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BY AUTHORITY

ORDINANCE NO. **755**
SERIES OF 2002
AS AMENDED 9-16-02

COUNCIL BILL NO. 735
COMMITTEE OF REFERENCE:
PUBLIC WORKS

A BILL

For an ordinance creating a Local Maintenance District for the continuing care, operation, security, repair, maintenance and replacement of the Delgany Street Local Maintenance District 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 Delgany Street Local Maintenance District 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 Delgany Street Local Maintenance District 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 Delgany Street 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, without having received petitions therefore has initiated and proposed the establishment of a local maintenance district for the continuing care, operation, security, repair, maintenance and replacement of the Delgany Street Local Maintenance District 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 Delgany Street Local Maintenance District to be assessed upon the real property, exclusive of improvements thereon, benefited;

(b) 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 Delgany Street Local Maintenance District in said proposed local maintenance district for the first full year of the existence of said proposed local maintenance district which total cost is \$3,343.00 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

1 district;

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

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

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

13 (f) All acts and proceedings of the Manager of Public Works of the City and County of
14 Denver in the premises comply with the requirements of the Charter of the City and County of
15 Denver;

16 (g) By reason of the continuing care, operation, security, repair, maintenance and
17 replacement of the Delgany Street Local Maintenance District, the real property, exclusive of
18 improvements thereon, within said proposed local maintenance district will be specially benefited in
19 an amount equivalent to or exceeding the amount to be assessed; and

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

22 **Section 2.** A local maintenance district be and is hereby created for the continuing care,
23 operation, security, repair, maintenance and replacement of the Delgany Street Local Maintenance
24 District in the City and County of Denver, State of Colorado, with the costs of said continuing care,
25 operation, security, repair, maintenance and replacement of said Delgany Street Local
26 Maintenance District to be assessed upon the real property, exclusive of improvements thereon,
27 benefited.

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

29 A parcel of land located in the East Half of Section 20, Township 3 South, Range 68 West of the
30 Sixth Principal Meridian, City and County of Denver, State of Colorado, being more particularly
31 described as follows:

32 Beginning at the intersection of Cherry Creek right-of-way and the Southwest corner of Delgany
33 Street;

1 THENCE northeasterly along the Northwest property line on Delgany Street 70 feet;
2 THENCE southeasterly to the centerline of Delgany Street;
3 THENCE northeasterly along the centerline of Delgany Street 80 feet;
4 THENCE southeasterly to the Southeast property line on Delgany Street;
5 THENCE southwesterly along the property line 150 feet;
6 THENCE northwesterly 70 feet to point of beginning.
7

8 **Section 4.** A description of the properties benefited is:

9 Lots 13-16, Block 11
10 Lots 11-12, Block 11
11 East Denver
12

13 Southeast 70 foot of property described as:
14 EAST DENVER B6 & 60 to 62 & Vac Aly Adj & Vac Chestnut Pl Adj Beg E Cor B6 SW
15 400 ft. NW 242.62 ft. NE 1.8 ft CV/L 403.17ft SE 8.57ft SW 9.5ft SE 24ft. NE 9.5ft SE
16 266ft to POB.
17
18

19 ~~**Section 5.** The relative benefits to the real properties, exclusive of improvements thereon,
20 within the local maintenance district be and are hereby apportioned based on a ratio of land
21 value per lot or parcel of the total land value of each face block in the local maintenance
22 district; and each property owner then pays that percent of the total assessment.~~

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

28 **Section 6.** The Manager of Public Works of the City and County of Denver is hereby authorized
29 and directed to assess the costs of the continuing care, operation, security, repair, maintenance
30 and replacement of the Delgany Street Local Maintenance District, in accordance with the
31 requirements of the Charter of the City and County of Denver.
32

1 Section 7. This ordinance shall be recorded among the records of the Clerk and Recorder of the
2 City and County of Denver, State of Colorado.

3
4 PASSED BY THE COUNCIL September 23 2002

5 Cathy Bernick - PRESIDENT

6 APPROVED: Walter E. Smith - MAYOR Sept. 24 2002

7 ATTEST: Sherry G. Jackson - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER

10
11 NOTICE PUBLISHED IN THE DAILY JOURNAL Sept. 13 + ^{Sept.} 20, 2002 Sept. 27, 2002

12
13 PREPARED BY: THOMAS BIGLER, ASSISTANT CITY ATTORNEY 8/30/02

14 REVIEWED BY: Walter E. Smith - CITY ATTORNEY 9/17 2002

15 SPONSORED BY COUNCIL MEMBER(S) _____

