

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:
4 Land Use, Transportation, and Infrastructure

5 **A BILL**

6 **For an ordinance to amend, restate and supersede Ordinance No. 1321, Series**
7 **2018, creating a Local Maintenance District for the continuing care, operation,**
8 **security, repair, maintenance and replacement of the Skyline Park Local**
9 **Maintenance District in the City and County of Denver, State of Colorado, with the**
10 **costs of said continuing care, operation, security, repair, maintenance and**
11 **replacement of said Skyline Park Local Maintenance District to be assessed upon**
12 **the real property, exclusive of improvements thereon, benefited.**
13

14 **WHEREAS**, Ordinance No. 1321, Series of 2018 (the “Original Ordinance”), was enacted by
15 City Council to create the Skyline Park Local Maintenance District (the “District”); and

16 **WHEREAS**, it was intended by the petitioners of the District that the District would be authorized
17 to exercise all powers of a local maintenance district allowed under City Charter § 7.6.2 and D.R.M.C.
18 §§ 20-201, *et seq.*, and such intention was conveyed to City Council at the time of City Council’s
19 consideration of the Original Ordinance; and

20 **WHEREAS**, while authorized under City Charter and the Denver Revised Municipal Code, the
21 Original Ordinance did not, by inadvertent error, include the authorization for the District to provide for
22 the continuing security of public improvements located within the District’s boundaries; and

23 **WHEREAS**, the City desires to amend, restate and supersede the Original Ordinance in its
24 entirety with this Ordinance.

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

26 **Section 1.** Upon consideration of a recommendation that an ordinance be enacted creating
27 a local maintenance district for the continuing care, operation, security, repair, maintenance and
28 replacement of the Skyline Park Local Maintenance District in the City and County of Denver, State
29 of Colorado, with the costs of said continuing care, operation, security, repair, maintenance and
30 replacement of said Skyline Park Local Maintenance District to be assessed upon the real property,
31 exclusive of improvements thereon, benefited, Council finds:

32 (a) The Executive Director of the Department of Transportation and Infrastructure of the
33 City and County of Denver has received petitions proposing a local maintenance district for the
34 continuing care, operation, security, repair, maintenance and replacement of the Skyline Park Local
35 Maintenance District in the City and County of Denver, State of Colorado, with the costs of said

1 continuing care, security, operation, repair, maintenance and replacement of said Skyline Park Local
2 Maintenance District to be assessed upon the real property, exclusive of improvements thereon,
3 benefited;

4 (b) Sufficient petitions, as required by the Code of the City and County of Denver, were
5 received by the Executive Director of the Department of Transportation and Infrastructure of the City
6 and County of Denver, that said petitions were regularly filed and were in due and regular form and
7 properly executed;

8 (c) At the time of the initiation of said proposed local maintenance district, the Executive
9 Director of the Department of Transportation and Infrastructure of the City and County of Denver
10 estimated the total cost of the continuing care, operation, security, repair, maintenance and
11 replacement of the Skyline Park Local Maintenance District in said proposed local maintenance
12 district for the first full year of the existence of said proposed local maintenance district is
13 \$400,000.00 and said Executive Director of the Department of Transportation and Infrastructure
14 estimated a detailed estimate for each maintenance element included in said proposed local
15 maintenance district for the first full year of the existence of said proposed local maintenance district;

16 (d) The Executive Director of the Department of Transportation and Infrastructure of the
17 City and County of Denver gave due notice to the owners of the property benefited and to all persons
18 interested generally concerning said local maintenance district, and a hearing was held as provided
19 by the Denver Revised Municipal Code (D.R.M.C.) to hear written remonstrances to said proposed
20 local maintenance district and for the purpose of considering the desirability of and the need for said
21 proposed local maintenance district;

22 (e) Duly executed written remonstrances were not filed by the owners representing fifty or
23 more percent of the estimated cost of the continuing care, operation, security, repair, maintenance
24 and replacement of the local public improvements, within said proposed local maintenance district;

25 (f) All acts and proceedings of the Executive Director of the Department of Transportation
26 and Infrastructure of the City and County of Denver comply with the requirements of the Charter of
27 the City and County of Denver and the D.R.M.C.;

28 (g) The Executive Director of the Department of Transportation and Infrastructure of the
29 City and County of Denver has entered an order approving said proposed local maintenance district;

30 (h) By reason of the continuing care, operation, security, repair, maintenance and
31 replacement of the Skyline Park Local Maintenance District, the real property, exclusive of
32 improvements thereon, within said proposed local maintenance district will be specially benefited in
33 an amount equivalent to or exceeding the amount to be assessed; and

1 (i) That said proposed local maintenance district is lawful and necessary and should be
2 created.

3 **Section 2.** A local maintenance district be and is hereby created for the continuing care,
4 operation, security, repair, maintenance and replacement of the Skyline Park Local Maintenance
5 District in the City and County of Denver, State of Colorado, with the costs of said continuing care,
6 operation, repair, maintenance and replacement of said Skyline Park Local Maintenance District to
7 be assessed upon the real property, exclusive of improvements thereon, benefited.

8 **Section 3.** The exterior boundaries of said local maintenance district are as follows:
9 Those Blocks, portions of Blocks, alleys, and rights-of-way lying in East Denver and being
10 bounded by the following description:

11
12 Beginning at the intersection of the centerlines of the platted rights-of-way of 18th Street
13 and Curtis Street thence southwesterly along the said centerline of Curtis Street to the
14 intersection with the centerline of 15th Street;

15
16 thence northwesterly along said centerline of 15th Street to the intersection with the
17 centerline of Arapahoe Street;

18
19 thence southwesterly along said centerline of Arapahoe Street to the intersection with
20 the southeasterly extension of the southwesterly line of that parcel of land described
21 at Rec. No. 2015069282;

22
23 thence northwesterly along said southwesterly line and its extensions southeasterly
24 and northwesterly to the intersection with the centerline of Lawrence Street;

25
26 thence northeasterly along said centerline of Lawrence Street to the intersection with
27 the centerline of 18th Street;

28
29 thence southeasterly along said centerline of 18th Street to the intersection with
30 southwesterly extension of the centerline of the alley in Block 78 of East Denver;

31
32 thence northeasterly along said centerline and its extensions southwesterly and
33 northeasterly to the intersection with the centerline of 19th Street;

34
35 thence southeasterly along said centerline of 19th Street to the intersection with the
36 centerline of Arapahoe Street;

37
38 thence southwesterly along said centerline of Arapahoe Street to the intersection with
39 the centerline of 18th Street;

40
41 thence southeasterly along said centerline of 18th Street to the Point of Beginning.

42
43 The above boundary shall exclude the following parcels and underground parking:
44

1 Parcel - East Denver, Block 77, surface and air rights over southeastern 100 feet of
2 Lot 17 to 32.

3
4 Parcel - East Denver, Block 77, southeastern 100 feet of Lot 17 to 32, excluding
5 surface and air rights over said parcel.

6
7 Parcel - East Denver, Block 76, as defined in the following: Book 1347, Page 506,
8 surface and air rights.

9
10 Parcel - East Denver, part of Block 75, described as surface rights on southeasterly
11 100 feet of said Block and unlimited air space over southeasterly 83 feet said Block
12 and air space to and elevation of 5,235 feet.

13
14 Underground Parking – parking lots located underneath Lawrence Street from the
15 centerline of Lawrence Street to Block 76, Lots 1 through 16 of East Denver.

16
17 **Section 4.** A description of the properties benefited is:

- 18
19 1. East Denver, Block 78, Lots 17 to 32
20 2. East Denver, Block 96 & vacated alley
21 3. East Denver, Block 77, Lots 1 to 16 & northwest 25 feet, Lots 17 to 32 & vacated
22 alley adjacent
23 4. Tabor Center Condos Unit 1, per Declaration Recorded 1/22/97, at Reception
24 Nos. 9700008002 and 9700008003
25 5. Tabor Center Condos Unit 3, per Declaration Recorded 1/22/97, at Reception
26 Nos. 9700008002 and 9700008003
27 6. D & F Tower Condos Unit B
28 7. D & F Tower Condos Unit 2
29 8. D & F Tower Condos Unit 3
30 9. D & F Tower Condos Unit 4
31 10. D & F Tower Condos Unit 5
32 11. D & F Tower Condos Unit 6
33 12. D & F Tower Condos Unit 7
34 13. D & F Tower Condos Unit 8
35 14. D & F Tower Condos Unit 9
36 15. D & F Tower Condos Unit 10
37 16. D & F Tower Condos Unit 11
38 17. D & F Tower Condos Unit 12
39 18. D & F Tower Condos Unit 13
40 19. D & F Tower Condos Unit 15
41 20. D & F Tower Condos Unit 16
42 21. D & F Tower Condos Unit 17
43 22. East Denver Block 97 Lots 1 to 32 & vacated alley adjacent
44 23. East Denver Block 98 Lots 1 to 32 & vacated alley
45 24. East Denver Block 75 Lots 1 to 32 inclusive together the vacated alley in said Block
46 75, except the Reserved Parcels A, B and C per City and County of Denver Clerk
47 and Recorder's reception number 2014050021.

1 25. East Denver Block 74 Lot 1 through 32 inclusive together with the vacated alley
2 adjacent per Ordinance No.346 Series 1974 and except Parcels A and B per City
3 and County of Denver Clerk and Recorder's reception number 2015069282.
4

5 **Section 5.** The relative benefits to the real properties within the local maintenance district
6 be and are hereby apportioned based on a relationship between the portion of gross building square
7 footage, including parking, located within the local maintenance district, using a multiplier of two-
8 thirds (2/3) of gross building square footage for properties within Skyline Park Local Maintenance
9 District that abut the boundaries of the City and County of Denver's Skyline Park and using a
10 multiplier of one-third (1/3) of gross building square footage for properties within Skyline Park Local
11 Maintenance District that do not abut Skyline Park. Each property owner then pays that proportion
12 of the total assessment.

13 **Section 6.** The Executive Director of the Department of Transportation and Infrastructure
14 of the City and County of Denver is hereby authorized and directed to assess the costs of the
15 continuing care, operation, security, repair, maintenance and replacement of the Skyline Park Local
16 Maintenance District, in accordance with the requirements of the Charter of the City and County of
17 Denver.

18 **Section 7.** This Ordinance amends, restates and supersedes Ordinance No. 1321, Series
19 of 2018, in its entirety.

20 **Section 8.** This Ordinance shall be recorded among the records of the Clerk and Recorder
21 of the City and County of Denver, State of Colorado.

22
23 COMMITTEE APPROVAL DATE:

24 MAYOR-COUNCIL DATE:

25 PASSED BY THE COUNCIL: _____

26 _____ - PRESIDENT

27 APPROVED: _____ - MAYOR _____

28 ATTEST: _____ - CLERK AND RECORDER,
29 EX-OFFICIO CLERK OF THE
30 CITY AND COUNTY OF DENVER

31 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

32 PREPARED BY: Bradley T. Neiman, Assistant City Attorney DATE:

33 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of
34 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
35 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
36 § 3.2.6 of the Charter.

37 Kristin M. Bronson, Denver City Attorney

38 BY: _____, Assistant City Attorney DATE: _____