

BY AUTHORITY

ORDINANCE NO. 838  
SERIES OF 1998

COUNCIL BILL NO. 825  
COMMITTEE OF REFERENCE:

PUBLIC WORKS AND AMENITIES

A BILL

**FOR AN ORDINANCE CREATING A LOCAL MAINTENANCE DISTRICT FOR THE CONTINUING CARE, OPERATION, REPAIR, MAINTENANCE AND REPLACEMENT OF IMPROVEMENTS OF THE BROADWAY VIADUCT 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 IMPROVEMENTS OF THE BROADWAY VIADUCT PEDESTRIAN MALL 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, repair, maintenance and replacement of improvements of the Broadway Viaduct 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 improvements of the Broadway Viaduct 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, having received petitions therefore, has initiated and proposed the creation of a local maintenance district for the continuing care, operation, repair, maintenance and replacement of improvements of the Broadway Viaduct 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 improvements of the Broadway Viaduct Pedestrian Mall to be assessed upon the real property, exclusive of improvements thereon, benefited;

(b) 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 improvements of the Broadway Viaduct Pedestrian Mall in said proposed local maintenance district for the first full year of the existence of said proposed expanded local maintenance district;

(c) 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;

(d) 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;

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

(f) 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;

(g) That by reason of the continuing care, operation, repair, maintenance and replacement of improvements of the Broadway Viaduct 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

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

**Section 2.** A local maintenance district be and is hereby created for the continuing care, operation, repair, maintenance and replacement of improvements of the Broadway Viaduct 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 improvements of the Broadway Viaduct 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:

### EAST SIDE OF BROADWAY

That part of Broadway lying between the east property line and the east flowline of Broadway, the centerline of Lawrence Street and the centerline of 24<sup>th</sup> Street, the centerline of 24<sup>th</sup> Street and the centerline of Larimer Street, the centerline of Larimer Street and the southeasterly alley line in Block 55, Platte Addition to Denver

and

That part of Broadway lying between the east flowline of Broadway, the southeasterly alley line and the southeasterly alley line extended in Block 55, Platte Addition to Denver, the southwesterly lot line and the southwesterly lot line extended of Lot 16, Block 56, Platte Addition to Denver and the centerline of Walnut Street

and

That part of Broadway lying between the east flowline of Broadway, the centerline of Walnut Street, the northwesterly block line and the northwesterly block line extended of Block 1, Case & Ebert's Addition to the City of Denver, the centerline and the centerline extended of 26<sup>th</sup> Street, the centerline of Blake Street, the northeasterly line and the northeasterly line extended of vacated 26<sup>th</sup> Street and the northwesterly line and the northwesterly line extended of vacated Depot Street.

### WEST SIDE OF BROADWAY

That part of Broadway lying between the west property line and the west flowline of Broadway, the centerline of Lawrence Street and the centerline of Larimer Street, the centerline of Larimer Street and the centerline of Walnut Street, the centerline of Walnut Street and the centerline of Blake Street, the centerline of Blake Street and the northwesterly block line of the McPhee & McGinnity Block in Denver, Colorado.

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

Lots 1 to 10 inclusive, Lots 16 to 19 inclusive, Block 1

and

Lot 16, Block 15  
Case & Ebert's Addition to the City of Denver

Lots 11 to 15 inclusive, Block 60  
Curtis & Clarke's Addition to Denver, Colorado

Lots 1 to 3 inclusive, Lots 25 to 32 inclusive, vacated alley adjacent to Lots 3 and 29,  
Block 61,  
that portion of East Denver commonly known as Davis Addition to Denver

The McPhee & McGinnity Block in Denver, Colorado

Lots 1 to 4 inclusive, Lots 20 to 23 inclusive, Block 3, Mullen's Addition to the City of  
Denver

Lot 4 to 8 inclusive, Lots 19 to 23 inclusive, Lots 26 to 32 inclusive, Block 55, Lot 16,  
Block 56, Platte Addition to Denver

Lots 32 and 33, Block 33,  
that portion of East Denver commonly known as Steck's Addition to Denver

Vacated Depot Street

**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 improvements of the Broadway Viaduct 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 November 23 1998

Harry Hayes - PRESIDENT

APPROVED: [Signature] ACTING MAYOR Nov 24 1998

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

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PREPARED BY: [Signature] DONALD E. WILSON, ASSISTANT CITY ATTORNEY 11/5/98

REVIEWED BY: [Signature] - CITY ATTORNEY [Signature] 1998

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

