

BY AUTHORITY

ORDINANCE NO. 819

COUNCIL BILL NO. 823

SERIES OF 1993

COMMITTEE OF REFERENCE:

PUBLIC WORKS

A B I L L

FOR AN ORDINANCE CREATING A LOCAL MAINTENANCE DISTRICT FOR THE CONTINUING CARE, OPERATION, REPAIR, MAINTENANCE AND REPLACEMENT OF THE PHASE II BROADWAY 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 SAID PHASE II BROADWAY 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, repair, maintenance and replacement of the Phase II Broadway 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 said Phase II Broadway 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, repair, maintenance and replacement of the Phase II Broadway 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 said Phase II Broadway 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

and County of Denver estimated the total cost of the continuing care, operation, repair, maintenance and replacement of the Phase II Broadway 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 \$78,400.00 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, repair, maintenance and replacement of the Phase II Broadway 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

Section 2. A local maintenance district be and is hereby created for the continuing care, operation, repair, maintenance and replacement of the Phase II Broadway 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 said Phase II Broadway 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 Alameda Avenue and the centerline of South Broadway; thence easterly along the centerline of Alameda Avenue a distance of 175.0 feet; thence southerly along the centerline extended and the centerline of the alleys in Block 4, Gallup's Resubdivision of Block 4 and part of Block 5, Gallup's South Broadway Subdivision and Block 5, Gallup's South Broadway Subdivision and Block 6, Busby and William's Resubdivision of Block 6 and part of Block 7 in Gallup's South Broadway Subdivision and Blocks 1, 2, 3 and 4, Pomeroy's South Broadway Subdivision a distance of 1,323.25 feet to the centerline of Virginia Avenue; thence easterly along said centerline of Virginia Avenue a distance of 23.78 feet; thence southerly along the centerline extended and the centerline of the alley in Block 1, Exposition Addition a distance of 660.0 feet to the centerline of Center Avenue; thence westerly along the centerline of Center Avenue a distance of 190.70 feet more or less to the centerline of South Broadway; thence continuing westerly along the centerline extended of West Center Avenue a distance of 208.0 feet to a point; thence northerly along a line 158.0 feet west of and parallel to the west line of South Broadway a distance of 682.55 feet to the centerline of West Virginia Avenue; thence continuing northerly along the centerline extended and the centerline of the alley in Block 40, Byers Subdivision a distance of 313.55 feet to the centerline of West Alaska Place; thence easterly along the centerline of said West Alaska Place a distance of 35.0 feet; thence northerly along the east line extended and the

and 39 Byers Subdivision a distance of 328.0 feet to the centerline of West Dakota Avenue; thence westerly along said centerline of West Dakota Avenue a distance of 6.25 feet; thence northerly along the centerline extended and the centerline of the north - south alley in Block 38, Byers Subdivision and Block 37, Byers Resubdivision of Block 37 and 39, Byers Subdivision a distance of 494.0 feet to the centerline extended of the east-west alley situated in said Block 37; thence westerly along said centerline extended and the centerline of said alley a distance of 237.0 feet to the east line of the vacated east-west alley in said Block 37, thence northerly along said east line of said vacated alley a distance of 8.0 feet to the north line extended of said vacated east-west alley in said Block 37; thence westerly along the north line extended and the north line said east-west alley a distance of 265.0 feet to the centerline of South Bannock Street; thence southerly along said centerline of South Bannock Street a distance of 13.0 feet; thence westerly along the south line of Lots 1 through 24 inclusive, Block 44, Byers Subdivision a distance of 670.0 feet to the centerline of South Cherokee Street; thence northerly along said centerline South Cherokee Street a distance of 356.30 feet; thence easterly along the centerline extended and the centerline of the alleys in Block 45, Byers Subdivision and Block 36, Greenways Resubdivision of Block 36 Byers Subdivision a distance of 1,164.30 feet to the centerline of the north-south alley in said Block 36; thence southerly along said centerline a distance of 75.06 feet; thence easterly along the north line extended and the north line of Lot 9 said Block 36 a distance of 192.0 feet to the centerline of South Broadway; thence southerly a distance of 100.19 feet more or less to the Point of Beginning.

AND

Beginning at the intersection of the centerline of 2nd Avenue and the west line of the SE1/4, Section 10, T4S, R66W; thence westerly along said centerline a distance of 175.20 feet; thence southerly along the west line extended and the west line of the vacated alley in Block 3, Kettle's Addition to Denver a distance of 369.65 feet more or less to the centerline of 1st Avenue; thence easterly along said centerline to the centerline extended of the alley in

and the centerline of the alleys in said Block 1, Snyder's Subdivision to Denver and Block 1, Pierce and Hinman's Addition to Broadway Terrace a distance of 1,308.39 feet more or less to the centerline of Bayaud Avenue; thence westerly a distance of 189.25 feet more or less to the west line of said SE1/4, Section 10; thence southerly along said west line SE1/4 a distance of 1.39 feet; thence westerly along the centerline of West Bayaud Avenue a distance of 187.70 feet more or less to the east line extended of the vacated alley in Block 2, Broadway Place; thence northerly along the east line extended and the east line of said vacated alley a distance of 328.35 feet more or less to the centerline of West Archer Place; thence westerly along said centerline a distance of 50.0 feet to the west line extended of Lot 47, Block 1, Patterson's Subdivision; thence northerly along said west line extended, the west line of said Lot 47 and the west line extended of Lot 12 said Block 1 a distance of 324.16 feet more or less to the centerline of West Ellsworth Avenue; thence easterly along said centerline a distance of 9.50 feet; thence northerly on an angle to the left of 89°56'37" a distance of 112.70 feet; thence easterly on an angle to the right of 90°03'23" a distance of 17.50 feet; thence northerly on an angle to the left of 90°00'00" a distance of 33.00 feet; thence westerly on an angle to the left of 90°00'00" a distance of 18.75 feet; thence northerly on an angle to the right of 90°00'00" a distance of 114.21 feet to the south line of Vacated West Irvington Place; thence westerly along said south line a distance of 25.75 feet; thence northerly along the centerline of the alleys in Block 1, Alkire Brothers Addition to Broadway Terrace and Block 13, Broadway Terrace a distance of 722.27 feet more or less to the centerline of West 2nd Avenue; thence easterly along said centerline to the Point of Beginning.

Section 4. A description of the properties benefited is:

Lots 1 through 12 Inclusive Block 4, and Block 5, Gallup's Resubdivision of Block 4 and part of Block 5 of Gallup's Broadway Subdivision.

Lots 1 through 6 Inclusive, Block 6, Busby and William's Resubdivision of Block Six and part of Block Seven in Gallup's South Broadway Addition.

Lots 1 through 6 Inclusive, Block 1, Lots 1 through 6 Inclusive, Block 2, Lots 1 through 6 Inclusive, Block 3 and Lots 1 through 6 Inclusive, Block 4 all in Pomeroy's South Broadway Subdivision.

Lots 1 through 24 Inclusive, Block 1, Exposition Addition.

That part of the SE1/4, NW1/4, Section 15, T4S, R66W of the 6th PM bounded by the west line of South Broadway, a line 158.0 feet west of and parallel with said west line, the south line of West Virginia Avenue and a line 660.00 feet south of and parallel with said south line. Lots 1 through 24 Inclusive and Lots 44 through 49 Inclusive, Block 37, Byers Resubdivision of Blocks 37 and 39 Byers Subdivision.

Lots 1 through 24 Inclusive and Lots 44 through 49 Inclusive Block 37 Byers Resubdivision of Blocks 37 and 39, Byers Subdivision.

Lots 1 through 5 Inclusive and Lots 44 through 48 Inclusive, Block 38, Byers Subdivision.

Lots 1 through 5 Inclusive and Lots 44 through 49 Inclusive, Block 39, Byers Resubdivision of Blocks 37 and 39 Byers Subdivision.

Lots 1 through 6 Inclusive and Lots 43 through 48 Inclusive, Block 40, Byers Subdivision.

Lots 9 through 28 Inclusive, Block 36, Greenway's Resubdivision of Block 36, Byers Subdivision.

AND

Lots 1 through 12 Inclusive, Block 3, Kettle's Addition to Denver.

Lots 1 through 24 Inclusive, Block 1, Snyder's Subdivision.

Lots 1 through 24 Inclusive, Block 1, Pierce and Hinman's Addition to Broadway Terrace.

Lots 15 through 20 Inclusive, Block 13, Broadway Terrace.

Lots 11 through 20 Inclusive, Block 1, Alkire Brothers Addition to Broadway Terrace.

That part of One Broadway Plaza Subdivision, defined as follows: Beginning at the southwest corner of Broadway and Vacated West Irvington Place; thence southerly along the west line of Broadway a distance of 259.93 feet; thence westerly on an angle to the right of $89^{\circ}58'37''$ a distance of 165.50 feet; thence northerly on an angle to the right of $90^{\circ}03'23''$ a distance of 112.70 feet; thence easterly on an angle to the right of $90^{\circ}00'00''$ a distance of 17.50 feet; thence northerly on an angle to the right of $90^{\circ}00'00''$ a distance of 33.00 feet; thence westerly on an angle to the right of $90^{\circ}00'00''$ a distance of 18.75 feet; thence northerly on an angle to the right of $90^{\circ}00'00''$ a distance of 114.21 feet to the south line of Vacated West Irvington Place; thence easterly along said south line a distance of 168.75 feet to the Point of Beginning.

Vacated West Irvington Place between the west line of Broadway and a point 184.0 feet \pm west of said west line.

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 the Phase II Broadway 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 October 25, 1993

[Signature] - PRESIDENT

APPROVED: [Signature] - MAYOR October 29, 1993

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

PUBLISHED IN THE DAILY JOURNAL Oct. 23 1993 Oct. 29, 1993

THIS ORDINANCE HAS BEEN APPROVED BY THE MANAGER OF PUBLIC WORKS
PREPARED BY: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 10/13/93
REVIEWED BY: [Signature] CITY ATTORNEY 10/14 1993
SPONSORED BY COUNCIL MEMBER(S) _____