please review and let me know if you have any additional questions or comments. If this is consistent with your expectations I would be grateful if you would respond to this email stating your support for the rezone.

Thanks so much and Happy Easter.

Thank you,

*Layla Rosales*

Principal

<image002.jpg>

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Jacque Stallman

## Mark & Molly McDonald

303-269-9900 [mark@markmcdonald.me](mailto:mark@markmcdonald.me) 20726 E 39th Ave Denver, Colorado 80249

June 26, 2016

Dear Community Planning & Development Board Members,

Our names are Mark & Molly McDonald. We have lived at 20726 E 39th Ave, Denver Colorado 80249 since 2001. We are writing to oppose the re-zoning of the 3801 Himalaya property.

It is our opinion that the re-zoning and intended development of multi-story high density attached housing would not be consistent with the surrounding single family detached housing, which would impact our neighborhood in a negative manner and rob us of a possible senior center, childcare center, religious assembly, or eating establishment, in which this property was originally intended for.

We believe that if the property owner did not want to use the property they way it was originally zoned, they should have not acquired the property. As residents of Green Valley Ranch, we acquired our property for its intended use and researched surrounding property for its intended use to ensure we were comfortable with the surrounding area and how it would be developed, according to development plans.

This is the second attempt by the current property owner to use the property for something other than the intended use of the property. The first attempt to build storage units was abandoned after an HOA discussion occurred with the community voicing opposition. It is becoming increasingly frustrating to have to repeatedly fight against proposed rezoning changes when the neighborhood has not been fully developed and 39th Avenue has not been completely developed.

In addition, the property owner has stated that they have been unable to sell the property for its intended use, which suggests that they acquired the property knowing they would attempt to change the zoning. We have never seen any for sale signs or proof of advertising the sale of the property for its intended use, along with sale price information.

These are the primary reasons we oppose the re-zoning of the property at 3801 Himalaya and ask that these concerns be considered by the committee and a recommendation to reject the rezoning be made to city council.

Sincerely yours,

Mark & Molly McDonald