

BY AUTHORITY

ORDINANCE NO. 145  
SERIES OF 2010

COUNCIL BILL NO. 131  
COMMITTEE OF REFERENCE:  
Public Works

A BILL

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

(b) 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) 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, repair, maintenance and replacement of the South Broadway Streetscape (Wesley

1 Avenue to Yale Avenue) Local Maintenance District in said proposed local maintenance district for  
2 the first full year of the existence of said proposed local maintenance district is \$44,970 and said  
3 Manager of Public Works estimated a detailed estimate for each maintenance element included in  
4 said proposed local maintenance district for the first full year of the existence of said proposed  
5 local maintenance district;

6 (d) The Manager of Public Works of the City and County of Denver gave due notice to  
7 the owners of the property benefited and to all persons interested generally concerning said local  
8 maintenance district, and a hearing was held as provided by the Denver Revised Municipal Code  
9 (D.R.M.C.) to hear written remonstrances to said proposed local maintenance district and for the  
10 purpose of considering the desirability of and the need for said proposed local maintenance  
11 district;

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

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

19 (g) The Manager of Public Works of the City and County of Denver has entered an order  
20 approving said proposed local maintenance district;

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

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

28 **Section 2.** A local maintenance district be and is hereby created for the continuing care,  
29 operation, repair, maintenance and replacement of the South Broadway Streetscape (Wesley  
30 Avenue to Yale Avenue) Local Maintenance District in the City and County of Denver, State of  
31 Colorado, with the costs of said continuing care, operation, repair, maintenance and replacement  
32 of said South Broadway Streetscape (Wesley Avenue to Yale Avenue) Local Maintenance District  
33 to be assessed upon the real property, exclusive of improvements thereon, benefited.

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

2  
3 A parcel of land located within Section 27, Township 4 South, Range 68 West, of the 6<sup>th</sup> Principal  
4 Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

5  
6 Beginning at the intersection of the centerlines of South Broadway and Wesley Avenue;

7  
8 thence east along the centerline of Wesley Avenue to the intersection with a line extended, said line  
9 being the east lot line of Lot 1, Block 21, Rosedale;

10  
11 thence south along the east lot lines of Lots 1 through Lot 24, Block 21, Rosedale to the southeast  
12 corner of Lot 24, Block 21, Rosedale;

13  
14 thence south across Harvard Avenue to the northeast corner of Lot 1, Block 1, Broadway Highlands;

15  
16 thence south along the east lot lines of Lots 1 through Lot 24, Block 1, Broadway Highlands to the  
17 southeast corner of Lot 24, Block 1, Broadway Highlands;

18  
19 thence south across Vassar Avenue to the northeast corner of Lot 24, Block 1, Broadway Highlands  
20 2<sup>nd</sup> Filing;

21  
22 thence south along the east lot lines of Lots 24 through Lot 1, Block 1, Broadway Highlands 2<sup>nd</sup> Filing  
23 to the southeast corner of Lot 1, Block 1, Broadway Highlands 2<sup>nd</sup> Filing;

24  
25 thence south along the east lot lines extended of Lots 24 through Lot 1, Block 1, Broadway Highlands  
26 2<sup>nd</sup> Filing to intersection with the centerline of Yale Avenue;

27  
28 thence west along the centerline of Yale Avenue and to the intersection with a line extended, said line  
29 being the west lot line of Lot 25, Block 8, Fisk's Broadway Addition;

30  
31 thence north along the west lot lines of Lots 25 through Lot 48, Block 8, Fisk's Broadway Addition to  
32 the northwest corner of Lot 48, Block 8, Fisk's Broadway Addition;

33  
34 thence north across Vassar Avenue to the southwest corner of Lot 25, Block 1, Fisk's Broadway  
35 Addition;

36  
37 thence north along the west lot lines of Lots 25 through Lot 48, Block 1, Fisk's Broadway Addition to  
38 the northwest corner of Lot 48, Block 1, Fisk's Broadway Addition;

39  
40 thence north across Harvard Avenue to the southwest corner of Lot 25, Block 9, Breenlow Subdivision  
41 of South Denver;

42  
43 thence north along the west lot lines of Lots 25 through Lot 48, Block 9, Breenlow Subdivision of  
44 South Denver to the northwest corner of Lot 48, Block 9, Breenlow Subdivision of South Denver;

45  
46 thence north to a point intersecting the centerline of Wesley Avenue;

47  
48 thence east along the centerline of Wesley Avenue to the point and place of beginning.  
49

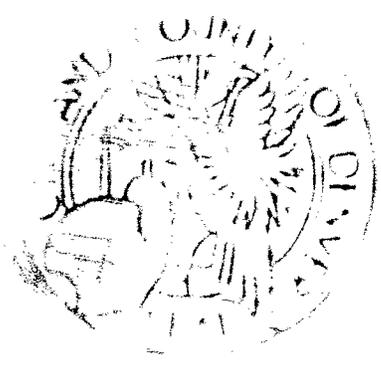
1 **Section 4.** A description of the properties benefited is:  
2  
3 Lots 1-24 inclusive, Block 21, Rosedale  
4  
5 Lots 1-24 inclusive, Block 1, Broadway Highlands  
6  
7 Lots 1-24 inclusive, Block 1, Broadway Highlands 2<sup>nd</sup> Filing  
8  
9 Lots 25-48 inclusive, Block 8  
10 and  
11 Lots 25-48 inclusive, Block 1, Fisk's Broadway Addition  
12  
13 Lots 25-48 inclusive, Block 9, Breenlow Subdivision of South Denver  
14  
15 All of the above within the City and County of Denver and State of Colorado.  
16

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

22 **Section 6.** The Manager of Public Works of the City and County of Denver is hereby authorized  
23 and directed to assess the costs of the continuing care, operation, repair, maintenance and  
24 replacement of the South Broadway Streetscape (Wesley Avenue to Yale Avenue) Local  
25 Maintenance District, in accordance with the requirements of the Charter of the City and County of  
26 Denver.

27 **Section 7.** This Ordinance shall be recorded among the records of the Clerk and Recorder of  
28 the City and County of Denver, State of Colorado.

1 COMMITTEE AGENDA DATE: February 16, 2010  
2 MAYOR-COUNCIL DATE: February 23, 2010  
3 PASSED BY THE COUNCIL march 8 2010  
4 Jeanne Fobb - PRESIDENT  
5 APPROVED: John Hader - MAYOR MARCH 9 2010  
6 ATTEST: Stephanie Kelly - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9 NOTICE PUBLISHED IN THE DAILY JOURNAL Mar. 5, 2010; Mar. 12, 2010  
10 PREPARED BY: Jennifer Welborn, Assistant City Attorney February 25, 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  
16 David R. Fine, City Attorney  
17 BY: [Signature], Assistant City Attorney DATE: February 25, 2010



CITY AND COUNTY OF DENVER  
STATE OF COLORADO

# Certification

I, **Stephanie Y. O'Malley**, Clerk and Recorder,  
Ex-Officio Clerk of the City and County of Denver,  
do hereby certify that the attached is a true and correct copy of

Ordinance No. 145, Series of 2010

I hereunto have set my hand  
and affixed the Seal of the  
City and County of Denver,  
State of Colorado.  
This 12th day of March,  
A.D. 2010



Clerk and Recorder, Ex-Officio  
Clerk of the City and County of Denver

Deputy