

## 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> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</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:			

# REZONING GUIDE



## 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"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: a. Changed or changing conditions in a particular area, or in the city generally; or b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <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, as identified above

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:
<input type="checkbox"/> Written Authorization to Represent Property Owner(s) <input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity


Please list any additional attachments:

# REZONING GUIDE



## 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	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	Has the owner authorized a representative in writing? (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)	YES
ISELO 40th Avenue, LLC	2535 E 40TH AVE DENVER, CO 80205 (720) 377-9690 BMoore@sprocketdb.com	100%		8/16/18	A	yes

Last updated: May 24, 2018

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
720-865-2974 • rezoning@denvergov.org

## **List of Exhibits**

- Exhibit A:** Property Legal Description & Survey
- Exhibit B:** Description of Consistency with Adopted City Plans (DRMC 12.4.10.13 (A, B & C))
- Exhibit C:** Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14 (A&B))
- Exhibit D:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative
- Exhibit E:** Proof of Ownership, Property Deed
- Exhibit F:** Signature Authority Authorization for ISELO 40th Avenue, LLC

**EXHIBIT A**

**Property Legal Description & Survey**

## EXHIBIT "A"

LEGAL DESCRIPTION  
2535 E. 40<sup>th</sup> Avenue, Denver, CO

**Parcel 1:**

That part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Twenty-four (24), Township Three (3) South, Range Sixty-eight (68) West of the Sixth (6th) Principal Meridian, described as follows, to-wit:

Beginning at the intersection of the east line of Columbine Street, as described in warranty deed from The Walter S. Cheesman Realty Company to the City and County of Denver, recorded on the 5th day of June, A.D. 1914, in Book 2418 at page 3 of the records in the office of the County Clerk and Recorder, in and for said City and County of Denver, with the north line of Fortieth (40th) Avenue (also known as County Road numbered 34); thence east along the north line of said Fortieth (40th) Avenue, six hundred sixty-seven and twenty- seven hundredths (667.27) feet to the east line of the northwest quarter (NW1/4) of the southwest quarter (SW1/4) of said Section Twenty-four (24); thence northerly at an angle to last described course of eighty-nine degrees, fifty-eight and one- half minutes ( $89^{\circ} 58 \frac{1}{2}'$ ) and along the east line of said northwest quarter (NW 1/4) of the southwest quarter (SW1/4) of said Section Twenty-four (24) , eight hundred sixty-five and thirty- six hundredths (865.36) feet to the southerly boundary line of the right of way of Union Pacific Railroad Company, formerly Kansas Pacific Railway Company; thence westerly along said right of way line at an angle of eighty-five degrees, fifty-nine minutes ( $85^{\circ} 59'$ ) to the last described course, six hundred sixty-eight and fifty-six hundredths (668.56) feet to the east line of Columbine Street, as described in the deed recorded in book 2418 at page 3 of said City and County of Denver records hereinbefore referred to thence south at an angle of ninety degrees, two and one-half minutes ( $90^{\circ} 2 \frac{1}{2}'$ ) to the course last hereinbefore described and along the east line of said Columbine Street, eight hundred eighteen and twenty- three hundredths (818.23) feet to the point of beginning, the tract of land hereby conveyed containing twelve and eighty-nine fourteen ten-thousandths (12.8914) acres, together with all right, title and interest, reversionary or otherwise of the parties of the first part in and to the east half of Columbine Street and the north half (N1/2) of Fortieth (40th) Avenue abutting upon the premises hereby conveyed; but subject to that certain right of way granted to the City and County of Denver by an instrument duly recorded in book 1847 at page 320 of the records in the office of the County Clerk and Recorder of the City and County of Denver, being a right of way ten (10) feet in width, for the purpose of constructing a sanitary sewer, the center line of which right of way is described as follows: Commencing at a point sixty (60) feet north and ten (10) feet west of the southeast corner of said northwest quarter (NW1/4) of the southwest quarter (SW1/4) of said Section Twenty-four (24) and running thence north parallel with and ten (10) feet west of the east line of said Quarter (1/4 1/4), seven hundred seventy (770) feet, more or less, to a point ten (10) Feet west of said east line, where the center line of Forty-second Avenue produced west would intersect the same.



BEING the same property conveyed by deed dated August 8, 1946 from Joseph B. Fleming and Aaron Colnon, Trustees of the Estate of the Chicago, Rock Island and Pacific Railway, to Western Electric Company, Incorporated, and recorded on September 25, 1946 in the City and County of Denver, Colorado. Recorders Office in Book 6118, Page 256.

Excepting therefrom that portion conveyed to Regional Transportation District in Deed recorded November 18, 2014 at Reception No. 2014140862, and those portions as condemned in Rule and Order of the District Court of the City and County of Denver as Recorded March 20, 2013 at Reception No. 2013039606.

City and County of Denver, State of Colorado

**Parcel 2:**

Lots 17 through 20 inclusive Block 61, First Addition to Swansea, Except those portions as conveyed in deeds recorded in Book 3749 at Pages 129 and 132, City and County of Denver, State of Colorado

**Parcel 3:**

Lots 17 through 32 inclusive Block 62, First Addition to Swansea, City and County of Denver, State of Colorado

**Parcel 4:**

Lots 16 through 26 inclusive Block 63 , First Addition to Swansea, City and County of Denver, State of Colorado.

**Parcel 5:**

Those portions of 41st Avenue and. 42nd Avenue from. the West line of Clayton Street to the West line of First Addition to Swansea and an alley consisting of the East fifteen feet of the Northwest one-quarter of the Southwest one-quarter of Section 4, Township Three South, Range 68 West of the Sixth Principal Meridian, from the North line of 40th Avenue to the Southerly line of the right of way of the Union Pacific Railroad Company; as vacated by Ordinance No. 168, series of 1968 Recorded May 31, 1968 in Book 9885 Page 590, City and County of Denver, State of Colorado.

**Attachment to Exhibit "A"**

- A. With respect to Parcel 1 described in Exhibit "A", said Parcel 1 contains entirely therein a surveyed portion identified as:

**"SURVEYED PARCEL 1":**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT A NUMBER 6 REBAR IN A RANGE BOX, BEING THE DENVER RANGE POINT AT THE INTERSECTION OF CLAYTON STREET AND EAST 41ST AVENUE, FROM WHICH A 2.5 INCH ALUMINUM CAP STAMPED PLS 24942 IN A RANGE BOX AT THE INTERSECTION OF THE CLAYTON STREET RANGE LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAIL ROAD, BEARS NORTH 00°10'23" WEST, A DISTANCE OF 553.70 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;**

**THENCE SOUTH 45°11'11" WEST, A DISTANCE OF 458.85 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST 40TH AVENUE AND THE POINT OF BEGINNING;**

**THENCE SOUTH 89°49'57" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 483.00 FEET TO THE EAST RIGHT OF WAY LINE OF COLUMBINE STREET;**

**THENCE NORTH 00°14'07" WEST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 407.00 FEET TO THE SOUTHEASTERLY LINE OF PARCEL EC-31-REV1, RECORDED AT RECEPTION NUMBER 2013039606 IN THE OFFICE OF THE DENVER COUNTY CLERK AND RECORDER;**

**THENCE NORTH 17°09'03" EAST, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 76.46 FEET;**

**THENCE NORTH 89°49'57" EAST, A DISTANCE OF 460.67 FEET;**

**THENCE SOUTH 00°10'23" EAST, A DISTANCE OF 480.00 FEET TO THE POINT OF BEGINNING;**

**CONTAINING A CALCULATED AREA OF 231,131 SQUARE FEET OR 5.3060 ACRES, MORE OR LESS.**

- B. With respect to Parcel 1 described in Exhibit "A", said Parcel 1 contains entirely therein a surveyed portion identified as:

**"SURVEYED PARCEL 2"**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT NUMBER A 6 REBAR IN A RANGE BOX, BEING THE DENVER RANGE POINT AT THE INTERSECTION OF CLAYTON STREET AND EAST 41ST AVENUE, FROM**



WHICH A 2.5 INCH ALUMINUM CAP STAMPED PLS 24942 IN A RANGE BOX AT THE INTERSECTION OF THE CLAYTON STREET RANGE LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAIL ROAD, BEARS NORTH 00°10'23" WEST, A DISTANCE OF 553.70 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE NORTH 02°45'38" WEST, A DISTANCE OF 443.00 FEET TO THE WEST RIGHT OF WAY LINE OF CLAYTON STREET AND THE POINT OF BEGINNING;

THENCE SOUTH 89°49'57" WEST, A DISTANCE OF 223.48 FEET;  
THENCE SOUTH 00°10'23" EAST, A DISTANCE OF 285.00 FEET;

THENCE SOUTH 89°49'57" WEST, A DISTANCE OF 543.68 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF PARCEL EC-31-REV1, RECORDED AT RECEPTION NUMBER 2013039606 IN THE OFFICE OF THE DENVER COUNTY CLERK AND RECORDER;

THENCE NORTH 17°09'03" EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 98.95 FEET TO A NON-TANGENT CURVE TO THE RIGHT;

THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID NON-TANGENT CURVE HAVING A CENTRAL ANGLE OF 54°44'04", A RADIUS OF 440.79 FEET, AN ARC LENGTH OF 421.09 FEET, THE CHORD OF WHICH BEARS NORTH 50°45'38" EAST, A DISTANCE OF 405.26 FEET TO A POINT OF TANGENCY;

THENCE NORTH 78°07'40" EAST, CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 57.97 FEET;

THENCE NORTH 06°14'32" WEST, CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 7.06 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAIL ROAD;

THENCE NORTH 85°46'15" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 354.51 FEET TO THE WESTERLY LINE OF PARCEL EC-31B, RECORDED AT RECEPTION NUMBER 2014140862 IN THE OFFICE OF THE DENVER COUNTY CLERK AND RECORDER;

THENCE SOUTH 00°11'08" EAST, ALONG LAST SAID WESTERLY LINE, A DISTANCE OF 10.13 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL EC-31B;

THENCE NORTH 89°48'52" EAST, ALONG THE SOUTHERLY LINE OF SAID PARCEL EC-31B, A DISTANCE OF 5.16 FEET TO THE WESTERLY LINE OF PARCEL EC-31A, RECORDED AT RECEPTION NUMBER 2013039606 IN THE OFFICE OF THE DENVER COUNTY CLERK AND RECORDER;

THENCE SOUTH 21°55'51" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 13.79 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL EC-31A;

THENCE NORTH 89°48'31" EAST, ALONG THE SOUTHERLY LINE OF SAID PARCEL EC-31A, A DISTANCE OF 3.13 FEET TO SAID WEST RIGHT OF WAY LINE OF CLAYTON STREET;

THENCE SOUTH 00°10'23" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 85.85 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 180,896 SQUARE FEET OR 4.1528 ACRES, MORE OR LESS.

- C. With respect to Parcels 4 and 5 described in Exhibit "A", said Parcels 4 and 5 contain entirely therein a surveyed portion identified as Parcel 3/5 and identified as:

**"SURVEYED PARCEL 3/5":**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NUMBER A 6 REBAR IN A RANGE BOX, BEING THE DENVER RANGE POINT AT THE INTERSECTION OF CLAYTON STREET AND EAST 41ST AVENUE, FROM WHICH A 2.5 INCH ALUMINUM CAP STAMPED PLS 24942 IN A RANGE BOX AT THE INTERSECTION OF THE CLAYTON STREET RANGE LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAIL ROAD, BEARS NORTH 00°10'23" WEST, A DISTANCE OF 553.70 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 55°54'43" WEST, A DISTANCE OF 24.10 FEET TO THE WEST RIGHT OF WAY LINE OF CLAYTON STREET AND THE POINT OF BEGINNING;

THENCE SOUTH 00°10'23" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 304.00 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST 40TH AVENUE;

THENCE SOUTH 89°49'57" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 122.90 FEET;

THENCE SOUTH 00°10'23" EAST, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 89°49'57" WEST, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 183.59 FEET;

THENCE NORTH 00°10'23" WEST, A DISTANCE OF 309.00 FEET;

THENCE NORTH 89°49'57" EAST, A DISTANCE OF 306.49 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 94,090 SQUARE FEET OR 2.1600 ACRES, MORE OR LESS.



# ALTA/NSPS LAND TITLE SURVEY

LOTS 17 THROUGH 20, BLOCK 61, LOTS 16 THROUGH 26, BLOCK 63, FIRST ADDITION TO SWANSEA, AND PART OF THE THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO

## TITLE EXCEPTIONS

PREPARED WITH THE BENEFIT OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, ORDER NO. ABN70589789-3 WITH AN EFFECTIVE DATE OF JULY 25, 2018 AT 5:00 P.M.

**EXCEPTION 1 – NO ADDITIONAL INFORMATION WAS PROVIDED TO THE SURVEYOR OF RECORD.** ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND, ARE NOT SHOWN BY THIS SURVEY.

**EXCEPTION 2 – NO ADDITIONAL INFORMATION WAS PROVIDED TO THE SURVEYOR OF RECORD.** EASEMENTS, LEASES OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS, ARE NOT SHOWN BY THIS SURVEY.

**EXCEPTION 3 – THIS SURVEY SERVES TO SATISFY THIS VICINITY MAP.** ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADDRESS 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, IS NOT SHOWN BY THIS SURVEY.

**EXCEPTION 4 – NOT SURVEY RELATED.** LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.

**EXCEPTION 5 – NOT SURVEY RELATED.** DEFECTS, LEASES, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS, AND NOT DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS, ARE NOT SHOWN BY THIS SURVEY.

**EXCEPTION 6 – NOT SURVEY RELATED.** (g) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LEASES BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (h) PROCEEDINGS BY A PUBLIC AGENCY OR BY THE PUBLIC RECORDS, AND NOT DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS; OR (i) RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS.

**EXCEPTION 7 – MAY AFFECT SURVEYED PROPERTY – MANHARD CONSULTING DID NOT EXAMINE UNPATENTED MINING CLAIMS, PATENTS, WATER RIGHTS, CLAIMS, OR TITLE TO WATER AND THE SURVEYOR OF RECORD ASSUMES ALL RESPONSIBILITIES FOR SUCH CLAIMS OR TITLES.** (a) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE COMPLETION OF SUCH CLAIMS; (b) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE COMPLETION OF SUCH CLAIMS; (c) WATER RIGHTS, CLAIMS OR TITLE TO WATER.

**EXCEPTION 8 – NOT SURVEY RELATED.** EXISTING LEASES AND TENANCIES, IF ANY.

**EXCEPTION 9 – AFFECTS SURVEYED PROPERTY – SHOWN HEREON.** EASEMENT GRANTED TO THE CITY AND COUNTY OF DENVER FOR SANITARY SEWER LINE, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED JANUARY 29, 1907, IN BOOK 1847 AT PAGE 320.

**EXCEPTION 10 – AFFECTS SURVEYED PROPERTY – SHOWN HEREON.** EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO FOR HIGH TENSION ELECTRIC TRANSMISSION LINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED JUNE 23, 1943, IN BOOK 5737 AT PAGE 410.

**EXCEPTION 11 – AFFECTS SURVEYED PROPERTY – SHOWN HEREON.** EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO FOR SEWERS, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED SEPTEMBER 14, 1951, IN BOOK 6887 AT PAGE 583.

**EXCEPTION 12 – AFFECTS SURVEYED PROPERTY – SHOWN HEREON.** EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, FOR ELECTRIC TRANSMISSION LINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED DECEMBER 5, 1962, IN BOOK 8950 AT PAGE 7.

**EXCEPTION 13 – AFFECTS SURVEYED PROPERTY – SHOWN HEREON.** RESERVATIONS OF EASEMENTS AS SET FORTH IN ORDINANCE NO. 168, SERIES OF 1968 RECORDED MAY 31, 1968 IN BOOK 9885 AT PAGE 590.

**EXCEPTION 14 – AFFECTS SURVEYED PROPERTY – SHOWN HEREON.** EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, FOR UTILITY LINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED OCTOBER 25, 1990, UNDER RECEPTION NO. R-90-0098981.

**EXCEPTION 15 – AFFECTS SURVEYED PROPERTY – SHOWN HEREON.** TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF EASEMENT TO THE CITY AND COUNTY OF DENVER RECORDED NOVEMBER 13, 1997 UNDER RECEPTION NO. R-97-0111664.

**EXCEPTION 16 – AFFECTS SURVEYED PROPERTY – SHOWN HEREON.** THIS SURVEY WAS EXAMINED BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA/NSPS LAND TITLE SURVEY CERTIFICATE APRIL 13, 2016 PREPARED BY MANHARD CONSULTING LTD., JOB #CALDNC001.01 SAID DOCUMENT STORED AS OUR IMAGE 10693241

A. FENCE LINES DO NOT COINCIDE WITH PROPERTY LINES  
B. CONCRETE CURBING DOES NOT COINCIDE WITH PROPERTY LINES  
C. SIGN ON SOUTHERLY PROPERTY LINE IS OUTSIDE OF SUBJECT PROPERTY.

## PARKING SUMMARY

REGULAR SPACES = 608  
MOBILE SPACES = 15  
HANDICAP SPACES = 15  
TOTAL SPACES = 631



## VICINITY MAP

(NOT TO SCALE)

## NOTES

- NOTICE:** ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY MANHARD CONSULTING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, MANHARD CONSULTING RELIED UPON THE TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY AS AGENT FOR OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, ORDER NO. ABN70589789-3 WITH AN EFFECTIVE DATE OF JULY 25, 2018 AT 5:00 P.M.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON(S) OR ENTITY(S) NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON(S) OR ENTITY(S) WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON(S) OR ENTITY(S).
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DERIVED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- BASIS OF BEARINGS:** THE 20 FOOT RANGE LINE OF CLAYTON STREET IS ASSUMED TO BEAR NORTH 00°10'23" WEST BETWEEN THE FOUND MONUMENTS AT 41ST AVENUE AND THE SOUTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD COMPANY AS SHOWN AND DESCRIBED HEREON.
- FLOODPLAIN:** THE SURVEYED PROPERTY IS NOT LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREAS AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP (FIRM) – MAP NUMBER 0800460089C, WHICH PANEL IS NOT PRINTED ACCORDING TO MAP INDEX 080046INDB00 WITH AN EFFECTIVE DATE OF NOVEMBER 20, 2013. (TABLE A, ITEM 3)
- NO ZONING REPORT OR LETTER WAS PROVIDED TO THE SURVEYOR. (TABLE A, ITEM 6(g))
- THE UTILITIES SHOWN HEREON ARE FROM VISIBLE ABOVE GROUND OBSERVATIONS CORRELATED WITH AN 811 UTILITY LOCATE REQUEST MADE ON MARCH 27, 2018, TICKET NO. A808600121-00A. NO PLANS OR MAPS WERE PROVIDED BY THE CLIENT OR UTILITY COMPANIES PURSUANT TO THE LOCATE REQUEST. THIS SURVEY MAKES NO STATEMENT TO THE ACTUAL CONNECTIONS, MATERIALS, FLOW DIRECTIONS OR PIPE SIZING OF UTILITIES. (TABLE A, ITEM 6(g))
- THE SURVEYOR HAS CONTROLLED UNDERGROUND EXPLORATION TOGETHER WITH UNCC(01) MARKINGS AS RECOMMENDED TO DETERMINE THE FULL EXTENT OF UNDERGROUND SERVICE AND UTILITY LINES. (TABLE A, ITEM 11)

## SURVEYOR'S CERTIFICATION

I, **ALTA/NSPS**, A NEW YORK CORPORATION FORMERLY KNOWN AS AMERICAN TELEPHONE AND TELEGRAPH COMPANY, A NEW YORK CORPORATION, BY MERGER OF A I&T INFORMATION SYSTEMS INC., A DELAWARE CORPORATION, LAND TITLE GUARANTEE COMPANY, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, AND THE NATIONAL TITLE INSURANCE COMPANY, A COLORADO CORPORATION, A DIVISION OF COLLEGIATE PEAKS BANK, A DIVISION OF SUGAR BANK

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE COLORADO SURVEYING ACT AND THE RULES AND REGULATIONS THEREUNDER, PUBLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 4(G), 7(G), 8, 9, AND 11 OF TABLE A THEREOF.

DATE OF FIELD WORK WAS COMPLETED ON: AUGUST 2, 2018

DATE OF PLAT OR MAP: AUGUST 7, 2018

BRIAN J. FFOHL  
COLORADO PLS. NO. 38445  
7600 E. ORCHARD ROAD, SUITE 350-S  
GREENWOOD VILLAGE, COLORADO 80111  
(303) 798-0500



## LEGAL DESCRIPTION

**PARCEL 1:** OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP THREE (3) SOUTH, RANGE SIXTY-EIGHT (68) WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF COLUMBINE STREET, AS DESCRIBED IN WARRANTY DEED FROM THE CITY AND COUNTY OF DENVER, RECORDED IN BOOK 15, PAGE 14, BOB WHIT AT DENVER, WITH THE NORTH LINE OF FORTIETH (40TH) AVENUE (ALSO KNOWN AS COUNTY ROAD NUMBER 34); THENCE EAST ALONG THE NORTH LINE OF SAID FORTIETH (40TH) AVENUE, SIX HUNDRED SIXTY SEVEN AND TWENTY-SEVEN HUNDREDTHS (667.27) FEET TO THE EAST LINE OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY-FOUR (24); THENCE NORTHERLY AT AN ANGLE TO THE LAST DESCRIBED COURSE OF EIGHTY-NINE DEGREES, FIFTY-EIGHT AND ONE-HALF MINUTES (89°58' 1/2"); AND ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY-FOUR (24), EIGHT HUNDRED SIXTY-FIVE AND THIRTY-SIX HUNDREDTHS (865.36) FEET TO THE SOUTHERLY BOUNDARY LINE OF THE RIGHT OF WAY OF UNION PACIFIC RAILROAD, HORIZONTAL KASEAS PLAT, RECORDED IN BOOK 10, PAGE 18, ALTA AND NSPS, AS DESCRIBED IN WARRANTY DEED FROM THE CITY AND COUNTY OF DENVER, RECORDED IN BOOK 15, PAGE 14, BOB WHIT AT DENVER, WITH THE NORTH LINE OF FORTIETH (40TH) AVENUE (ALSO KNOWN AS COUNTY ROAD NUMBER 34); THENCE EAST ALONG THE NORTH LINE OF SAID FORTIETH (40TH) AVENUE, SIX HUNDRED SIXTY SEVEN AND TWENTY-SEVEN HUNDREDTHS (667.27) FEET TO THE EAST LINE OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY-FOUR (24); THENCE NORTHERLY AT AN ANGLE TO THE LAST DESCRIBED COURSE, SIX HUNDRED SIXTY-EIGHT AND FIFTY-SIX HUNDREDTHS (668.56) FEET TO THE EAST LINE OF COLUMBINE STREET, AS DESCRIBED IN THE DEED RECORDED IN BOOK 2418 AT PAGE 3 OF SAID CITY AND COUNTY OF DENVER RECORDS HEREBEFORE REFERRED TO; THENCE SOUTH AT AN ANGLE OF NINETY DEGREES, TWO AND ONE-HALF MINUTES (90°2' 1/2") TO THE COURSE LAST HEREBEFORE DESCRIBED AND ALONG THE EAST LINE OF SAID COLUMBINE STREET, EIGHT HUNDRED EIGHTEEN AND TWENTY-THREE HUNDREDTHS (818.24) FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO REGIONAL TRANSPORTATION DISTRICT IN DEED RECORDED NOVEMBER 18, 2014 AT RECEPTION NO. 2014140682, AND THOSE PORTIONS AS CONDEMNED IN RULE AND ORDER OF THE DISTRICT COURT OF THE CITY AND COUNTY OF DENVER, AS RECORDED MARCH 20, 2013 AT RECEPTION NO. 2013030860.

**PARCEL 2:** LOTS 17 THROUGH 20, INCLUSIVE, BLOCK 61, FIRST ADDITION TO SWANSEA, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

EXCEPT THOSE PORTIONS AS CONVEYED IN DEEDS RECORDED JULY 19, 1927 IN BOOK 3749 AT PAGES 129 AND 132.

**PARCEL 3:** LOTS 17 THROUGH 32, INCLUSIVE, BLOCK 62, FIRST ADDITION TO SWANSEA, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**PARCEL 4:** LOTS 16 THROUGH 26, INCLUSIVE, BLOCK 63, FIRST ADDITION TO SWANSEA, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**PARCEL 5:** THOSE PORTIONS OF 41ST AVENUE AND 42ND AVENUE FROM THE WEST LINE OF CLAYTON STREET TO THE WEST LINE OF THE FIRST ADDITION TO SWANSEA AND AN ALLEY CONSISTING OF THE EAST FIFTEEN FEET OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP THREE SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, FROM THE NORTH LINE OF 40TH AVENUE TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE UNION PACIFIC RAILROAD COMPANY, AS FACED IN ORDINANCE NO. 168, SERIES OF 1968, RECORDED MAY 31, 1968 IN BOOK 9885 AT PAGE 590, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

## SURVEYED AREA

622.218 SQUARE FEET (14.2842 ACRES)±

2535 EAST 40TH AVENUE  
CITY AND COUNTY OF DENVER, COLORADO  
ALTA/NSPS LAND TITLE SURVEY

PROJ. MBR.: B.J.P.  
PROJ. ASSOC.: JCS  
DRAWN BY: JGP  
DATE: 09/06/18  
SCALE: N/A  
SHEET  
1 OF 2  
CAMDNC001.03

## INDEXING STATEMENT

DEPOSITED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ M.  
IN BOOK \_\_\_\_\_ OF THE COUNTY SURVEYOR'S LAND SURVEY RIGHT-OF-WAY  
SURVEYS AT PAGE(S) \_\_\_\_\_  
RECEPTION NO. \_\_\_\_\_



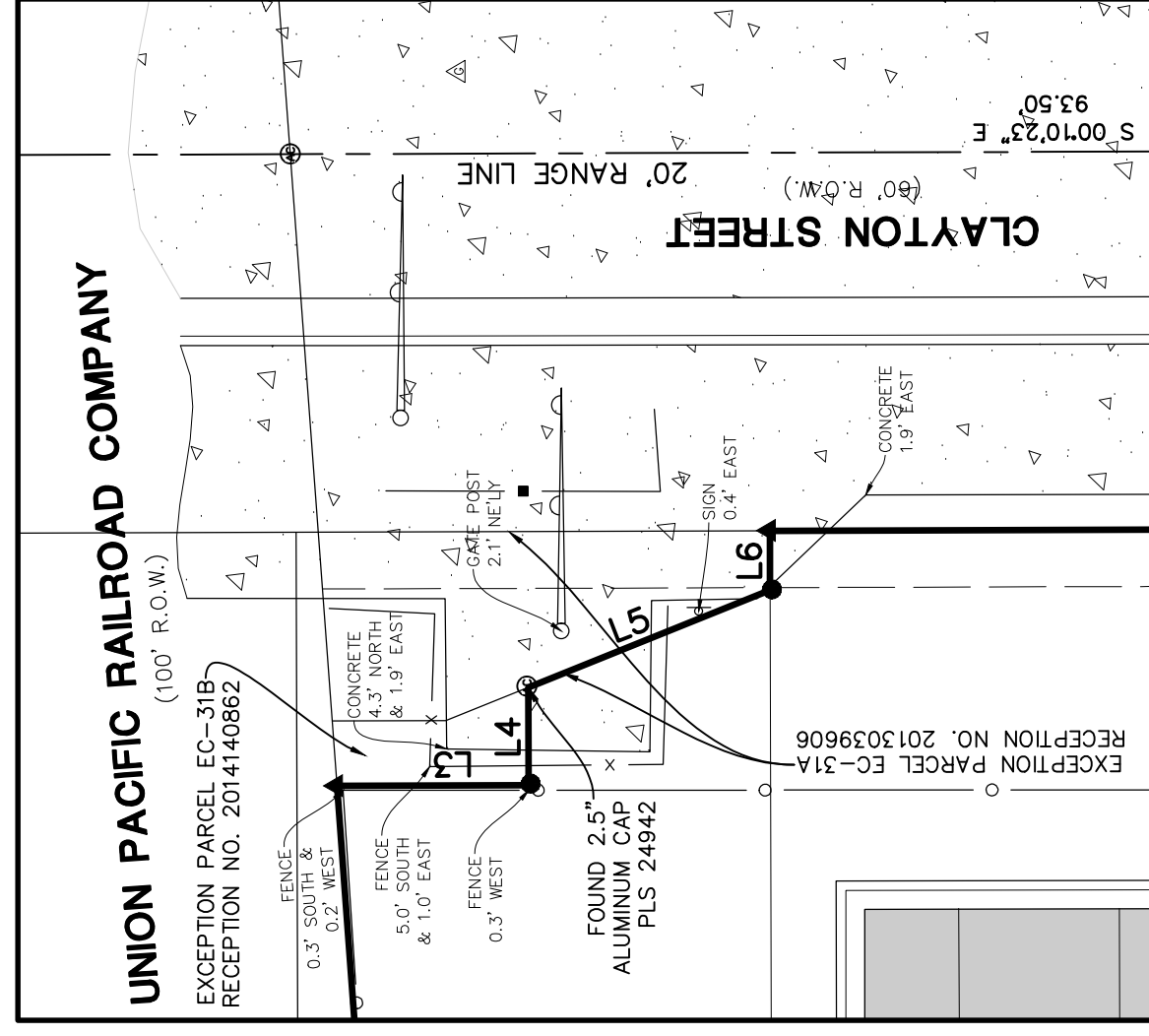
# ALTA/NSPS LAND TITLE SURVEY

LOTS 17 THROUGH 20, BLOCK 61, LOTS 16 THROUGH 26, BLOCK 63, FIRST ADDITION TO SWANSEA, AND PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO

UNION PACIFIC RAILROAD COMPANY  
(100' R.O.W.)

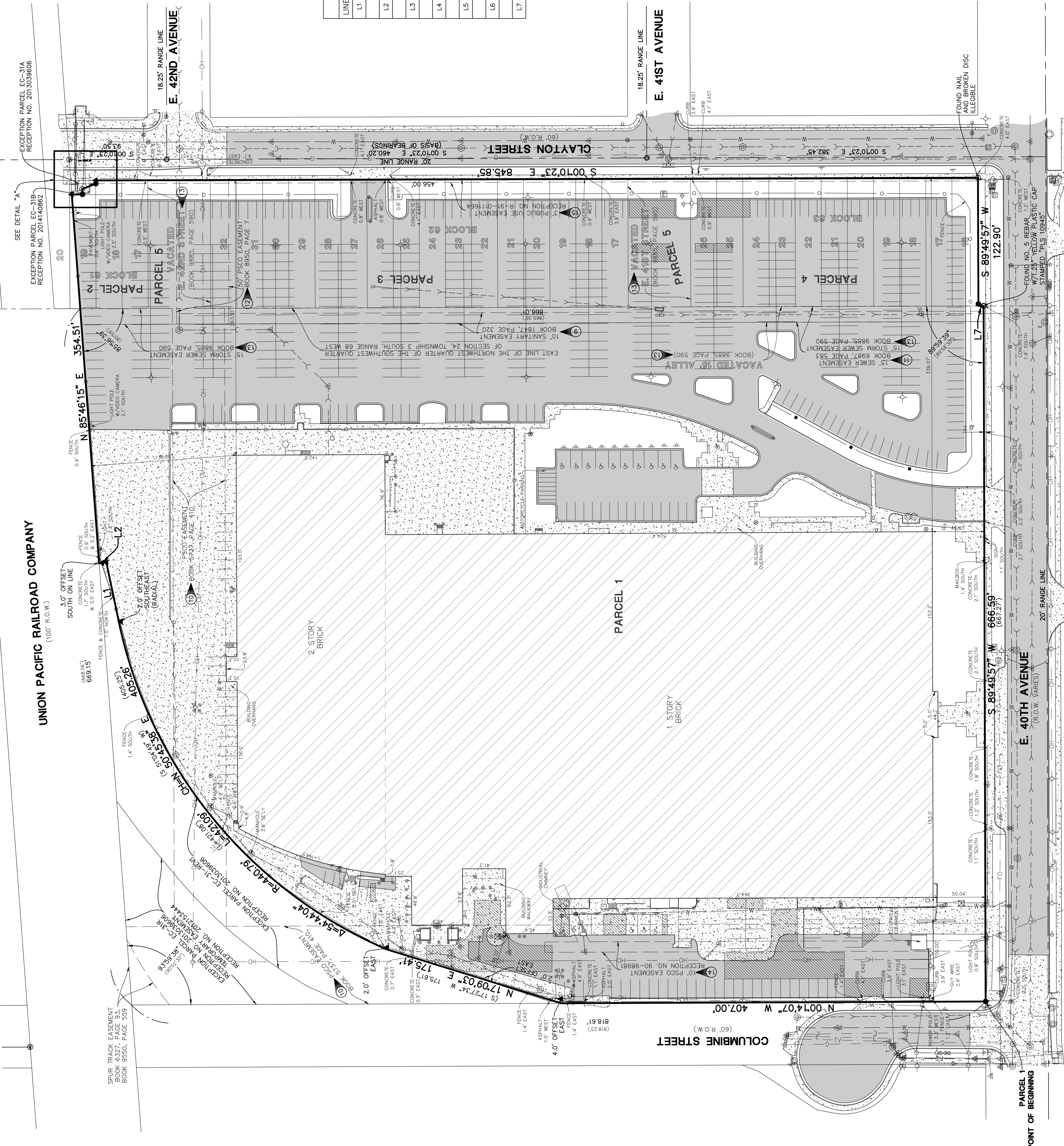
- LEGEND**
- EX. PROPERTY LINE
  - EX. RIGHT-OF-WAY LINE
  - EX. LOT LINE
  - EX. EASEMENT LINE
  - EX. CONCRETE CURB & GUTTER
  - EX. EDGE OF PAVEMENT
  - EX. WIRE FENCE
  - EX. CHAIN-LINK FENCE (CLF)
  - EX. WROUGHT IRON FENCE
  - EX. STORM LINE
  - EX. SANITARY LINE
  - EX. UNDERGROUND GAS
  - EX. WATERMAIN LINE
  - EX. UNDERGROUND FIBER OPTIC
  - EX. UNDERGROUND TELEVISION LINE
  - EX. FOUND 2.5" ALUMINUM CAP STAMPED "PLS 24842"
  - FOUND NO. 6 REBAR IN CONCRETE
  - FOUND NAIL & BROKEN DISC
  - FOUND NO. 5 REBAR AS NOTED
  - FOUND NO. 5 REBAR WITH 1.25" Y.P.C. PLS 38445 FLUSH WITH GROUND
  - ▲ FOUND NAIL & DISC
  - ▲ FOUND NO. 5 REBAR FLUSH WITH GROUND
  - ▲ EX. FLAG POLE
  - ▲ EX. WATER MANHOLE
  - ▲ EX. FIRE HYDRANT/AUX. VALVE
  - ▲ EX. BOLLARD/POST
  - ▲ EX. GUY WIRE
  - ▲ EX. UTILITY POLE
  - ▲ EX. TELEPHONE PEDESTAL
  - ▲ EX. STORM SEWER MARKER
  - ▲ EX. GAS MARKER
  - ▲ EX. FIBER OPTIC LINE MARKER
  - ▲ EX. WATER MARKER
  - ▲ EX. VALVE BOX
  - ▲ EX. LIGHT STANDARD
  - ▲ EX. TELEPHONE PEDESTAL
  - ▲ EX. TRAFFIC SIGNAL
  - ▲ EX. SANITARY MANHOLE (SMH)
  - ▲ EX. ELECTRICAL MANGLE
  - ▲ EX. ELECTRICAL PEDESTAL
  - ▲ EX. FIBER OPTIC PEDESTAL
  - ▲ EX. ELECTRIC PULL BOX
  - ▲ EX. TELEPHONE CONTROL BOX
  - ▲ EX. SIGN
  - ▲ EX. STORM MANHOLE (MH)
  - ▲ EX. RAILROAD GATE
  - ▲ EX. ASPHALT
  - ▲ EX. CONCRETE
  - ▲ EX. RIP RAP
  - ▲ EX. CONCRETE, BLOCK OR WOOD RETAINING WALL/PLANTER
  - ▲ TITLE EXCEPTION NOTE
  - .00 = BOUNDARY DIMENSION
  - .00 = LOT DIMENSION
  - (0.00) = RECORD DIMENSION

GRAPHIC SCALE  
(IN FEET)  
1 inch = 50 ft.



DETAIL "A"  
1"=10'

LINE	BEARING	LENGTH
L1	N 780740° E	57.97'
L2	N 061432° W	7.06'
L3	S 001108° E	10.13'
L4	N 894852° E	5.16'
L5	S 215551° E	13.79'
L6	N 894831° E	3.13'
L7	S 001023° E	5.00'



FOR AND ON BEHALF OF  
MANHARD CONSULTING

**Manhard CONSULTING LTD**  
7000 East Orchard Road, Suite 550-S, Greenwood Village, CO 80111 | 303.708.0800 | manhard.com  
Civil Engineering | Surveying & Geospatial Services | Construction Management | Water Resource Management

2535 EAST 40TH AVENUE  
CITY AND COUNTY OF DENVER, COLORADO  
ALTA/NSPS LAND TITLE SURVEY

PROJ. MBR.: B.L.P.  
PROJ. ASST.: JCS  
DRAWN BY: JCS  
DATE: 09/08/18  
SCALE: 1" = 50'  
SHEET 2 OF 2  
CADD/DC001.03

REVISIONS: DATE: DRAWN BY: 2018 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED.



**EXHIBIT B**

**Description of Consistency with Adopted City Plans**

## Exhibit B

### Statement of Compliance with General Review Criteria (DZC § 12.4.10.7)

This application proposes to rezone the approximately 14-acre property located at 2535 E. 40th Ave. from I-A OU-2, I-A to I-MX-3 (the "Property") to facilitate mixed use redevelopment of the Property consistent with the recommendations in the adopted plans.

The property is located in the Elyria-Swansea Neighborhood at the Northwest corner of Clayton Street and E 40<sup>th</sup> Avenue. Multimodal access to other parts of Denver, provided by I-70 just north of the Property, the Enhanced Transit Corridors of E. 40<sup>th</sup> Avenue, and York Street. The property is also located within 1.5 miles of both the 40<sup>th</sup> and Colorado Blvd. and 38<sup>th</sup> and Blake Light Rail Stations.

The map amendment request is to rezone the Property to the I-MX-3 Zone District. This would allow the development of a combination of commercial and or residential units up to 3 stories. As described in the Denver Zoning Code, the Industrial Mixed Use districts are intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts, by accommodating a variety of industrial, commercial, civic and residential uses. (DZC 9.1-3) It will also allow for redevelopment of a large, mostly vacant and underutilized property. The successful rezoning will allow for a quality project which will blend in with and promote growth of the existing character of the neighborhood.

#### **REVIEW CRITERION DZC § 12.4.10.7. A- The proposed official map amendment is consistent with the City's adopted plans.**

The proposed map amendment is consistent with the following three adopted plans:

1. Denver Comprehensive Plan (2000)
2. Blueprint Denver (2002)
3. Elyria & Swansea Neighborhood Plan (2015)

#### **1. The proposed map amendment is consistent with many objectives of Denver Comprehensive Plan 2000 including:**

##### **Environmental Sustainability Strategies:**

"2-F: Promoting infill development within Denver at sites where services and infrastructure are already in place, creating more density near transit, and designing mixed use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods." (pg 39)

"4-A: Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work." (pg 41)

**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." (pg 60)

**Mobility Strategies:**

"4-E: Continue to promote mixed-use development, which enables people to live near work, retail and services." (pg 78)

**Legacies Strategies:**

"3-A: Identify areas in which increased density and new uses are desirable and can be accommodated." (pg 99)

**Neighborhood Strategies:**

"1-F: Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, schools, transportation and open space networks." (pg 150)

The proposed I-MX-3 zone district would enable residential mixed-use development at an infill location in an area that has yet to reach its full potential. The proposed amendment will allow for redevelopment of an underutilized and largely vacant property. This rezoning would enable the development of compact, mixed-use, pedestrian-oriented development in an appropriate location, making it consistent with Denver Comprehensive Plan 2000 "Vision of Success" principles of Compact Development, Density and Diversity, among others.

**2. The proposed map amendment is consistent with the objectives of Blueprint Denver including:**

The Property is in a Blueprint Denver Area of Change and classified as Industrial as described below:



### **Area of Change:**

"Areas of Change are parts of the City where new growth or redevelopment can best be accommodated because of transportation choices and opportunities for mixed-use development. Channeling growth to older industrial areas, districts close to downtown, major arterial corridors, historical trolley routes or existing and planned light rail stops will benefit the City as a whole." (Blueprint Denver, pg. 19)

Strategies of Areas of Change include (pg. 23):

- Reuse of older buildings, including industrial buildings
- Mixed land uses
- Infill and redevelop vacant and underused properties
- Transit service and access
- Diversity of housing types, size, and cost
- Economic activity – business retention, expansion, and creation

### **Industrial:**

"As manufacturing and shipment have become more sophisticated, the need for heavy industrial areas adjacent to rail has lessened. Some of these older areas have historic buildings that are suitable for conversion to office and residential, a notable trend in LoDo and the Ballpark District. Others have the potential to be more diverse employment areas. Warehousing remains a viable use with high demand for trucking. Active industrial areas require access to major arterials or interstates. Heavy rail facilities also are often adjacent to industrial districts. Streets in these districts must be able to accommodate heavy trucks. Special attention to design, screening and buffering is necessary where industrial districts abut districts that include residential use. Examples of this form of development include the I-70 and South Platte River corridors." (Blueprint Denver, pg. 40)

### **North Industrial Area:**

"The North Industrial Area includes much of the industrial portion of the Elyria Swansea neighborhood and a portion of the Globeville neighborhood. These industrial areas surround stable residential areas that need some reinvestment and are affected by some of the industrial uses. Buffering the residential areas from the industrial areas is needed. This area includes some large employers, as well as considerable land used for truck parking and junkyards. Much of the industrial area should be improved to serve industry better and attract new businesses that provide jobs for nearby residents. Other portions of the area should be converted to mixed use, especially near the proposed transit stations and to buffer the residential areas. Finally, some of the industrial area should be considered for commercial development that would provide needed shopping for residents." (Blueprint Denver, pg. 136)

### **The Blueprint Denver Plan Strategy: Innovative Transit Options**

The Property is located on a *Blueprint Denver* identified Enhanced Transit Corridor (E. 40<sup>th</sup> Ave) and within a mile of the 40<sup>th</sup> & Colorado Light Rail Station. This designation encourages a development that meets the following goals and objectives:

- “Higher density always reduces land consumption, but it only has transportation benefits when paired with a land-use mix that provides destinations within a convenient walking distance, in areas that have access to transit and transportation corridors” (pg 26)
- “It also will provide opportunities for more intensive, mixed-use development surrounding stations and along transit corridors.” (pg 26)
- “Strategies to improve mass transit circulation options within the city as well as to outlying suburbs is a planning reality if the city intends to preserve quality of life and ensure a sustainable future for residents.” (pg 26)

### **Relevance of Blueprint Denver Street Classifications:**

Blueprint Denver identifies E. 40<sup>th</sup> as a Mixed Use Arterial – “Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas. Denver’s arterial system interconnects major urban elements such as the central business district, employment centers, large urban and suburban commercial centers and residential neighborhoods” (51). In addition, E. 40<sup>th</sup> is also identified as “mixed-use”. “Mixed-use streets are located in high-intensity mixed use commercial, retail and residential areas with substantial pedestrian activity” (p 57).

The I-MX-3 zoning is implements these Blueprint Street Classification objectives and is appropriate because the Property is in an excellent location to serve mixed use developments through multi module access. Arterial Mixed Use streets such as E. 40<sup>th</sup> Ave. adjacent to the property are attractive for pedestrians and bicyclists because of potential street design enhancements as future streets are designed for a high degree of mobility. Mixed-use streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses (57). In combination with E. 40<sup>th</sup>’s Enhance Transit Corridor designation, it makes the Property a pedestrian friendly and accessible location for commercial, retail, or residential use.

Blueprint Denver designates the Property and the immediately surrounding neighborhood as an Area of Change. The overarching goal of the Blueprint Plan is to direct growth toward Areas of Change, “where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (pg. 127). The Property is classified as Industrial, more specifically the North Industrial Area by Blueprint Denver.

As the manufacturing and shipment industry has evolved, much of this area is more suitable for residential and commercial uses. The Elyria-Swansea neighborhood is

composed of a mix of stable residential uses and industrial uses. The plan calls for reinvestment to attract new business, improved industry, and developments that serve the wants and needs of the residents. This proposed I-MX-3 zone district is consistent with that goal, as it will allow for residential-focused mixed-use in an appropriate, transit-served location, improving access to jobs, housing and services.

**4. The proposed map amendment is consistent with the objectives Elyria Swansea Neighborhoods Plan (2015) including:**

**Key Issues and Opportunities:**

- **Missing Services :** “the neighborhood lacks access to many basic neighborhood services such as a grocery store, health clinic, banking, etc. Limited mobility options make it difficult for residents to access existing services which contributes to their underutilization.” (pg. 23)
- **Residents desire to remain in the neighborhood and enjoy improvements:** “Residents want their community to improve and want to stay in place so they can enjoy the improvements. The housing stock in Elyria and Swansea is relatively affordable compared to many other Denver neighborhoods and to the City as a whole. This lower price point means that home ownership is attainable for lower income households, and as a result Elyria and Swansea’s home ownership rate is comparable to the rest of Denver. The variety of housing options and housing types are limited within the neighborhood, with single family and duplex homes being the most prominent and other housing types being relatively uncommon.” (pg. 23)
- **Urban Design:** “directly influences how livable, memorable and vital a place is and is a critical element in achieving Elyria and Swansea’s vision of being Unique, Strong, Connected and Healthy. Proposed infrastructure investments and potential new development create an opportunity to improve the visual and aesthetic qualities of the neighborhoods as well as the functionality, form and built fabric of the community.” (pg. 24)

**Vision for Elyria-Swansea:**

**Industrial Mixed Use:** Upon the City’s adoption of the Elyria Swansea Neighborhood Plan, the future land use designation for the Property was updated from Industrial to Industrial Mixed Use. IMU is similar to Mixed Use and Employment uses, but with recognition that light industrial uses, such as light manufacturing with smaller warehouses can be compatible with a variety of housing types. These areas have both a sizable employment base as well as a variety of single family duplex, and mid-to-high density housing options. Land uses can be, but are not necessarily, mixed in each building, development, or block. Pedestrian access is important within the area, with residential and non-residential uses always within walking distance of one another. (pg. 27)

**B.3 INCREASE HOUSING CHOICES** Encourage investment in new housing to expand the total number of residences and to provide for a diversity of housing types to bring more people of all ages and income levels into the neighborhood. (pg. 29)

**B.4 DIVERSIFY AND INCREASE EMPLOYMENT OPPORTUNITIES IN MIXED USE AND INDUSTRIAL AREAS** Future commuter rail stations, the National Western Center and I-70 investments will likely attract a variety of commercial and mixed use development to Elyria and Swansea. New industrial users should be cleaner and more productive in terms of offering more employment, broadening the tax base and increasing the number of exportable goods and services. (pg. 29)

**B.5 IMPROVE TRANSITION BETWEEN INDUSTRIAL AND RESIDENTIAL USES.** To improve compatibility between residential and more intensive industrial areas, development between these uses should be consistent with the Industrial Mixed-Use land use designation. (pg. 29)

**B.8 ESTABLISH MAXIMUM BUILDING HEIGHTS TO SUPPORT A VARIETY OF LAND USES AND COMMUNITY PLACES**

- Accommodate infill development in vacant or underutilized areas
- Encourage height transition between stable residential areas (Areas of Stability) and mid rise infill or redevelopment areas (Areas of Change). (pg. 30)

**Character Area Strategies:**

**E8. IMPROVE THE RELATIONSHIP BETWEEN INDUSTRIAL AND RESIDENTIAL USES**

- Improve the relationship between heavier industrial uses and adjacent residential by encouraging light industrial mixed-use infill development to serve as a buffer, or transition between existing residential areas and heavier industrial uses. (pg. 94)

The Elyria-Swansea Neighborhood Plan designates the Property as an Industrial Mixed-use area with a maximum building height of 3 stories. It is strongly recommended in the plan that reinvestment and redevelopment in the area promotes both housing and employment opportunities. An emphasis is made to accommodate infill in areas that are underutilized or vacant. The proposed I-MX-3 zone district is consistent with the plans vision, the Industrial Mixed-Use land use designation and the 3-story building height limit. Rezoning to I-MX-3 is an implementation step of these Plan recommendations and objectives as it is exactly consistent with adopted plans and has plan support. It will allow for a redevelopment that will contribute to and improve the character of the neighborhood.

**REVIEW CRITERION DZC § 12.4.10.7.C - 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.**

Future development of the Property will result in uniformity of I-MX-3 district regulations and restrictions.

**REVIEW CRITERION-The proposed official map amendment furthers the public health, safety, and general welfare of the City.**

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City's adopted plans.

**EXHIBIT C**

**Description of Justifying Circumstances and Neighborhood Context**

**Exhibit C**  
**Statement of Compliance of Additional Review Criteria for Non-Legislative Rezoning (DZC § 12.10.8)**

**CRITERION DZC § 12.4.10.8.A - Justifying Circumstances - One of the following circumstances exists:**

“Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: Changed or changing conditions in a particular area, or in the city generally”

The 14- acre Property is a vacant AT&T communications warehouse located in an area of Denver that is in need of reinvestment and development. In a residentially established, industrial neighborhood where the manufacturing, distribution and warehousing industries has changed and are changing. This is evidenced by the redevelopment of RiNo and other nearby areas Elyria Swansea. This area is designated by Blueprint Denver as an Area of Change. Located on E. 40<sup>th</sup> avenue, an Enhanced Transit Corridor and within a mile and a half of the property are two RTD FasTrack Stations that serve the A-Line that connects users from Union Station to Denver International Airport. Anticipated to open in late 2019, RTD’s N-Line, will connect Union Station to Thornton, and will have a FasTracks station in Elyria-Swansea at 48<sup>th</sup> & Brighton Blvd at the National Western Center.

The investment in rail and the opening of the A Line and the 40<sup>th</sup> & Colorado station has been a catalyst for positive and transformative change nearby in the Cole, Clayton and Park Hill neighborhoods as can be seen with significant multi-family and mixed-use development near 40<sup>th</sup> & Colorado. Other examples of positive change and investment include the nearby Eastside Human Services Center at 38<sup>th</sup> & Steele.

The City’s adopted plans call for future change and redevelopment of the Property and surrounding area to promote reinvestment of vacant and underutilized property. The City’s plans for the Elyria-Swansea neighborhood reflect the community desire to diversify and enhance their neighborhood. The city also encourages developments in areas near major transit investment, connecting Elyria-Swansea to other parts of Denver through multimodal access. These changes are indicative of a trend in the area whereby quality public transit investment and planning is fostering private reinvestment in the area. These changes signify the evolution of how land is utilized in urban infill settings and how the Property can evolve collaboratively through neighborhood reinvestment.

**Statement of Consistency with Neighborhood Context and General Purpose of Zone Districts DZC Sec. 12.4.10.8:**

This map amendment application requests approval of the I-MX-3 Zone District for the Property.

The Denver Zoning Code states that the **General Purpose** of the “I” Zone - Mixed Use Zone District is intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level while providing a transition between mixed use areas and I-A or I-B Industrial Districts. The Industrial Mixed Use districts accommodate a variety of industrial, commercial, civic and residential uses (Denver Zoning Code 9.1-1).



The Denver Zoning Code characterizes the Industrial Context as areas that consist of light industrial, heavy industrial and general industrial areas, as well as areas subject to transitions from industrial to mixed-use. With building heights ranging from 1-8 stories which utilize simple forms to maximize open floor space to accommodate warehousing, older industrial areas include multi-story warehouse buildings, manufacturing uses, adaptive re-use of industrial structures, and multi-storied mixed use buildings. I-MX-3 applies to industrially-dominated areas served primarily by local or collector streets with a maximum building height of 3 stories.

The I-MX-3 zone district is appropriate as it promotes existing and future uses as well as reinforce desired development patterns in existing neighborhoods while accommodating reinvestment. Today, the neighborhood context around the Property is a mix of residential and industrial zoning along with recently rezoned mixed-use zoning. The proposed I-MX-3 Zone District of the Property will allow the Elyria-Swansea neighborhood to continue to grow into its full potential that the city plans are envisioning.

**EXHIBIT D**

**Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative**

**ISELO 40<sup>th</sup> Avenue, LLC  
2109 E 9<sup>th</sup> Ave  
Denver, Co 80206**

**August 16, 2018**

**Mr. Bruce O'Donnell  
STARBOARD Realty Group, LLC  
770 Sherman Street, Suite 108  
Denver, CO 80203  
[bodonnell@starboardrealtygroup.com](mailto:bodonnell@starboardrealtygroup.com)  
720-441-3310**

**Dear Bruce,**

**This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent ISELO 40<sup>th</sup> Avenue, LLC for the purpose of submitting and processing the rezoning application for the property owned by ISELO 40<sup>th</sup> Avenue, LLC at 2535 E. 40<sup>th</sup> Avenue in Denver, CO.**

**Sincerely,**



**Isele 40<sup>th</sup> Avenue, LLC**

**Thomas Gordon**

**Authorized Representative**

**EXHIBIT E**  
**Proof of Ownership, Property Deed**



08/16/2018 01:08 PM  
City & County of Denver  
Electronically Recorded

R \$48.00

WD

D \$1,900.00

**SPECIAL WARRANTY DEED**

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

DOC FEE: \$1,900.00

BENITEZ|LEGAL™  
299 Milwaukee Street, Suite 329  
Denver, CO 80206

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SPECIAL WARRANTY DEED**

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **AT&T CORPORATION**, a New York Corporation ("Grantor"), whose address is 7159 San Pedro, #202, San Antonio, TX 78216, hereby sells and conveys to **ISELO 40<sup>TH</sup> AVENUE, LLC** a Colorado Limited Liability Company, ("Grantee") whose address is 2109 E. 9<sup>th</sup> Avenue, Denver, CO 80206, real property described on **Exhibit A** attached hereto and incorporated herein for all purposes (the "Land" with all buildings, fixtures and other improvements located on the Land; with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behalf of the said Grantee forever and in FEE SIMPLE.

Subject to the matters described in **Exhibit B** attached hereto and incorporated herein for all purposes, Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee only against the claims of those persons claiming by, through or under Grantor, but not otherwise. Notwithstanding the foregoing, Grantee has been given the opportunity to make a full and complete investigation and inspection of the land conveyed hereunder. The land conveyed hereunder is being sold "AS IS", "WHERE IS" and "WITH ALL FAULTS" latent and patent. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, , GRANTOR HAS NOT MADE AND WILL NOT MAKE, AND HEREBY EXPRESSLY DISCLAIMS, ANY WARRANTIES WHATSOEVER, EXPRESS OR IMPLIED, WITH RESPECT OR RELATING TO THE TITLE TO THE LAND CONVEYED HEREUNDER OR RELATING TO THE CONDITION OF THE LAND CONVEYED HEREUNDER INCLUDING WITHOUT LIMITATION, IMPLIED WARRANTIES OR MERCHANTABILITY, HABITABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

Address of Property:

2535 E. 40<sup>th</sup> Avenue, Denver, CO.

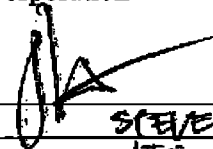
DATED as of the 15th day of August 2018.



70589789

**GRANTOR:**

AT&T Corporation , a New York Corporation

By:   
 Name: STEVE MARLEY  
 Title: ITS Authorized Signatory

**ACKNOWLEDGMENT**

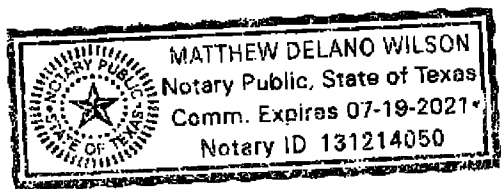
STATE OF ~~COLORADO~~ Texas )  
 ) ss.  
 COUNTY OF Denton )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of August, 2018, by Steve Marley as Grantor of AT&T Corporation, a New York Corporation.

Witness my hand and official seal.

My commission expires: 07-19-2021.

  
 Notary Public



## EXHIBIT "A"

LEGAL DESCRIPTION  
2535 E. 40<sup>th</sup> Avenue, Denver, CO

**Parcel 1:**

That part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Twenty-four (24), Township Three (3) South, Range Sixty-eight (68) West of the Sixth (6th) Principal Meridian, described as follows, to-wit:

Beginning at the intersection of the east line of Columbine Street, as described in warranty deed from The Walter S. Cheesman Realty Company to the City and County of Denver, recorded on the 5th day of June, A.D. 1914, in Book 2418 at page 3 of the records in the office of the County Clerk and Recorder, in and for said City and County of Denver, with the north line of Fortieth (40th) Avenue (also known as County Road numbered 34); thence east along the north line of said Fortieth (40th) Avenue, six hundred sixty-seven and twenty- seven hundredths (667.27) feet to the east line of the northwest quarter (NW1/4) of the southwest quarter (SW1/4) of said Section Twenty-four (24); thence northerly at an angle to last described course of eighty-nine degrees, fifty-eight and one- half minutes ( $89^{\circ} 58 \frac{1}{2}'$ ) and along the east line of said northwest quarter (NW 1/4) of the southwest quarter (SW1/4) of said Section Twenty-four (24) , eight hundred sixty-five and thirty- six hundredths (865.36) feet to the southerly boundary line of the right of way of Union Pacific Railroad Company, formerly Kansas Pacific Railway Company; thence westerly along said right of way line at an angle of eighty-five degrees, fifty-nine minutes ( $85^{\circ} 59'$ ) to the last described course, six hundred sixty-eight and fifty-six hundredths (668.56) feet to the east line of Columbine Street, as described in the deed recorded in book 2418 at page 3 of said City and County of Denver records hereinbefore referred to thence south at an angle of ninety degrees, two and one-half minutes ( $90^{\circ} 2 \frac{1}{2}'$ ) to the course last hereinbefore described and along the east line of said Columbine Street, eight hundred eighteen and twenty- three hundredths (818.23) feet to the point of beginning, the tract of land hereby conveyed containing twelve and eighty-nine fourteen ten-thousandths (12.8914) acres, together with all right, title and interest, reversionary or otherwise of the parties of the first part in and to the east half of Columbine Street and the north half (N1/2) of Fortieth (40th) Avenue abutting upon the premises hereby conveyed; but subject to that certain right of way granted to the City and County of Denver by an instrument duly recorded in book 1847 at page 320 of the records in the office of the County Clerk and Recorder of the City and County of Denver, being a right of way ten (10) feet in width, for the purpose of constructing a sanitary sewer, the center line of which right of way is described as follows: Commencing at a point sixty (60) feet north and ten (10) feet west of the southeast corner of said northwest quarter (NW1/4) of the southwest quarter (SW1/4) of said Section Twenty-four (24) and running thence north parallel with and ten (10) feet west of the east line of said Quarter (1/4 1/4), seven hundred seventy (770) feet, more or less, to a point ten (10) Feet west of said east line, where the center line of Forty-second Avenue produced west would intersect the same.



BEING the same property conveyed by deed dated August 8, 1946 from Joseph B. Fleming and Aaron Colnon, Trustees of the Estate of the Chicago, Rock Island and Pacific Railway, to Western Electric Company, Incorporated, and recorded on September 25, 1946 in the City and County of Denver, Colorado. Recorders Office in Book 6118, Page 256.

Excepting therefrom that portion conveyed to Regional Transportation District in Deed recorded November 18, 2014 at Reception No. 2014140862, and those portions as condemned in Rule and Order of the District Court of the City and County of Denver as Recorded March 20, 2013 at Reception No. 2013039606.

City and County of Denver, State of Colorado

**Parcel 2:**

Lots 17 through 20 inclusive Block 61, First Addition to Swansea, Except those portions as conveyed in deeds recorded in Book 3749 at Pages 129 and 132, City and County of Denver, State of Colorado

**Parcel 3:**

Lots 17 through 32 inclusive Block 62, First Addition to Swansea, City and County of Denver, State of Colorado

**Parcel 4:**

Lots 16 through 26 inclusive Block 63 , First Addition to Swansea, City and County of Denver, State of Colorado.

**Parcel 5:**

Those portions of 41st Avenue and. 42nd Avenue from. the West line of Clayton Street to the West line of First Addition to Swansea and an alley consisting of the East fifteen feet of the Northwest one-quarter of the Southwest one-quarter of Section 4, Township Three South, Range 68 West of the Sixth Principal Meridian, from the North line of 40th Avenue to the Southerly line of the right of way of the Union Pacific Railroad Company; as vacated by Ordinance No. 168, series of 1968 Recorded May 31, 1968 in Book 9885 Page 590, City and County of Denver, State of Colorado.

**Attachment to Exhibit "A"**

- A. With respect to Parcel 1 described in Exhibit "A", said Parcel 1 contains entirely therein a surveyed portion identified as:

**"SURVEYED PARCEL 1":**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT A NUMBER 6 REBAR IN A RANGE BOX, BEING THE DENVER RANGE POINT AT THE INTERSECTION OF CLAYTON STREET AND EAST 41ST AVENUE, FROM WHICH A 2.5 INCH ALUMINUM CAP STAMPED PLS 24942 IN A RANGE BOX AT THE INTERSECTION OF THE CLAYTON STREET RANGE LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAIL ROAD, BEARS NORTH 00°10'23" WEST, A DISTANCE OF 553.70 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;**

**THENCE SOUTH 45°11'11" WEST, A DISTANCE OF 458.85 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST 40TH AVENUE AND THE POINT OF BEGINNING;**

**THENCE SOUTH 89°49'57" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 483.00 FEET TO THE EAST RIGHT OF WAY LINE OF COLUMBINE STREET;**

**THENCE NORTH 00°14'07" WEST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 407.00 FEET TO THE SOUTHEASTERLY LINE OF PARCEL EC-31-REV1, RECORDED AT RECEPTION NUMBER 2013039606 IN THE OFFICE OF THE DENVER COUNTY CLERK AND RECORDER;**

**THENCE NORTH 17°09'03" EAST, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 76.46 FEET;**

**THENCE NORTH 89°49'57" EAST, A DISTANCE OF 460.67 FEET;**

**THENCE SOUTH 00°10'23" EAST, A DISTANCE OF 480.00 FEET TO THE POINT OF BEGINNING;**

**CONTAINING A CALCULATED AREA OF 231,131 SQUARE FEET OR 5.3060 ACRES, MORE OR LESS.**

- B. With respect to Parcel 1 described in Exhibit "A", said Parcel 1 contains entirely therein a surveyed portion identified as:

**"SURVEYED PARCEL 2"**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT NUMBER A 6 REBAR IN A RANGE BOX, BEING THE DENVER RANGE POINT AT THE INTERSECTION OF CLAYTON STREET AND EAST 41ST AVENUE, FROM**

WHICH A 2.5 INCH ALUMINUM CAP STAMPED PLS 24942 IN A RANGE BOX AT THE INTERSECTION OF THE CLAYTON STREET RANGE LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAIL ROAD, BEARS NORTH 00°10'23" WEST, A DISTANCE OF 553.70 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE NORTH 02°45'38" WEST, A DISTANCE OF 443.00 FEET TO THE WEST RIGHT OF WAY LINE OF CLAYTON STREET AND THE POINT OF BEGINNING;

THENCE SOUTH 89°49'57" WEST, A DISTANCE OF 223.48 FEET;  
THENCE SOUTH 00°10'23" EAST, A DISTANCE OF 285.00 FEET;

THENCE SOUTH 89°49'57" WEST, A DISTANCE OF 543.68 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF PARCEL EC-31-REV1, RECORDED AT RECEPTION NUMBER 2013039606 IN THE OFFICE OF THE DENVER COUNTY CLERK AND RECORDER;

THENCE NORTH 17°09'03" EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 98.95 FEET TO A NON-TANGENT CURVE TO THE RIGHT;

THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID NON-TANGENT CURVE HAVING A CENTRAL ANGLE OF 54°44'04", A RADIUS OF 440.79 FEET, AN ARC LENGTH OF 421.09 FEET, THE CHORD OF WHICH BEARS NORTH 50°45'38" EAST, A DISTANCE OF 405.26 FEET TO A POINT OF TANGENCY;

THENCE NORTH 78°07'40" EAST, CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 57.97 FEET;

THENCE NORTH 06°14'32" WEST, CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 7.06 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAIL ROAD;

THENCE NORTH 85°46'15" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 354.51 FEET TO THE WESTERLY LINE OF PARCEL EC-31B, RECORDED AT RECEPTION NUMBER 2014140862 IN THE OFFICE OF THE DENVER COUNTY CLERK AND RECORDER;

THENCE SOUTH 00°11'08" EAST, ALONG LAST SAID WESTERLY LINE, A DISTANCE OF 10.13 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL EC-31B;

THENCE NORTH 89°48'52" EAST, ALONG THE SOUTHERLY LINE OF SAID PARCEL EC-31B, A DISTANCE OF 5.16 FEET TO THE WESTERLY LINE OF PARCEL EC-31A, RECORDED AT RECEPTION NUMBER 2013039606 IN THE OFFICE OF THE DENVER COUNTY CLERK AND RECORDER;

THENCE SOUTH 21°55'51" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 13.79 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL EC-31A;

THENCE NORTH 89°48'31" EAST, ALONG THE SOUTHERLY LINE OF SAID PARCEL EC-31A, A DISTANCE OF 3.13 FEET TO SAID WEST RIGHT OF WAY LINE OF CLAYTON STREET;

THENCE SOUTH 00°10'23" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 85.85 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 180,896 SQUARE FEET OR 4.1528 ACRES, MORE OR LESS.

- C. With respect to Parcels 4 and 5 described in Exhibit "A", said Parcels 4 and 5 contain entirely therein a surveyed portion identified as Parcel 3/5 and identified as:

**"SURVEYED PARCEL 3/5":**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NUMBER A 6 REBAR IN A RANGE BOX, BEING THE DENVER RANGE POINT AT THE INTERSECTION OF CLAYTON STREET AND EAST 41ST AVENUE, FROM WHICH A 2.5 INCH ALUMINUM CAP STAMPED PLS 24942 IN A RANGE BOX AT THE INTERSECTION OF THE CLAYTON STREET RANGE LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAIL ROAD, BEARS NORTH 00°10'23" WEST, A DISTANCE OF 553.70 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 55°54'43" WEST, A DISTANCE OF 24.10 FEET TO THE WEST RIGHT OF WAY LINE OF CLAYTON STREET AND THE POINT OF BEGINNING;

THENCE SOUTH 00°10'23" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 304.00 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST 40TH AVENUE;

THENCE SOUTH 89°49'57" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 122.90 FEET;

THENCE SOUTH 00°10'23" EAST, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 89°49'57" WEST, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 183.59 FEET;

THENCE NORTH 00°10'23" WEST, A DISTANCE OF 309.00 FEET;

THENCE NORTH 89°49'57" EAST, A DISTANCE OF 306.49 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 94,090 SQUARE FEET OR 2.1600 ACRES, MORE OR LESS.

**EXHIBIT "B"****Title Exceptions**

**EASEMENT GRANTED TO THE CITY AND COUNTY OF DENVER, FOR SANITARY SEWER LINE, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED JANUARY 29, 1907, IN BOOK 1847 AT PAGE 320.**

**EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORAD, FOR HIGH TENSION ELECTRIC TRANSMISSION LINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED JUNE 23, 1943, IN BOOK 5737 AT PAGE 410.**

**EASEMENT GRANTED TO THE CITY AND COUNTY OF DENVER, FOR SEWERS, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED SEPTEMBER 14, 1951, IN BOOK 6987 AT PAGE 583.**

**EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, FOR ELECTRIC TRANSMISSION LINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED DECEMBER 05, 1962, IN BOOK 8950 AT PAGE 7.**

**RESERVATIONS OF EASEMENTS AS SET FORTH IN ORDINANCE NO. 168, SERIES OF 1968 RECORDED MAY 31, 1968 IN BOOK 9885 AT PAGE 590.**

**EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, FOR UTILITY LINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED OCTOBER 25, 1990, UNDER RECEPTION NO. R-90-0098981.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF EASEMENT TO THE CITY AND COUNTY OF DENVER RECORDED NOVEMBER 13, 1991 UNDER RECEPTION NO. R-91-0111664.**

**ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA/NSPS LAND TITLE SURVEY CERTIFIED AUGUST 6, 2018 PREPARED BY MANHARD CONSULTING LTD., JOB #CAW.DNC001.03**

**SAID DOCUMENT STORED AS OUR IMAGE 10921347**

- A. FENCE LINES DO NOT COINCIDE WITH PROPERTY LINES**
- B. CONCRETE CURBING DOES NOT COINCIDE WITH PROPERTY LINES**
- C. SIGN ON SOUTHERLY PROPERTY LINE IS OUTSIDE OF SUBJECT PROPERTY.**

**Exhibit F**  
**Signature Authority Authorization**

**ISELO 40<sup>TH</sup> AVENUE, LLC,**  
**A COLORADO LIMITED LIABILITY COMPANY**

- I) **WRITTEN DESIGNATION OF AUTHORIZED AGENT:** THOMAS A. GORDON; AND,
- II) **AUTHORIZATION RE: NEGOTIATION AND PURCHASE** BY ISELO 40<sup>TH</sup> AVENUE, LLC CONCERNING 2535 E. 40<sup>TH</sup> AVENUE (INCLUDING PARCELS DESIGNATED AS: PARCEL “#1”; PARCEL “3/5”, AND ALL REMAINING REAL AND PERSONAL PROPERTY LOCATED AT 2535 E. 40<sup>TH</sup> AVENUE, DENVER, CO),
- (THE “PROPERTY”).

Pursuant to the *Colorado Limited Liability Company Act*, the undersigned being the sole Member and Manager of **ISELO 40<sup>TH</sup> AVENUE, LLC**, a Colorado limited liability Company (“Company”) hereby: i) designates **THOMAS A. GORDON** as an Authorized Agent of the Company; ii) authorizes **THOMAS A. GORDON** to negotiate and execute documents for the purchase and financing of the Property; and, iii) sets forth the Company’s desire, and consent, to purchase the Property.

*WHEREAS*, the Company desires to further negotiations, the purchase, and financing of the Property.

**NOW THEREFORE BE IT:**

**KNOWN, AFFIRMED and DIRECTED** that **THOMAS A. GORDON** is hereby designated as **AUTHORIZED AGENT** of the Company to take any and all actions with regard to the negotiation, financing and/or purchase of the Property for, and in the name of, and on behalf of the Company. Without limiting the foregoing, Mr. Gordon, as Authorized Agent, is authorized to execute such documents on behalf of the Company as required in connection with the negotiation, financing, exchange and purchase of the Property. Mr. Gordon is authorized to execute all deeds, assignments, exchange documents, certificates, wire transfer instructions, settlement statements, permits, licenses, contracts and escrow accounts, and all other affidavits, documents, conveyances, filings, forms, reports and all other instruments required to consummate the purchase and financing of the Property, and to take any and all necessary steps to accomplish the transaction.

**RESOLVED**, that the Manager has determined, consistent with the purposes of the Company as set forth its Operating Agreement of the Company (the “Operating Agreement”), that it is advisable for the Company to purchase the Property, and be it further

**RESOLVED**, that the Manager has, pursuant to the Company’s Operating Agreement, full authority to act on behalf of the Company concerning the Company’s purchase of the Property, and be it further

**RESOLVED**, that the Company has been duly formed and is validly existing under the laws of the State of Colorado, has all requisite power and authority to purchase the Property, has not been dissolved and remains in good standing pursuant to the laws of the State of Colorado, and there has been no change in the make-up or composition of the Company.

**ISELO 40<sup>TH</sup> AVENUE, LLC: WRITTEN DESIGNATION  
OF AUTHORIZED AGENT AND CONSENT TO PURCHASE PROPERTY  
AUGUST 2018  
PAGE 2**

This document may be executed in counterparts and delivered via facsimile or email and/or pdf signatures and the same shall be considered an original document, and be legal and binding upon the parties.

IN WITNESS WHEREOF, the undersigned, being the sole Member of the Company, the sole Manager, and determining that the purchase of the Property by the Company is consistent with, and not in violation of, the purposes of the Company, has executed this Designation and Authorization to Purchase as set forth below.

**ISELO 40<sup>TH</sup> AVENUE, LLC**

**BY: ISELO INVESTMENT PARTNERS, LLC**  
[A COLORADO LIMITED LIABILITY COMPANY]  
[SOLE MEMBER/MANAGER: ISELO 40<sup>TH</sup> AVENUE, LLC]

  
\_\_\_\_\_  
BY: BROOKE E. GORDON, MANAGER,  
ISELO INVESTMENT PARTNERS, LLC

DATE: August 8, 2018

\* \* \* \* \*



**From:** [Fred Glick](#)  
**To:** [Levingston, Courtney L. - CPD CE0429 City Planner Senior](#)  
**Cc:** [Bruce O'Donnell](#)  
**Subject:** [EXTERNAL] Proposed Map Amendment 2018I-00072  
**Date:** Tuesday, February 05, 2019 7:37:44 AM

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Hi Courtney,

I'm writing in support of the above referenced map amendment at 2535 E. 40th Avenue.

I support the application and believe it will contribute to the neighborhood, as well as supporting the City's significant investment at the 39th Avenue Greenway.

The applicants were good enough to accept the invitation of Clayton Urbanists, an interest group associated with Clayton United RNO, to speak with us about their plans, as well as the rezoning proposal. I expect that the RNO will discuss taking a position on the rezoning next week at our regular meeting and will let you know the outcome of that discussion.

thank you,

fred glick  
owner and future resident, 3850 York St.  
partner, 3840 York St.

**CITY AND COUNTY OF DENVER, COLORADO  
REGISTERED NEIGHBORHOOD ORGANIZATION  
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to [rezoning@denvergov.org](mailto:rezoning@denvergov.org). You may save the form in \*.pdf format if needed for future reference. Questions may be directed to planning staff at [rezoning@denvergov.org](mailto:rezoning@denvergov.org) or by telephone at 720-865-2974.

Application Number	2018I-00072
Location	2535 E. 40th Avenue
Registered Neighborhood Organization Name	Clayton United
Registered Contact Name	Danielle Ongart
Contact Address	
Contact E-Mail Address	claytonneighborhooddenver@gmail.com
Date Submitted	12 February 2019

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization was held on  , with  members in attendance.

With a total of  members voting,

voted to support (or to not oppose) the application;

voted to oppose the application; and

voted to abstain on the issue.

It is therefore resolved, with a total of  members voting in aggregate:

The position of the above-referenced Registered Neighborhood Organization is that Denver City Council

Application #

Comments: Clayton United supports the rezoning application with the following comments:  
 1) We support the applicant's stated intent to include affordable housing in the development. We believe affordable housing is critical for our city and our neighborhood.  
 2) We support the applicant's stated intent to include live-work units in the development. We believe live-work is an important tool to promote housing affordability and small businesses.  
 3) We encourage Planning Board and Council to consider rezonings of more than 3 stories to promote density along the 40th and (future) 39th Avenue corridors in and adjoining Clayton. This area was specified as 3-stories in the Elyria-Swansea Neighborhood Plan, but we note that though this includes substantial portions of the Clayton neighborhood and any development will have substantial impact on Clayton, the plan was made without input from Clayton.