



DENVER
THE MILE HIGH CITY

TO: Denver City Council
FROM: Theresa Lucero, Senior City Planner
DATE: May 30, 2013
RE: Zoning Map Amendment #2012I-00050
1101 North Quebec Street
Rezoning from E-SU-Dx to OS-A

Staff Report and Recommendation

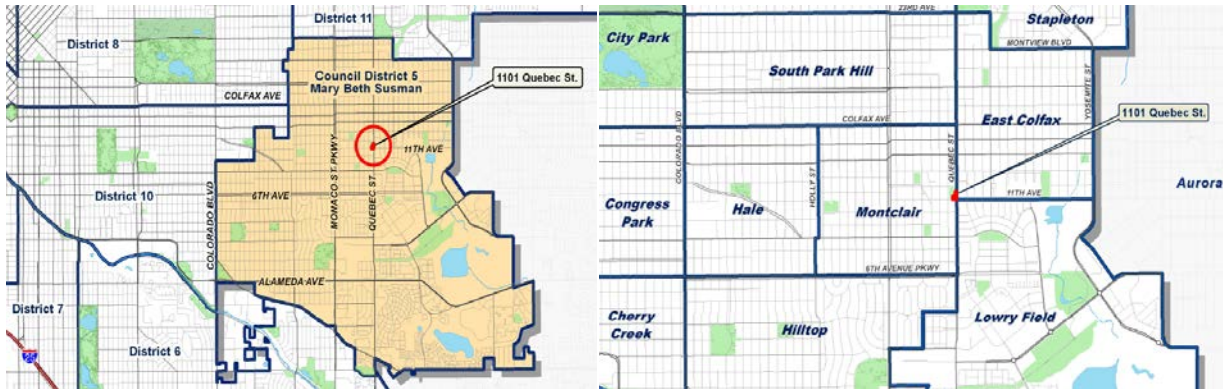
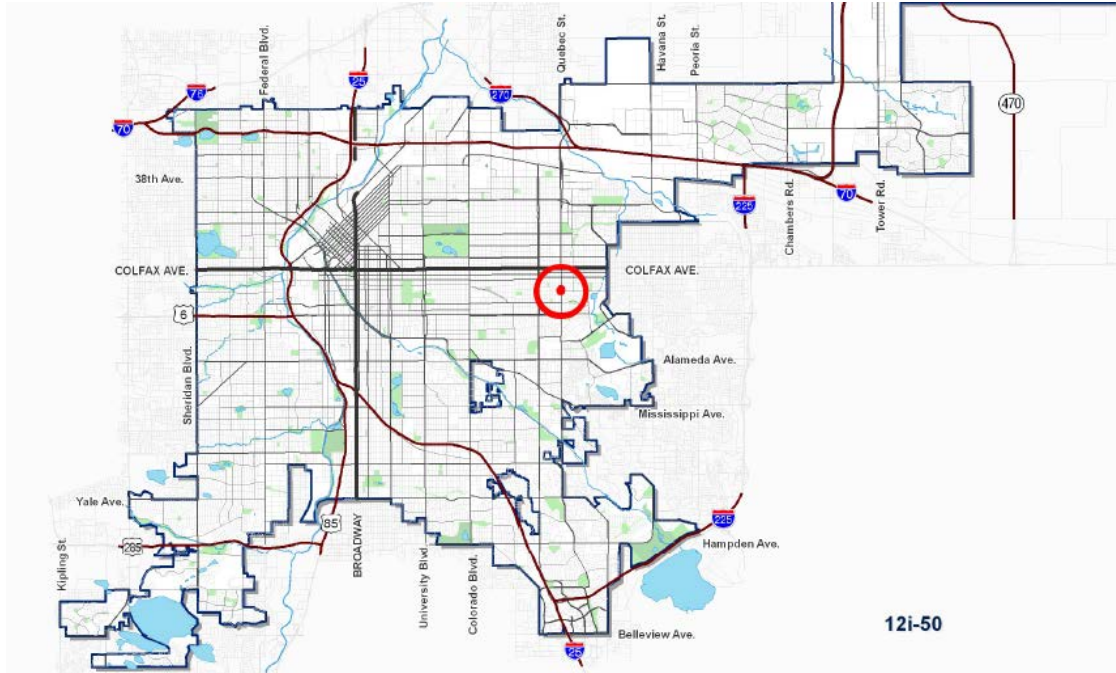
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2012I-00050 for a rezoning from E-SU-Dx to OS-A.

Request for Rezoning

Application:	#2012I-0050
Address:	1101 North Quebec Street
Neighborhood/Council District:	Montclair / City Council District 5
RNOs:	East Montclair Neighborhood Association Historic Montclair Community Association Inc. Lowry United Neighborhoods Lowry Neighbors Lowry Community Master Association Denver Neighborhood Association, Inc. Inter-Neighborhood Cooperation
Area of Property:	19,200 square feet
Current Zoning:	E-SU-Dx
Proposed Zoning:	OS-A
Property Owner(s):	City and County of Denver
Owner Representative:	Theresa Lucero

Summary of Rezoning Request

- The property is located in east Denver, in City Council District 5, within the Montclair Statistical Neighborhood, at the northwest corner of East 11th Avenue and North Quebec Street.
- The property is vacant and was quit claimed to the City in September 2012, from Denver Water. Because the property is adjacent to Denison Park, the Department of Parks and Recreation wishes to incorporate the property into Denison Park. The Department is planning to restore the grass on the property.
- The OS-A zone district stands for **Open Space** Public Parks District. The OS-A zone district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation ("DPR") for park purposes. Further details of the zone districts can be found in Article 9 of the Denver Zoning Code (DZC).



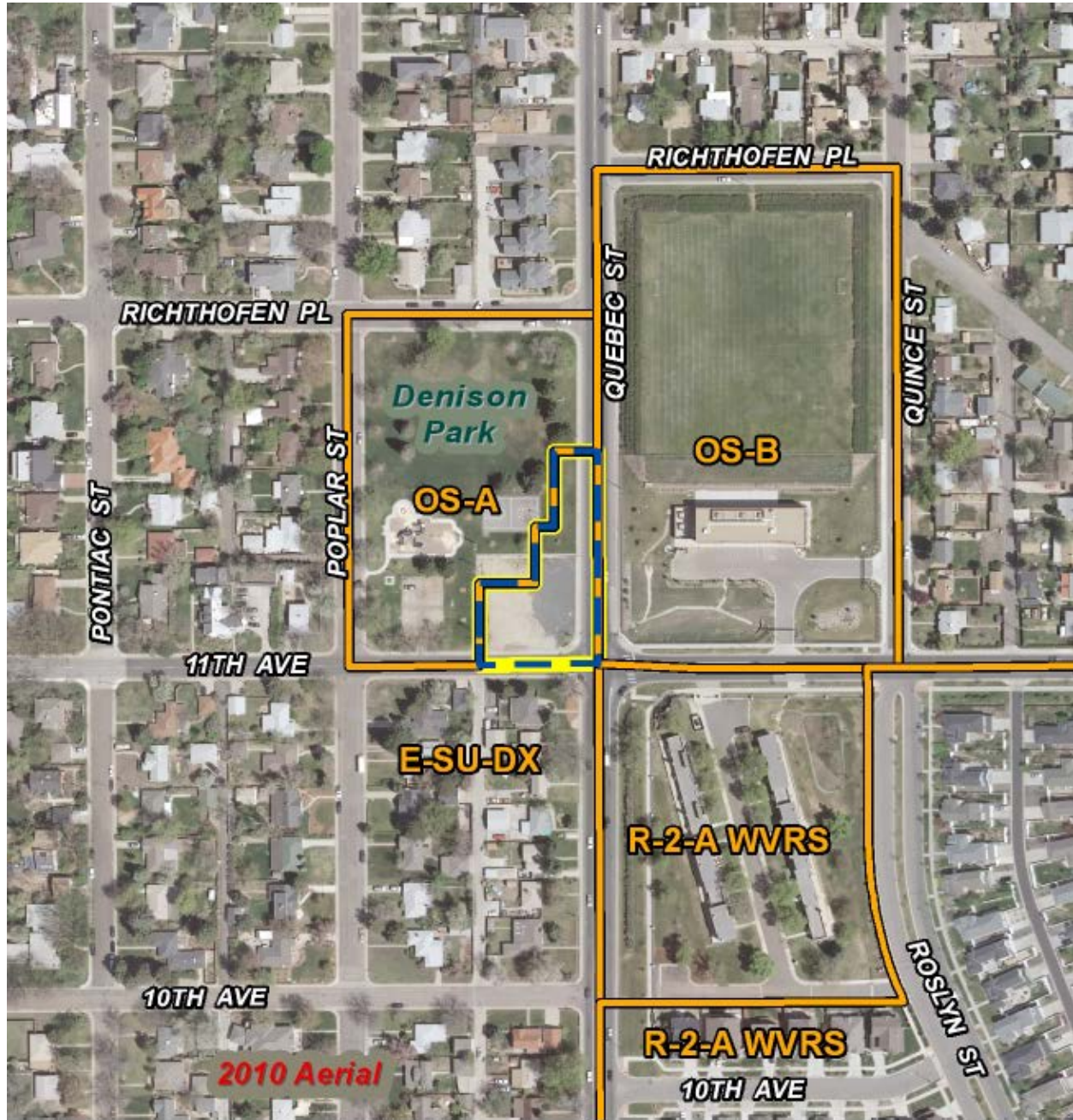
Existing Context

The property is located at the northwest corner of east 11th Avenue and North Quebec Street. In the vicinity are the Lowry redevelopment area directly south and east of the subject property, east Colfax Avenue 5 blocks north of the property and Monaco Parkway 7 blocks west of the property. The immediate area surrounding the subject property is predominantly low-scale residential, although directly east of the site is a Denver Water warehouse. The block pattern is a mix of a grid and modified grid pattern with alleys present.

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	E-SU=Dx	Vacant	N/A	Generally regular grid or modified grid street patterns with alleys present. Block sizes and shapes are consistent and rectangular, with the exception of Lowry blocks which are shaped by the modified grid streets.
North	E-SU=Dx	SF Residential	1-2 stories	
South	E-SU=Dx / R-2-A w/waivers	SF Residential / Multi-unit Residential	1-2 stories	
East	OS-B	Utility Warehouse	1-2 stories	
West	E-SU=Dx	SF Residential	1-2 stories	

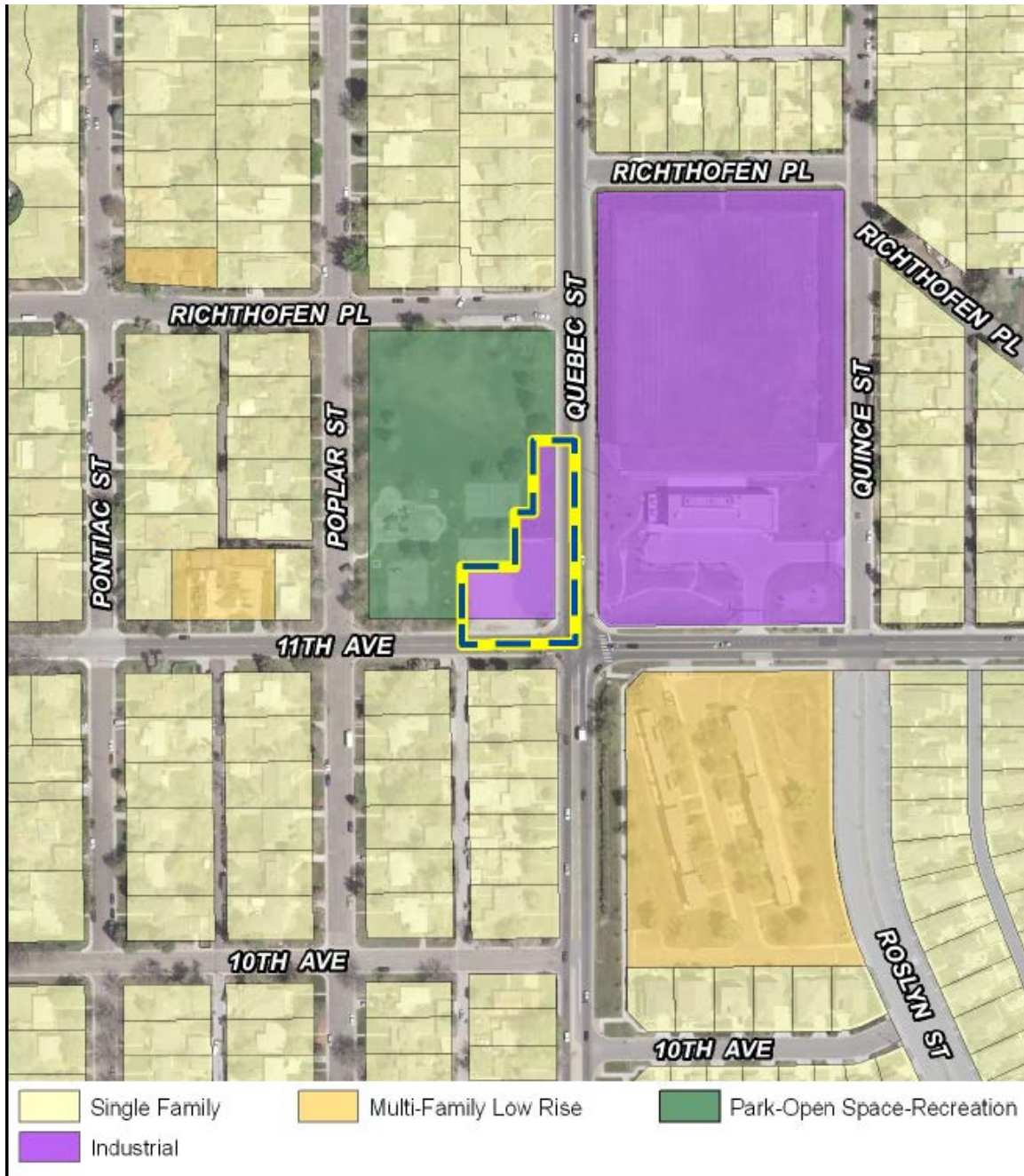
1. Existing Zoning



The existing zoning of the subject property is E-SU-Dx, or Urban Edge context, Single Unit, with the Dx signifying the allowance of either urban or suburban house styles on a 6,000 square foot zone lot. The maximum height limit for the district is 30 feet. Bulk plane requirements apply on all side zone lot lines. The minimum front setback is block sensitive,

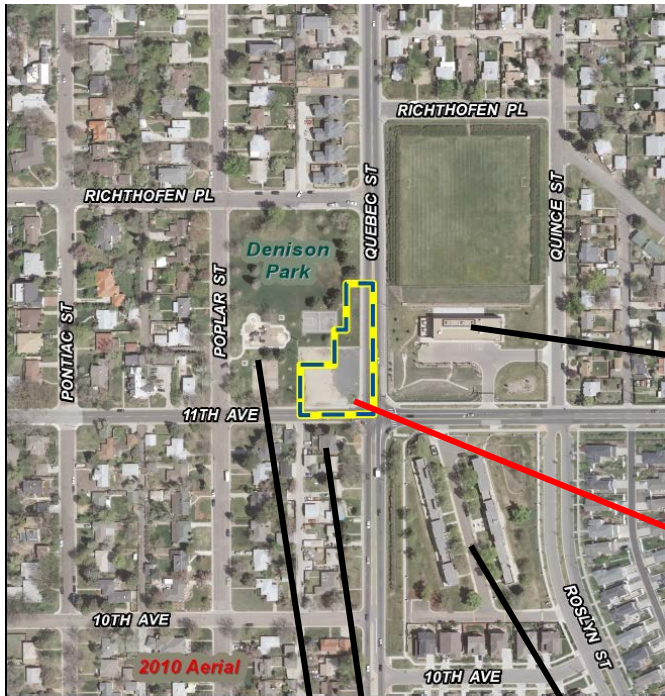
and the side setbacks vary between 3 feet and 10 feet depending on the zone lot width. The rear setbacks are between 12 and 20 feet. And the building coverage on the zone lot for a standard 6,000 square feet lot is 37.5%. A variety of civic and utility uses are allowed, but use limitations restrict new multi-unit residential uses. For additional details of the zone district, see DZC Section 4.

2. Existing Land Use Map



Existing Land Use

1. Existing Building Form and Scale



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:

Asset Management: Approve, no comments.

Development Services – Project Coordination: Approve, no comments.

Public Works – City Surveyor: Approve legal description.

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 18, 2013.

Planning Board

- The property has been legally posted for a period of 15 days announcing the April 3, 2013, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.

Land Use and Transportation Committee

- Electronic notice of the April 16, 2013, meeting was sent to all affected registered neighborhood organizations and City Council members.

City Council Public Hearing

- The property has been legally posted for a period of 21 days announcing the June 3, 2013, City Council public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- **Registered Neighborhood Organizations (RNOs)** – To date no public comment has been received.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

DZC Section 12.4.10.13

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

DZC Section 12.4.10.14

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 Strategy 4-C – Respect, conserve and expand** wildlife habitat, watersheds, **open space** and other natural resources when planning, designing and building new projects.
- **Land Use Strategy 3-D – Identify and enhance existing focal points in neighborhoods**, and encourage the development of such focal points where none exist.
- **Land Use Strategy 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**; and that broadens the variety of compatible uses.
- **Economic Activity Strategy 5-A – Deploy City resources to make these neighborhoods clean and safe, provide park, recreational and cultural amenities nearby.**

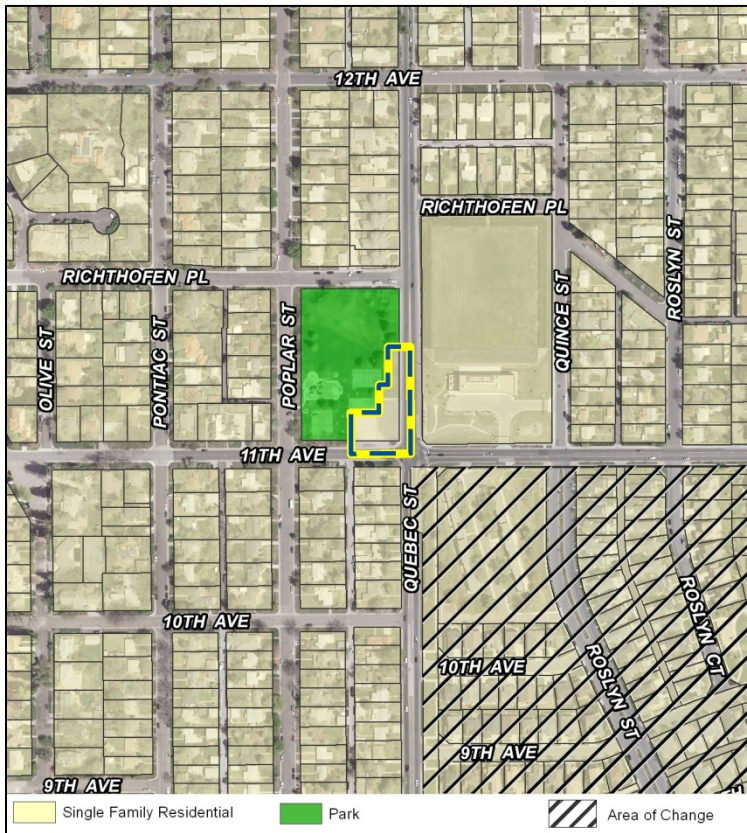
The proposed map amendment will enable Denison Park to continue to serve the surrounding neighborhoods as an amenity. The expansion of the OS-A zone district improves the parks ability to serve the surrounding neighborhoods. The rezoning is consistent with these plan recommendations.

Blueprint Denver

According to the 2002 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 site is located in a single-family residential area in the Montclair Neighborhood. Blueprint Denver describes that a neighborhood is “an area that consists primarily of residential land uses.” and that “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.” The site is currently vacant.



2002 Blueprint Denver
Future Land Use Map

Area of Change / Area of Stability

The site is designated as an Area of Stability in Blueprint Denver. The goal for the Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment. The zone change from E-SU-Dx, a single-unit district to OS-A, an open space district will allow the subject property to be included in Denison Park. The rezoning application is consistent with the Blueprint Denver Area of Stability designation due to the new zone district maintaining the existing character of the area.

Street Classifications

Blueprint Denver classifies Quebec Street as a Residential Arterial. Blueprint Denver classifies 11th Avenue as a Residential Collector. According to Blueprint Denver, “Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas” and “Collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas.” Both Quebec and 11th are considered residential multi-modal street type. Residential streets “serve two major purposes in Denver’s neighborhoods. As arterials, residential streets balance transportation choices with land access, without sacrificing auto mobility. As collectors and local streets, residential streets are designed to emphasize walking, bicycling and land access over mobility.” The low-scale nature of the OS-A zone district is similar to the low-scale found in the existing E-SU-Dx district and allows both Quebec Street and 11th

Avenue to continue to serve as an arterial and a collector respectively. The zone change is consistent with Blueprint Street Classifications.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to OS-A 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.

4. Justifying Circumstance

The application identifies the changed ownership of the property as the Justifying Circumstance under DZC Section 12.4.10.14.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. Both the change in ownership of the property and the desire to redevelop the property into park land are appropriate justifying circumstances for the proposed rezoning.

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

Denver Zoning Code Criteria is that the proposed official map amendment should be consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. The proposed Open Space Context consists of all forms of public and private parks and open spaces. The context accommodates sites ranging from very active to completely passive, and from those embedded in a neighborhood to sites that are large enough to stand alone. Active sites may include high use areas such as ball fields, while passive areas focus on resource protection, trails, walking and biking. The intent of the OS-A zone district is to protect and preserve public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation ("DPR") for park purposes. The proposed rezoning is consistent with the Open Space Context and the intent of the OS-A zone district.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 1101 North Quebec Street to an OS-A zone district meets the requisite review criteria. Accordingly, staff recommends **approval**.

Attachments

1. Application
2. Approved Legal Description



Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
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.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			



REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</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 <p>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.</p>
	<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. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. <input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning 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.
	<p>Please provide an attachment describing the justifying circumstance.</p>
	<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. <p>Please provide an attachment describing how the above criterion is met.</p>

ATTACHMENTS

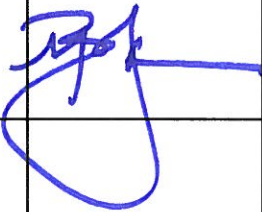
Please check any attachments provided with this application:

- Authorization for Representative
- Proof of Ownership Document(s)
- Legal Description
- Review Criteria

Please list any additional attachments:

Empty box for listing 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)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
City and County of Denver	201 W. Colfax Avenue Denver, CO 80202 720-913-1503 assetmanagement@denvergov.org	100%			B	Yes

QUITCLAIM DEED
(Quebec Street / East 11th Avenue)

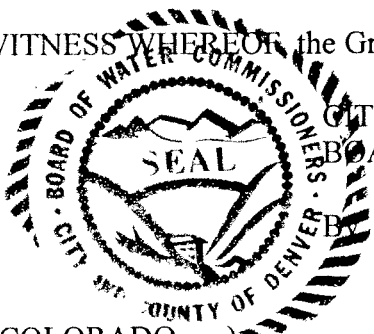
THIS DEED, made this 17th day of September, 2012, between THE CITY AND COUNTY OF DENVER, acting by and through its BOARD OF WATER COMMISSIONERS, a municipal corporation of the State of Colorado, whose address is 1600 W. 12th Ave. Denver, CO 80204 ("Grantor" or "Board"), and the CITY AND COUNTY OF DENVER, a home rule city municipal corporation of the State of Colorado, whose address is 1437 Bannock, Denver, CO 80202 ("Grantee" or "City").

FOR AND IN CONSIDERATION of Ten (\$10.00) Dollars and other good and valuable consideration, the sufficiency of which is hereby acknowledged, Grantor hereby remises, releases, sells, and quitclaims unto Grantee, its successors and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property described on Exhibit A, which is attached hereto and incorporated herein by this reference, for public purposes. However, Grantor reserves unto itself, its successors and assigns forever, the easement described on Exhibit B, which is attached hereto and incorporated herein by this reference ("Reserved Easement").

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor in law or equity for the use and benefit of the Grantee, its successors and assigns forever.

This conveyance is made in an as-is condition, and Grantor makes no warranty regarding the suitability of the conveyed property for Grantee's intended purpose. Grantee, in its capacity as land owner and not in its capacity as regulator, hereby waives any claim against Grantor arising from the Grantor's abandoned subsurface water facilities and appurtenances on the conveyed property

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



CITY AND COUNTY OF DENVER, acting by and through its BOARD OF WATER COMMISSIONERS,

Robert J. Lochhead
Name: James Lochhead
Title: CEO/ Manager

CERTIFICATION
The Clerk and Recorder for the CITY AND COUNTY OF DENVER, State of Colorado does hereby certify this document to be a full, true and correct copy of the original document recorded in my office.

Clerk and Recorder
Deputy County Clerk
Date: September 17, 2012
Bridget M. Svalberga



STATE OF COLORADO)
) ss
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 17th day of September, 2012, by Robert Mahoney for James Lochhead as CEO/ Manager of the City and County of Denver, acting by and through its Board of Water Commissioners, a municipal corporation of the State of Colorado.

Witness my hand and official seal.

My commission expires: 5/3/2014

Notary Public



20121-00050



City & County of Denver

QCD

RD.00

DD.00

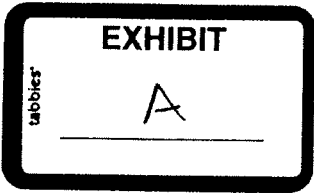
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APPROVED AS TO FORM

[Signature]
LEGAL DIVISION



LEGAL DESCRIPTION

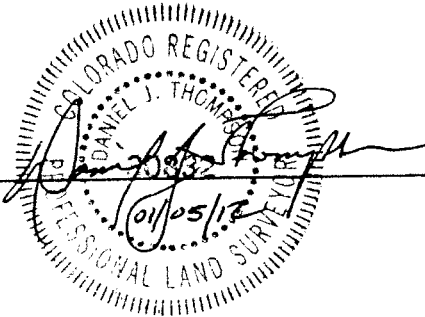
A Parcel of land in the southeast quarter of the northeast quarter (SE1/4 NE1/4) of Section 5, Township 4 South, Range 67 West of the Sixth Principal Meridian, Denver, Colorado more particularly described as follows:

All of lots 17 thru 20 inclusive and the south 6 feet of lot 21, the east 55 feet of the north 19 feet of lot 21, the east 55 feet of lot 22, and the east 30 feet of lots 23 thru 26 inclusive, of Block 105, Chamberlin's Subdivision of Part of Block B, Richthofen's Addition to Montclair and Blocks 1 and 2 East Montclair, a subdivision recorded in Book 7 at Page 41 in the office of the Clerk and Recorder, City and County of Denver.

This parcel contains 19,200 square feet more or less.

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B.



Name and Address of Person Creating
Newly Created Legal Description
(§ 38-35-106.5.C.R.S.)

Denver Water
1600 West 12th Avenue
Denver, Colorado 80254

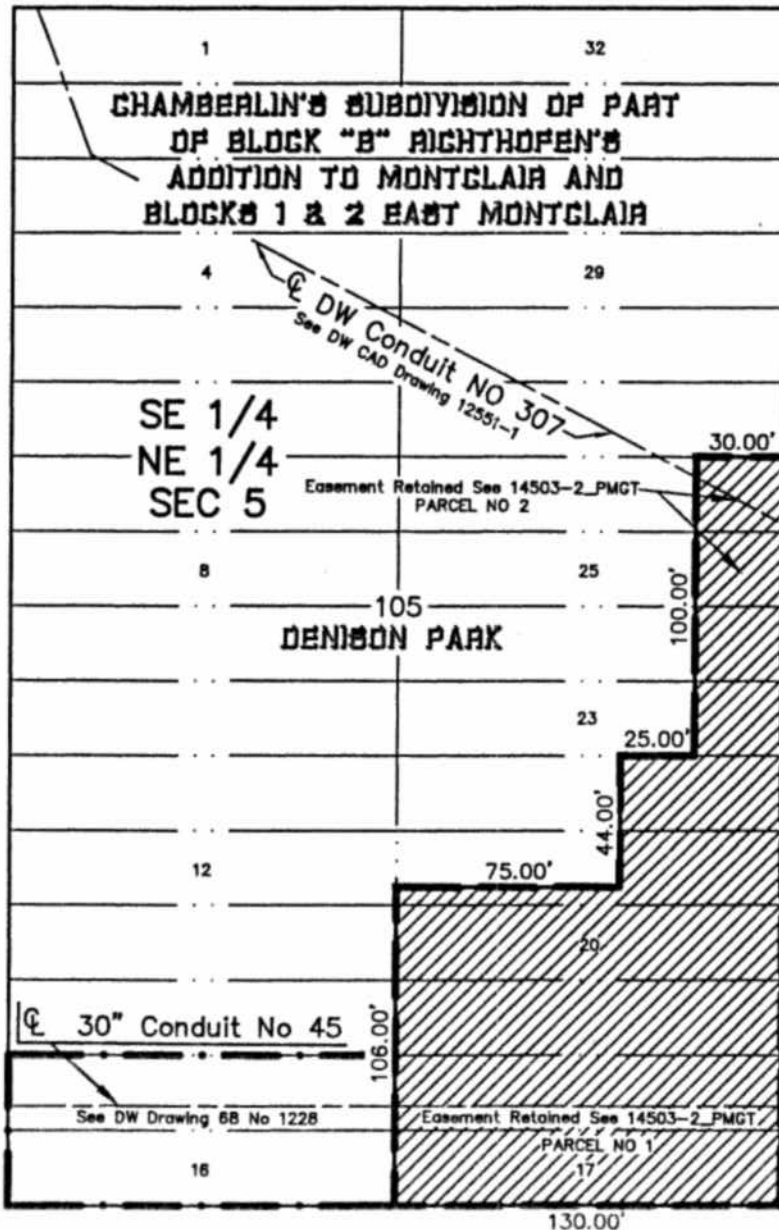
NE 1/4 SECTION 5, TOWNSHIP 4 SOUTH, RANGE 67 WEST 6th P M
 ----- CITY AND COUNTY OF DENVER -----

RICHTHOFEN PL

NE Cor Sec 5
 3 1/4" Alum Cap
 in box LS 11434

32 33
 4

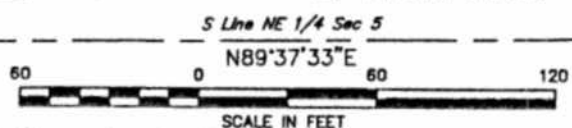
T 3 S
 T 4 S



DENVER WATER'S PROPERTY FOR THE
 HAMLET J. "CHIP" BERRY PUMP STATION

C 1/4 Cor Sec 5
 Calc Position

E 1/4 Cor Sec 5/4
 Calc Position



Parcel Map Not P.L.S. Stamped or Certified

PARCEL CONTAINS 19,200 SQ FT ±

LEGEND	
	REAL ESTATE CONVEYED
	BNDRY EXISTING D.W.D. ESMT
	BNDRY EXISTING D.W.D. PROP
	LOT LINE

DOCUMENT DATED
 SEC'Y FILE DOC.
 RIMS ITEM NO.
 CARD NO.
 DRN. --- PM. LAB. JS. R.
 APPD *[Signature]*
 SHEET 1 OF 1 SHEET

DENVER WATER
 MONTCLAIR PUMP STATION
 REAL ESTATE CONVEYED TO
 CITY AND COUNTY OF DENVER
 DATE: JANUARY 4, 2012
 SCALE: 1" = 60'
 CAD 14503-1_PMGT

RESERVED EASEMENT

(Quebec St. / 11th Ave.)

RECITAL

Whereas, the Board is conveying property to the Grantee by the Quitclaim Deed, to which this Reserved Easement is Exhibit B, and

Whereas, the Board desires to, and through this Reserved Easement will, retain certain easement rights, which are partial consideration for the conveyance through the Deed.

WITNESSETH:

Except as otherwise set forth herein, Board hereby reserves to itself, its successors and assigns, the permanent right to enter, re-enter, occupy and use the described property to construct, maintain, repair, replace, remove, enlarge and operate one or more water pipelines and all underground and surface appurtenances thereto, including electric or other related control systems, underground cables, wires and connections and surface appurtenances. By way of example and not by way of limitation, the parties intend to include within the terms "pipelines" and "appurtenances" the following: mains and conduits, valves, vaults, manholes, control systems, ventilators, and the like, in, through, over and across the parcel of land situate, lying and being in the City and County of Denver and State of Colorado, ("Easement Area") described in Exhibit "1", attached to this Reserved Easement and made a part hereof pursuant to the following terms and conditions.

1. The Board shall have and exercise the right of ingress and egress in, to, over, through and across the above described Easement Area for any purpose needful for the full enjoyment of any other right of occupancy or use provided for herein. The Easement Area shall be free of obstacles throughout the length of the Easement Area except as approved by the Board in accordance with Paragraph 3, below.

2. There currently exists in the Easement Area at least the following Board Facilities ("Existing Board Facilities"): a pump station and related pipes and appurtenances. Any Existing Board Facilities may remain in the Easement Area. The Board shall not install any new surface appurtenances or surface facilities in the Easement Area without the prior written consent of the City's Managers of Public Works and Parks and Recreation.

3. The City shall not construct or place any structure or building, fence, retaining wall, street light, power pole, yard light, mail box, sign or trash receptacle, temporary or permanent, or plant any shrub, tree, woody plant or nursery stock, on any part of the above described Easement Area ***without prior written consent of the Board***. The Board shall have and exercise the right of subjacent and lateral support to whatever extent is necessary or desirable for the full, complete and unmolested enjoyment of the rights described herein. The City shall take no action which would impair the earth cover over, or the lateral or subjacent support for any water pipeline or lines and appurtenances within the Easement Area without the prior written consent of the Board. The Board's Engineering Standards require no less than four and one-half (4½) feet and no more than ten (10) feet of earth cover, measured vertically from the top of any pipeline or lines. Deviation from this requirement will be permitted only upon specific prior, written permission from the Board.

4. The Board agrees that other public and private utilities such as sanitary sewer, storm sewer, gas, and electric lines, may be installed in the above described Easement Area as long as they do not interfere with the Board's rights except as approved by the Board and as long as piping crossing

the water line(s) at right angles, or a substantially right angles, is metallic or concrete. Any piping or cable that crosses the water line(s) and is not metallic or concrete, shall be encased within steel conduit and/or concrete ducts.

5. The Board shall not be responsible for the maintenance of streets, surfacing, curbs and gutters within the Easement Area, except as specified in this Reserved Easement. When the Board deems it necessary to reconstruct, repair, relocate, remove, replace, enlarge, operate or in any way maintain its water mains or pipes, and appurtenances thereto, the Board will backfill, compact and resurface the area of excavation to its condition prior to the work, to include replacement of asphalt and/or concrete pavement, curbs and gutters, damaged by the Board's activity, to the grade and condition existing immediately prior to excavation, as nearly as reasonable. The Board will exercise all reasonable means to prevent damage to any improvements within the Easement Area approved by the Board pursuant to Paragraph 3 above, including pavement, curbs and gutters which are situated within the Easement Area but outside of the immediate area of excavation. In the event said improvements are damaged due solely to Board work, the Board will repair and/or replace said improvements at the Board's expense.

6. The City has the right to the undisturbed use and occupancy of the Easement Area insofar as such use and occupancy is consistent with and does not impair any reserved rights herein contained and except as herein otherwise provided.

7. The Board's reserved rights in the Easement Area insure to the Board a dominant easement for the exercise of the Board's functions, and that the exercise of any rights under this Reserved Easement in the Easement Area should be within the reasonable discretion of the Board. The Board hereby agrees to permit and authorize uses of the Easement Area as will not impair the Board's dominant rights, and upon such reasonable terms, limitations, and conditions as the Board shall find reasonably necessary to protect its dominant right of occupancy of the Easement Area for the purpose of the Board that will not undue or unnecessarily injury to or impairment of the estate of the City.

8. Each and every one of the benefits and burdens of this Reserved Easement shall inure to and be binding upon the respective legal representatives, heirs, executors, administrators, successors and assigns of the Board and the City.

9. For the resolution of any dispute arising from this Reserved Easement, venue shall be in the courts of the City and County of Denver, State of Colorado.

10. All obligations of the City hereunder are subject to prior appropriations of monies expressly made by the City Council for such purposes and paid into the Treasury of the City.

LEGAL DESCRIPTION

Two Parcels of land in the southeast quarter of the northeast quarter (SE1/4 NE1/4) of Section 5, Township 4 South, Range 67 West of the Sixth Principal Meridian, Denver, Colorado more particularly described as follows:

PARCEL NUMBER 1

All of lots 17 and 18 inclusive of Block 105, Chamberlin's Subdivision of Part of Block B, Richthofen's Addition to Montclair and Blocks 1 and 2 East Montclair, a subdivision recorded in Book 7 at Page 41 in the office of the Clerk and Recorder, City and County of Denver.

Parcel Number 1 contains 6,500 square feet more or less.

PARCEL NUMBER 2

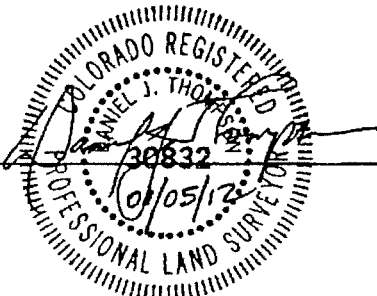
The east 30 feet of lots 25 and 26 inclusive, of Block 105, Chamberlin's Subdivision of Part of Block B, Richthofen's Addition to Montclair and Blocks 1 and 2 East Montclair, a subdivision recorded in Book 7 at Page 41 in the office of the Clerk and Recorder, City and County of Denver.

Parcel Number 2 contains 1,500 square feet more or less.

N:\WORD\LEGALSI\2011\14503-2_PMGT

R.

Name and Address of Person Creating
Newly Created Legal Description
(\$ 38-35-106.5,C.R.S.)



Denver Water
1600 West 12th Avenue
Denver, Colorado 80254

NE 1/4 SECTION 5, TOWNSHIP 4 SOUTH, RANGE 67 WEST 6th P M

----- CITY AND COUNTY OF DENVER -----

RICHTHOFEN PL

NE Cor Sec 5
3 3/4" Alum Cap
In box LS 11434

32 33
4

T 3 S
T 4 S

N

CHAMBERLIN'S SUBDIVISION OF PART
OF BLOCK "B" RICHTHOFEN'S
ADDITION TO MONTCLAIR AND
BLOCKS 1 & 2 EAST MONTCLAIR

SE 1/4
NE 1/4
SEC 5

PARCEL NO 2

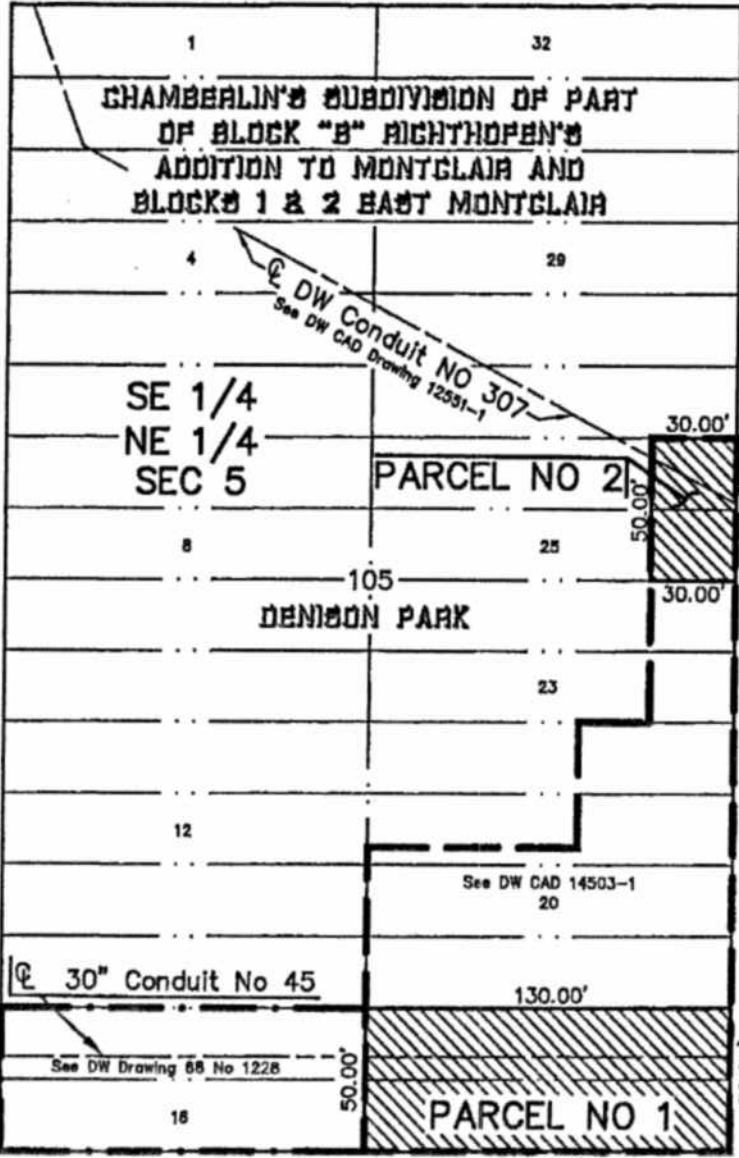
DENISON PARK

PARCEL NO 1

POPLAR ST

QUEBEC ST

DENVER WATER'S PROPERTY FOR THE
HAMLET J. "CHIPS" BERRY PUMP STATION



C 1/4 Cor Sec 5
Calc Position

E 11TH AVE

E 1/4 Cor Sec 5/4
Calc Position

S Line NE 1/4 Sec 5
N89°37'33"E



Parcel Map Not P.L.S. Stamped or Certified

PARCEL NO 1 CONTAINS 6,500 SQ FT ±
PARCEL NO 2 CONTAINS 1,500 SQ FT ±

LEGEND

- EASEMENT RETAINED
- BNDRY EXISTING D.W.D. ESMT
- BNDRY EXISTING D.W.D. PROP
- LOT LINE

DOCUMENT DATED
SEC'Y FILE DOC.
RIMS ITEM NO.
CARD NO.
DRN. --- PM. LAB *S. K.*
APPD *Shirley G. Kemp*
SHEET 1 OF 1 SHEET

D DENVER WATER

MONTCLAIR PUMP STATION
EASEMENT RETAINED
FROM CITY AND COUNTY OF DENVER

DATE: JANUARY 4, 2012

SCALE: 1" = 60

CAD 14503-2_PMGT

NE 1/4 SECTION 5, TOWNSHIP 4 SOUTH, RANGE 67 WEST 6th P M

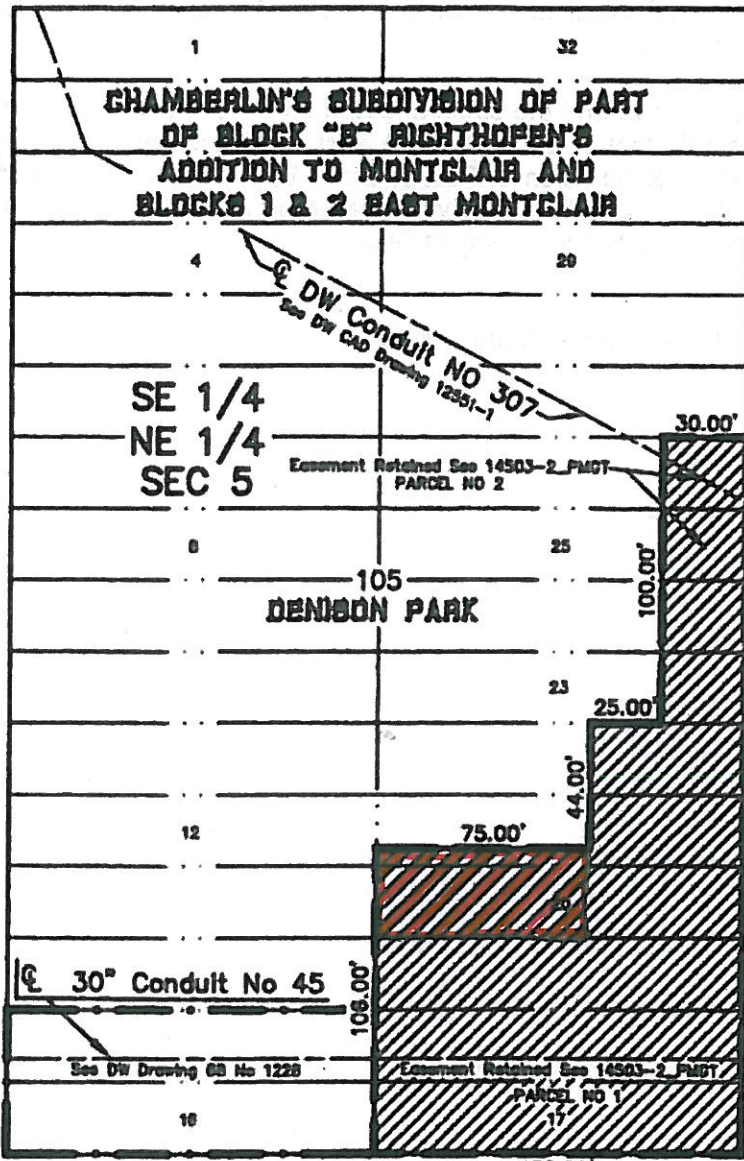
----- CITY AND COUNTY OF DENVER -----

RICHTHOFEN PL

NE Cor Sec 5
3 1/2" Alum Cap
In box LS 11434

32 33
4

T 3 S
T 4 S



POPLAR ST

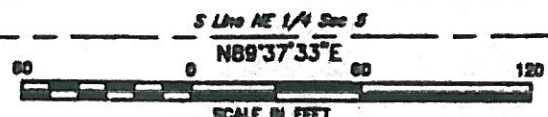
QUEBEC ST

DENVER WATER'S PROPERTY FOR THE
HAMLET J. "CHIPS" BERRY PUMP STATION

C 1/4 Cor Sec 5
Calc Position

E 11TH AVE

E 1/4 Cor Sec 5/4
Calc Position



Parcel Map Not P.L.S. Stamped or Certified

PARCEL CONTAINS 19,200 SQ FT ±

LEGEND	
	REAL ESTATE CONVEYED
	BNDRY EXISTING D.W.D. ESMT
	BNDRY EXISTING D.W.D. PROP
	LOT LINE

DOCUMENT DATED	
SEC'Y FILE DOC.	
RIMS ITEM NO.	
CARD NO.	
DRN. ---	PM LAB 15
APPD	<i>[Signature]</i>
SHEET 1 OF 1 SHEET	

D DENVER WATER

MONTCLAIR PUMP STATION
REAL ESTATE CONVEYED TO
CITY AND COUNTY OF DENVER

DATE: JANUARY 4, 2012

SCALE: 1" = 60'

CAD 14503-1_PMGT

Legal Description

A Parcel of land in the southeast quarter of the northeast quarter (SE1/4 NE1/4) of Section 5, Township 4 South, Range 67 West of the Sixth Principal Meridian, Denver, Colorado more particularly described as follows:

All of lots 17 thru 20 inclusive and the south 6 feet of lot 21, the east 55 feet of the north 19 feet of lot 21, the east 55 feet of 22, and the east 30 feet of lots 23 thru 26 inclusive of Block 105, Chamberlin's Subdivision of Block B, Richthofen's Addition to Montclair and Blocks 1 and 2 East Montclair, a subdivision recorded in Book 7 at Page 41 in the office of the Clerk and Recorder, City and County of Denver.

This parcel contains 19,200 square feet more or less.