

ORDINANCE NO. 818  
 SERIES OF 1993

COUNCIL BILL NO. 822  
 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 WEST 38TH AVENUE 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 WEST 38TH AVENUE 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 West 38th Avenue 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 West 38th Avenue 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 West 38th Avenue 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 West 38th Avenue 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 executed;

(c) That 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, repair, maintenance and replacement of the Phase II West 38th Avenue 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 \$7,966.00 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 West 38th Avenue 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 West 38th Avenue 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 West 38th Avenue 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 West 38th Avenue and the centerline of Mariposa Street situated south of said West 38th Avenue; thence southerly along said centerline a distance of 90.43 feet to the south line extended of Lot 29, Block 49, Viaduct Addition to Denver; thence westerly along the south line and the south line extended of said Lot 29, the south line and the south line extended of Lot 2 said Block 49 a distance of 327.68 feet more or less to the centerline of Navajo Street; thence northerly along said centerline a distance of 90.43 feet to the centerline of West 38th Avenue; thence westerly along said centerline a distance of 20.8 feet more or less to the centerline of Navajo Street situated north of said West 38th Avenue; thence northerly along said centerline a distance of 65.93 feet more or less to the north line extended of Lot 15, Block 22, Downing's Addition to North Denver; thence easterly along the north line and the north line extended of Lot 15; the north line and the north line extended of Lot 16 a distance of 346.51 feet to the centerline of Mariposa Street; thence southerly along said centerline a distance of 65.02 feet more or less to the point of beginning.

AND

Beginning at the intersection of the centerline of West 38th Avenue and the centerline of Osage Street situated north of said West 38th Avenue; thence northerly a distance of 67.42 feet more or less to a point 2.0 feet north of the north line extended of Lot 16, Block 24, Downing's Addition to North Denver; thence westerly and parallel with said north line and the north line extended a distance of 173.5 feet to the centerline of the alley in said Block 24; thence southerly along said centerline a distance of 67.42 feet more or less to the centerline of West 38th Avenue; thence easterly along said centerline a distance of 173.5 feet to the point of beginning.

AND

Beginning at the intersection of the centerline of West 38th Avenue and the centerline of Pecos Street situated south of said West 38th Avenue; thence southerly 90.1 feet more or less to the south line extended of Lot 14, Block 36, Eicholtz's Resubdivision of Blocks 33,34,35, 36 H. Whitter's N.D. Addition; thence westerly along the south line and the south line extended of said Lot 14 a distance of 166.1 feet more or less to the centerline of the alley in said Block 36; thence northerly along the centerline of said alley a distance of 90.1 feet more or less to the centerline of said West 38th Avenue; thence easterly along the centerline of said West 38th Avenue a distance of 166.1 feet more or less to the point of beginning.

## AND

Beginning at the intersection of the centerline of West 38th Avenue and the centerline extended of Bryant Street situated south of said West 38th Avenue; thence southerly along said centerline a distance of 118 feet; thence westerly along a line 75 feet south of and parallel with the north line and the north line extended of Lot 2, Block 3, Potter Highlands, the north line and the north line extended of George's Resubdivision of Lot 1, Block 3, Potter Highlands a distance of 436 feet to the centerline of Clay Street; thence, northerly along said centerline a distance of 12.5 feet; thence westerly along the north line and the north line extended of Lot 12, Block 4, Marsh's Resubdivision of Block 4, Potter Highlands a distance of 164 feet to the centerline of the east alley in said Block 4; thence northerly along said centerline a distance of 103.06 feet to the centerline of West 38th Avenue; thence westerly along said centerline a distance of 1.49 feet more or less to the centerline extended of the east alley in Block 1, Kurtz Place; thence northerly along the centerline and the centerline extended of said alley a distance of 90.57 feet to the north line extended of Lot 21, said Block 1; thence easterly along said north line and the north line extended a distance of 198.44 feet more or less to a point on the east line of Clay Street; thence continuing along said north line extended a distance of 99.464 feet to the east line of Lot 12, Prospect Place Subdivision in Block 25 Perrins Addition to Denver; thence southerly along said east line and the east line extended a distance of 32.18 feet more or less to the centerline of West 38th Avenue; thence easterly along said centerline a distance of 281.66 feet to the point of beginning.

## AND

Beginning at the intersection of the centerline of West 38th Avenue and the centerline of Eliot Street situated on the north side of said West 38th Avenue; thence northerly along said centerline a distance of 104.37 feet; thence westerly along a line 63.25 feet north of and parallel to the south line extended of Block 1, Hawthorne Place a distance of 487.5 feet to the centerline of the west alley in said Block 1; thence northerly along the centerline of said alley a distance of 12.59 feet to the north line extended of Lot 3, said Block 1; thence westerly along the north line and the north line extended a distance of 177.5 feet to the centerline of Federal Boulevard situated north of West 38th Avenue; thence southerly along said centerline of Federal Boulevard a distance of 117.52 feet more or less to the centerline of West 38th Avenue; thence easterly along the centerline of West 38th Avenue a distance of 9.18 feet to the centerline of Federal Boulevard situated south of West 38th Avenue; thence southerly along the centerline of Federal Boulevard a distance of 91.89 feet more or less to the north line and the north line extended of Lot 20, Block 6, Resubdivision of Block Six, Potter Highlands; thence easterly along the north line and the north line extended of Lot 20 a distance of 289.31 feet to the centerline of the east alley in said Block 6; thence northerly along the centerline and the centerline extended of said alley a distance of 91.55 feet more or less to the centerline of West 38th Avenue; thence easterly along said centerline a distance of 366.51 feet to the point of beginning.

Section 4. A description of the properties benefited is:

1. Lots 1 and 2, Lots 29 and 30, Block 49, Viaduct Addition to Denver.
2. Lots 15 and 16, Block 22, Downing's Addition to North Denver.
3. Lot 16 and the south 2 feet of Lot 17, Block 24, Downing's Addition to North Denver.
4. Lot's 14 and 15, Block 36, Eicholtz's Resubdivision of Blocks 33,34,35,36 H. Witter's N.D. Addition.
5. The north 75', Lots 1 and 2, Lots 3 to 5 and the vacated alley adjoining said Lots, Block 3, George's Resubdivision of Lot 1, Block 3, Potter Highlands.
6. The north 75' Lot 2, Block 3, Potter Highlands.
7. Lots 10 and 11, Block 4, Marsh's Resubdivision of Block 4, Potter Highlands.
8. The south 50' Lots 12 to 15, Block 25, Prospect Place Subdivision in Block 25, Perrins Addition to Denver.
9. Lots 20 and 21, Block 1, Kurtz Place.
10. Lots 1 to 3 and the south 63.25' of Lots 30 to 47, Block 1, Hawthorne Place.
11. The north 50' Lots 15 to 17 and Lots 18 and 19, Block 6, Resubdivision of Block Six Potter Highlands.

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 West 38th Avenue 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. 22, 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 10/13 1993

SPONSORED BY COUNCIL MEMBER(S) \_\_\_\_\_