

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2017

COUNCIL BILL NO. CB17-0362
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification for 689 West 39th Avenue, 700**
7 **West 40th Avenue, and 725 West 39th Avenue in Globeville.**

8 **WHEREAS**, the City Council has determined, based on evidence and testimony presented
9 at the public hearing, that the map amendment set forth below conforms with applicable City laws,
10 is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of
11 the City, will result in regulations and restrictions that are uniform within the C-MX-20 district, is
12 justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and
13 is consistent with the neighborhood context and the stated purpose and intent of the proposed zone
14 district;

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

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

- 19 a. The land area hereinafter described is presently classified as I-B, UO-2 and I-A, UO-2.
- 20 b. It is proposed that the land area hereinafter described be changed to C-MX-20.

21 **Section 2.** That the zoning classification of the land area in the City and County of Denver
22 described as follows shall be and hereby is changed from I-B, UO-2 and I-A, UO-2 to C-MX-20:

23 **Legal Description**

24 **700 W. 40th Ave., 689 W. 39th Ave. & 725 W. 39th Ave.**

25
26 A PORTION OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3
27 SOUTH, RANGE 68 WEST OF THE 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO
28 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

29
30 **700 W. 40TH AVE. & 689 W. 39TH AVE.**

31 **PARCEL ONE:**

32 **LAND DESCRIPTIONS:**

33
34
35 ALL OF BLOCKS NUMBERS THIRTY-SEVEN (37) AND FORTY-FOUR (44) IN VIADUCT ADDITION TO
36 DENVER; ALSO AN UNPLATTED STRIP OF LAND ON THE WEST SIDE OF AND ADJOINING SAID

1 BLOCKS, WHICH SAID STRIP IS PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT
2 THE SOUTHWEST CORNER OF SAID BLOCK NUMBERED FORTY-FOUR (44), FIFTY-THREE AND
3 FIFTY-THREE HUNDREDTHS (53.53) FEET, MORE OR LESS, TO THE EAST LINE OF THE RIGHT OF
4 WAY OF THE DENVER, UTAH AND PACIFIC RAILROAD AS FIXED AND DESCRIBED IN BOOK 607 AT
5 PAGE 230 OF THE RECORDS OF THE CITY AND COUNTY OF DENVER; THENCE NORTHERLY
6 ALONG THE EAST LINE OF SAID RAILROAD COMPANY'S RIGHT OF WAY, EIGHT HUNDRED AND
7 FIFTEEN (815) FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID BLOCK THIRTY SEVEN
8 (37) EXTENDED WESTERLY; THENCE EASTERLY ALONG THE EXTENDED NORTHERLY LINE OF SAID
9 BLOCK THIRTY-SEVEN (37), FIFTY-THREE AND FIFTY THREE HUNDREDTHS (53.53) FEET, MORE
10 OR LESS, TO THE NORTHEAST CORNER OF SAID BLOCK THIRTY-SEVEN (37); THENCE SOUTHERLY
11 ALONG THE WEST LINE OF SAID BLOCKS THIRTY-SEVEN (37) AND FORTY-FOUR (44), EIGHT
12 HUNDRED AND FIFTEEN (815) FEET TO THE PLACE OF BEGINNING; TOGETHER WITH THAT
13 PORTION OF VACATED WEST 39TH AVENUE PER ORDINANCE 82 SERIES OF 1926, LYING
14 BETWEEN SAID BLOCKS THIRTY-SEVEN (37) AND FORTY-FOUR (44), VIADUCT ADDITION TO
15 DENVER, AND TOGETHER WITH THE VACATED SOUTH HALF OF WEST 40TH AVENUE PER
16 ORDINANCE 115 SERIES OF 1926, ADJACENT TO LOT 30, BLOCK 37 ALSO TOGETHER WITH THE
17 VACATED WEST HALF OF GALAPAGO STREET PER ORDINANCE 116 SERIES OF 1947 ADJACENT
18 TO LOTS 16 THROUGH 30, BLOCK 37 AND THE VACATED WEST HALF OF GALAPAGO PER
19 ORDINANCE 850 SERIES OF 1991 ADJACENT TO LOTS 17 THROUGH 24, BLOCK 44, CITY AND
20 COUNTY OF DENVER, STATE OF COLORADO,

21 EXCEPT THAT PORTION DEED CONVEYED IN DEED RECORDED SEPTEMBER 10, 1992 AT
22 RECEPTION NO. 920105968.

23 ALSO EXCEPTING THEREFROM PARCEL NO. CM-11 OF THE RTD CRMF SITE CORRIDOR LIGHT
24 RAIL PROJECT, AS CONTAINED IN RULE AND ORDER RECORDED OCTOBER 5, 2011 AT
25 RECEPTION NO. 2011111736.

26
27 PARCEL TWO:

28 A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST
29 OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE
30 PARTICULARLY DESCRIBED AS FOLLOWS:

31
32 COMMENCING 415 FEET SOUTH OF THE NORTHWEST CORNER OF BLOCK TWENTY-EIGHT (28),
33 VIADUCT ADDITION TO THE POINT OF BEGINNING, THENCE WEST 53.53 FEET TO THE EAST LINE
34 OF THE CHICAGO, BURLINGTON AND QUINCY RAILWAY RIGHT-OF-WAY, THENCE SOUTH 40
35 FEET TO THE SOUTH LINE OF THE VACATED SOUTH HALF OF WEST 40TH AVENUE PER
36 ORDINANCE 115, SERIES OF 1926, THENCE EAST 53.53 FEET; THENCE NORTH AT RIGHT ANGLES
37 40 FEET TO THE POINT OF BEGINNING.

38
39 EXCEPTING THEREFROM PARCEL NO. CM-12 OF THE RTD CRMF SITE CORRIDOR LIGHT RAIL
40 PROJECT, AS CONTAINED IN THE RULE AND ORDER RECORDED OCTOBER 5, 2011 AT RECEPTION
41 NO. 2011111736.

1 **725 W. 39TH AVENUE**

2
3 LOTS 1 TO 15, INCLUSIVE, BLOCK 38, VIADUCT ADDITION TO DENVER, AND THE EAST ½ OF
4 VACATED GALAPAGO STREET PER ORDINANCE 116, SERIES OF 1947, ADJOINING SAID LOTS 1 TO
5 15, INCLUSIVE, BLOCK 38, VIADUCT ADDITION TO DENVER;

6
7 TOGETHER WITH THE WEST ONE-HALF OF VACATED ALLEY PER ORDINANCE 400, SERIES OF
8 1978, ADJACENT TO SAID LOTS 1 TO 15, INCLUSIVE, BLOCK 38, VIADUCT ADDITION TO DENVER,
9 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

10
11 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
12 thereof, which are immediately adjacent to the aforesaid specifically described area.

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

15 COMMITTEE APPROVAL DATE: April 4, 2017

16 MAYOR-COUNCIL DATE: April 11, 2017

17 PASSED BY THE COUNCIL: _____ May 15, 2017

18 _____ *Alan Bink* - PRESIDENT

19 APPROVED: _____ *Harvey Haynes* - MAYOR _____ May 17, 2017

20 ATTEST: _____ - CLERK AND RECORDER,
21 EX-OFFICIO CLERK OF THE
22 CITY AND COUNTY OF DENVER

23 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

24 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: April 13, 2017

25 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
26 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
27 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
28 § 3.2.6 of the Charter.

29 Kristin M. Bronson, Denver City Attorney

30 BY: _____ *DR*, Assistant City Attorney DATE: Apr 13, 2017