

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. CB11-0784

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Phase II Broadway Pedestrian Mall Local Maintenance District 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 the recommendation of the Manager of Public Works that an ordinance be enacted for the purpose of assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Phase II Broadway Pedestrian Mall upon the real property, exclusive of improvements thereon, benefited the Council finds, as follows:

(a) A local maintenance district providing for the continuing care, operation, repair, maintenance and replacement of the Phase II Broadway Pedestrian Mall, was created by Ordinance No. 819, Series of 1993;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the Phase II Broadway Pedestrian Mall is \$256,700.00 which amount the Manager of Public Works has the authority to expend for the purposes stated herein;

(c) The Manager of Public Works has complied with all provisions of law relating to the publishing of notice to the owners of real properties to be assessed and to all persons interested generally, and the Council sitting as a Board of Equalization has heard and determined all written complaints and objections filed with the Manager of Public Works;

(d) The real property within the Phase II Broadway Pedestrian Mall will be benefited in an amount equal to or in excess of the amount to be assessed against said property because of the continuing care, operation, repair, maintenance and replacement of said Pedestrian Mall.

**Section 2.** The annual cost of the continuing care, operation, repair, maintenance and replacement of the Phase II Broadway Pedestrian Mall to be assessed against the real properties, exclusive of improvements thereon, benefited are hereby approved.

**Section 3.** The annual costs of the continuing care, operation, repair, maintenance and replacement of the Phase II Broadway Pedestrian Mall in the amount of \$256,700.00 are hereby assessed against the real properties, exclusive of improvements thereon, within said local maintenance district as follows:

1 NOTE: Where a series of lots is followed by "inclusive", the amount appearing after the series  
 2 shall be the total for all lots in the series. Where a series of lots is not followed by "inclusive", the  
 3 amount appearing after such series shall be the assessment for each lot in the series.

4 ALKIRE BROTHER'S ADDITION TO BROADWAY TERRACE

5 BLOCK 1

6 Lots

7	11-13 and the North 1/2 of Adj. Vacated West Irvington Place, inclusive	\$3,282.89
8	14-17, inclusive	\$2,853.89
9	18-20, inclusive	\$2,140.42

10

11 MONTELIUS & WALKER ADDITION

12 BLOCK 1

13 Lots

14	1-3, inclusive	\$7,711.69
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15

16 BROADWAY TERRACE

17 BLOCK 13

18 Lots

19	15-16, South 16.24' 17, inclusive	\$2,998.99
20	North 33.76' 17, 18, South 1/2 19, inclusive	\$3,106.38
21	North 1/2 19, 20, inclusive	\$2,142.14

22

23 BUSBY AND WILLIAMS RESUBDIVISION OF BLOCK SIX AND PART OF BLOCK SEVEN IN

24 GALLUP'S SOUTH BROADWAY SUBDIVISION

25 BLOCK 6

26 Lots

27	2-6, Exc rear 6', inclusive	\$4,876.64
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28

29 BYERS SUBDIVISION

30 BLOCK 38

31 Lots

32	1-5 and the South 1/2 of Adj. Vacated West Nevada Place, inclusive	\$4,655.57
33	41-43 and the South 1/2 of Vacated Alley and Adj. Vacated Dakota, inclusive	\$999.67
34	44-48, inclusive	\$3,655.91

35

36

37 BLOCK 40

38 Lots

39	1-5, inclusive	\$3,655.91
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40 Byers Sub B40 43-48 Exc

41 Beg SW Cor 43 Th N 128.03' W

42 5.39' S 128.03Ft W 5.39' to

43	POB, inclusive	\$3,655.91
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44

45 BLOCK 44

46 Lots

47	1-24, and the West 1/2 of Adj. Vacated South Bannock Street, inclusive	\$18,136.74
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48

1	BLOCK 45	
2	Lots	
3	25-27, inclusive	\$2,142.14
4	28, West 1/2 29, inclusive	\$1,071.06
5	East 1/2 29, 30, inclusive	\$1,071.06
6	31-34, inclusive	\$2,856.18
7	35-39, West 1/2 40, inclusive	\$3,927.24
8	East 1/2 40, 41, inclusive	\$1,071.06
9	42, West 1/2 43, inclusive	\$1,071.06
10	44-48 & East 1/2 43, inclusive	\$3,927.24
11		
12	BYERS RESUBDIVISION OF BLOCKS 37 AND 39	
13	BYERS SUBDIVISION	
14	BLOCK 37	
15	Lots	
16	1-24, 44-49, the vacated alley adj. to Lot 6, the East 1/2 of Adj. Vacated South Bannock Street	
17	and the North 1/2 of Adj. Vacated West Nevada Place, inclusive	\$26,162.60
18		
19	BLOCKS 39 - 42	
20	Lots	
21	1-6, 49 and Adjacent Vacated Alley, inclusive	\$3,741.60
22	44 and Vacated Alaska Place, inclusive	\$3,570.23
23	The North 2.0' of Vacated West Alaska Place	\$57.12
24	Block 39-42 & T4 R68 S15 NW/4 & Vac Ss. & Alys. Adj. Dif Und. Doc 4/9/96A, inclusive	
25		\$18,262.13
26		
27	EXPOSITION ADDITION	
28	BLOCK 1	
29	Lots	
30	1-7, inclusive	\$4,998.32
31	8-10, inclusive	\$2,142.14
32	11-12, inclusive	\$1,428.09
33	13-14, inclusive	\$1,428.09
34	15-16, inclusive	\$1,428.09
35	17	\$714.05
36	18-21, North 6.25' 22, inclusive	\$3,034.69
37	South 1/2 23, 24, inclusive	\$1,963.63
38		
39	GALLUP'S RESUBDIVISION OF BLOCK 4 AND PART OF BLOCK 5 OF GALLUP'S	
40	BROADWAY SUBDIVISION	
41	BLOCK 4	
42	Lots	
43	1-4, inclusive	\$2,599.12
44	5-6, inclusive	\$1,428.09
45	7-9, North 20.8' 10, inclusive	\$2,736.22
46	South 4.2' 10, 11-12, inclusive	\$834.01
47		

1	Block 5	
2	Lots	
3	North 50' West 1/2 Block 5	\$1,428.09
4	South 50' North 100' West 1/2 Block 5	\$1,428.09
5		
6	GREENWAY'S RESUBDIVISION OF BLOCK 36 BYER'S SUBDIVISION	
7	BLOCK 36	
8	Lots	
9	9-10, inclusive	\$3,827.28
10	11, East 8.33' 12, inclusive	\$951.97
11	West 16.67' 12, East 21.67' 13, inclusive	\$1,095.06
12	West 3.33' 13, 14, East 5' 15, inclusive	\$951.97
13	West 20' 15, East 11.67' 16, inclusive	\$904.56
14	West 13.33' 16, East 18.33' 17, inclusive	\$904.27
15	West 6.67' 17, 18, inclusive	\$904.56
16	19, East 1/2 20, inclusive	\$1,071.06
17	West 1/2 20, 21, 22, inclusive	\$1,785.11
18	23-28, inclusive	\$4,284.27
19		
20	KETTLE'S ADDITION TO DENVER	
21	BLOCK 3	
22	Lots	
23	1-24 & Vacated Alley, inclusive	\$8,568.54
24		
25	ONE BROADWAY PLAZA SUBDIVISION	
26	BLOCK 1	
27	That part of One Broadway Plaza Subdivision, defined as follows: Beginning at the southwest	
28	corner of Broadway and Vacated West Irvington Place; thence southerly along the west line of	
29	Broadway a distance of 259.93 feet; thence westerly on an angle to the right of 89°56' 37" a	
30	distance of 165.50 feet; thence northerly on an angle to the right of 90°03'23" a distance of	
31	112.70 feet; thence easterly on an angle to the right of 90°00'00" a distance of 17.50 feet; thence	
32	northerly on an angle to the right of 90°00'00" a distance of 33.00 feet; thence on an angle to the	
33	right of 90°00'00" a distance of 18.75 feet; thence northerly on an angle to the right of 90°00'00" a	
34	distance of 114.21 feet to the south line of Vacated West Irvington Place; thence easterly along	
35	said south line a distance of 166.75 feet to the Point of Beginning, and the south 1/2 of adjacent	
36	Vacated West Irvington Place.	
37		\$8,566.54
38	PATTERSON'S SUBDIVISION	
39	BLOCK 1	
40	Lots	
41	1-5, 47, adj. vacated alley, inclusive	\$3,570.23
42	North 75' 6-8, and the North 75' of the East 15' 9, inclusive	\$2,142.14
43	9 Exc. the North 75' of the East 15' and 10-12, inclusive	\$1,428.09
44		
45	PIERCE AND HINMAN'S ADDITION TO BROADWAY TERRACE	
46	BLOCK 1	
47	Lots	
48	1-4, inclusive	\$2,852.75
49	5	\$713.19

1	6	\$713.19
2	7	\$713.19
3	8, North 16' 9, inclusive	\$1,170.17
4	South 8.97' 9, 10, North 16' 11, inclusive	\$1,426.38
5	South 8.97' 11, 12, inclusive	\$969.38
6	13	\$713.19
7	14	\$713.19
8	15	\$713.19
9	16-17, inclusive	\$1,426.38
10	18-19, inclusive	\$1,426.38
11	20-22, inclusive	\$2,139.57
12	23-24, inclusive	\$1,312.13
13		
14	POMEROY'S SOUTH BROADWAY SUBDIVISION	
15	BLOCK 1	
16	1-6, and the North 22.5' Lot 1, Block 2, inclusive	\$4,795.53
17		
18	BLOCK 2	
19	Lots	
20	1 Exc. the North 22.5', 2-3, inclusive	\$1,505.50
21	4, North 10.07' 5, inclusive	\$1,003.66
22	South 15'5, 6, inclusive	\$1,144.47
23		
24	BLOCK 3	
25	Lots	
26	1-2, inclusive	\$1,432.09
27	3-4, inclusive	\$1,432.09
28	5-6 and Lot 1, Block 4, inclusive	\$2,148.14
29		
30	BLOCK 4	
31	2	\$716.05
32	3	\$716.05
33	4-6, inclusive	\$2,004.75
34		
35	SNYDER'S SUBDIVISION TO DENVER	
36	BLOCK 1	
37	West 125' 1-5, inclusive	\$3,497.39
38	West 125' 6-7, inclusive	\$1,398.96
39	West 125' 8-9, inclusive	\$1,398.96
40	West 125' 10-15, inclusive	\$4,196.87
41	West 125' 16-17, inclusive	\$1,398.96
42	West 125' 18-19, inclusive	\$1,398.96
43	West 125' 20-21 and a Strip 0.85' Wide on the West and 0.95' Wide on the East on the North	
44	Side of the West 125' Lot 22, inclusive	\$1,423.23
45	West 125' 22 Exc. a Strip 0.85' Wide on the West and 0.95' Wide on the East on the North Side of	
46	the West 125' Lot 22, West 125' 23-24, inclusive	\$2,074.15
47		

1 UNPLATTED

2 That part of the SE 1/4, NW 1/4, Section 15, T.4S., R.68W. of the 6th P.M. bounded by the west  
3 line of South Broadway, a line 158 feet west of and parallel with said west line, the south line of  
4 Vacated West Virginia Avenue and a line 589.77 feet south of and parallel with said south line.

5 \$3,513.12  
6

7 That part of the SE 1/4, NW 1/4, Section 15, T.4S., R.68W. of the 6th P.M. described as follows:  
8 Beginning at a point on the west line of South Broadway 589.77 feet south of the south line of  
9 Vacated West Virginia Avenue; thence west a distance of 158.0 feet; thence south and parallel  
10 with the west line of South Broadway a distance of 40.23 feet; thence east a distance of 158.0  
11 feet to a point on the west line of South Broadway; thence north to the Point of Beginning.

12 \$1,149.04

13 **Section 4.** The assessments made pursuant hereto shall be a lien in the several amounts  
14 assessed against each lot or tract of land set forth in Section 3 herein, and such lien shall have  
15 the priority of the lien for local public improvement districts.

16 **Section 5.** Without demand, said assessments as set forth in Section 3 herein, shall be due and  
17 payable on the first day of January of the year next following the year in which this assessing  
18 ordinance became effective, and said assessments shall become delinquent if not paid by the  
19 last day of February of the year next following the year in which this assessing ordinance  
20 became effective. A failure to pay said assessments as hereinabove set forth shall subject the  
21 property subject to the assessment to sale as provided by the Charter of the City and County of  
22 Denver.

23 **Section 6.** Any unspent revenue and revenue generated through investment shall be retained  
24 and credited to the Phase II Broadway Pedestrian Mall Local Maintenance District for future long  
25 term or program maintenance of the District.

26

1 COMMITTEE APPROVAL: (by Consent) October 27, 2011  
2 MAYOR-COUNCIL DATE: November 8, 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 - November 10, 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 Douglas J. Friednash, City Attorney

16 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney - \_\_\_\_\_ 2011