

32nd and Lowell 11

ORDINANCE NO. 785 BY AUTHORITY
SERIES OF 1992

COUNCIL BILL NO. 796
COMMITTEE OF REFERENCE:

PUBLIC WORKS

A B I L L

FOR AN ORDINANCE CREATING A LOCAL MAINTENANCE DISTRICT FOR THE CONTINUING CARE, OPERATION, SECURITY, REPAIR, MAINTENANCE AND REPLACEMENT OF THE 32ND AND LOWELL PEDESTRIAN MALL IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, WITH THE COSTS OF SAID CONTINUING CARE, OPERATION, SECURITY, REPAIR, MAINTENANCE AND REPLACEMENT OF SAID 32ND AND LOWELL PEDESTRIAN MALL TO BE ASSESSED 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 a recommendation that an ordinance be enacted creating a local maintenance district for the continuing care, operation, security, repair, maintenance and replacement of the 32nd and Lowell Pedestrian Mall in the City and County of Denver, State of Colorado, with the costs of said continuing care, operation, security, repair, maintenance and replacement of said 32nd and Lowell Pedestrian Mall to be assessed upon the real property, exclusive of improvements thereon, benefited, Council finds:

(a) That the Manager of Public Works of the City and County of Denver has received petitions proposing a local maintenance district for the continuing care, operation, security, repair, maintenance and replacement of the 32nd and Lowell Pedestrian Mall in the City and County of Denver, State of Colorado, with the costs of said continuing care, operation, security, repair, maintenance and replacement of said 32nd and Lowell Pedestrian Mall to be assessed upon the real property, exclusive of improvements thereon, benefited;

(b) That sufficient petitions, as required by the Charter 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 at the time of the initiation of said proposed local maintenance district, the Manager of Public Works of the City and County of Denver estimated the total cost of the continuing care, operation, security, repair, maintenance and replacement of the 32nd and Lowell Pedestrian Mall in said proposed local maintenance district for the first full year of the existence of said proposed local maintenance district which total cost is \$14,400.00 and said Manager of Public Works estimated a detailed estimate for each maintenance element included in said proposed local maintenance district for the first full year of the existence of said proposed local maintenance district;

(d) That the Manager of Public Works of the City and County of Denver gave due notice to the owners of the property benefited and to all persons interested generally concerning said local maintenance district, and a hearing was held as provided by the Charter of the City and County of Denver to hear written remonstrances to said proposed local maintenance district and for the purpose of considering the desirability of and the need for said proposed local maintenance district;

(e) That duly executed written remonstrances were not filed by the owners representing fifty or more percent of the assessed valuation of real property, exclusive of improvements thereon, within said proposed local maintenance district;

(f) That the Manager of Public Works of the City and County of Denver has entered an order approving said proposed local maintenance district;

(g) That all acts and proceedings of the Manager of Public Works of the City and County of Denver in the premises comply with the requirements of the Charter of the City and County of Denver;

(h) That by reason of the continuing care, operation, security, repair, maintenance and replacement of the 32nd and Lowell Pedestrian Mall, the real property, exclusive of improvements thereon, within said proposed local maintenance district will be

specially benefited in an amount equivalent to or exceeding the amount to be assessed; and

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

Section 2. A local maintenance district be and is hereby created for the continuing care, operation, security, repair, maintenance and replacement of the 32nd and Lowell Pedestrian Mall in the City and County of Denver, State of Colorado, with the costs of said continuing care, operation, security, repair, maintenance and replacement of said 32nd and Lowell Pedestrian Mall 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:

West 100 feet of Lots 47-50 inclusive, Block 1, Packards Hill Subdivision
 East 25 feet of Lots 47-50 inclusive, Block 1, Packards Hill Subdivision
 Lots 1 to 4 inclusive, Block 1, Packards Hill Subdivision
 Lots 5 to 10 inclusive, Block 1, Packards Hill Subdivision
 Lots 23 and 24, Block 57, second filing of a portion of Highland Park
 Lots 25 to 39 inclusive, Block 57, second filing of a portion of Highland Park
 Lots 40 to 48 inclusive, Block 57, second filing of a portion of Highland Park
 West 31 feet, 9 inches of Lots 1 to 4, Block 5, Wolff Place
 East 31 feet, 9 inches of west 63 feet, 6 inches of Lots 1 to 4 inclusive, Block 5, Wolff Place
 East 31 feet, 9 inches of west 95 feet, 3 inches of Lots 1 to 4 inclusive, Block 5, Wolff Place
 East 31 feet, 10 inches of Lots 1 to 4 inclusive, Block 5, Wolff Place
 Lots 46 to 48 inclusive, Block 5, Wolff Place
 Lots 21 to 24 inclusive, Block 2, Kountze Heights
 Lot 20, Block 2, Kountze Heights
 Lot 19, Block 2, Kountze Heights
 Lot 18 and west 5 feet of Lot 17, Block 2, Kountze Heights
 West 10 feet of Lot 16 and east 20 feet of Lot 17, Block 2, Kountze Heights
 West 15 feet of Lot 15 and east 15 feet of Lot 16, Block 2, Kountze Heights
 West 20 feet of Lot 14 and east 10 feet of Lot 15, Block 2, Kountze Heights
 Lot 13 and east 5 feet of Lot 14, Block 2, Kountze Heights

Lot 12, Block 2, Kountze Heights
 Lot 11, Block 2, Kountze Heights
 Lots 8 to 10 Inclusive, Block 2, Kountze Heights
 Lot 7, Block 2, Kountze Heights
 Lot 6, Block 2, Kountze Heights
 Lot 5 and west 1/2 of Lot 4, block 2, Kountze Heights
 Lots 1 to 3 Inclusive and east 1/2 of Lot 4, Block 2, Kountze Heights
 Lots 23 and 24 and west 1/2 of Lot 22, Block 1, Kountze Heights

Section 4. A description of the properties benefited is:

West 100 feet of Lots 47-50 Inclusive, Block 1, Packards Hill Subdivision
 East 25 feet of Lots 47-50 Inclusive, Block 1, Packards Hill Subdivision
 Lots 1 to 4 Inclusive, Block 1, Packards Hill Subdivision
 Lots 5 to 10 Inclusive, Block 1, Packards Hill Subdivision
 Lots 23 and 24, Block 57, second filing of a portion of Highland Park
 Lots 25 to 39 Inclusive, Block 57, second filing of a portion of Highland Park
 Lots 40 to 48 Inclusive, Block 57, second filing of a portion of Highland Park
 West 31 feet, 9 inches of Lots 1 to 4, Block 5, Wolff Place
 East 31 feet, 9 inches of west 63 feet, 8 inches of Lots 1 to 4 Inclusive, Block 5, Wolff Place
 East 31 feet, 9 inches of west 95 feet, 3 inches of Lots 1 to 4 Inclusive, Block 5, Wolff Place
 East 31 feet, 10 inches of Lots 1 to 4 Inclusive, Block 5, Wolff Place
 Lots 46 to 48 Inclusive, Block 5, Wolff Place
 Lots 21 to 24 Inclusive, Block 2, Kountze Heights
 Lot 20, Block 2, Kountze Heights
 Lot 19, Block 2, Kountze Heights
 Lot 18 and west 5 feet of Lot 17, Block 2, Kountze Heights
 West 10 feet of Lot 16 and east 20 feet of Lot 17, Block 2, Kountze Heights
 West 15 feet of Lot 15 and east 15 feet of Lot 16, Block 2, Kountze Heights
 West 20 Feet of Lot 14 and east 10 feet of Lot 15, Block 2, Kountze Heights
 Lot 13 and east 5 feet of Lot 14, Block 2, Kountze Heights
 Lot 12, Block 2, Kountze Heights
 Lot 11, Block 2, Kountze Heights
 Lots 8 to 10 Inclusive, Block 2, Kountze Heights
 Lot 7, block 2, Kountze Heights
 Lot 6, Block 2, Kountze Heights
 Lot 5 and west 1/2 of Lot 4, Block 2, Kountze Heights
 Lots 1 to 3 Inclusive and east 1/2 of Lot 4, Block 2, Kountze Heights
 Lots 23 and 24 and west 1/2 of Lot 22, Block 1, Kountze Heights

Section 5. The relative benefits to the real properties, exclusive of improvements thereon, within the local maintenance district be and are hereby apportioned as follows: the assessment is apportioned based upon the ratio of the average actual value of each lot in the local maintenance district as to the average actual value of all of the lots in the local maintenance district; and each property owner then pays that percent of the total assessment.

Section 6. The Manager of Public Works of the City and County of Denver is hereby authorized and directed to assess the costs of the continuing care, operation, security, repair, maintenance and replacement of the 32nd and Lowell Pedestrian Mall, in accordance with the requirements of the Charter of the City and County of Denver.

APPROVED BY:

Michael Musgrave
Acting Manager of Public Works

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.

PASSED BY THE COUNCIL October 26, 1992

Samona Martin - PRESIDENT

APPROVED: Paul J. Kelly - MAYOR October 27, 1992

ATTEST: Corey Dyer - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

PUBLISHED IN THE DAILY JOURNAL Oct. 23, 1992 Oct. 30, 1992

PREPARED BY: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 9/27/92

REVIEWED BY: [Signature] CITY ATTORNEY 10/19 1992

SPONSORED BY COUNCIL MEMBER(S) _____

32nd and Lowell Mall Local Maintenance District
Project No. 92-122

COUNCIL DISTRICT NO. 1
DENNIS GALLAGHER

