

Ordinance No. 60 Series 1966

Councilman's Bill No. 52

Introduced by Councilman

Colwell, Kelly W. H. Mansueto

**A BILL**

For

An Ordinance RELATING TO BUILDING

RESTRICTIONS TO PRESERVE AND PROTECT  
HEALTH, SAFETY AND GENERAL WELFARE,  
AMENDING CHAPTER 640. (BUILDING  
RESTRICTIONS TO PRESERVE AND PROTECT  
HEALTH, SAFETY AND GENERAL WELFARE)  
OF THE REVISED MUNICIPAL CODE, AS  
AMENDED, BY ADDING THERETO ARTICLE  
645. (RESTRICTIONS - STRUCTURES WITHIN  
AREAS NECESSARY TO PRESERVE MOUNTAIN  
VIEWS).

0.00

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STATE OF COLORADO  
CITY & COUNTY  
OF DENVER  
FILED IN MY OFFICE ON

MAR 14 11 46 AM '66

RECORDED IN 2331

F. J. SERAFINI  
CLERK AND RECORDER

Meeting Date February 19, 1966

Reported back by the Committee on

Public Improvements

Recommended that the bill be ordered published  
and report adopted.

Published in The Daily Journal

this 23 day of Feb, A. D. 1966

Meeting Date February 26, 1966

Read by title, placed upon its passage and  
passed.

Presented to the City Mayor and signed by him  
this 26 day of Feb, A. D. 1966

Entered as Ordinance No. 60, Series 1966

Published in The Daily Journal  
this 1st day of Nov, A. D. 1966

CITY COUNCIL  
CITY OF DENVER

MAR 15 1966

420 (Rev. 1)

64898

DEC 4 1968

BY AUTHORITY

ORDINANCE NO. 357  
SERIES OF 1968

COUNCILMAN'S BILL NO. 395

INTRODUCED BY COUNCILMAN

*W. H. McIntosh*

A BILL

FOR AN ORDINANCE TO AMEND ARTICLE 645.  
(RESTRICTIONS - STRUCTURES WITHIN AREAS  
NECESSARY TO PRESERVE MOUNTAIN VIEWS)  
OF CHAPTER 640. (BUILDING RESTRICTIONS TO  
PRESERVE AND PROTECT HEALTH, SAFETY  
AND WELFARE) OF THE REVISED MUNICIPAL  
CODE, AS AMENDED, AS THE SAME RELATES  
TO CRANMER PARK.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Section 645.4-1(2). (Limitations on Construction) of  
Article 645. (Restrictions - Structures Within Areas Necessary to Preserve  
Mountain Views) of Chapter 640. (Building Restrictions to Preserve and  
Protect Health, Safety and Welfare) of the Revised Municipal Code, As  
Amended, as they apply to Cranmer Park shall be and hereby is amended  
and re-enacted as amended to read as follows:

"645.4-1(2). Limitations on Construction. No part of a structure  
within the area on the attached map indicated by shading or crosshatching  
shall exceed an elevation of 5434 feet above mean sea level plus one foot  
for each 100 feet that said part of a structure is horizontally distant from  
the reference point. Wherever a structure lies partially outside and  
partially inside of the area on the attached map indicated by shading or  
crosshatching the restrictive provisions of this Article shall not apply  
to that structure."

Section 2. The Council finds this Ordinance is necessary for the  
immediate preservation of the public health and public safety and determines  
that it shall take effect immediately upon its final passage and publication.

PASSED BY the Council

*November 14,*

1968

*Edward J. Burke Jr.*

President *pro tem*

64898

APPROVED: [Signature] Mayor November 6, 1968  
ATTEST: [Signature] Clerk and Recorder, Ex-Officio  
Clerk of the City and County  
of Denver

PUBLISHED IN The Daily Journal Nov. 1, 1968 and Nov. 8, 1968  
PREPARED BY: Max R. Lall City Attorney  
APPROVED: [Signature] Planning Director

357 Series 1968

295

Introduced by Councilmen

Grade, Period and Section

# ART

For

*Amendments* TO AMEND ARTICLE 615.

(RESTRICTIONS - STRUCTURES WITHIN AREAS NECESSARY TO PRESERVE MOUNTAIN VIEWS) OF CHAPTER 640. (INCLUDING RESTRICTIONS TO PRESERVE AND PROTECT HEALTH, SAFETY AND WELFARE) OF THE REVISED MUNICIPAL CODE, AS AMENDED, AS THE SAME RELATES TO CRANMER PARK.

Meeting Date of October 28, 1968  
Held in full in the Board of Councilmen and  
referred to the Committee on

Thomson

Meeting Date of October 28, 1968  
Reported back by the Committee on 1/5

Recommended that the bill be ordered published  
and report adopted.

Published in The Library Journal  
this 10<sup>th</sup> day of April, A. D. 1968

Meeting Date of 10/21/1965, 1965  
 Read by title, placed upon its message and  
 passed.

Presented to the Mayor and signed by him  
this 10<sup>th</sup> day of April, A. D. 1918

Ent'd as Ordinance No. 357, Series 19-68

Published in The Adelphi,  
this 15th day of April, A. D. 1906

FORM 45 (4/58) C/R

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STATE OF COLORADO  
CITY & COUNTY  
OF DENVER

Dec 4 2 43 PM '68  
RECORDED: 4363 500  
F. J. SERRAVALLO  
CLERK AND RECORDER

CITY COUNCIL  
CITY & COUNTY OF DENVER

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[illegible]

64898

76566

JAN 6 1969

BY AUTHORITY

ORDINANCE NO. 436

COUNCILMAN'S BILL NO. 468

SERIES OF 1968, *as amended*

INTRODUCED BY COUNCILMEN

*Hook, MacIntosh, Lutz*

A BILL

FOR AN ORDINANCE RELATING TO  
LIMITATIONS ON STRUCTURES  
WITHIN AREAS NECESSARY TO PRE-  
SERVE MOUNTAIN VIEWS; AMENDING  
THE MAP REFERRED TO IN SECTION  
645.4-1(1), OF THE REVISED MUNICIPAL  
CODE, AS AMENDED, AND SUBSTITUTING  
A NEW MAP AS THE SAME APPLIES TO  
CRANMER PARK.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That certain map referred to in Section 645.4-1(1), of the  
Revised Municipal Code, As Amended, and adopted pursuant to Ordinance  
No. 60, Series of 1968, shall be and hereby is amended by substituting  
in lieu thereof the attached map.

"Section 2. The Council finds this Ordinance is necessary  
for the immediate preservation of the public health and public  
safety and determines that it shall take effect immediately  
upon its final passage and publication."

*amended -  
Sec. 2, added.*

*12-28-68*

PASSED BY the Council December 30, 1968

*Elvin R. Caldwell* President

APPROVED: *Tommy Corrigan* Mayor December 31, 1968

ATTEST: *J. J. Roush* Clerk and Recorder, Ex-Officio  
Clerk of the City and County  
of Denver

PUBLISHED IN The Daily Journal Dec 20, 1968 and Jan 3, 1969

PREPARED BY *[Signature]* City Attorney

APPROVED: \_\_\_\_\_ Planning Director

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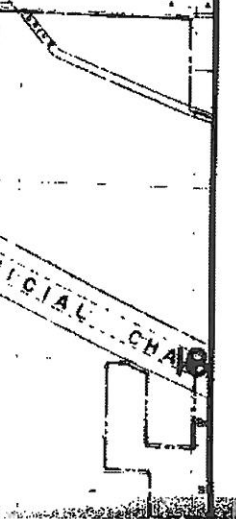
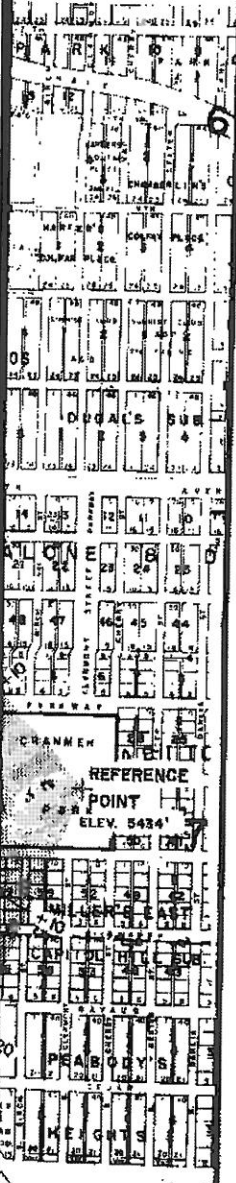
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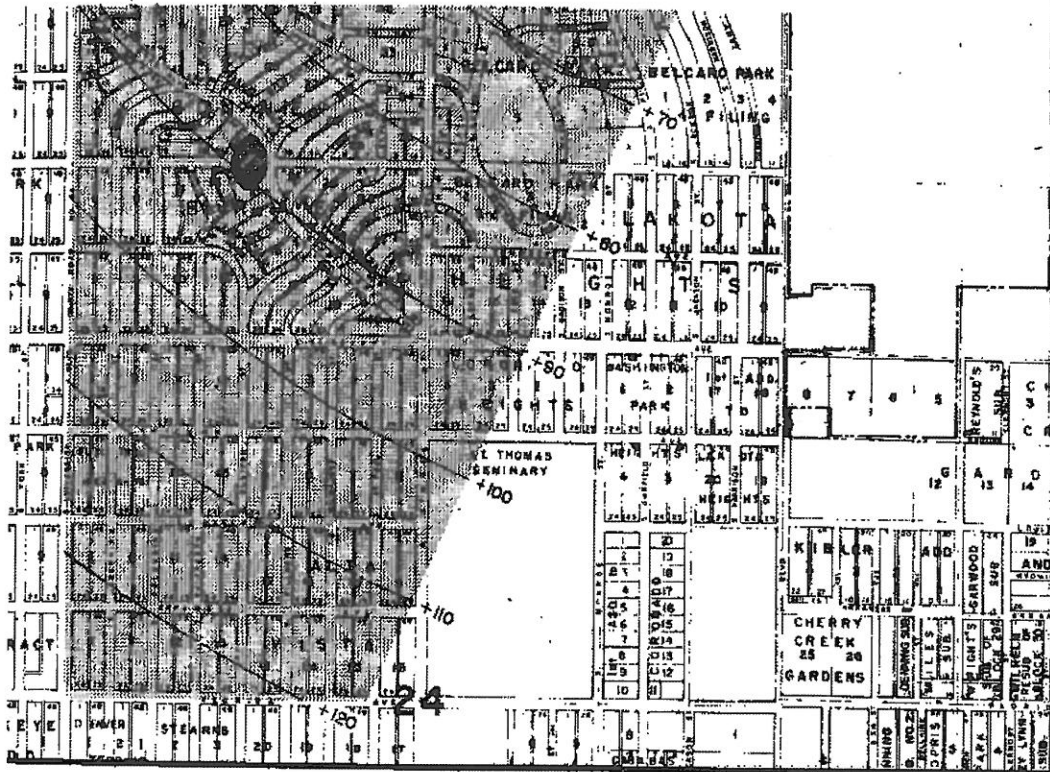
CITY OF DENVER  
PARK AND RECREATION

PARK  
VIEW  
RESERVATION

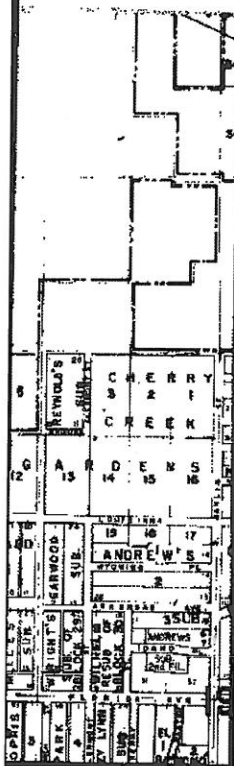
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MAR 14 1968

BY AUTHORITYORDINANCE NO 60COUNCILMAN'S BILL NO 52

SERIES OF 1968

INTRODUCED BY COUNCILMEN

*Callahan, Kelley and Harrison*

## A BILL

FOR AN ORDINANCE RELATING TO BUILDING RESTRICTIONS TO PRESERVE AND PROTECT HEALTH, SAFETY AND GENERAL WELFARE; AMENDING CHAPTER 640. (BUILDING RESTRICTIONS TO PRESERVE AND PROTECT HEALTH, SAFETY AND GENERAL WELFARE) OF THE REVISED MUNICIPAL CODE, AS AMENDED, BY ADDING THERETO ARTICLE 645. (RESTRICTIONS - STRUCTURES WITHIN AREAS NECESSARY TO PRESERVE MOUNTAIN VIEWS).

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Chapter 640. (Building Restrictions to Preserve and Protect Health, Safety and Welfare) of the Revised Municipal Code, As Amended, shall be and hereby is amended and re-enacted as amended by adding thereto Article 645. (Restrictions - Structures Within Areas Necessary to Preserve Mountain Views) in the following words, figures and phrases:

"645. Restrictions - Structures Within Areas Necessary to Preserve Mountain Views.

.1. Purpose. Upon consideration of a recommendation that an ordinance be enacted for the purpose of preserving and protecting the health, safety and general welfare of the people of the City and County of Denver and their property therein situate, the Council finds:

.1-1. That the protection and perpetuation of certain panoramic mountain views from various parks and public places within the City and County of Denver is required in the interests of the prosperity, civic pride and general welfare of the people;

.1-2. That it is desirable to designate, preserve and perpetuate certain existing panoramic mountain views for the enjoyment and environmental enrichment of the citizens of the community and visitors hereto;

.1-3. That the preservation of said views will strengthen and preserve the municipality's unique environmental heritage and attributes as a city of the plains at the foot of the Rocky Mountains;

.1-4. That the preservation of said views will foster civic pride in the beauty of the municipality;

.1-5. That the preservation of said views will stabilize and enhance the aesthetic and economic vitality and values of the surrounding areas within which said views are preserved;

.1-6. That the preservation of said views will protect and enhance the municipality's attraction to tourists and visitors;

.1-7. That the preservation of said views will promote good urban design;

.1-8. That regular specified areas constituting panoramic views should be established by protecting such panoramic views from encroachment and physical obstruction.

.2. Enforcement and Administration.

.2-1. Enforcement. This Article 645 shall be enforced by the Director of Building Department or his authorized representative. The Director of Building Department or his authorized representative is hereby empowered to enter into and cause any building, other structure or tract of land to be inspected and examined and to order in writing the remedy of any condition found to exist thereon or thereat in violation of any provision of this Article. Service of said order shall be by personal service upon the owner, authorized property management agent, agent, occupant or lessee or, alternatively, service may be made upon such person by certified mail. In the event

such persons are not found the order may be served by posting in a conspicuous place on the premises, in which event service shall be deemed complete as of the moment of posting.

.2-2. Administration. No oversight or dereliction on the part of the Director of Building Department or his authorized representative or on the part of any official or employee of the City and County of Denver shall legalize, authorize or excuse any violation of any provision of this ordinance.

.3. Prohibitions, Violations and Remedies.

.3-1. Prohibitions. No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except in conformity with all regulations herein established and upon performance of all conditions herein set forth.

.3-2. Violations. Any person, partnership, firm, corporation, society or organization, or any officer, agent, member, servant or employee thereof, or any lessee or occupant of premises who violates, disobeys, omits, neglects or refuses to comply with the provisions of this Article, shall be guilty of a violation thereof; and every omission, neglect or continuance of the thing commanded or prohibited for twenty-four (24) hours shall constitute a separate and distinct offense; provided, however, without affecting any penalty for a violation, no proceedings shall be instituted hereunder against an occupant who is not the owner, or against an agent, servant, employee or lessee for any violations hereof until after the expiration of ten (10) days from the date of the service of a notice by the Director of Building Department to cease and desist such violation or violations, said notice to be served as hereinabove provided.

. 3-3. Remedies.

. 3-3(1). Penalties. Any person, firm or corporation violating any provision of this Article shall be subject to the penalties provided by ordinance or by the Charter of the City and County of Denver.

. 3-3(2). Additional Remedies. In addition to any penalty the City and County of Denver or any person aggrieved by any violation of this Article may maintain any appropriate action to prevent and restrain the violation including an action for injunctive relief and may apply for a temporary restraining order without posting bond.

. 4. Designation of Area.

. 4-1. Cranmer Park.

. 4-1(1). Adoption of Map. The attached map shall be and hereby is approved and adopted and the portion thereon indicated by shading or crosshatching shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain panoramic view. The restrictive provisions of this Article shall be in full force and effect as to the portion of the attached map indicated by shading or crosshatching.

. 4-1(2). Limitations on Construction. No part of a structure within the area on the attached map indicated by shading or crosshatching shall exceed an elevation of 5,434 feet above mean sea level plus one foot for each 100 feet that said part of a structure is horizontally distant from the reference point. Wherever a part of a structure is within the area on the attached map indicated by shading or crosshatching the restrictive provisions of this Article shall apply to the entire structure.

. 4-1(3). Definitions of Terms Used.

. 4-1(3)(a). Reference Point. A point having an elevation of 5,434 feet above mean sea level and established at the Mountain View Indicator in Cranmer Park, which point is identified on the attached map and which point is indicated in the aforesaid Cranmer Park by a cross set in the top step of the aforesaid Mountain View Indicator.

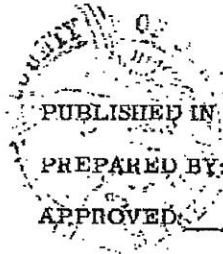
Section 2. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety and determines that it shall take effect immediately upon its final passage and publication

PASSED BY the Council February 26 1968

Carl M. Simpson President

APPROVED: Lee H. Nichols acting Mayor February 28, 1968

ATTEST: E. J. Derfner Clerk and Recorder, Ex-Officio  
Clerk of the City and County  
of Denver

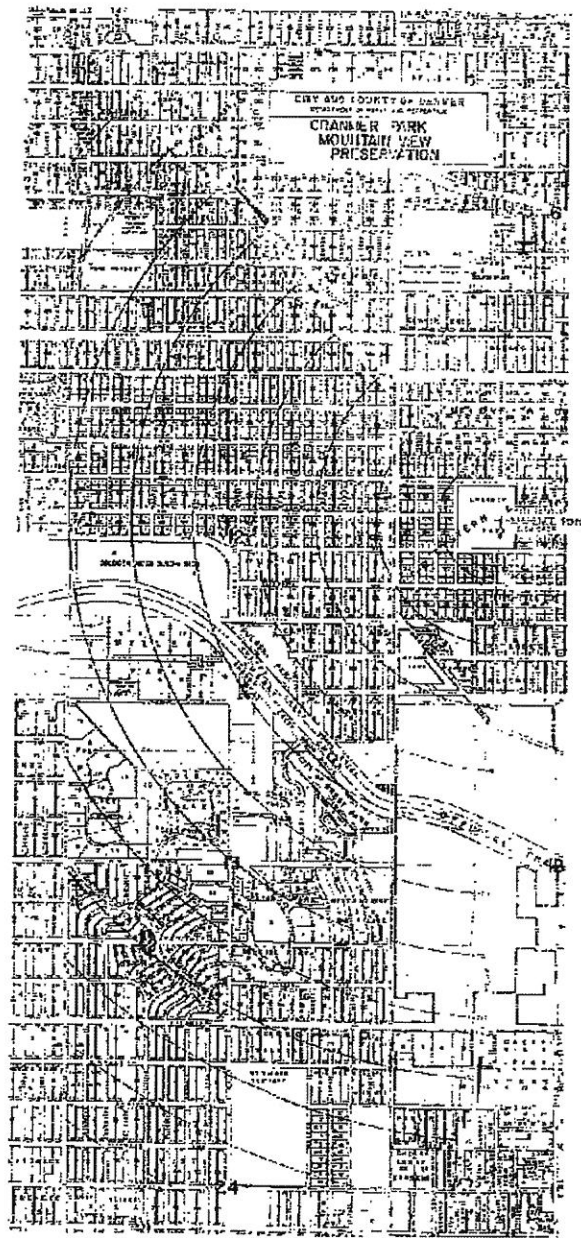


PUBLISHED IN The Daily Journal Feb 23, 1968 and Mar 1, 1968

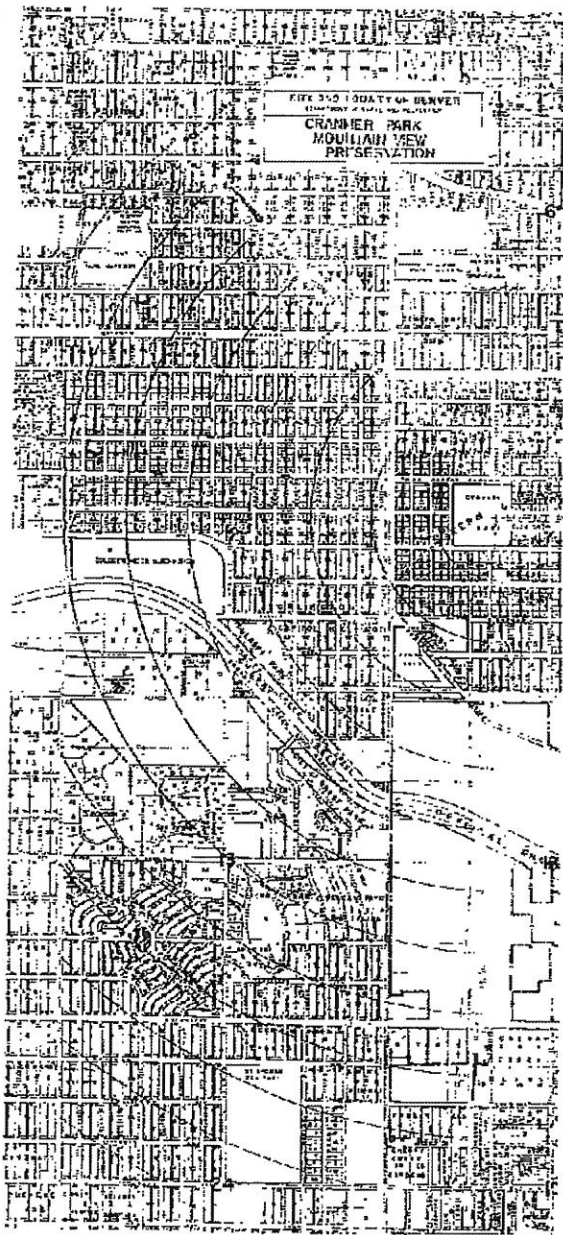
PREPARED BY: \_\_\_\_\_ City Attorney

APPROVED: \_\_\_\_\_ Planning Director

70611







76566

Ordinance No. 436 Series 1968

Councilman's Bill No. 468 amended

Introduced by Councilman

David MacArthur & Johnston

**A BILL**

For

AN ORDINANCE RELATING TO LIMITATIONS ON STRUCTURES WITHIN AREAS NECESSARY TO PRESERVE MOUNTAIN VIEWS; AMENDING THE MAP REFERRED TO IN SECTION 645.4-1(U), OF THE REVISED MUNICIPAL CODE, AS AMENDED, AND SUBSTITUTING A NEW MAP AS THE SAME APPLIES TO CRANMER PARK.

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STATE OF COLORADO  
COUNTY OF DENVER  
FILED IN OFFICE OF

JAN 6 11 35 AM '69

RECORDED  
9975 351  
CLERK AND RECORDER

9975 352

Meeting Date of December 19, 1968  
Read in full in the Board of Councilman and  
referred to the Committee on

Planning

Meeting Date of December 19, 1968  
Reported back by the Committee on

Planning

Recommended that the bill be ordered published  
and report adopted.

Published in The City Journal  
this 20 day of Dec, A. D. 1968  
Meeting Date of Dec 30, 1968  
Read by title, placed upon its passage and  
passed.

Presented to the Mayor and signed by him  
this 31 day of Dec, A. D. 1968

Entered as Ordinance No. 436, Series 1968

amended

Published in The City Journal  
this 3rd day of Jan, A. D. 1969

CITY COUNCIL  
RECORDED  
DEC 5 1968

OFFICIAL RECORD 1968

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that SHOFNER PROPERTIES INC., A Colorado Corporation of the City and County of Denver, State of Colorado, for and in consideration of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, does hereby grant and convey to the the CITY AND COUNTY OF DENVER, a municipal corporation, duly organized and existing under and by virtue of the constitution of the State of Colorado, an easement and right of way for an alley over, upon, across, in, through and under the following described real property situate in the City and County of Denver, State of Colorado, to-wit:

The East 5 feet of Lots 11 to 20 inclusive, Block 29,  
Burlington Capital Hill Addition

MISC 1 .00

109-86  
RESERVING, however, to the undersigned, its heirs and assigns, the right to utilize and enjoy the above described premises providing the same shall not interfere with the construction, maintenance, repairing, inspection, and operation of said alley, and providing further that the Grantor shall not erect or place any building or tree on the above described right-of-way and the City shall not be liable for their removal if they are so placed.

SIGNED AND DELIVERED this 11th day of August 1986.

L. GENE SHOFNER - President

JOHN D. HIMS - Secretary

MMWS

STATE OF COLORADO )  
CITY AND ) ss.  
COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of August, 1986, by L. GENE SHOFNER, President of Shofner Properties Inc. and JOHN D. HIMS, Secretary of Shofner Properties, Inc.

Witness my hand and official seal.

My commission expires December 3, 1986.

Mary Ann White  
Notary Public

APPROVED FOR RECORDING  
LAND OFFICE

109-86  
L. GENE SHOFNER  
President  
JOHN D. HIMS  
Secretary  
MMWS

Recorded: #00045585 11/06/86 10:57 AM REAL ESTATE RECORDS  
 Reception: F0061 FELICIA RUFTIC DENVER COUNTY CO RECORDER

Document No. 149910  
 Plat No. 2-340-445  
 Ind No. G

Tim Atwater

R.O.W. Agent

Approved

RECORDER'S STAMP

## PUBLIC SERVICE COMPANY OF COLORADO UTILITY EASEMENT

The undersigned Grantor hereby acknowledges receipt of \$ 1.00 (One Dollar) from PUBLIC SERVICE COMPANY OF COLORADO, 550 16th Street, Denver, Colorado, 80202-4205, in consideration of which he hereby grants unto said Company, its successors and assigns, an easement to construct, operate, maintain, repair and replace utility lines and all fixtures and devices, used or useful in the operation of said lines, through, over, under, across and along a course as said lines may be hereafter constructed and replaced in Lot 15 & 16 Block 29 Subdivision Burlington Capitol Hill Addition

in the Southeast 1/4 of Section 12  
 Township 4 South, Range 68 West, of the Sixth  
 Principal Meridian in the City of Denver, County of Denver  
 State of Colorado, the center line of the easement is described as follows:

MISC 1 3.00

The South 5 feet of the West 70 feet of Lot 15, Block 29, Burlington Capitol Hill Addition. The North 5 feet of the West 70 feet of Lot 16, Block 29, Burlington Capitol Hill Addition.

The easement is 10 feet in width. The side boundary lines of the easement shall be lengthened and shortened as necessary to encompass a continuous strip of not less than the above width at all points on Grantor's property crossed by the above described centerline and extending to the boundaries of the adjacent properties.

Together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control and use said utility lines and related fixtures and devices, and to remove objects interfering therewith, including the trimming of trees and bushes, and together with the right to use so much of the adjoining premises of Grantor during survey, construction, maintenance, repair, removal, or replacement of said utility lines and related fixtures and devices as may be required to permit the operation of standard utility construction or repair machinery, and the right to permit the installation of the facilities of any other company. The Grantor reserves the right to use and occupy the easement for any purpose consistent with the right and privileges above granted and which will not interfere with or endanger any of the said Company's facilities therein or use thereof. Such reservation by the Grantor shall in no event include the right to erect or cause to be erected any buildings or structures upon the easement granted or to locate any mobile home trailer units thereon. In case of the permanent abandonment of the easement all right, privilege and interest granted shall terminate.

The work of installing and maintaining said lines and related fixtures and devices shall be done with care; the surface along the easement shall be restored substantially to its original level and condition.

"Grantor" shall include the singular, plural, feminine, masculine, and neuter.

Signed this 22nd day of October, 1986.

WITNESSES:

GRANTOR:

Patricia A. Borrington  
 (Asst.) Secretary

Shofner Properties Inc.  
 a Colorado Corporation

[Signature]  
 (Vice) President

STATE OF COLORADO, )  
 County of ) ss.

The foregoing instrument was acknowledged before me this

22nd day of October, 1986 by John D. Mims as Vice President  
 Patricia A. Borrington as Secretary

My commission expires 12-02-86  
 Witness my hand and official seal.

\* If acting in official or representative capacity, insert name and  
 also office or capacity and for whom acting.

[Signature]  
 NOTARY PUBLIC  
 3033 E 1st Ave. #300  
 ADDRESS  
 Denver, Colorado

tim ease:pgl.2.3/tim

(OVER FOR ADDITIONAL NOTARIES)

DIVISION LOCATION TOWN METHOD OF PAYMENT (CASH) (VOUCHER NO.) W.O.-O.O. NO.  
 Denver Metro Denver 170 South Jackson Street