A BILL

FOR AN ORDINANCE CREATING A LOCAL MAINTENANCE DISTRICT FOR THE CONTINUING CARE, OPERATION, SECURITY, REPAIR, MAINTENANCE AND REPLACEMENT OF THE SOUTH DOWNING STREET 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 SOUTH DOWNING STREET 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 South Downing Street 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 South Downing Street 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 South Downing Street 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 South Downing Street 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 South Downing Street 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 $8,040.00 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 South Downing Street 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 South Downing Street 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 South Downing Street 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:

Beginning at the intersection of the center line of Harvard Avenue and the center line extended of the alley in Block 56 Evanston 2nd Filing; thence northerly along said alley center line a distance of 660' to the center line of Wesley Avenue; thence continuing northerly along the center line and the center line extended of the alley in Block 33 Evanston 2nd Filing a distance of 180' to the north line extended of Lot 18 said Block 33; thence westerly along said north line and north line extended said Lot 18 a distance of 163' to the center line of South Downing Street; thence southerly along said center line a distance of 10.3'; thence westerly along the north line and the north line extended of Lot 19, Block 17, Mountain View Place 2nd Filing a distance of 163' to the center line of the alley in said Block 17; thence southerly along said center line and the center line extended a distance of 180' to the center line of Wesley Avenue; thence continuing southerly along the center line and the center line extended a distance of 660' to the center line of Harvard Avenue; thence easterly along said center line a distance of 326' to the point of beginning.

Section 4. A description of the properties benefited is:

Lots 19 and 20, Block 17
Lots 21 through 24 inclusive, Block 17
All in Mountain View Place 2nd Filing
Lots 18 and 19 and the north 1' of Lot 20, Block 33
The south 24' of Lot 20, Lots 21 through 23 inclusive Block 33, All in Evanston 2nd Filing
Lots 1 through 4 inclusive Block 24
Lots 5 through 11 inclusive Block 24
Lots 12 through 23 inclusive Block 24
Lot 24 Block 24, All in Mountain View Place 2nd Filing
Lot 24 Block 56
Lots 18 through 23 inclusive Block 56
Lots 13 through 15 inclusive Block 56
Lots 11 and 12 Block 56
The south 14' of Lot 8, Lots 9 and 10 Block 56
Lots 6 and 7, Lot 8 except the south 14' Block 56
Lots 1 through 5 inclusive Block 56
All in Evanston 2nd Filing
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 South Downing Street 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


PREPARED BY: ROBERT M. FELLY, ASSISTANT CITY ATTORNEY 10/19/92

REVIEWED BY: CITY ATTORNEY 10/17 1992

SPONSORED BY COUNCIL MEMBER(S)