

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2018

COUNCIL BILL NO. CB18-1321
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

For an ordinance creating a Local Maintenance District for the continuing care, operation, repair, maintenance and replacement of the Skyline Park Local Maintenance District in the City and County of Denver, State of Colorado, with the costs of said continuing care, operation, repair, maintenance and replacement of said Skyline Park Local Maintenance District to be assessed upon the real property, exclusive of improvements thereon, benefited.

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

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

(a) The Manager of Public Works of the City and County of Denver has received petitions proposing a local maintenance district for the continuing care, operation, repair, maintenance and replacement of the Skyline Park Local Maintenance District in the City and County of Denver, State of Colorado, with the costs of said continuing care, operation, repair, maintenance and replacement of said Skyline Park Local Maintenance District to be assessed upon the real property, exclusive of improvements thereon, benefited;

(b) Sufficient petitions, as required by the Denver Revised Municipal Code, were received by the Manager of Public Works of the City and County of Denver, that said petitions were regularly filed and were in due and regular form and properly executed;

(c) At the time of the initiation of said proposed local maintenance district, the Manager of Public Works of the City and County of Denver estimated the total cost of the continuing care, operation, repair, maintenance and replacement of the Skyline Park Local Maintenance District in said proposed local maintenance district for the first full year of the existence of said proposed local maintenance district is \$400,000.00 and said Manager of Public Works estimated a detailed estimate for each maintenance element included in said proposed local maintenance district for the first full year of the existence of said proposed local maintenance district;

1 (d) The Manager of Public Works of the City and County of Denver gave due notice to the
2 owners of the property benefited and to all persons interested generally concerning said local
3 maintenance district, and a hearing was held as provided by the Denver Revised Municipal Code
4 (D.R.M.C.) to hear written remonstrances to said proposed local maintenance district and for the
5 purpose of considering the desirability of and the need for said proposed local maintenance district;

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

9 (f) All acts and proceedings of the Manager of Public Works of the City and County of
10 Denver comply with the requirements of the Charter of the City and County of Denver and the
11 D.R.M.C.;

12 (g) The Manager of Public Works of the City and County of Denver has entered an order
13 approving said proposed local maintenance district;

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

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

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

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

28
29 Beginning at the intersection of the centerlines of the platted rights-of-way of 18th Street
30 and Curtis Street thence southwesterly along the said centerline of Curtis Street to the
31 intersection with the centerline of 15th Street;

32
33 thence northwesterly along said centerline of 15th Street to the intersection with the
34 centerline of Arapahoe Street;

35

1 thence southwesterly along said centerline of Arapahoe Street to the intersection with
2 the southeasterly extension of the southwesterly line of that parcel of land described
3 at Rec. No. 2015069282;

4
5 thence northwesterly along said southwesterly line and its extensions southeasterly
6 and northwesterly to the intersection with the centerline of Lawrence Street;

7
8 thence northeasterly along said centerline of Lawrence Street to the intersection with
9 the centerline of 18th Street;

10
11 thence southeasterly along said centerline of 18th Street to the intersection with
12 southwesterly extension of the centerline of the alley in Block 78 of East Denver;

13
14 thence northeasterly along said centerline and its extensions southwesterly and
15 northeasterly to the intersection with the centerline of 19th Street;

16
17 thence southeasterly along said centerline of 19th Street to the intersection with the
18 centerline of Arapahoe Street;

19
20 thence southwesterly along said centerline of Arapahoe Street to the intersection with
21 the centerline of 18th Street;

22
23 thence southeasterly along said centerline of 18th Street to the Point of Beginning.

24
25 The above boundary shall exclude the following parcels and underground parking:

26
27 Parcel - East Denver, Block 77, surface and air rights over southeastern 100 feet of
28 Lot 17 to 32.

29
30 Parcel - East Denver, Block 77, southeastern 100 feet of Lot 17 to 32, excluding
31 surface and air rights over said parcel.

32
33 Parcel - East Denver, Block 76, as defined in the following: Book 1347, Page 506,
34 surface and air rights.

35
36 Parcel - East Denver, part of Block 75, described as surface rights on southeasterly
37 100 feet of said Block and unlimited air space over southeasterly 83 feet said Block
38 and air space to and elevation of 5,235 feet.

39
40 Underground Parking – parking lots located underneath Lawrence Street from the
41 centerline of Lawrence Street to Block 76, Lots 1 through 16 of East Denver.

42
43 **Section 4.** A description of the properties benefited is:

- 44
45 1. East Denver, Block 78, Lots 17 to 32
46 2. East Denver, Block 96 & vacated alley
47 3. East Denver, Block 77, Lots 1 to 16 & northwest 25 feet, Lots 17 to 32 & vacated
48 alley adjacent

- 1 4. Tabor Center Condos Unit 1, per Declaration Recorded 1/22/97, at Reception
- 2 Nos. 9700008002 and 9700008003
- 3 5. Tabor Center Condos Unit 3, per Declaration Recorded 1/22/97, at Reception
- 4 Nos. 9700008002 and 9700008003
- 5 6. D & F Tower Condos Unit B
- 6 7. D & F Tower Condos Unit 2
- 7 8. D & F Tower Condos Unit 3
- 8 9. D & F Tower Condos Unit 4
- 9 10. D & F Tower Condos Unit 5
- 10 11. D & F Tower Condos Unit 6
- 11 12. D & F Tower Condos Unit 7
- 12 13. D & F Tower Condos Unit 8
- 13 14. D & F Tower Condos Unit 9
- 14 15. D & F Tower Condos Unit 10
- 15 16. D & F Tower Condos Unit 11
- 16 17. D & F Tower Condos Unit 12
- 17 18. D & F Tower Condos Unit 13
- 18 19. D & F Tower Condos Unit 15
- 19 20. D & F Tower Condos Unit 16
- 20 21. D & F Tower Condos Unit 17
- 21 22. East Denver Block 97 Lots 1 to 32 & vacated alley adjacent
- 22 23. East Denver Block 98 Lots 1 to 32 & vacated alley
- 23 24. East Denver Block 75 Lots 1 to 32 inclusive together the vacated alley in said Block
- 24 75, except the Reserved Parcels A, B and C per City and County of Denver Clerk
- 25 and Recorder's reception number 2014050021.
- 26 25. East Denver Block 74 Lot 1 through 32 inclusive together with the vacated alley
- 27 adjacent per Ordinance No.346 Series 1974 and except Parcels A and B per City
- 28 and County of Denver Clerk and Recorder's reception number 2015069282.

29
30 **Section 5.** The relative benefits to the real properties within the local maintenance district
31 be and are hereby apportioned based on a relationship between the portion of gross building square
32 footage, including parking, located within the local maintenance district, using a multiplier of two-
33 thirds (2/3) of gross building square footage for properties within Skyline Park Local Maintenance
34 District that abut the boundaries of the City and County of Denver's Skyline Park and using a
35 multiplier of one-third (1/3) of gross building square footage for properties within Skyline Park Local
36 Maintenance District that do not abut Skyline Park. Each property owner then pays that proportion
37 of the total assessment.

38 **Section 6.** The Manager of Public Works of the City and County of Denver is hereby
39 authorized and directed to assess the costs of the continuing care, operation, repair, maintenance
40 and replacement of the Skyline Park Local Maintenance District, in accordance with the requirements
41 of the Charter of the City and County of Denver.

1 **Section 7.** This ordinance shall be recorded among the records of the Clerk and Recorder
2 of the City and County of Denver, State of Colorado.

3 COMMITTEE APPROVAL DATE: November 13, 2018

4 MAYOR-COUNCIL DATE: November 20, 2018

5 PASSED BY THE COUNCIL: _____

6 _____ - PRESIDENT

7 APPROVED: _____ - MAYOR _____

8 ATTEST: _____ - CLERK AND RECORDER,
9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF DENVER

11 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

12 PREPARED BY: Noah M. Cecil, Assistant City Attorney DATE: November 21, 2018

13 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
14 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
16 § 3.2.6 of the Charter.

17 Kristin M. Bronson, Denver City Attorney

18 BY: *Kristin J. Crawford*, Assistant City Attorney DATE: Nov 21, 2018