

BY AUTHORITY

1
2 ORDINANCE NO. 345
3 SERIES OF 2009
4

COUNCIL BILL NO. 323
COMMITTEE OF REFERENCE:
Public Works Committee

5 A BILL
6

7 **For an ordinance creating the Tennyson Streetscape Local Maintenance District**
8 **(West 38th Avenue to West 44th Avenue) for the continuing care, operation,**
9 **repair, maintenance and replacement of local public improvements, with the**
10 **costs to be assessed upon the real property benefited.**
11

12 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

13 **Section 1.** Upon consideration of a recommendation that an ordinance be created for the
14 continuing care, operation, repair, maintenance and replacement of the Tennyson Streetscape
15 (West 38th Avenue to West 44th Avenue) Local Maintenance District in the City and County of
16 Denver, State of Colorado, with the costs of said continuing care, operation, repair, maintenance
17 and replacement of said Tennyson Streetscape (West 38th Avenue to West 44th Avenue) Local
18 Maintenance District to be assessed upon the real property, exclusive of improvements thereon,
19 benefited, Council finds:

20 (a) The Manager of Public Works of the City and County of Denver has received petitions
21 proposing a local maintenance district for the Tennyson Streetscape (West 38th Avenue to West 44th
22 Avenue) Local Maintenance District in the City and County of Denver, State of Colorado, for the
23 continuing care, operation, repair, maintenance and replacement of the Tennyson Streetscape
24 (West 38th Avenue to West 44th Avenue) Local Maintenance District in the City and County of
25 Denver, State of Colorado, with the costs of said Tennyson Streetscape (West 38th Avenue to West
26 44th Avenue) Local Maintenance District to be assessed upon the real property, exclusive of
27 improvements thereon, benefited;

28 (b) Sufficient petitions, as required by the Denver Revised Municipal Code (D.R.M.C.),
29 were received by the Manager of Public Works, that said petitions were regularly filed and were in
30 due and regular form and properly executed;

31 (c) At the time of the initiation of the proposed local maintenance district, the Manager of
32 Public Works estimated the total cost of the continuing care, operation, repair, maintenance and
33 replacement of the improvements related to the Tennyson Streetscape (West 38th Avenue to West
34 44th Avenue) Local Maintenance District for the first full year of the existence of said proposed local
35 maintenance district is \$44,800.00 and has a detailed estimate for each maintenance element

1 included in the proposed local maintenance district for its first full year of existence.

2 (d) The Manager of Public Works gave due notice to the owners of the property benefited
3 and to all persons interested generally concerning the local maintenance district, and a hearing was
4 held as provided by the D.R.M.C. to hear written remonstrances to the proposed local maintenance
5 district and for the purpose of considering the desirability of and the need for the proposed local
6 maintenance district;

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

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

12 (g) The Manager of Public Works has entered an order approving the proposed local
13 maintenance district;

14 (h) By reason of the continuing care, operation, repair, maintenance and replacement of
15 the Tennyson Streetscape (West 38th Avenue to West 44th Avenue) Local Maintenance District
16 improvements, the real property, exclusive of improvements thereon, within the proposed local
17 maintenance district will be specially benefited in an amount equivalent to or exceeding the amount
18 to be assessed; and

19 (i) That the proposed local maintenance district is lawful and necessary and should be
20 created.

21 **Section 2.** The Tennyson Streetscape (West 38th Avenue to West 44th Avenue) Local
22 Maintenance District in the City and County of Denver, State of Colorado, be and is hereby created
23 for the continuing care, operation, repair, maintenance and replacement of local public
24 improvements with the costs of the continuing care, operation, repair, maintenance and replacement
25 of the local improvements to be assessed upon the real property, exclusive of improvements
26 thereon, benefited.

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

28 **Exterior Boundaries of the Tennyson Streetscape (West 38th Avenue to West 44th**
29 **Avenue) Local Maintenance District – Southern Portion**

30
31 Land located within Section 19, Township 3 South, Range 68 West, of the 6th Principal
32 Meridian, City and County of Denver, State of Colorado, more particularly described as
33 follows:

34
35 Beginning at the intersection of the centerlines of North Tennyson Street and West 38th
36 Avenue;

1 thence westerly along the centerline of West 38th Avenue to the intersection with a line
2 extended, said line being the west lot line of Lot 23, Block 1, Mountain View;

3
4 thence northerly to the southwest corner of Lot 23, Block 1, Mountain View;

5
6 thence northerly along the west lot lines of Lots 23 through Lot 12, Block 1, Mountain View
7 Subdivision to the northwest corner of Lot 12, Block 1, Mountain View;

8
9 thence northeasterly to the southwest corner of Lot 8, Block 1, Resubdivision of Block 2 and
10 a part of Block 1, Mountain View;

11
12 thence northerly along the west lot lines of Lots 8 through Lot 1, Block 1, Resubdivision of
13 Block 2 and a part of Block 1 Mountain View to the northwest corner of Lot 1, Block 1,
14 Resubdivision of Block 2 and a part of Block 1 Mountain View;

15
16 thence northerly along a line extended, said line being the west lot line of Lot 1, Block 1,
17 Resubdivision of Block 2 and a part of Block 1 Mountain View Subdivision, to the intersection
18 of the centerline of West 39th Avenue;

19
20 thence easterly along the centerline of West 39th Avenue to the intersection of the centerline
21 of North Tennyson Street;

22
23 thence northeasterly to the northwest corner of Lot 19, Block 4, Weber and Owens
24 Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park;

25
26 thence easterly along the northerly lot line of Lot 19, Block 4, Weber and Owens
27 Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park;

28
29 thence southerly along the east lot lines of Lot 19 through Lot 20, Block 4, Weber and
30 Owens Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park;

31
32 thence southerly from the southeast corner of Lot 20, Block 4, Weber and Owens
33 Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park to the northeast corner of Lot
34 1, Block 5, T. J. O'Donnell's Resubdivision of Block 5 Argyle Park;

35
36 thence southerly along the east lot lines of Lot 1 through Lot 20, Block 5, T. J. O'Donnell's
37 Resubdivision of Block 5 Argyle Park to the southeast corner of Lot 20, Block 5, T. J.
38 O'Donnell's Resubdivision of Block 5 Argyle Park;

39
40 thence southerly along a line extended, said line being the east lot line of Lot 20, Block 5,
41 T. J. O'Donnell's Resubdivision of Argyle Park, to the intersection with the centerline of
42 West 38th Avenue;

43
44 thence westerly along the centerline of West 38th Avenue to the intersection of West 38th
45 Avenue and North Tennyson Street, which is the point and place of beginning.

46
47 **Exterior Boundaries of the Tennyson Streetscape (West 38th Avenue to West 44th**
48 **Avenue) Local Maintenance District Local Maintenance District – Northern Portion**

49
50 Land located within Section 19, Township 3 South, Range 68 West, of the 6th Principal

1 Meridian, City and County of Denver, State of Colorado, more particularly described as
2 follows:

3
4 Beginning at the intersection of West 41st Avenue and a line extended, said line being the
5 east lot line of Lot 18, Block 3, Thompson's Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle
6 Park;

7
8 thence westerly along the centerline of West 41st Avenue to the intersection of the centerline
9 of North Tennyson Street;

10
11 thence northerly along the centerline of North Tennyson Street to the intersection with a line
12 extended, said line being the north lot line of Lot 9, Block 3, Mountain View;

13
14 thence westerly to the northeast corner of Lot 9, Block 3, Mountain View;

15
16 thence westerly along the north lot line of Lot 9, Block 3, Mountain View to the northwest
17 corner of said lot;

18
19 thence northerly along the west lot lines of Lot 8 through Lot 1, Block 3, Mountain View to the
20 northwest corner of Lot 1, Block 3, Mountain View;

21
22 thence northerly to the southwest corner of Lot 24, Block 4, Mountain View;

23
24 thence northerly along the west lot lines of Lot 24 through Lot 1, Block 4, Mountain View to
25 the northwest corner of Lot 1, Block 4, Mountain View;

26
27 thence northerly to the southwest corner of Lot 25, Block 32, Edbrooke's Resubdivision of
28 Block 32 Berkeley;

29
30 thence northerly along the west lot lines of Lot 25 through Lot 28, Block 32, Edbrooke's
31 Resubdivision of Block 32 Berkeley to the northwest corner of Lot 28, Block 32, Edbrooke's
32 Resubdivision of Block 32 Berkeley;

33
34 thence easterly along the north lot line of Lot 28, Block 32, Edbrooke's Resubdivision of
35 Block 32 Berkeley to the northeast corner of Lot 28, Block 32, Edbrooke's Resubdivision of
36 Block 32 Berkeley;

37
38 thence northeasterly to the northwest corner of Lot 20, Block 8, First Addition to Berkeley;

39
40 thence easterly along the north lot line of Lot 20, Block 8, First Addition to Berkeley to the
41 northeast corner of Lot 20, Block 8, First Addition to Berkeley;

42
43 thence southerly along the east lot lines of Lot 20 through Lot 23, Block 8, First Addition to
44 Berkeley to the southeast corner of Lot 23, Block 8, First Addition to Berkeley, excluding
45 portions of 44th Avenue defined by Ordinance 12-1921;

46
47 thence southerly from the southeast corner of Lot 23, Block 8, First Addition to Berkeley to
48 the northeast corner of Lot 1, Block 1, Weber & Owens Subdivision of Blocks 1, 4, 6, 9, 12,
49 14 and 19 Argyle Park;

50

1 thence southerly along the east lot lines of Lot 1 through Lot 18, Block 1, Weber & Owens
2 Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park to the southeast corner of Lot 18,
3 Block 1, Weber & Owens Subdivision of Blocks 1, 4, 6, 9, 12, 14 and 19 Argyle Park;

4
5 thence southerly to the northeast corner of Lot 1, Block 2, Thompson's Subdivision of Blocks
6 2, 3, 7, 10 and 20 Argyle Park;

7
8 thence southerly along the east lot lines of Lot 1 through Lot 18, Block 2, Thompson's
9 Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park to the southeast corner of Lot 18, Block
10 2, Thompson's Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park;

11
12 thence southerly to the northeast corner of Lot 1, Block 3, Thompson's Subdivision of Blocks
13 2, 3, 7, 10 and 20 Argyle Park;.

14
15 thence southerly along the east lot lines of Lot 1 through Lot 18, Block 3, Thompson's
16 Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park to the southeast corner of Lot 18, Block
17 3, Thompson's Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park;

18
19 thence southerly along a line extended, said line being the east lot line of Lot 18, Block 3,
20 Thompson's Subdivision of Blocks 2, 3, 7, 10 and 20 Argyle Park, to the intersection with the
21 centerline of West 41st Avenue, which is the point and place of the beginning
22

23 **Section 4: Description of Properties Benefited – Southern Portion**

- 24
- 25 1. Lots 12-23 inclusive, Block 1, Mountain View
 - 26
 - 27 2. Lots 1-8 inclusive, Block 1, Resubdivision of Block 2 and a part of Block 1,
28 Mountain View
 - 29
 - 30 3. Lot 19 and Lot 20, Block 4, Weber and Owens Subdivision of Blocks 1, 4, 6, 9,
31 12, 14 and 19 Argyle Park
 - 32
 - 33 4. Lots 1-20 inclusive, Block 5, T. J. O'Donnell's Resubdivision of Block 5 Argyle
34 Park
 - 35

36 **Description of Properties Benefited – Northern Portion**

- 37
- 38 5. Lots 1-8 inclusive, Block 3, Mountain View
39 and
40 Lots 1-24 inclusive, Block 4
 - 41
 - 42 6. Lots 25-28 inclusive, Block 32, Edbrooke's Resubdivision of Block 32 Berkeley
 - 43
 - 44 7. Lots 20-24 inclusive, Block 8, First Addition to Berkeley
 - 45
 - 46 8. Lots 1-18 inclusive, Block 1, Weber & Owens Subdivision of Blocks 1, 4, 6, 9, 12,
47 14 and 19 Argyle Park
 - 48
 - 49 9. Lots 1-18 inclusive, Block 2
50 and

1 Lots 1-18 inclusive, Block 3, Thompson's Subdivision of Blocks 2, 3, 7, 10 and 20
2 Argyle Park

3
4 All of the above are within the City and County of Denver, State of Colorado
5

6 **Section 5.** The relative benefits to the real properties, exclusive of improvements thereon, within
7 the local maintenance district be and are hereby apportioned based on a relationship between the
8 lineal footage of the real property, exclusive of improvements thereon, receiving the local public
9 improvements and the total improved lineal footage; and each property owner then pays that
10 percent of the total assessment.

11 **Section 6.** The Manager of Public Works is hereby authorized and directed to assess the costs of
12 the continuing care, operation, repair, maintenance and replacement of the local public
13 improvements for the Tennyson Streetscape (West 38th Avenue to West 44th Avenue) Local
14 Maintenance District, in accordance with the requirements of the Charter of the City and County of
15 Denver.

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

18 COMMITTEE APPROVAL DATE: June 2, 2009

19 MAYOR-COUNCIL DATE: June 9, 2009

20 Bill filed with Council (out of normal order, with permission of Committee)

21 PASSED BY THE COUNCIL June 15 2009

22 [Signature] - PRESIDENT
23 APPROVED: [Signature] - MAYOR June 16, 2009

24 ATTEST: [Signature] - CLERK AND RECORDER,
25 EX-OFFICIO CLERK OF THE
26 CITY AND COUNTY OF DENVER
27

28 NOTICE PUBLISHED IN THE DAILY JOURNAL June 12, 2009; June 19, 2009

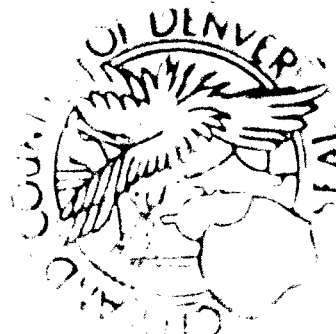
29 PREPARED BY: Mary E. Toornman, Assistant City Attorney, June 4, 2009

30
31 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
32 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
33 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
34 §3.2.6 of the Charter.

35
36 David R. Fine, City Attorney for the City and County of Denver

37 BY: [Signature], Asst City Attorney

38 DATE: 4 June 09



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. 345, Series of 2009

I hereunto have set my hand
and affixed the Seal of the
City and County of Denver,
State of Colorado.
This 22nd day of June,
A.D. 2009



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

Deputy

