

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2010

COUNCIL BILL NO. 10-0928

COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance assessing the annual costs of the continuing care,**  
7 **operation, repair, maintenance and replacement of the Phase II Broadway**  
8 **Pedestrian Mall Local Maintenance District upon the real property, exclusive**  
9 **of improvements thereon, benefited.**

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

11 **Section 1.** Upon consideration of the recommendation of the Manager of Public Works that an  
12 ordinance be enacted for the purpose of assessing the annual costs of the continuing care,  
13 operation, repair, maintenance and replacement of the Phase II Broadway Pedestrian Mall upon  
14 the real property, exclusive of improvements thereon, benefited the Council finds, as follows:

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

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

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

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

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

31 **Section 3.** The annual costs of the continuing care, operation, repair, maintenance and  
32 replacement of the Phase II Broadway Pedestrian Mall in the amount of \$256,700.00 are hereby  
33 assessed against the real properties, exclusive of improvements thereon, within said local  
34 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	
13	Lots	
14	1-3, inclusive	\$7,711.69
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	
24	BLOCK SEVEN IN GALLUP'S SOUTH BROADWAY SUBDIVISION	
25	BLOCK 6	
26	Lots	
27	2-6, Exc rear 6', inclusive	\$4,876.64
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	BLOCK 40	
37	Lots	
38	1-5, inclusive	\$3,655.91
39	Byers Sub B40 43-48 Exc	
40	Beg SW Cor 43 Th N 128.03' W	
41	5.39' S 128.03Ft W 5.39' to	
42	POB, inclusive	\$3,655.91
43		
44	BLOCK 44	
45	Lots	
46	1-24, and the West 1/2 of Adj. Vacated South Bannock Street, inclusive	\$18,136.74
47		
48	BLOCK 45	
49	Lots	

1	25-27, inclusive	\$2,142.14
2	28, West 1/2 29, inclusive	\$1,071.06
3	East 1/2 29, 30, inclusive	\$1,071.06
4	31-34, inclusive	\$2,856.18
5	35-39, West 1/2 40, inclusive	\$3,927.24
6	East 1/2 40, 41, inclusive	\$1,071.06
7	42, West 1/2 43, inclusive	\$1,071.06
8	44-48 & East 1/2 43, inclusive	\$3,927.24
9		
10	BYERS RESUBDIVISION OF BLOCKS 37 AND 39	
11	BYERS SUBDIVISION	
12	BLOCK 37	
13	Lots	
14	1-24, 44-49, the vacated alley adj. to Lot 6, the East 1/2 of Adj. Vacated South	
15	Bannock Street and the North 1/2 of Adj. Vacated West Nevada Place, inclusive	
16		\$26,162.60
17		
18	BLOCKS 39 - 42	
19	Lots	
20	1-6, 49 and Adjacent Vacated Alley, inclusive	\$3,741.60
21	44 and Vacated Alaska Place, inclusive	\$3,570.23
22	The North 2.0' of Vacated West Alaska Place	\$57.12
23	Block 39-42 & T4 R68 S15 NW/4 & Vac Ss. & Alys. Adj. Dif Und. Doc 4/9/96A, inclusive	
24		\$18,262.13
25		
26	EXPOSITION ADDITION	
27	BLOCK 1	
28	Lots	
29	1-7, inclusive	\$4,998.32
30	8-10, inclusive	\$2,142.14
31	11-12, inclusive	\$1,428.09
32	13-14, inclusive	\$1,428.09
33	15-16, inclusive	\$1,428.09
34	17	\$714.05
35	18-21, North 6.25' 22, inclusive	\$3,034.69
36	South 1/2 23, 24, inclusive	\$1,963.63
37		
38	GALLUP'S RESUBDIVISION OF BLOCK 4 AND PART OF BLOCK 5 OF GALLUP'S	
39	BROADWAY SUBDIVISION	
40	BLOCK 4	
41	Lots	
42	1-4, inclusive	\$2,599.12
43	5-6, inclusive	\$1,428.09
44	7-9, North 20.8' 10, inclusive	\$2,736.22
45	South 4.2' 10, 11-12, inclusive	\$834.01
46		
47	Block 5	
48	Lots	
49	North 50' West 1/2 Block 5	\$1,428.09

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

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

UNPLATTED

48 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  
49 line of South Broadway, a line 158 feet west of and parallel with said west line, the south line of

1 Vacated West Virginia Avenue and a line 589.77 feet south of and parallel with said south line.

2 \$3,513.12

3  
4 That part of the SE 1/4, NW 1/4, Section 15, T.4S., R.68W. of the 6th P.M.  
5 described as follows: Beginning at a point on the west line of South Broadway  
6 589.77 feet south of the south line of Vacated West Virginia Avenue; thence west  
7 a distance of 158.0 feet; thence south and parallel with the west line of South  
8 Broadway a distance of 40.23 feet; thence east a distance of 158.0 feet to a point  
9 on the west line of South Broadway; thence north to the Point of Beginning.

10 \$1,149.04

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

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

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

24 **Section 7.** This Ordinance shall be recorded among the records of the Clerk and Recorder of  
25 the City and County of Denver.

26

1 COMMITTEE APPROVAL: (by Consent) October 28, 2010  
2 MAYOR-COUNCIL DATE: November 9, 2010  
3 PASSED BY THE COUNCIL \_\_\_\_\_ 2010

4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2010  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2010; \_\_\_\_\_ 2010

10 PREPARED BY: Mary Toornman - ASSISTANT CITY ATTORNEY - November 10, 2010

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 R. Fine, City Attorney

16 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney - \_\_\_\_\_ 2010