

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2019

COUNCIL BILL NO. CB19-0877
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 3900 Elati Street and 3958 Elati Street in Globeville.

WHEREAS, the City Council has determined, based on evidence and testimony presented at the public hearing, that the map amendment set forth below conforms with applicable City laws, is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of the City, will result in regulations and restrictions that are uniform within the C-RX-12 district, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is consistent with the neighborhood context and the stated purpose and intent of the proposed zone district;

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

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

- a. The land area hereinafter described is presently classified as I-A, UO2.
- b. It is proposed that the land area hereinafter described be changed to C-RX-12.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows shall be and hereby is changed from I-A, UO2 to C-RX-12:

3900 Elati Street, Denver, CO 80216

A PARCEL OF LAND SITUATED IN THE SOUTHEAST ¼ OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPLE MERIDIAN, SAID PARCEL BEING THAT PART OF PARCELS A THROUGH H AS SHOWN ON THE SURVEY OF THE REGENCY INN PREPARED FEBRUARY 23, 1973 (SAID PARCELS A THROUGH H SET FORTH IN PUBLIC TRUSTIEES DEED RECORDED SEPTEMBER 18, 1992, AT RECEPTION NO. R-92-0111001) NOT PREVIOUSLY CONVEYED TO THE CITY AND COUNTY OF DENVER, THE REGIONAL TRANSPORTATION DISTRICT AND THE COLORADO DEPARTMENT OF HIGHWAYS, SAID PARCEL OF LAND IS FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF ELATI STREET AND THE SOUTH LINE OF 39TH AVENUE EXTENDED EASTWARD, AS CREATED IN VIADUCTS ADDITION TO THE RECORDS OF DENVER COUNTY;

1 THENCE ALONG THE WESTERLY AND NORTHERLY LINES OF PARCEL A THE
2 FOLLOWING FIVE (5) COURSES:

- 3 1. NORTH 00 DEGREES 06 MINUTES 14 SECONDS EAST (NORTH 00 DEGREES
4 07 MINUTES 07 SECONDS EAST, A.M.) ALONG SAID EASTERLY RIGHT-OF-
5 WAY OF ELATI STREET, A DISTANCE OF 340.00 FEET;
- 6 2. THENCE SOUTH 89 DEGREES 52 MINUTES 50 SECONDS EAST (SOUTH 89
7 DEGREES 50 MINUTES 05 SECONDS EAST, A.M.) ALONG A LINE SOUTHERLY
8 OF AND PARALLEL WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF 40TH
9 AVENUE EXTENDED EASTERLY, A DISTANCE OF 94.08 FEET;
- 10 3. THENCE SOUTH 01 DEGREES 05 MINUTES 15 SECONDS EAST (SOUTH 01
11 DEGREES 04 MINUTES 22 SECONDS EAST, A.M.) A DISTANCE OF 83.68 FEET
12 TO A POINT ON THE WESTERLY EASEMENT LINE OF THE FARMERS AND
13 GARDENERS DITCH;
- 14 4. THENCE SOUTH 89 DEGREES 52 MINUTES 50 SECONDS EAST (SOUTH 89
15 DEGREES 50 MINUTES 05 SECONDS EAST, A.M.) PARALLEL WITH THE
16 SOUTHERLY EXTENSION OF 40TH AVENUE, A DISTANCE OF 16.00 FEET TO
17 THE EASTERLY RIGHT OF WAY LINE OF THE FARMERS AND GARDENERS
18 DITCH;
- 19 5. THENCE NORTH 01 DEGREES 45 MINUTES 45 SECONDS EAST (NORTH 01
20 DEGREES 46 MINUTES 38 SECONDS EAST, A.M.) ALONG A LINE COMMON TO
21 PARCELS A AND B, A DISTANCE OF 183.72 FEET, TO A POINT ON THE
22 EASTERLY EXTENTION OF THE SOUTHERLY RIGHT OF WAY OF 40TH
23 AVENUE, BEING ALSO THE NORTHWESTERLY CORVER OF PARCEL B;

24 THENCE CONTINUING ALON THE NORTHERLY LINE OF PARCEL B THE FOLLOWING
25 FIVE (5) COURSES:

- 26 1. SOUTH 89 DEGREES 52 MINUTES 50 SECONDS EAST (SOUTH 89 DEGREES
27 50 MINUTES 05 SECONDS EAST, A.M.) ALONG THE EASTERLY EXTENSION
28 OF THE SOUTHERLY LINE OF 40TH AVENUE, A DISTANCE OF 7.68 FEET;
- 29 2. THENCE SOUTH 00 DEGREES 06 MINUTES 14 SECONDS WEST (SOUTH 00
30 DEGREES 07 MINUTES 07 SECONDS WEST, A.M.) PARALLEL WITH THE
31 EASTERLY RIGHT OF WAY LINE OF ELATI STREET, A DISTANCE OF 2.50
32 FEET;
- 33 3. THENCE SOUTH 89 DEGREES 52 MINUTES 50 SECONDS EAST (SOUTH 89
34 DEGREES 50 MINUTES 05 SECONDS EAST A.M.) ALONG A LINE SOUTHERLY
35 OF AND PARALLEL WITH THE EASTERLY EXTENSION OF 40TH AVENUE, A
36 DISTANCE OF 129.50 FEET;
- 37 4. THENCE NORTH 00 DEGREES 06 MINUTES 14 SECONDS EAST (NORTH 00
38 DEGREES 07 MINUTES 07 SECONDS EAST, A.M.) ALONG A LINE PARALLEL
39 WITH THE EASTERLY RIGHT OF WAY OF ELATI STREET, A DISTANCE OF 2.50
40 FEET TO THE EASTERLY ESTENSION OF THE SOUTHERLY RIGHT-OF-WAY
41 OF 40TH AVENUE;
- 42 5. THENCE SOUTH 89 DEGREES 52 MINUTES 50 SECONDS EAST (SOUTH 89
43 DEGREES 50 MINUTES 05 SECONDS EAST, A.M.) ALONG THE EASTERLY
44 EXTENSION OF THE SOUTHERLY RIGHT OF WAY OF 40TH AVENUE, A
45

1 DISTANCE OF 81.82 FEET TO THE INTERSECTION WITH THE EAST LINE OF
2 THE EAST ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID
3 SECTION 22;

4 THENCE ALONG THE EXTERIOR BOUNDRY OF PARCEL C THE FOLLOWING THREE
5 (3) COURSES:

- 6 1. THENCE NORTH 00 DEGREES 06 MINUTES 46 SECONDS EAST (NORTH 00
7 DEGREES 09 MINUTES 57 SECONDS EAST, A.M.) ALONG SAID EAST LINE OF
8 THE EAST ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, A DISTANCE
9 OF 226.16 FEET (223.92 FEET, A.M.);
- 10 2. THENCE NORTH 45 DEGREES 05 MINUTES 14 SECONDS EAST (NORTH 45
11 DEGREES 27 MINUTES 51 SECONDS EAST, A.M.) A DISTANCE OF 217.72
12 FEET (219.02 FEET, A.M.) TO THE WESTERLY RIGHT OF WAY LINE OF 31ST
13 STREET, AS ESTABLISHED IN ORDINANCE 9 OF SERIES 1878;
- 14 3. THENCE SOUTH 45 DEGREES 09 MINUTES 10 SECONDS EAST (SOUTH 45
15 DEGREES 04 MINUTES 36 SECONDS EAST, A.M.) ALONG THE WESTERLY
16 RIGHT OF WAY LINE OF 31ST STREET, A DISTANCE OF 91.52 FEET (87.13
17 FEET, A.M.) TO A POINT OF CURVATURE OF VACATED 31ST STREET, AS
18 DESCRIBED IN ORDINANCE 162, SERIES 1973;

19 THENCE ALONG SAID CURVE BEING CONVEX TO THE SOUTH, HAVING A RADIUS
20 OF 50 FEET AND A CENTRAL ANGLE OF 233 DEGREES 07 MINUTES 48 SECONDS
21 (233 DEGREES 07 MINUTES 53 SECONDS, A.M.) BEING ALSO THE NORTHERLY LINE
22 OF PARCEL G, AND THE NORTHERLY LINE OF PARCEL H, A DISTANCE OF 203.44
23 FEET, TO A POINT OF TANGENCY WITH THE EASTERLY RIGHT OF WAY OF 31ST
24 STREET;

25
26 THENCE CONTINUING ALONG THE NORTHERLY LINE OF PARCEL H THE
27 FOLLOWING THREE (3) COURSES:

- 28
29 1. THENCE NORTH 45 DEGREES 09 MINUTES 10 SECONDS WEST (NORTH 45
30 DEGREES 05 MINUTES 43 SECONDS WEST, A.M.) ALONG THE EASTERLY
31 RIGHT OF WAY OF 31ST STREET, A DISTANCE OF 1.47 FEET;
- 32 2. THENCE NORTH 69 DEGREES 57 MINUTES 42 SECONDS EAST (NORTH 71
33 DEGREES 40 MINUTES 12 SECONDS EAST, A.M.) A DISTANCE OF 46.32 FEET
34 (47.49 FEET, A.M.);
- 35 3. THENCE NORTH 45 DEGREES 24 MINUTES 07 SECONDS EAST (NORTH 45
36 DEGREES 26 MINUTES 52 SECONDS EAST, A.M.) ALONG A LINE PARALLEL
37 WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF GLOBEVILLE ROAD, AS
38 ESTABLISHED IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, A
39 DISTANCE OF 139.56 FEET (139.86 FEET, A.M.) TO THE NORTHWESTERLY
40 LINE OF CDOT PARCEL 9A FOR PROJECT IR (CX) 025-2(230);

41 THENCE SOUTH 10 DEGREES 54 MINUTES 54 SECONDS WEST (SOUTH 10
42 DEGREES 57 MINUTES 39 SECONDS WEST, A.M.) A DISTANCE OF 276.44 FEET TO
43 A POINT OF CURVATURE, CONVEX TO THE SOUTH;

44

1 THENCE CONTINUING ALONG SAID CURVE HAVING A RADIUS OF 1200.90 FEET
2 AND A CENTRAL ANGLE OF 38 DEGREES 14 MINUTES 06 SECONDS, BEING ALSO
3 THE NORTHERLY LINE OF SAID PARCEL 9A AND PARCEL 9 OF SAID PROJECT, A
4 DISTANCE OF 801.39 FEET TO A POINT OF COMPOUND CURVATURE;
5

6 THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID PARCEL 9, BEING A
7 CURVE TO THE RIGHT HAVING A RADIUS OF 597.88 FEET, A CENTRAL ANGLE OF
8 02 DEGREES 19 MINUTES 03 SECONDS AND A CHORD BEARING OF SOUTH 50
9 DEGREES 18 MINUTES 23 SECONDS WEST, A DISTANCE OF 24.18 FEET TO A
10 POINT ALONG THE WESTERLY RIGHT OF WAY OF I-25 AS DESCRIBED IN
11 ORDINANCE 3 SERIES OF 1962;
12

13 THENCE NORTH 81 DEGREES 47 MINUTES 22 SECONDS WEST (NORTH 81
14 DEGREES 44 MINUTES 37 SECONDS WEST, A.M.) ALONG SAID LINE, A DISTANCE
15 OF 22.57 FEET;
16

17 THENCE NORTH 89 DEGREES 52 MINUTES 50 SECONDS WEST (NORTH 89
18 DEGREES 50 MINUTES 05 SECONDS WEST, A.M.) A DISTANCE OF 86.47 FEET TO
19 THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF
20 GLOBEVILLE ROAD, BEING ALSO THE SOUTHWESTERLY MOST CORNER OF
21 PARCEL E;
22

23 THENCE NORTH 45 DEGREES 24 MINUTES 07 SECONDS EAST (NORTH 45
24 DEGREES 26 MINUTES 52 SECONDS EAST, A.M.) ALONG THE NORTHWESTERLY
25 LINE OF SAID PARCEL E, BEING ALSO THE NORTHWESTERLY RIGHT OF WAY OF
26 GLOBEVILLE ROAD, A DISTANCE OF 13.96 FEET TO THE INTERSECTION OF THE
27 EASTERLY EXTENSION OF THE SOUTHERLY RIGHT OF WAY OF 39TH AVENUE;
28

29 THENCE NORTH 89 DEGREES 52 MINUTES 50 SECONDS WEST, ALONG SAID
30 EASTERLY EXTENSION, BEING THE SOUTHERLY LINE OF SAID PARCEL A, 162.86
31 FEET TO THE POINT OF BEGINNING,
32

33 EXCEPT THAT PORTION LYING SOUTH OF THE SOUTH LINE OF PARCEL E, AS
34 DESCRIBED IN INSTRUMENT RECORDED SEPTEMBER 18, 1992, AT RECEPTION NO.
35 R-92-0111001,
36

37 AND EXCEPT THAT PORTION LYING SOUTHEASTERLY OF THE SOUTH LINE OF
38 PARCEL E AS DESCRIBED IN INSTRUMENT RECORDED SEPTEMBER 18, 1992, AT
39 RECEPTION NO. R-92-0111001, CITY AND COUNTY OF DENVER, STATE OF
40 COLORADO
41

42 TOGETHER WITH THAT PORTION OF VACATED 31ST STREET ADJACENT
43 AS EVIDENCED BY ORDINANCE NO. 166 SERIES OF 2008 RECORDED
44 APRIL 4, 2008 AT RECEPTION NO. 2008046151
45

46 **3958 Elati Street, Denver, CO 80216**

47 THAT PART OF THE E1/2 SW ¼ SW ¼ OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE
48 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO,
49 DESCRIBED AS FOLLOWS:

1 +BEGINNING AT A POINT ON THE EAST LINE OF ELATI STREET 275 FEET NORTH
2 OF THE INTERSECTION OF THE EAST LINE OF ELATI STREET WITH THE NORTH
3 LINE OF WEST 39TH AVENUE, EXTENDING EAST FROM BLOCK 39 VIADUCT
4 ADDITION TO DENVER; THENCE NORTH (NORTH 00 DEGREES 07 MINUTES 07
5 SECONDS EAST, A.M.) ALONG THE EAST LINE OF ELATI STREET 260 FEET;

6
7 THENCE EAST (SOUTH 89 DEGREES 50 MINUTES 05 SECONDS EAST; A.M.) 80
8 FEET TO A POINT ON THE WEST LINE OF FARMERS AND GARDENERS DITCH;
9 THENCE SOUTHERNLY (SOUTH 02 DEGREES 58 MINUTES 53 SECONDS EAST,
10 A.M.) ALONG SAID WEST LINE TO A POINT DIRECTLY EAST OF THE POINT OF
11 BEGINNING; THENCE WEST (NORTH 89 DEGREES 50 MINUTES 05 SECONDS WEST,
12 A.M.) 94.08 FEET PERPENDICULAR TO THE EAST LINE OF ELATI STREET TO THE
13 POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.
14

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

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

19 COMMITTEE APPROVAL DATE: August 27, 2019

20 MAYOR-COUNCIL DATE: September 3, 2019 by Consent

21 PASSED BY THE COUNCIL: _____

22 _____ - PRESIDENT

23 APPROVED: _____ - MAYOR _____

24 ATTEST: _____ - CLERK AND RECORDER,
25 EX-OFFICIO CLERK OF THE
26 CITY AND COUNTY OF DENVER

27 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

28 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: September 19, 2019

29 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
30 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
31 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
32 § 3.2.6 of the Charter.

33 Kristin M. Bronson, Denver City Attorney

34 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: Sep 18, 2019