

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. 38, Series of 2008

I hereunto have set my hand
and affixed the Seal of the
City and County of Denver,
State of Colorado.
This 25th day of January,
A.D. 2008



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

Deputy



BY AUTHORITY

ORDINANCE NO. **38**
SERIES OF 2008

COUNCIL BILL NO. **22**
COMMITTEE OF REFERENCE:

Public Works

A BILL

For an ordinance creating a Local Maintenance District for the continuing care, operation, repair, maintenance and replacement of the South Broadway Streetscape (Arizona Avenue to Iowa 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 South Broadway Streetscape (Arizona Avenue to Iowa Avenue) Local Maintenance District 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 South Broadway Streetscape (Arizona Avenue to Iowa 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 South Broadway Streetscape (Arizona Avenue to Iowa 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 continuing care, operation, repair, maintenance and replacement of the South Broadway Streetscape (Arizona Avenue to Iowa 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 South Broadway Streetscape (Arizona Avenue to Iowa Avenue) Local Maintenance District 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

1 of Public Works of the City and County of Denver estimated the total cost of the continuing care,
2 operation, repair, maintenance and replacement of the South Broadway Streetscape (Arizona
3 Avenue to Iowa Avenue) Local Maintenance District in said proposed local maintenance district for
4 the first full year of the existence of said proposed local maintenance district is \$59,000.00 and
5 said Manager of Public Works estimated a detailed estimate for each maintenance element
6 included in said proposed local maintenance district for the first full year of the existence of said
7 proposed local maintenance district;

8 (d) The Manager of Public Works of the City and County of Denver gave due notice to
9 the owners of the property benefited and to all persons interested generally concerning said local
10 maintenance district, and a hearing was held as provided by the Denver Revised Municipal Code
11 (D.R.M.C.) to hear written remonstrances to said proposed local maintenance district and for the
12 purpose of considering the desirability of and the need for said proposed local maintenance
13 district;

14 (e) Duly executed written remonstrances were not filed by the owners representing fifty
15 or more percent of the estimated cost of the continuing care, operation, security, repair,
16 maintenance and replacement of the local public improvements, within said proposed local
17 maintenance district;

18 (f) All acts and proceedings of the Manager of Public Works of the City and County of
19 Denver comply with the requirements of the Charter of the City and County of Denver and the
20 D.R.M.C.;

21 (g) The Manager of Public Works of the City and County of Denver has entered an order
22 approving said proposed local maintenance district;

23 (h) By reason of the continuing care, operation, repair, maintenance and replacement of
24 the South Broadway Streetscape (Arizona Avenue to Iowa Avenue) Local Maintenance District, the
25 real property, exclusive of improvements thereon, within said proposed local maintenance district
26 will be specially benefited in an amount equivalent to or exceeding the amount to be assessed;
27 and

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

30 **Section 2.** A local maintenance district be and is hereby created for the continuing care,
31 operation, repair, maintenance and replacement of the South Broadway Streetscape (Arizona
32 Avenue to Iowa Avenue) Local Maintenance District in the City and County of Denver, State of

1 Colorado, with the costs of said continuing care, operation, repair, maintenance and replacement
2 of said South Broadway Streetscape (Arizona Avenue to Iowa Avenue) Local Maintenance District
3 to be assessed upon the real property, exclusive of improvements thereon, benefited.

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

5
6 A parcel of land located within Section 22, Township 4 South, Range 68 West, of the 6th
7 Principal Meridian, City and County of Denver, State of Colorado, more particularly described
8 as follows:

9
10 Beginning at the intersection of the centerlines of South Broadway and Arizona Avenue;

11
12 thence east along the centerline of East Arizona Avenue to the intersection with a line
13 extended, said line being the east lot line of Lot 1, Block 9, Sherman Subdivision;

14
15 thence south along the east lot lines of Lots 1 through Lot 23, Block 9, Sherman Subdivision to
16 the southeast corner of Lot 23, Block 9, Sherman Subdivision;

17
18 thence south across East Louisiana Avenue to the northeast corner of Lot 1, Block 24,
19 Sherman Subdivision;

20
21 thence south along the east lot lines of Lots 1 through Lot 24, Block 24, Sherman Subdivision
22 to the southeast corner of Lot 24, Block 24, Sherman Subdivision;

23
24 thence south across East Arkansas Avenue to the northeast corner of Lot 1, Block 25,
25 Sherman Subdivision;

26
27 thence south along the east lot lines of Lots 1 through Lot 23, Block 25, Sherman Subdivision
28 to the southeast corner of Lot 23, Block 25, Sherman Subdivision;

29
30 thence south across East Florida Avenue to the northeast corner of Lot 1, Block 4, Flemings
31 Broadway Addition;

32
33 thence south along the east lot lines extended of Lots 1 through Lot 24, Block 4, Flemings
34 Broadway Addition to intersection with the centerline of Iowa Avenue;

35
36 thence west along the centerline of East Iowa Avenue and West Iowa Avenue to the
37 intersection with a line extended, said line being the west lot line of Lot 25, Block 6, Overland
38 Park Subdivision;

39
40 thence north along the west lot lines of Lots 25 through Lot 48, Block 6, Overland Park
41 Subdivision to the northwest corner of Lot 48, Block 6, Overland Park Subdivision;

42
43 thence north across West Florida Avenue to the southwest corner of Lot 24, Block 5, Overland
44 park Subdivision;

45
46 thence north along the west lot lines of Lots 24 through Lot 46, Block 5, Overland Park

1 Subdivision to the northwest corner of Lot 46, Block 5, Overland Park Subdivision;
2
3 thence north across West Arkansas Avenue to the southwest corner of Lot 25, Block 2,
4 Overland park Subdivision;
5
6 thence north along the west lot lines of Lots 25 through Lot 48, Block 2, Overland Park
7 Subdivision to the northwest corner of Lot 48, Block 2, Overland Park Subdivision;
8
9 thence north across West Louisiana Avenue to the southwest corner of Lot 8, Block 1,
10 Overland Park Subdivision;
11
12 thence north along the west lot lines of Lots 8 through Lot 14, Block 1, Overland Park
13 Subdivision and continuing along the west lot lines extended of Lots 18 through 34, Block 2,
14 Jerome's Broadway Subdivision Second Filing to the intersection with the centerline of West
15 Arizona Avenue;
16
17 thence east along the centerline of West Arizona Avenue to the point and place of beginning,
18 which is the intersection of South Broadway and Arizona Avenue.
19

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

- 21 1. Lots 1-23 inclusive, Block 9
22 and
23 Lots 1-24 inclusive, Block 24
24 and
25 Lots 1-23 inclusive, Block 25, Sherman Subdivision
26
- 27 2. Lots 1-24 inclusive, Block 4, Fleming's Broadway Addition
28
- 29 3. Lots 18-34 inclusive, Block 2, Jerome's Broadway Subdivision Second Filing
30
- 31 4. Lots 8-14 inclusive, Block 1
32 and
33 Lots 25-48 inclusive, Block 2
34 and
35 Lots 24-46 inclusive, Block 5
36 and
37 Lots 25-48 inclusive, Block 6, Overland Park Subdivision
38

39 All of the above within the City and County of Denver, State of Colorado.
40

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

1 **Section 6.** The Manager of Public Works of the City and County of Denver is hereby authorized
2 and directed to assess the costs of the continuing care, operation, repair, maintenance and
3 replacement of the South Broadway Streetscape (Arizona Avenue to Iowa Avenue) Local
4 Maintenance District, in accordance with the requirements of the Charter of the City and County of
5 Denver.

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

8 CONSENT AGENDA: December 10, 2007

9 MAYOR-COUNCIL DATE: December 18, 2007

10 PASSED BY THE COUNCIL January 22 2008

11 [Signature] - PRESIDENT

12 APPROVED: [Signature] Acting - MAYOR January 23, 2008

13 ATTEST: [Signature] - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER
16

17 NOTICE PUBLISHED IN THE DAILY JOURNAL Jan. 18, 2008, Jan. 25, 2008

18 PREPARED BY: JO ANN WEINSTEIN, ASSISTANT CITY ATTORNEY, January 10, 2008

19
20 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
21 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
22 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
23 §3.2.6 of the Charter.

24
25 David R. Fine, City Attorney

26
27 BY: [Signature], Assistant City Attorney January 10, 2008
28

