

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2019

COUNCIL BILL NO. CB19-0127  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification for 2535 E 40th Avenue in**  
7 **Elyria Swansea.**

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 I-MX-3 district, is justified  
12 by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is  
13 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-A and I-A, UO-2.  
20 b. It is proposed that the land area hereinafter described be changed to I-MX-3.

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-A and I-A, UO-2 to I-MX-3:

23 Parcel 1:

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

27 Beginning at the intersection of the east line of Columbine Street, as described in warranty  
28 deed from The Walter S. Cheesman Realty Company to the City and County of Denver,  
29 recorded on the 5th day of June, A.D. 1914, in Book 2418 at page 3 of the records in the  
30 office of the County Clerk and Recorder, in and for said City and County of Denver, with the  
31 north line of Fortieth (40th) Avenue (also known as County Road numbered 34); thence  
32 east along the north line of said Fortieth (40th) Avenue, six hundred sixty-seven and  
33 twenty- seven hundredths (667.27) feet to the east line of the northwest quarter (NW1/4) of  
34 the southwest quarter (SW1/4) of said Section Twenty-four (24); thence northerly at an  
35 angle to last described course of eighty-nine degrees, fifty-eight and one- half minutes (89°  
36 58 1/2') and along the east line of said northwest quarter (NW 1/4) of the southwest quarter  
37 (SW1/4) of said Section Twenty-four (24) , eight hundred sixty-five and thirty- six

1 hundredths (865.36) feet to the southerly boundary line of the right of way of Union Pacific  
2 Railroad Company, formerly Kansas Pacific Railway Company; thence westerly along said  
3 right of way line at an angle of eighty-five degrees, fifty-nine minutes (85° 59') to the last  
4 described course, six hundred sixty-eight and fifty-six hundredths (668.56) feet to the east  
5 line of Columbine Street, as described in the deed recorded in book 2418 at page 3 of said  
6 City and County of Denver records hereinbefore referred to thence south at an angle of  
7 ninety degrees, two and one-half minutes (90° 2 1/2') to the course last hereinbefore  
8 described and along the east line of said Columbine Street, eight hundred eighteen and  
9 twenty- three hundredths (818.23) feet to the point of beginning, the tract of land hereby  
10 conveyed containing twelve and eighty-nine fourteen ten-thousandths (12.8914) acres,  
11 together with all right, title and interest, reversionary or otherwise of the parties of the first  
12 part in and to the east half of Columbine Street and the north half (N1/2) of Fortieth (40th)  
13 Avenue abutting upon the premises hereby conveyed; but subject to that certain right of  
14 way granted to the City and County of Denver by an instrument duly recorded in book 1847  
15 at page 320 of the records in the office of the County Clerk and Recorder of the City and  
16 County of Denver, being a right of way ten (10) feet in width, for the purpose of constructing  
17 a sanitary sewer, the center line of which right of way is described as follows: Commencing  
18 at a point sixty (60) feet north and ten (10) feet west of the southeast corner of said  
19 northwest quarter (NW1/4) of the southwest quarter (SW1/4) of said Section Twenty-four  
20 (24) and running thence north parallel with and ten (10) feet west of the east line of said  
21 Quarter (1/4 1/4), seven hundred seventy (770) feet, more or less, to a point ten (10) Feet  
22 west of said east line, where the center line of Forty-second Avenue produced west would  
23 intersect the same.

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

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

32 City and County of Denver, State of Colorado

33 Parcel 2:

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

37 Parcel 3:

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

40 Parcel 4:

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

1 Parcel 5:

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

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

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

13 COMMITTEE APPROVAL DATE: February 26, 2019

14 MAYOR-COUNCIL DATE: March 5, 2019

15 PASSED BY THE COUNCIL: \_\_\_\_\_

16 \_\_\_\_\_ - PRESIDENT

17 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

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

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

22 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: March 7, 2019

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

27 Kristin M. Bronson, Denver City Attorney

28 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_