

ORDINANCE NO: Z-919-15

INTRODUCED BY: AMADOR, BENSON, BULLOCK, CARSON, DOUGLAS, ELLIOTT,
MCELLOWNEY, TETER

AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 7420 EAST 86TH AVENUE, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. The City Council of the City of Commerce City, Colorado, finds and declares that it has caused to be published in the Commerce City Sentinel Express, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing by the Planning Commission of the City of Commerce City, held April 7, 2015 concerning land hereinafter described, and that said Notice was published March 31, 2015 and that said Hearing was conducted all in compliance with law.

SECTION 2. The City Council of the City of Commerce City, Colorado further finds and declares that it has caused to be published in the Commerce City Sentinel Express, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing held on May 18, 2015 regarding rezoning of land hereinafter described, and that said Notice was published on May 5, 2015 and that said Hearing was conducted all in compliance with law.

SECTION 3. That the property described in Exhibit "A" attached hereto and made a part hereof, now zoned ADCO AG-1 (lots 3 through 14) and Commerce City AG (lots 1, 2, 15 through 48) be rezoned Commerce City I-2 as defined in the Commerce City Land Development Code.

SECTION 4. That the zoning map of the City of Commerce City, Colorado be and is hereby amended to reflect the rezoning approved by this ordinance.

SECTION 5. That the rezoning is approved, subject to the following condition:

- a. The final consolidation plat and any applicable agreements shall be completed prior to any development plan approval or prior to any building permits being issued for the property.

SECTION 6. Failure to comply with the said condition shall constitute basis for rezoning of the subject property to that zoning existing immediately prior to passage of this ordinance, it being expressly determined by this City Council that the rezoning herein granted is not proper zoning in the absence of compliance with the condition herein contained. In the alternative, the City may proceed with legal action for injunctive relief to enforce the condition herein imposed or issue a summons and complaint in the Commerce City municipal court for violations of the aforesaid condition, and in the event a summons and complaint is issued in the Commerce City municipal court, and upon finding a violation of the condition set forth in this ordinance, the municipal court may impose any penalty authorized by the Land Development Code. The remedies herein provided for shall be considered cumulative and not mutually exclusive.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS
18TH DAY OF MAY 2015.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS
15TH DAY OF JUNE 2015.

CITY OF COMMERCE CITY, COLORADO

BY _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, City Clerk

Exhibit "A"
(Legal Description)
Z-919-15

Lots 1 through 48 inclusive, Block 47, IRONDALE, together with the 15 foot wide alley lying within said Block 47, together with the east one-half of Quince Street adjacent to the west line of said Block 47, together with the north one-half of East 85th Avenue adjacent to the south line of said Block 47, all of which is a part of the NW¼, section 28, township 2 south, range 67 west of the 6th principal meridian, County of Adams, State of Colorado, more particularly described as follows:

Beginning at the northwest corner of Block 47, IRONDALE; Thence N89°51'28"E (bearings based on the north line of the NW¼, section 28, township 2 south, range 67 west of the 6th principal meridian, County of Adams, State of Colorado having a bearing of N89°39'50"E, taken from the control diagram, City of Commerce City, prepared by JR Engineering Ltd. dated 8-04-99), along the north line of said Block 47, a distance of 264.65 feet to the northeast corner of said Block 47; Thence S0°18'09"W, along the east line of said Block 47 and said east line extended southerly, a distance of 629.93 feet to a point 30.00 feet south (by perpendicular measurement) from the south line of said Block 47; Thence S89°48'39"W, parallel with the south line of said Block 47, a distance of 294.55 feet to a point 30.00 feet west (by perpendicular measurement) from the west line of said Block 47 extended southerly; Thence N0°17'37"E, parallel with the west line of said Block 47, a distance of 630.18 feet to the north line of said Block 47 extend westerly; Thence N89°51'28"E, along said north line extended westerly, a distance of 30.00 feet to the point of beginning, containing 185,608 square feet or 2.461 acres more or less, County of Adams, State of Colorado.

Legal Description prepared by: Edgar Jennings PE&PLS no. 11619