BY AUTHORITY

ORDINANCE NO. 235
SERIES OF 2011

COUNCIL BILL NO. CB11-0247
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance creating the South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local Maintenance District for the continuing care, operation, repair, maintenance and replacement of local public improvements, with the costs to be assessed upon the real property 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 South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local Maintenance District for the costs of the continuing care, operation, repair, maintenance and replacement of said South Broadway Streetscape (Iowa Avenue to Wesley Avenue) 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 South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local Maintenance District in the City and County of Denver, State of Colorado, for the continuing care, operation, repair, maintenance and replacement of the South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local Maintenance District in the City and County of Denver, State of Colorado, with the costs of said South Broadway Streetscape (Iowa Avenue to Wesley Avenue) Local Maintenance District to be assessed upon the real property, exclusive of improvements thereon, benefited;

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

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

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

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

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

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

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

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

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

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

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

Beginning at the intersection of the centerlines of South Broadway 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
South Denver to the northwest corner of Lot 48, Block 8, Breenlow Subdivision of South Denver;
thence north across Iliff Avenue to the southwest corner of Lot 25, Block 16, Rosedale;
thence north along the west lot lines of Lots 25 through Lot 48, Block 16, Rosedale to the northwest
corner of Lot 48, Block 16, Rosedale;
thence north across Warren Avenue to the southwest corner of Lot 25, Block 9, Rosedale;
thence north along the west lot lines of Lots 25 through Lot 48, Block 9, Rosedale to the northwest
corner of Lot 48, Block 9, Rosedale;

thence north across Evans Avenue to the southwest corner of Lot 25, Block 8, Rosedale;

thence north along the west lot lines of Lots 25 through Lot 48, Block 8, Rosedale to the northwest
corner of Lot 48, Block 8, Rosedale;

thence north across Asbury Avenue to the southwest corner of Lot 25, Block 1, Rosedale;

thence north along the west lot lines of Lots 25 through Lot 48, Block 1, Rosedale to the northwest
corner of Lot 48, Block 1, Rosedale;

thence north across Jewell Avenue to the southwest corner of Lot 25, Block 13, Overland Park Sub-
Division;

thence north along the west lot lines of Lots 25 through Lot 48, Block 13, Overland Park Sub-Division
to the northwest corner of Lot 48, Block 13, Overland Park Sub-Division;

thence north across Colorado Avenue to the southwest corner of Lot 25, Block 10, Overland Park Sub-
Division;

thence north along the west lot lines of Lots 25 through Lot 48, Block 10, Overland Park Sub-Division
to the northwest corner of Lot 48, Block 10, Overland Park Sub-Division;

thence north across Mexico Avenue to the southwest corner of Lot 25, Block 9, Overland Park Sub-
Division;

thence north along the west lot lines extended of Lots 25 through Lot 48, Block 9, Overland Park Sub-Division to the intersection with the centerline of Iowa Avenue.

thence east along the centerline of Iowa Avenue to the point and place of beginning, which is the
intersection of the centerline of Iowa Avenue and the centerline of South Broadway.

Section 4: A description of the properties benefited is:

1. Lots 1-24 inclusive, Block 1, The First Santa Fe Addition to the Town of South Denver
2. Lots 1-23 inclusive, Block 1
   and
   Lots 1-24 inclusive, Block 16, Grant Sub-Division
3. Lots 1-24 inclusive, Block 1
   and
   Lots 1-23 inclusive, Block 4, Carterdale
4. Lots 1-24 inclusive, Block 1, Lawndale Subdivision
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. Lots 25-48 inclusive, Block 8, Breenlow Subdivision of South Denver

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 are within the City and County of Denver, State of Colorado

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

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

Section 7. This ordinance shall be recorded among the records of the Clerk and Recorder of the City and County of Denver, State of Colorado.
COMMITTEE APPROVAL DATE: (by Consent) April 14, 2011

MAYOR COUNCIL DATE: April 19, 2011

PASSED BY THE COUNCIL: 

[Signature] - PRESIDENT

APPROVED: [Signature] - MAYOR MAY 3, 2011

ATTEST: [Signature] - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: April 29, 2011; May 6, 2011

PREPARED BY: Jo Ann Weinstein, Assistant City Attorney – April 21, 2011

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

David W. Broadwell, Denver City Attorney

BY: [Signature], City Attorney DATE: Apr 21, 2011