

BY AUTHORITY

ORDINANCE NO. **38**
SERIES OF 2002

COUNCIL BILL NO. **9**
COMMITTEE OF REFERENCE:

A BILL

Public Works

For an ordinance creating a Local Maintenance District for the continuing care, operation, security, repair, maintenance and replacement of the Santa Fe Drive Pedestrian Mall C 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 Santa Fe Drive Pedestrian Mall C 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, security, repair, maintenance and replacement of the Santa Fe Drive Pedestrian Mall C 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 Santa Fe Drive Pedestrian Mall C 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, security, repair, maintenance and replacement of the Santa Fe Drive Pedestrian Mall C 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 Santa Fe Drive Pedestrian Mall C 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, security, repair, maintenance and replacement of the Santa Fe Drive Pedestrian Mall C in said proposed local maintenance district for the first full year of the existence of said proposed

1 local maintenance district is \$3,810.00 and said Manager of Public Works estimated a detailed
2 estimate for each maintenance element included in said proposed local maintenance district for
3 the first full year of the existence of said proposed local maintenance district;

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

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

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

15 (g) All acts and proceedings of the Manager of Public Works of the City and County of
16 Denver comply with the requirements of the Charter of the City and County of Denver;

17 (h) By reason of the continuing care, operation, security, repair, maintenance and
18 replacement of the Santa Fe Drive Pedestrian Mall C, the real property, exclusive of improvements
19 thereon, within said proposed local maintenance district will be specially benefited in an amount
20 equivalent to or exceeding the amount to be assessed; and

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

23 **Section 2.** A local maintenance district be and is hereby created for the continuing care,
24 operation, security, repair, maintenance and replacement of the Santa Fe Drive Pedestrian Mall
25 C in the City and County of Denver, State of Colorado, with the costs of said continuing care,
26 operation, security, repair, maintenance and replacement of said Santa Fe Drive Pedestrian Mall
27 C to be assessed upon the real property, exclusive of improvements thereon, benefited.

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

A parcel of land located in the NE ¼ of Section 9, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

Beginning at a point on the westerly right of way line of Santa Fe Drive extended and on the center line of W. 5th Ave. , located in Block 3, Sumners Addition;

THENCE northerly along the westerly right of way line of Santa Fe Drive and Santa Fe Drive extended to the center line of 6th Ave.

THENCE easterly along said center line to the easterly right of way line of Santa Fe Drive extended.

THENCE southerly along the easterly right of way line of Santa Fe Drive and Santa Fe Drive extended to the center line of W. 5th Ave.

THENCE southerly to the south right of way line of W. 5th Ave.

THENCE westerly along the W. 5th Ave. center line to the POINT OF BEGINNING.

Section 4. A description of the properties benefited is:

- Lots 1-10, Block 2
- Lots 11-20, Block 3
- All in Sumners Addition, City and County of 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, security, repair, maintenance and replacement of the Santa Fe Drive Pedestrian Mall C, in accordance with the requirements of the Charter of the City and County of Denver.

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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 January 14 2002

[Signature] - PRESIDENT

APPROVED: [Signature] - MAYOR 1-15- 2002

ATTEST: [Signature] - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

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PREPARED BY: THOMAS BIGLER, ASSISTANT CITY ATTORNEY 1/2/02

REVIEWED BY: [Signature] CITY ATTORNEY 1/2 2002

SPONSORED BY COUNCIL MEMBER(S) _____

