

ORDINANCE NO:        Z-913-15

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

AN ORDINANCE REZONING FROM ADAMS COUNTY ZONING OF A-3 TO COMMERCE CITY ZONING OF PUBLIC THE PROPERTIES DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT THE NORTHEAST CORNER OF E. 96<sup>TH</sup> AVENUE AND PEORIA STREET (PIN: 1721133000011, 1721133000003, AND 1721133000004), AND THE SOUTHWEST CORNER OF E. 96<sup>TH</sup> AVENUE AND BUCKLEY ROAD ALIGNMENT (PIN: 1723201000001) 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 October 6, 2015 concerning land hereinafter described, and that said Notice was published September 29, 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 November 16, 2015 regarding rezoning of land hereinafter described, and that said Notice was published on November 3, 2015 and that said Hearing was conducted all in compliance with law.

**SECTION 3.** That the properties described in Exhibit "A" attached hereto and made a part hereof, now zoned Adams County A-3 be rezoned Commerce City PUBLIC 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:

At the request of the city, the property owner will dedicate right-of-way for Peoria Street and E. 96th Avenue at no expense to the city.

**SECTION 6.** Failure to comply with the aforementioned 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 violation 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  
16TH DAY OF NOVEMBER 2015.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS  
7TH DAY OF DECEMBER 2015.

***CITY OF COMMERCE CITY, COLORADO***

BY \_\_\_\_\_  
Sean Ford, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, City Clerk

***Exhibit "A"***  
***(Legal Description)***  
***Case #Z-913-15***

PARCEL 172113300001

SECT,TWN,RNG:13-2-67 DESC: TRACT 1 EAST DONATION TRACT PARC OF LAND LOCATED WITHIN THE SW4 OF SEC 13 DESC AS FOLS BEG AT THE SW COR OF SD SEC 13 DESC AS FOLS BEG AT THE SW COR OF SD SEC 13 BEING A FOUND IN PLACE 3 1/4" DIAMETER ALUMINUM CAP LS 17488 IN RANGE BOX WHENCE THE W 1/4 COR OF SD SEC BEING A FOUND IN PLACE 3 1/4" DIAMETER ALUMINUM CAP LS 17488 IN RANGE BOX BRS N 00D 05M 50S E 2640/18 FT WITH ALL BRNGS CONTAINED HEREIN RELATIVE THERETO TH N 06D 12M 39S E 281/69 FT TO A PT ALG THE ELY ROW OF PEORIA ST AND THE TRUE POB TH ALG SD ELY ROW N 00D 05M 50S E 1910/21 FT TH N 89D 50M 48S E 200 FT TH S 47D 29M 17S E 1271/63 FT TH S 00D 04M 22S E 1050 FT TH N 89D 55M 38S E 1399/81 FT TH S 00D 02M 07S W 250 FT TO A PT ALG THE NLY ROW OF 96TH AVE TH ALG SD NLY ROW S 89D 55M 38S W 2242/03 FT TH N 00D 05M 50S E 250 FT TH S 89D 55M 38S W 300 FT TO THE TRUE POB 53/57A

PARCEL 172113300003

SECT,TWN,RNG:13-2-67 DESC: BEG AT SW COR SEC 13 TH N 864 FT TH DEFL RT 90D 30 FT TO POB TH DEFL RT 40D 07M 685 FT TH DEFL LEFT 20D 48M 575 FT TH DEFL LEFT 9D 03M 150 FT TH DEFL LEFT 10D 20M 79 FT TH DEFL LEFT 137D 06M 1353/89 FT TH DEFL LEFT 42D 49M 300 FT TH DEFL LEFT 90D 262 FT TO TRUE POB TOG WITH PARC DESC AS BEG AT A PT ON W LN SEC 13 SD PT BEING 1136/4 FT N OF SW COR SD SEC TH E AT RT ANGLES TO SD W LN 330 FT TH DEFL RT 90D 10/4 FT TH DEFL RT 90D 330 FT M/L TO A PT ON W LN SD SEC TH N 10/4 FT TO POB EXC THE W 30 FT AND EXC PARC (REC NO 2010000072067) 0/100A

PARCEL 172113300004

SECT,TWN,RNG:13-2-67 DESC: PT OF SW4 SEC 13 BEG AT SW COR OF SEC 13 TH E 2633/3 FT ON S LN TO S4 COR TH N 00D 5M E 227 FT TH N 63D 33M W 199/6 FT TH N 72D 33M W 122 FT TH S 64D 58M W 364 FT TH N 89D 52M W 764 FT TH N 79D 32M W 150 FT TH N 70D 29M W 575 FT TH N 49D 41M W 685 FT TH N 89D 48M W 30 FT TO W LN OF SD SEC TH S 00D 12M W 864 FT M/L TO POB EXC PARC ON E AND EXC PARC (REC NO 2010000072067) 2/0264A

PARCEL 172320100001

SECT,TWN,RNG:20-2-66 DESC: PARCEL C PARC OF LAND IN THE NE4 OF SEC 20 DESC AS FOLS BEG AT THE E 1/4 COR OF SD SEC 20 TH W 59/05 FT TH N 277/03 FT TH NWLY ALG CURVE THRU AN ANG OF 09D 09M 48S FOR AN ARC DIST OF 671/71 FT TH N 08D 57M 41S W TANG TO THE LAST DESC CURVE FOR A DIST OF 25 FT TH N 12D 41M 08S W 85/05 FT TH N 14D 47M 44S W 324/78 FT TH N 15D 58M 38S W 625/27 FT TH N 16D 48M 07S W 172/71 FT TO A PT ON A TANG 975 FT RAD CURVE WHOSE CEN BRS SWLY TH NWLY ALG SD CURVE THRU AN ANG OF 21D 23M 45S FOR AN ARC DIST OF 364/09 FT TO A PT OF COMPOUND CURVE WITH A 445 FT RAD CURVE TH NWLY ALG SD CURVE THRU AN ANG OF 19D 14M 29S FOR AN ARC DIST OF 149/44 FT TO A PT ON S LN TH E 723/36 FT TH S 2567/12 FT TO THE POB 14/38222A