

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2011

COUNCIL BILL NO. CB11-0247

COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance creating the South Broadway Streetscape (Iowa Avenue to**
7 **Wesley Avenue) Local Maintenance District for the continuing care, operation,**
8 **repair, maintenance and replacement of local public improvements, with the**
9 **costs to be assessed upon the real property benefited.**

10
11 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

12 **Section 1.** Upon consideration of a recommendation that an ordinance be enacted creating
13 South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local Maintenance District for the
14 costs of the continuing care, operation, repair, maintenance and replacement of said South
15 Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local Maintenance District to be assessed
16 upon the real property, exclusive of improvements thereon, benefited, Council finds:

17 (a) The Manager of Public Works of the City and County of Denver has received petitions
18 proposing a local maintenance district for the South Broadway Streetscape (Iowa Avenue to Wesley
19 Avenue) Local Maintenance District in the City and County of Denver, State of Colorado, for the
20 continuing care, operation, repair, maintenance and replacement of the South Broadway Streetscape
21 (Iowa Avenue to Wesley Avenue) Local Maintenance District in the City and County of Denver, State
22 of Colorado, with the costs of said South Broadway Streetscape (Iowa Avenue to Wesley Avenue)
23 Local Maintenance District to be assessed upon the real property, exclusive of improvements
24 thereon, benefited;

25 (b) Sufficient petitions, as required by the Charter and the Denver Revised Municipal Code
26 (D.R.M.C.), were received by the Manager of Public Works, that said petitions were regularly filed
27 and were in due and regular form and properly executed;

28 (c) At the time of the initiation of the proposed local maintenance district, the Manager of
29 Public Works estimated the total cost of the continuing care, operation, repair, maintenance and
30 replacement of the improvements related to the South Broadway Streetscape (Iowa Avenue to
31 Wesley Avenue) Local Maintenance District for the first full year of the existence of said proposed
32 local maintenance district is \$118,655.00 and has a detailed estimate for each maintenance element
33 included in the proposed local maintenance district for its first full year of existence.

34 (d) The Manager of Public Works gave due notice to the owners of the property benefited

1 and to all persons interested generally concerning the local maintenance district, and a hearing was
2 held as provided by the D.R.M.C. to hear written remonstrances to the proposed local maintenance
3 district and for the purpose of considering the desirability of and the need for the proposed local
4 maintenance district;

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

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

10 (g) The Manager of Public Works has entered an order approving the proposed local
11 maintenance district;

12 (h) By reason of the continuing care, operation, repair, maintenance and replacement of
13 the South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local Maintenance District
14 improvements, the real property, exclusive of improvements thereon, within the proposed local
15 maintenance district will be specially benefited in an amount equivalent to or exceeding the amount
16 to be assessed; and

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

19 **Section 2.** The South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local
20 Maintenance District in the City and County of Denver, State of Colorado, be and is hereby created
21 for the continuing care, operation, repair, maintenance and replacement of local public improvements
22 with the costs of the continuing care, operation, repair, maintenance and replacement of the local
23 improvements to be assessed upon the real property, exclusive of improvements thereon, benefited.

24 **Section 3.** The exterior boundaries of said local maintenance district are as follows:

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

28
29 Beginning at the intersection of the centerlines of South Broadway and Iowa Avenue;

30
31 thence east along the centerline of Iowa Avenue to the intersection with a line extended, said line
32 being the east lot line of Lot 1, Block 1, The First Santa Fe Addition to the Town of South Denver;

33
34 thence south along the east lot lines of Lots 1 through Lot 24, Block 1, The First Santa Fe Addition to
35 the Town of South Denver to the southeast corner of Lot 24, Block 1, The First Santa Fe Addition to
36 the Town of South Denver;

37 thence south across Mexico Avenue to the northeast corner of Lot 1, Block 1, Grant Sub-Division;

1
2 thence south along the east lot lines of Lots 1 through Lot 23, Block 1, Grant Sub-Division to the
3 southeast corner of Lot 23, Block 1, Grant Sub-Division;
4
5 thence south across Colorado Avenue to the northeast corner of Lot 1, Block 16, Grant Sub-Division;
6
7 thence south along the east lot lines of Lots 1 through Lot 24, Block 16, Grant Sub-Division to the
8 southeast corner of Lot 24, Block 16, Grant Sub-Division;
9
10 thence south across Jewell Avenue to the northeast corner of Lot 1, Block 1, Carterdale;
11
12 thence south along the east lot lines of Lots 1 through Lot 24, Block 1, Carterdale to the southeast
13 corner of Lot 24, Block 1, Carterdale;
14
15 thence south across Asbury Avenue to the northeast corner of Lot 1, Block 4, Carterdale;
16
17 thence south along the east lot lines of Lots 1 through Lot 23, Block 4, Carterdale to the southeast
18 corner of Lot 23, Block 1, Carterdale;
19
20 thence south across Evans Avenue to the northeast corner of Lot 1, Block 1, Lawndale Subdivision;
21
22 thence south along the east lot lines of Lots 1 through Lot 24, Block 1, Lawndale Subdivision to the
23 southeast corner of Lot 24, Block 1, Lawndale Subdivision;
24
25 thence south across Warren Avenue to the northeast corner of Lot 1, Block 17, Rosedale;
26
27 thence south along the east lot lines of Lots 1 through Lot 24, Block 17, Rosedale to the southeast
28 corner of Lot 24, Block 17, Rosedale;
29
30 thence south across Iliff Avenue to the northeast corner of Lot 1, Block 20, Rosedale;
31
32 thence south along the east lot lines extended of Lots 1 through Lot 24, Block 20, Rosedale to the
33 intersection with the centerline of Wesley Avenue;
34
35 thence west along the centerline of Wesley Avenue and to the intersection with a line extended, said
36 line being the west lot line of Lot 25, Block 8, Breenlow Subdivision of South Denver;
37
38 thence north along the west lot lines of Lots 25 through Lot 48, Block 8, Breenlow Subdivision of
39 South Denver to the northwest corner of Lot 48, Block 8, Breenlow Subdivision of South Denver;
40
41 thence north across Iliff Avenue to the southwest corner of Lot 25, Block 16, Rosedale;
42
43 thence north along the west lot lines of Lots 25 through Lot 48, Block 16, Rosedale to the northwest
44 corner of Lot 48, Block 16, Rosedale;
45
46 thence north across Warren Avenue to the southwest corner of Lot 25, Block 9, Rosedale;
47

1 thence north along the west lot lines of Lots 25 through Lot 48, Block 9, Rosedale to the northwest
2 corner of Lot 48, Block 9, Rosedale;
3
4 thence north across Evans Avenue to the southwest corner of Lot 25, Block 8, Rosedale;
5
6 thence north along the west lot lines of Lots 25 through Lot 48, Block 8, Rosedale to the northwest
7 corner of Lot 48, Block 8, Rosedale;
8
9 thence north across Asbury Avenue to the southwest corner of Lot 25, Block 1, Rosedale;
10
11 thence north along the west lot lines of Lots 25 through Lot 48, Block 1, Rosedale to the northwest
12 corner of Lot 48, Block 1, Rosedale;
13
14 thence north across Jewell Avenue to the southwest corner of Lot 25, Block 13, Overland Park Sub-
15 Division;
16
17 thence north along the west lot lines of Lots 25 through Lot 48, Block 13, Overland Park Sub-Division
18 to the northwest corner of Lot 48, Block 13, Overland Park Sub-Division;
19
20 thence north across Colorado Avenue to the southwest corner of Lot 25, Block 10, Overland Park
21 Sub-Division;
22
23 thence north along the west lot lines of Lots 25 through Lot 48, Block 10, Overland Park Sub-Division
24 to the northwest corner of Lot 48, Block 10, Overland Park Sub-Division;
25
26 thence north across Mexico Avenue to the southwest corner of Lot 25, Block 9, Overland Park Sub-
27 Division;
28
29 thence north along the west lot lines extended of Lots 25 through Lot 48, Block 9, Overland Park
30 Sub-Division to the intersection with the centerline of Iowa Avenue.
31
32 thence east along the centerline of Iowa Avenue to the point and place of beginning, which is the
33 intersection of the centerline of Iowa Avenue and the centerline of South Broadway.

34 **Section 4:** A description of the properties benefited is:

- 35
36 1. Lots 1-24 inclusive, Block 1, The First Santa Fe Addition to the Town of South Denver
37
38 2. Lots 1-23 inclusive, Block 1
39 and
40 Lots 1-24 inclusive, Block 16, Grant Sub-Division
41
42 3. Lots 1-24 inclusive, Block 1
43 and
44 Lots 1-23 inclusive, Block 4, Carterdale
45
46 4. Lots 1-24 inclusive, Block 1, Lawndale Subdivision
47

- 1 5. Lots 25-48 inclusive, Block 1
2 and
3 Lots 25-48 inclusive, Block 8
4 and
5 Lots 25-48 inclusive, Block 9
6 and
7 Lots 25-48 inclusive, Block 16
8 and
9 Lots 1-24 inclusive, Block 17
10 and
11 Lots 1-24 inclusive, Block 20, Rosedale
12
13 6. Lots 25-48 inclusive, Block 8, Breenlow Subdivision of South Denver
14
15 7. Lots 25-48 inclusive, Block 9
16 and
17 Lots 25-48 inclusive, Block 10
18 and
19 Lots 25-48 inclusive, Block 13, Overland Park Sub-Division
20

21 All of the above are within the City and County of Denver, State of Colorado
22

23 **Section 5.** The relative benefits to the real properties, exclusive of improvements thereon,
24 within the local maintenance district be and are hereby apportioned based on a relationship between
25 the lineal footage of the real property, exclusive of improvements thereon, receiving the local public
26 improvements and the total improved lineal footage; and each property owner then pays that percent
27 of the total assessment.

28 **Section 6.** The Manager of Public Works is hereby authorized and directed to assess the
29 costs of the continuing care, operation, repair, maintenance and replacement of the local public
30 improvements for the South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local
31 Maintenance District, in accordance with the requirements of the Charter of the City and County of
32 Denver.

33 **Section 7.** This ordinance shall be recorded among the records of the Clerk and Recorder of
34 the City and County of Denver, State of Colorado.
35

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