

ORDINANCE NO. 3
Series 2017

March 7, 2017: Introduced as Council Bill 1, Series 2017 by Councilor Katy Brown, seconded by Councilor Randy Weil and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

March 21, 2017: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
TO REZONE THE QUINCY FARM PROPERTY, 4400 E. QUINCY AVENUE, FROM R-1 (2½-
ACRE RESIDENTIAL DISTRICT) TO O-2 (OPEN SPACE, CONSERVATION AND HISTORIC
AREA DISTRICT) AND AMENDING THE ZONING MAP**

WHEREAS, pursuant to Section 16-2-40(a) of the Municipal Code ("Code"), the City Council is authorized to initiate amendments to the official zoning map of the City of Cherry Hills Village; and

WHEREAS, the City of Cherry Hills Village is the record owner of the Quincy Farm property, being that property described in that certain Special Warranty Deed dated December 14, 2007 and recorded on December 18, 2007 at Reception No. B7157829 in the real property records of Arapahoe County, Colorado (the "Subject Property"); and

WHEREAS, the legal description of the Subject Property is attached to this Ordinance as Exhibit A, and is incorporated herein by reference; and

WHEREAS, City Staff initiated a rezoning of the Subject Property by application dated November 1, 2016, seeking to rezone the Subject Property from R-1 (2½-Acre Residential District) to O-2 (Open Space, Conservation and Historic Area District) (the "Application"); and

WHEREAS, the Application was presented to the Quincy Farm Committee at its November 15, 2016 meeting and the Committee unanimously recommended approval; and

WHEREAS, the Application was presented to the Parks, Trails and Recreation Committee (PTRC) at its December 8, 2016 meeting and PTRC unanimously recommended approval; and

WHEREAS, the Planning and Zoning Commission (PZC) held a duly noticed public hearing on January 24, 2017 to consider the Application and following the conclusion of the public hearing voted to recommend approval of the Application to City Council; and

WHEREAS, the City Council held a duly noticed public hearing on the rezoning Application, at which time evidence and testimony were presented to the City Council; and

WHEREAS, the City provided notice of the City Council public hearing in accordance with all applicable provisions of the Code; and

WHEREAS, the City Council finds that the proposed rezoning is consistent with the requirements outlined in Section 16-2-40 of Code relating to rezoning applications; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, City Council has determined that the proposed rezoning of the Subject Property, subject to any conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with the City's Master Plan, as amended and updated; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the Code; and

WHEREAS, the City Council further finds that the proposed rezoning of the Subject Property satisfies the purpose and intent of the O-2 zone district, as set forth in Section 16-11-110 of the Code, in that the rezoning of the Subject Property will: (1) promote conservation values and historic preservation of properties owned or leased by the City, and (2) provide for development, maintenance and operation of the Subject Property consistent with the Master Plan and the semi-rural character of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Incorporation of Recitals. The recitals contained above are incorporated herein by reference and are adopted as findings of the City Council.

Section 2. Rezoning Approved. The zoning classification of the Subject Property described in Exhibit A shall be, and is hereby, changed from R-1 (2½-Acre Residential District) to O-2 (Open Space, Conservation and Historic Area District).

Section 3. Zone Map Amendment. The City of Cherry Hills Village Zoning Map is hereby amended to show the change in zoning classification set forth in Section 2 of this Ordinance and a certified copy of such amendment shall be filed with the City Clerk.

Section 4. Safety Clause. The City Council of the City of Cherry Hills Village deems this Ordinance to be necessary for the public health, safety and welfare.

Section 5. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 3, Series 2017, by the City Council of the City of Cherry Hills Village, Colorado this 21st day of March, 2017.


Laura Christman, Mayor

ATTEST:


Laura Smith, City Clerk

APPROVED AS TO FORM:


Linda C. Michow, City Attorney

Published in *The Villager*
Published: 3-30-17
Legal #: 7339

**CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 3, SERIES 2017**

A bill for an ordinance of the City of Cherry Hills Village to rezone the Quincy Farm Property, 4400 E. Quincy Avenue, from r-1 (2½-Acre Residential District) to o-2 (Open Space, Conservation and Historic Area District) and Amending the Zoning Map.

Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

Published in *The Villager*
Published: March 30, 2017
Legal # 7339

Exhibit A
Legal Description of Subject Property

A TRACT OF LAND LOCATED IN THE NW1/4 OF SECTION 7, T5S, R67W OF THE 6TH P.M., COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 7, THENCE N89°21'30"E, 494.00 FEET ALONG THE NORTH LINE OF THE NW1/4 OF SAID SECTION 7 TO THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL) IN THE ARAPAHOE COUNTY RECORDS, SAID POINT BEING TRUE POINT OF BEGINNING.

THENCE S00°38'30"E, 30.00 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE S01°38'00"E, 716.60 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL) TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE N70°39'10"E, 285.26 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE N88°36'10"E, 223.72 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE N47°30'20"E, 168.32 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL) TO THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 7666 AT PAGE 25 IN THE ARAPAHOE COUNTY RECORDS;

THENCE N69°14'19"E, 50.00 FEET ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 7666 AT PAGE 25 IN THE ARAPAHOE COUNTY RECORDS TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 7666 AT PAGE 25;

THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 7666 AT PAGE 25, 78.71 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, SAID ARC HAVING A RADIUS OF 343.39 FEET, A CENTRAL ANGLE OF 13°07'59" AND BEING SUBTENDED BY A CHORD THAT BEARS S27°19'40"E, 78.54 FEET;

THENCE S33°53'40"E, 119.21 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 7666 AT PAGE 25 IN THE ARAPAHOE COUNTY RECORDS TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 7666 AT PAGE 25;

THENCE S56°06'20"W, 50.00 FEET ALONG THE SOUTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 7666 AT PAGE 25 IN THE ARAPAHOE COUNTY RECORDS TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 7666 AT PAGE 25, SAID POINT ALSO BEING ON THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 25;

THENCE S45°33'30"W, 37.00 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE S09°00'00"E, 23.00 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND

DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE S53°36'50"W, 131.19 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE S00°15'00"E, 154.00 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE S35°26'40"E, 386.50 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE N89°42'00"E, 135.73 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE N00°01'40"W, 208.31 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE NORTHWESTERLY ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL), 102.30 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE WEST, SAID ARC HAVING A RADIUS OF 165.49 FEET, A CENTRAL ANGLE OF 35°25'00" AND BEING SUBTENDED BY A CHORD THAT BEARS N17°44'10"W, 100.68 FEET;

THENCE N35°26'40"W, 191.41 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE N33°53'40"W, 80.83 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE N62°37'00"E, 100.65 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE N33°53'40"W, 156.66 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL) AND ALONG SAID BOUNDARY LINE EXTENDED NORTHWESTERLY;

THENCE N54°46'08"E, 219.53 FEET TO A POINT ON SAID BOUNDARY LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL);

THENCE N08°28'30"E, 493.03 FEET ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 5259 AT PAGE 138 (ANDERSON PARCEL) TO A POINT ON THE NORTH LINE OF THE NW1/4 OF SAID SECTION 7;

THENCE S89°21'30"W, 1044.80 FEET ALONG THE NORTH LINE OF THE NW1/4 OF SAID SECTION 7 TO THE TRUE POINT OF BEGINNING.

LEGAL DESCRIPTION PREPARED BY:

MATHEW B. SELTERS
COLORADO LICENSE NO. 27275
1800 38TH STREET
BOULDER, CO 80301
303-442-4338

Being the same property as described in that certain Special Warranty Deed (with Reservation of Life Estate) dated December 14, 2007 and recorded December 18, 2007 at Reception No. B7157829 in the real property records of Arapahoe County, Colorado.