For an ordinance creating the Tennyson Streetscape Local Maintenance District (West 38<sup>th</sup> Avenue to West 44<sup>th</sup> Avenue) 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 created for the continuing care, operation, repair, maintenance and replacement of the Tennyson Streetscape (West 38<sup>th</sup> Avenue to West 44<sup>th</sup> 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 Tennyson Streetscape (West 38<sup>th</sup> Avenue to West 44<sup>th</sup> 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 Tennyson Streetscape (West 38<sup>th</sup> Avenue to West 44<sup>th</sup> 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 Tennyson Streetscape (West 38<sup>th</sup> Avenue to West 44<sup>th</sup> Avenue) Local Maintenance District in the City and County of Denver, State of Colorado, with the costs of said Tennyson Streetscape (West 38<sup>th</sup> Avenue to West 44<sup>th</sup> Avenue) Local Maintenance District to be assessed upon the real property, exclusive of improvements thereon, benefited;

(b) Sufficient petitions, as required by 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 Tennyson Streetscape (West 38<sup>th</sup> Avenue to West 44<sup>th</sup> Avenue) Local Maintenance District for the first full year of the existence of said proposed local maintenance district is $44,800.00 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 Tennyson Streetscape (West 38th Avenue to West 44th 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 Tennyson Streetscape (West 38th Avenue to West 44th 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:

**Exterior Boundaries of the Tennyson Streetscape (West 38th Avenue to West 44th Avenue) Local Maintenance District – Southern Portion**

Land located within Section 19, Township 3 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 North Tennyson Street and West 38th Avenue;
thence westerly along the centerline of West 38\textsuperscript{th} Avenue to the intersection with a line extended, said line being the west lot line of Lot 23, Block 1, Mountain View;

thence northerly to the southwest corner of Lot 23, Block 1, Mountain View;

thence northerly along the west lot lines of Lots 23 through Lot 12, Block 1, Mountain View Subdivision to the northwest corner of Lot 12, Block 1, Mountain View;

thence northeasterly to the southwest corner of Lot 8, Block 1, Resubdivision of Block 2 and a part of Block 1, Mountain View;

thence northerly along the west lot lines of Lots 8 through Lot 1, Block 1, Resubdivision of Block 2 and a part of Block 1 Mountain View to the northwest corner of Lot 1, Block 1, Resubdivision of Block 2 and a part of Block 1 Mountain View;

thence northerly along a line extended, said line being the west lot line of Lot 1, Block 1, Resubdivision of Block 2 and a part of Block 1 Mountain View Subdivision, to the intersection of the centerline of West 39\textsuperscript{th} Avenue;

thence easterly along the centerline of West 39\textsuperscript{th} Avenue to the intersection of the centerline of North Tennyson Street;

thence northeasterly to the northwest corner of Lot 19, Block 4, Weber and Owens Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park;

thence easterly along the northerly lot line of Lot 19, Block 4, Weber and Owens Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park;

thence southerly along the east lot lines of Lot 19 through Lot 20, Block 4, Weber and Owens Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park;

thence southerly from the southeast corner of Lot 20, Block 4, Weber and Owens Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park to the northeast corner of Lot 1, Block 5, T. J. O’Donnell’s Resubdivision of Block 5 Argyle Park;

thence southerly along the east lot lines of Lot 1 through Lot 20, Block 5, T. J. O’Donnell’s Resubdivision of Block 5 Argyle Park to the southeast corner of Lot 20, Block 5, T. J. O’Donnell’s Resubdivision of Block 5 Argyle Park;

thence southerly along a line extended, said line being the east lot line of Lot 20, Block 5, T. J. O’Donnell’s Resubdivision of Argyle Park, to the intersection with the centerline of West 38\textsuperscript{th} Avenue;

thence westerly along the centerline of West 38\textsuperscript{th} Avenue to the intersection of West 38\textsuperscript{th} Avenue and North Tennyson Street, which is the point and place of beginning.

\textbf{Exterior Boundaries of the Tennyson Streetscape (West 38\textsuperscript{th} Avenue to West 44\textsuperscript{th} Avenue) Local Maintenance District Local Maintenance District – Northern Portion}

Land located within Section 19, Township 3 South, Range 68 West, of the 6\textsuperscript{th} Principal
1 Meridian, City and County of Denver, State of Colorado, more particularly described as
2 follows:
3
4 Beginning at the intersection of West 41st Avenue and a line extended, said line being the
5 east lot line of Lot 18, Block 3, Thompson's Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle
6 Park;
7
8 thence westerly along the centerline of West 41st Avenue to the intersection of the centerline
9 of North Tennyson Street;
10
11 thence northerly along the centerline of North Tennyson Street to the intersection with a line
extended, said line being the north lot line of Lot 9, Block 3, Mountain View;
12
13 thence westerly to the northeast corner of Lot 9, Block 3, Mountain View;
14
15 thence westerly along the north lot line of Lot 9, Block 3, Mountain View to the northwest
corner of said lot;
16
17 thence northerly along the west lot lines of Lot 8 through Lot 1, Block 3, Mountain View to the
northwest corner of Lot 1, Block 3, Mountain View;
18
19 thence northerly to the southwest corner of Lot 24, Block 4, Mountain View;
20
21 thence northerly along the west lot lines of Lot 24 through Lot 1, Block 4, Mountain View to
the northwest corner of Lot 1, Block 4, Mountain View;
22
23 thence northerly to the southwest corner of Lot 25, Block 32, Edbrooke's Resubdivision of
Block 32 Berkeley;
24
25 thence northerly along the west lot lines of Lot 25 through Lot 28, Block 32, Edbrooke's
Resubdivision of Block 32 Berkeley to the northwest corner of Lot 28, Block 32, Edbrooke's
Resubdivision of Block 32 Berkeley;
26
27 thence easterly along the north lot line of Lot 28, Block 32, Edbrooke's Resubdivision of
Block 32 Berkeley to the northeast corner of Lot 28, Block 32, Edbrooke's Resubdivision of
Block 32 Berkeley;
28
29 thence northeasterly to the northwest corner of Lot 20, Block 8, First Addition to Berkeley;
30
31 thence easterly along the north lot line of Lot 20, Block 8, First Addition to Berkeley to the
northeast corner of Lot 20, Block 8, First Addition to Berkeley;
32
33 thence southerly along the east lot lines of Lot 20 through Lot 23, Block 8, First Addition to
Berkeley to the southeast corner of Lot 23, Block 8, First Addition to Berkeley, excluding
portions of 44th Avenue defined by Ordinance 12-1921;
34
35 thence southerly from the southeast corner of Lot 23, Block 8, First Addition to Berkeley to
the northeast corner of Lot 1, Block 1, Weber & Owens Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park;
thence southerly along the east lot lines of Lot 1 through Lot 18, Block 1, Weber & Owens Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park to the southeast corner of Lot 18, Block 1, Weber & Owens Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park;

thence southerly to the northeast corner of Lot 1, Block 2, Thompson’s Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park;

thence southerly along the east lot lines of Lot 1 through Lot 18, Block 2, Thompson’s Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park to the southeast corner of Lot 18, Block 2, Thompson’s Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park;

thence southerly to the northeast corner of Lot 1, Block 3, Thompson’s Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park;

thence southerly along the east lot lines of Lot 1 through Lot 18, Block 3, Thompson’s Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park to the southeast corner of Lot 18, Block 3, Thompson’s Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park;

thence southerly along a line extended, said line being the east lot line of Lot 18, Block 3, Thompson’s Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park, to the intersection with the centerline of West 411/2 Avenue, which is the point and place of the beginning.

Section 4: Description of Properties Benefited – Southern Portion

1. Lots 12-23 inclusive, Block 1, Mountain View

2. Lots 1-8 inclusive, Block 1, Resubdivision of Block 2 and a part of Block 1, Mountain View

3. Lot 19 and Lot 20, Block 4, Weber and Owens Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park

4. Lots 1-20 inclusive, Block 5, T. J. O’Donnell’s Resubdivision of Block 5 Argyle Park

Description of Properties Benefited – Northern Portion

5. Lots 1-8 inclusive, Block 3, Mountain View

and

Lots 1-24 inclusive, Block 4

6. Lots 25-28 inclusive, Block 32, Edbrooke’s Resubdivision of Block 32 Berkeley

7. Lots 20-24 inclusive, Block 8, First Addition to Berkeley

8. Lots 1-18 inclusive, Block 1, Weber & Owens Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park

9. Lots 1-18 inclusive, Block 2

and
Lots 1-18 inclusive, Block 3, Thompson's Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park

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 Tennyson Streetscape (West 38th Avenue to West 44th 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: June 2, 2009
MAYOR-COUNCIL DATE: June 9, 2009

Bill filled with Council (out of normal order, with permission of Committee)

PASSED BY THE COUNCIL

June 15, 2009

PRESIDENT

APPROVED: June 16, 2009

MAYOR

ATTEST: June 16, 2009

CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL June 12, 2009; June 19, 2009
PREPARED BY: Mary E. Toornman, Assistant City Attorney, June 4, 2009

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 R. Fine, City Attorney for the City and County of Denver

BY: DATE: June 21, 2009

Ass't City Attorney
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. 345, Series of 2009

I hereunto have set my hand and affixed the Seal of the City and County of Denver, State of Colorado.
This 22nd day of June, A.D. 2009

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

Deputy