

BY AUTHORITY

ORDINANCE NO. 653
SERIES OF 1998

COUNCIL BILL NO. 640
COMMITTEE OF REFERENCE:

PUBLIC WORKS AND AMENITIES

A BILL

FOR AN ORDINANCE CREATING A LOCAL MAINTENANCE DISTRICT FOR THE CONTINUING CARE, OPERATION, REPAIR, MAINTENANCE AND REPLACEMENT OF IMPROVEMENTS AT THE WEST 38TH AVENUE I PEDESTRIAN MALL IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, WITH THE COSTS OF SAID CONTINUING CARE, OPERATION, REPAIR, MAINTENANCE AND REPLACEMENT OF IMPROVEMENTS AT THE WEST 38TH AVENUE I PEDESTRIAN MALL TO BE ASSESSED UPON THE REAL PROPERTY, EXCLUSIVE OF IMPROVEMENTS THEREON, BENEFITED.

BE IN 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 improvements at the West 38th Avenue I Pedestrian Mall in the City and County of Denver, State of Colorado, with the costs of said continuing care, operation, repair, maintenance and replacement of improvements at the West 38th Avenue I 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, without having received petitions therefore, has initiated and proposed the establishment of a local maintenance district for the continuing care, operation, repair, maintenance and replacement of improvements at the West 38th Avenue I Pedestrian Mall in the City and County of Denver, State of Colorado, with the costs of said continuing care, operation, repair, maintenance and replacement of improvements at the West 38th Avenue I Pedestrian Mall to be assessed upon the real property, exclusive of improvements thereon, benefited;

(b) 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, repair, maintenance and replacement of improvements at the West 38th Avenue I Pedestrian Mall in said proposed local maintenance district for the first full year of the existence of said proposed local maintenance district;

(c) 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;

(d) 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;

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

(f) 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;

(g) That by reason of the continuing care, operation, repair, maintenance and replacement of improvements at the West 38th Avenue I 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

(h) 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, repair, maintenance and replacement of improvements at the West 38th Avenue I Pedestrian Mall in the City and County of Denver, State of Colorado, with the costs of said continuing care, operation, repair, maintenance and replacement of improvements at the West 38th Avenue I 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 centerline of West 38th Avenue and the centerline of Jason Street situated south of said West 38th Avenue;
thence southerly along the center line of said Jason Street, a distance of 115.0 feet to the south line extended of Lot 28, Block 52, Viaduct Addition to Denver;
thence westerly along the south line and the south line extended of said Lot 28 a distance of 165.5 feet to the centerline of the alley situated in said Block 52;
thence northerly along the centerline of said alley a distance of 25.0 feet to the south line extended of Lot 2, said Block 52;
thence westerly along the south line and the south line extended of said Lot 2 a distance of 165.5 feet to the centerline of Kalamath Street;
thence southerly along the centerline of said Kalamath Street a distance of 50.0 feet to the south line extended of Lot 27, Block 51, said Viaduct Addition to Denver;
thence westerly along the south line and the south line extended of said Lot 27, the south line and the south line extended of Lot 4 of said Block 51, a distance of 331.0 feet to the centerline of Lipan Street;
thence southerly along the centerline of said Lipan Street a distance of 25.0 feet to the south line extended of Lot 26, Block 50 of said Viaduct Addition to Denver;
thence westerly along the south line and the south line extended of said Lot 26 a distance of 165.5 feet to the centerline of the alley situated in said Block 50;
thence northerly along the centerline of said alley a distance of 75.0 feet to the south line extended of Lot 2 of said Block 50;
thence westerly along the south line and the south line extended of said Lot 2 a distance of 172.0 feet to the centerline of Mariposa Street;
thence northerly along the centerline of said Mariposa Street a distance of 90.0 feet to the centerline of West 38th Avenue;
thence easterly along the centerline of West 38th Avenue a distance of 1.0 foot to the centerline of Mariposa Street situated north of said West 38th Avenue;
thence northerly along the centerline of Mariposa Street a distance of 275.22 feet more or less to the north line extended of Lot 5, Block 21, Downings Addition to North Denver;

thence easterly along the north line and the north line extended of said Lot 5, a distance of 173.25 feet to the centerline of the alley situated in said Block 21;
thence southerly along the centerline of said alley a distance of 50.0 feet to the north line extended of Lot 24, said Block 21, Downings Addition to North Denver;
thence easterly along the north line of said Lot 24 a distance of 165.75 feet to the centerline of Lipan Street;
thence southerly along the centerline of said Lipan Street a distance of 120.0 feet more or less to a point 5.0 feet north of the north line extended of Lot 12, Block 48, Viaduct Addition to Denver;
thence easterly along a line 5.0 feet north of and parallel with the north line of said Lot 12 a distance of 165.5 feet to the centerline of the alley situated in said Block 48;
thence southerly along the centerline of said alley a distance of 30.0 feet to the north line extended of Lot 18, said Block 48;
thence easterly along the north line and the north line extended of said Lot 18 a distance of 165.5 feet to the centerline of Kalamath Street;
thence northerly along the centerline of said Kalamath Street a distance of 50.0 feet to the north line extended of Lot 11, Block 47, Viaduct Addition to Denver;
thence easterly along the north line and the north line extended of said Lot 11 a distance of 165.5 feet to the centerline of the alley situated in said Block 47;
thence southerly along the centerline of said alley a distance of 75.0 feet to the north line extended of Lot 17, said Block 47;
thence easterly along the north line and the north line extended of said Lot 17 a distance of 165.5 feet to the centerline of Jason Street;
thence southerly along the centerline of said Jason Street to the Point of Beginning.

Section 4. A description of the properties benefited is:

Lots 11 through 17 inclusive, Block 47, the south 5.0 feet of Lot 11, Lots 12 through 18 inclusive, Block 48, Lots 1 and 2, Lots 26 through 30 inclusive, Block 50, Lots 1 through 4 inclusive and Lots 27 through 30 inclusive Block 51, Lots 1 and 2, Lots 28 through 30 inclusive, Block 52, all in Viaduct Addition to Denver

AND

Lots 5 through 24 inclusive and the vacated alley adjoining Lots 7 through 24 inclusive, Block 21, Downings Addition to North Denver.

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 right-of-way 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 of the City and County of Denver is hereby authorized and directed to assess the costs of the continuing care, operation, repair, maintenance and replacement of improvements at the West 38th Avenue I Pedestrian Mall, 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.

PASSED BY THE COUNCIL September 21 1998

Happy Haynes - PRESIDENT
APPROVED: Wally Smith - MAYOR September 22 1998

ATTEST: Greman & Zoller - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

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SPONSORED BY COUNCIL MEMBER(S) _____