

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO. CB11-0248

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance creating and establishing the South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local Improvement District, authorizing the construction and installation therein of the streetscape improvements, including but not limited to sidewalks, brick pavers, trees, tree grates, irrigation, benches, trash receptacles and pedestrian lights, providing for the assessment of real estate included in the district, the payment of costs, and other matters incidental to the making of said improvements.

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 the South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local Improvement District, Council finds:

(a) The Manager of Public Works of the City and County of Denver has received petitions proposing a local improvement district for the construction of certain street and streetscape improvements on South Broadway Streetscape (Iowa Avenue to Wesley Avenue) in the City and County of Denver, State of Colorado, with the costs of said construction of said South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local Improvement District to be assessed upon the real property, exclusive of improvements thereon, benefited;

(b) Sufficient petitions, as required by the Charter and Denver Revised Municipal Code (D.R.M.C.) of the City and County of Denver, 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) That the Manager of Public Works instituted preliminary proceedings concerning the construction and installation for the enumerated streetscape improvements in the recommended district; that the Manager gave due notice concerning the proposed improvements and held a hearing as provided by the D.R.M.C. to hear written remonstrances to the proposed local improvement district and for the purpose of considering the desirability of the need for the proposed local improvement district; that prior to the giving of such notice and the holding of such hearing it

1 had been determined that the preliminary informal estimate of the City Engineer would not exceed by
2 more than ten percent (10%) the maximum unit cost stated in the applicable initiating petition;

3 (d) That one written remonstrance was filed and certain oral protests were made to the
4 improvements hereinafter authorized;

5 (e) That some of the improvements proposed may in part be a general public
6 improvement and in part a local public improvement; that, that portion of the cost of said
7 improvements which is not lawfully assessable upon real property benefited by the construction of
8 the improvements may be paid by the City and County of Denver from any lawful fund;

9 (f) Duly executed written remonstrances were not filed by the owners representing thirty-
10 five or more percent of the estimated cost of the proposed improvement, within said proposed local
11 improvement district;

12 (g) That after due consideration of all pertinent matters, the Manager of Public Works of
13 the City and County of Denver has entered an order approving the creation of said proposed local
14 improvement district and the proposed improvements;

15 (h) That by reason of the construction of the proposed improvements, the real property
16 within the recommended district will be especially benefited in an amount equal to or in excess of the
17 amount to be assessed; and

18 (i) That all acts and proceedings of the Manager of Public Works in the premises and
19 all work heretofore contemplated and described for the recommended district comply with
20 the requirements of the Charter and the D.R.M.C.;

21 (j) That the recommended district is lawful and necessary, should be created and
22 established and should include the area hereinafter set forth.

23 **Section 2.** That the South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local
24 Improvement District is hereby created and established for the purpose of constructing and
25 improving the streetscape within the following designated portion of the right-of-way in the City and
26 County of Denver:

27 A parcel of land located within Sections 22 and 27, Township 4 South, Range 68 West, of the 6th
28 Principal Meridian, City and County of Denver, State of Colorado, more particularly described as
29 follows:
30
31

Beginning at the intersection of the centerlines of South Broadway Streetscape and Iowa Avenue;
thence east along the centerline of Iowa Avenue to the intersection with a line extended, said line being the east lot line of Lot 1, Block 1, The First Santa Fe Addition to the Town of South Denver;
thence south along the east lot lines of Lots 1 through Lot 24, Block 1, The First Santa Fe Addition to the Town of South Denver to the southeast corner of Lot 24, Block 1, The First Santa Fe Addition to the Town of South Denver;
thence south across Mexico Avenue to the northeast corner of Lot 1, Block 1, Grant Sub-Division;
thence south along the east lot lines of Lots 1 through Lot 23, Block 1, Grant Sub-Division to the southeast corner of Lot 23, Block 1, Grant Sub-Division;
thence south across Colorado Avenue to the northeast corner of Lot 1, Block 16, Grant Sub-Division;
thence south along the east lot lines of Lots 1 through Lot 24, Block 16, Grant Sub-Division to the southeast corner of Lot 24, Block 16, Grant Sub-Division;
thence south across Jewell Avenue to the northeast corner of Lot 1, Block 1, Carterdale;
thence south along the east lot lines of Lots 1 through Lot 24, Block 1, Carterdale to the southeast corner of Lot 24, Block 1, Carterdale;
thence south across Asbury Avenue to the northeast corner of Lot 1, Block 4, Carterdale;
thence south along the east lot lines of Lots 1 through Lot 23, Block 4, Carterdale to the southeast corner of Lot 23, Block 1, Carterdale;
thence south across Evans Avenue to the northeast corner of Lot 1, Block 1, Lawndale Subdivision;
thence south along the east lot lines of Lots 1 through Lot 24, Block 1, Lawndale Subdivision to the southeast corner of Lot 24, Block 1, Lawndale Subdivision;
thence south across Warren Avenue to the northeast corner of Lot 1, Block 17, Rosedale;
thence south along the east lot lines of Lots 1 through Lot 24, Block 17, Rosedale to the southeast corner of Lot 24, Block 17, Rosedale;
thence south across Iliff Avenue to the northeast corner of Lot 1, Block 20, Rosedale;
thence south along the east lot lines extended of Lots 1 through Lot 24, Block 20, Rosedale to the intersection with the centerline of Wesley Avenue;
thence west along the centerline of Wesley Avenue and to the intersection with a line extended, said line being the west lot line of Lot 25, Block 8, Breenlow Subdivision of South Denver;
thence north along the west lot lines of Lots 25 through Lot 48, Block 8, Breenlow Subdivision of

1 South Denver to the northwest corner of Lot 48, Block 8, Breenlow Subdivision of South Denver;
2
3 thence north across Iliff Avenue to the southwest corner of Lot 25, Block 16, Rosedale;
4
5 thence north along the west lot lines of Lots 25 through Lot 48, Block 16, Rosedale to the northwest
6 corner of Lot 48, Block 16, Rosedale;
7
8 thence north across Warren Avenue to the southwest corner of Lot 25, Block 9, Rosedale;
9
10 thence north along the west lot lines of Lots 25 through Lot 48, Block 9, Rosedale to the northwest
11 corner of Lot 48, Block 9, Rosedale;
12
13 thence north across Evans Avenue to the southwest corner of Lot 25, Block 8, Rosedale;
14
15 thence north along the west lot lines of Lots 25 through Lot 48, Block 8, Rosedale to the northwest
16 corner of Lot 48, Block 8, Rosedale;
17
18 thence north across Asbury Avenue to the southwest corner of Lot 25, Block 1, Rosedale;
19
20 thence north along the west lot lines of Lots 25 through Lot 48, Block 1, Rosedale to the northwest
21 corner of Lot 48, Block 1, Rosedale;
22
23 thence north across Jewell Avenue to the southwest corner of Lot 25, Block 13, Overland Park Sub-
24 Division;
25
26 thence north along the west lot lines of Lots 25 through Lot 48, Block 13, Overland Park Sub-Division
27 to the northwest corner of Lot 48, Block 13, Overland Park Sub-Division;
28
29 thence north across Colorado Avenue to the southwest corner of Lot 25, Block 10, Overland Park
30 Sub-Division;
31
32 thence north along the west lot lines of Lots 25 through Lot 48, Block 10, Overland Park Sub-Division
33 to the northwest corner of Lot 48, Block 10, Overland Park Sub-Division;
34
35 thence north across Mexico Avenue to the southwest corner of Lot 25, Block 9, Overland Park Sub-
36 Division;
37
38 thence north along the west lot lines extended of Lots 25 through Lot 48, Block 9, Overland Park
39 Sub-Division to the intersection with the centerline of Iowa Avenue.
40
41 thence east along the centerline of Iowa Avenue to the point and place of beginning, which is the
42 intersection of the centerline of Iowa Avenue and the centerline of South Broadway.
43
44 and the aforesaid local improvement district shall consist of all real property abutting on the
45 designated portion of each of the street frontages to be improved as described herein.

46 **Section 3.** A description of the properties benefited is:
47

1. Lots 1-24 inclusive, Block 1, The First Santa Fe Addition to the Town of South Denver
- 2.
2. Lots 1-23 inclusive, Block 1
and
Lots 1-24 inclusive, Block 16, Grant Sub-Division
- 3.
3. Lots 1-24 inclusive, Block 1
and
Lots 1-23 inclusive, Block 4, Carterdale
- 4.
4. Lots 1-24 inclusive, Block 1, Lawndale Subdivision
- 5.
5. Lots 25-48 inclusive, Block 1
and
Lots 25-48 inclusive, Block 8
and
Lots 25-48 inclusive, Block 9
and
Lots 25-48 inclusive, Block 16
and
Lots 1-24 inclusive, Block 17
and
Lots 1-24 inclusive, Block 20, Rosedale
- 6.
6. Lots 25-48 inclusive, Block 8, Breenlow Subdivision of South Denver
- 7.
7. Lots 25-48 inclusive, Block 9
and
Lots 25-48 inclusive, Block 10
and
Lots 25-48 inclusive, Block 13, Overland Park Sub-Division

All of the above within the City and County of Denver and State of Colorado.

Section 4. The streetscape improvements ordered by the Manager of Public Works are hereby authorized and for the area enumerated shall consist of the construction and installation of streetscape improvements which may include but not be limited to sidewalks, brick pavers, trees, tree grates, irrigation, benches, trash receptacles and pedestrian lights in the said district in conformity with the published notice, map of the district, full details, specifications and estimates heretofore adopted, ratified and confirmed by the Manager. The Mayor is hereby authorized to award and let the contract or contracts for said improvements; provided, however, that the total cost of the improvements, exclusive of incidentals and costs of collection shall not exceed, by more than ten percent (10%), the estimate of the City Engineer, which is \$949,243.00.

1 **Section 5.** The City and County of Denver has established a "Local Public Improvement
2 District Construction" fund, Auditor's Fund No. 38081-5011102, for the purpose of financing the
3 construction of this and other local public improvements within the City. The source of funds for
4 this Construction fund shall be transfers from the "Local Public Improvement District Assessment"
5 fund, as hereinafter provided, as well as transfers or appropriations from other funds. The City and
6 County of Denver has, also, established a "Local Public Improvement District Assessment" fund
7 (Auditor's Fund No. 38083-5011102), and all assessments made for this District shall be deposited
8 in this assessment fund which funds so deposited shall be transferred periodically by ordinance to
9 the "Local Public Improvement District Construction" fund.

10 **Section 6.** Upon completion of and the acceptance by the Manager of the improvements
11 hereby authorized the cost of said improvements which will be assessed shall, in the most
12 equitable lawful method, be assessed against and upon the real estate in the District in
13 proportion to the special benefits received by reason of the improvement hereby authorized;
14 provided, however, that in the event that any improvement hereby authorized is determined to be
15 in part a local public improvement and in part a general public improvement or wholly a general
16 public improvement, the portion of the cost which is not lawfully assessable upon the real
17 property within the District may be paid by the City from any lawful fund. If any portion of the
18 aforesaid cost is not assessed upon the real estate benefited, Council may provide that the
19 portion not so assessed shall be paid forthwith from a designated lawful fund of the City. All
20 assessments hereafter levied shall be payable within thirty (30) days after the effective date of
21 the assessing ordinance or, in twelve (12) equal annual installments beginning sixty (60) days
22 next following the effective date of the assessing ordinance with interest of five percent (5%) per
23 annum on deferred payments. In determining the whole cost of the improvements there shall be
24 included therein incidentals plus five (5) percent for costs of District administration and three (3)
25 percent for Treasurer's Fee.

26 **Section 7.** The relative benefits to the real properties, exclusive of improvements thereon,
27 within the local improvement district be and are hereby apportioned based on a relationship
28 between the lineal footage of the real property, exclusive of improvements thereon, receiving the
29 right-of-way improvements and the total improved lineal footage; and each property owner then
30 pays that percent of the total assessment.

31 **Section 8.** This Ordinance shall be recorded among the records of the Clerk and
32 Recorder of the City and County of Denver, State of Colorado.
33

1 COMMITTEE APPROVAL DATE: (by Consent) April 14, 2011
2 MAYOR-COUNCIL DATE: April 19, 2011
3 PASSED BY THE COUNCIL: _____, 2011
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2011
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011
10 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney – April 21, 2011
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 §3.2.6 of the Charter.
15 David W. Broadwell, Denver City Attorney
16 BY: _____, City Attorney DATE: _____, 2011