

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2017

COUNCIL BILL NO. CB17-0613  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance amending Ordinance 902 Series of 1995 by modifying the legal**  
7 **description of the area covered by structure for preservation located at 1940-**  
8 **1946 West 33<sup>rd</sup> Avenue.**

9 **WHEREAS**, Section 30-3, Denver Revised Municipal Code, lists the criteria for designating a  
10 structure for preservation, which includes that the structure must maintain its historic and physical  
11 integrity, and meet at least one criterion in two or more categories of history, architecture, and  
12 geography; and

13 **WHEREAS**, Council designated certain property together with all improvements situated and  
14 located thereon as a structure for preservation at 1940-1946 West 33<sup>rd</sup> Avenue (the “Designated  
15 Structure”) through the enactment of Ordinance 902, Series of 1995, finding that the Designated  
16 Structure met one criterion in the history category in that it had a direct and substantial association with  
17 a group of persons who had influence on society, and that it met one criterion in the architecture  
18 category in that it embodied distinguishing characteristics of an architectural style or type; and

19 **WHEREAS**, Section 30-5 (Procedure to amend or rescind designation of structures and districts  
20 for preservation), Denver Revised Municipal Code, allows the designation of a structure for preservation  
21 to be amended in the same manner as the original designation was made, under Section 30-4, Denver  
22 Revised Municipal Code; and

23 **WHEREAS**, the Landmark Preservation Commission has transmitted to the Council its approval  
24 of a proposed amendment to the legal description of the Designated Structure based on a determination  
25 that a portion of the Designated Structure no longer meets the criteria for designation of a structure for  
26 preservation in Section 30-3, Denver Revised Municipal Code, since it does not retain its historical and  
27 physical integrity, and does not meet at least one criterion in two or more categories of history,  
28 architecture, and geography;

29 **REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

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

3 **Section 1.** That the legal description of the boundaries of the structure for preservation at  
4 1940-1946 West 33<sup>rd</sup> Avenue as set forth in Ordinance 902, Series of 1995 is hereby amended and  
5 re-enacted as amended to read as follows:

6 The East 75 feet of Lots 1 to 4, Wheeler’s Resubdivision of part of Lot 2 and all of Lots 3  
7 and 4, Block 3, H. Witter’s North Denver Addition, City and County of Denver, State of  
8 Colorado.

9 **Section 2.** This ordinance shall be recorded among the records of the Clerk and Recorder  
10 of the City and county of Denver.

11 COMMITTEE APPROVAL DATE: June 6, 2017

12 MAYOR-COUNCIL DATE: June 13, 2017

13 PASSED BY THE COUNCIL: \_\_\_\_\_

14 \_\_\_\_\_ - PRESIDENT

15 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

16 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
17 EX-OFFICIO CLERK OF THE  
18 CITY AND COUNTY OF DENVER

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

20 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: June 15, 2017

21 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
22 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
24 §3.2.6 of the Charter.

25 Kristin M. Bronson, Denver City Attorney

26 BY:  \_\_\_\_\_, Assistant City Attorney DATE: Jun 15, 2017 \_\_\_\_\_