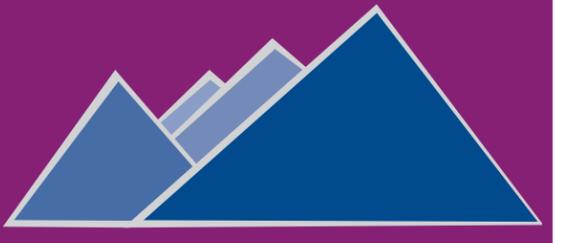


GLENDALE CHERRY CREEK CHRONICLE



From LoDo to the Dam

THE VOICE OF THE CHERRY CREEK VALLEY —

MAILED TO 82,382 HOMES AND BUSINESSES IN THE CHERRY CREEK VALLEY

Volume 18, Issue 11

November 2013

Colorado Boulevard Booming With New Construction From Trader Joe's To Shotgun Willie's To Century 21 Plaza

by Mark Smiley

The construction sounds of hammering, nailing, sawing and sanding are booming up and down the east side of Colorado Boulevard as landmark locations along Colorado's busiest boulevard are rebuilding anew.

At 9th and Colorado, a structure is raising quickly that will house the anxiously awaited arrival of *Trader Joe's*, the California based specialty grocer. After years of corporately denying that it planned to open

stores in Colorado, the grocer is now in the process of opening four stores in the Denver/Boulder area with a Governor's Park location just recently announced.

Channel 9 News even featured a video and song ("I'm Camping Out at Trader Joe's") by local resident Julie Geller concerning her excitement about Trader Joe's coming to Colorado Boulevard. The store will possess the company's sole liquor license in the state and will sell its famous

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State-Of-The-Art: Shotgun Willie's new building will boast state-of-the-art technology, room for business meetings, and the same fun atmosphere of the old building.



Welcome Two Buck Chuck: Construction is in full swing on the new 14,000-sq. ft. grocery store which is located on the southeast corner of Colorado Blvd. and East 8th Ave. A 3,740-square-foot separate wine shop will be adjacent to the grocery store. Trader Joe's began in Los Angeles in 1958 and today boasts nearly 400 locations in 35 states.



Sign Of The Times: Shotgun Willie's has erected a new sign in preparation for their grand opening. The new sign and digital marquee was designed and built by Jay and Marie Friedstein of C&C Signs.



Photo Radar Ticket Wars Continue

In Denver If Served By Regular Mail Do You Need To Pay? Channel 9 Says Yes — Chronicle Says NO!

by Charles C. Bonniwell

The battle between citizens and governments over photo radar cameras for alleged speeding and going through red lights (or in Denver just touching a pedestrian white line) has not abated since last written about by the *Glendale Cherry Creek Chronicle* in September 2011. In Chicago, referred to as the red light camera capital of the United States by some, Mayor Rahm Emanuel has proposed to close a large budget shortfall by installing photo radar cameras throughout the city to bring in over \$70 million annually in new fines.

These fines would be in addition to the \$55 million in fines that red light cameras are bringing in to Chicago. Local activists are already vowing to make the mayor's plan an issue in the 2015 city election.

At the same time various cities from Corona, California, to Red Bank, Tennessee, have eliminated photo radar



Gotcha: According to the Denver Police Department, the total revenue collected from the photo radar program in 2010 was \$3.6 million.

and/or red light camera programs. The largest city to recently do so is San Diego, California, which did away

with its red light camera program in January of this year stating that it discouraged tourists from coming to San Diego and created "disrespect for the law." The City of Poyay, California, recently did away with its red light camera program after a study undertaken by the city found the cameras increased the number of accidents at the intersections where they were installed.

In the *City and County of Denver* the photo radar and red light camera programs appear to be going full steam ahead resulting in millions of dollars in fines from average citizens. Those fines do not apply to state lawmakers however, according to *Channel 4 CBS News*, since the lawmakers vanity plates are not part of the Department of Motor Vehicles database.

Based on correspondence to the *Glendale Cherry Creek Chronicle*, the one recurring question is whether you in fact have to pay a photo radar ticket and/or red light ticket from the City and County of Denver if you are not personally served with a summons? The *Chronicle* in September

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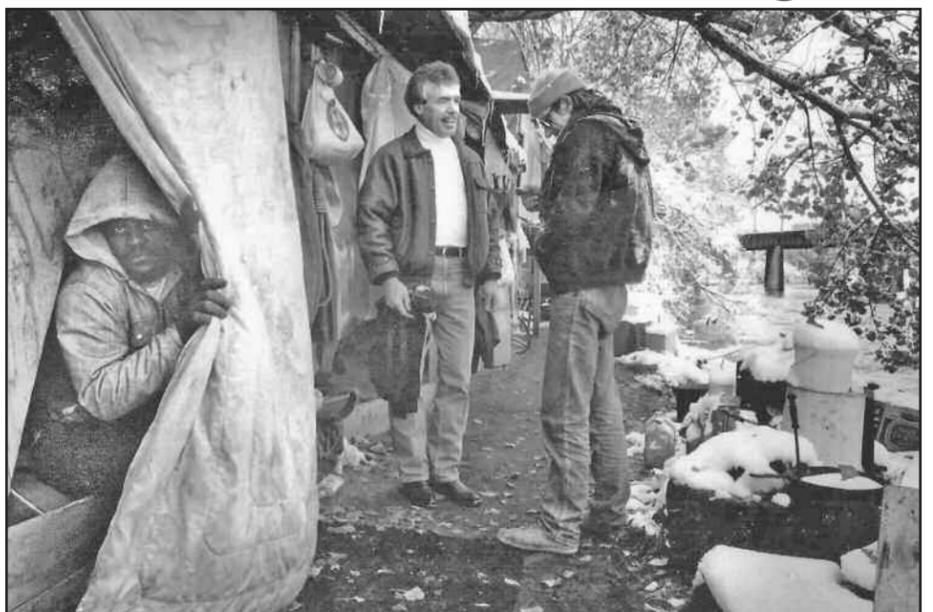
Fighter For The Homeless Bob Coté Dies At Age 72

by Charles C. Bonniwell

Bob Coté, the founder and guiding light of the *Step 13* drug and alcohol program for the Denver homeless, died at his home off Speer Boulevard on Friday, September 27 at age 72, only days after being feted at *Infinity Park* in Glendale in honor of the 30th anniversary of the founding of his organization. Coté, a former Golden Gloves boxer out of Detroit, was himself an alcoholic on the streets of Denver in the early 1980s until he decided to turn his life around and help others to save their lives. A patriotic and religious man, he named his organization *Step 13* after the fact there were 13 original American colonies and 13 was the number of the disciples plus Jesus Christ.

A fighter and a man of strong convictions he made powerful friends and powerful enemies in his take no prisoners approach to helping the homeless. He called former Mayor and now Governor John Hicken-

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Champion For The Afflicted: Bob Coté was hands-on helping those affected by drugs and alcoholism with a hand up and not a hand out.

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Colorado Boulevard Booming With New Construction

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"Two Buck Chuck" line of wines.

Just down the street, Glendale's landmark *Shotgun Willie's* at Colorado Boulevard and East Virginia is building a brand new club just behind its present location. The old building constructed in the 1930s has housed numerous bars and restaurants from *El Morocco Supper Club* to *Andy's Smorgasbord*. It is being torn down to make room for the widening of East Virginia Avenue by the City of Glendale.

The new Shotgun Willie's, according to

Photo Radar Ticket Wars

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2011 said no, but readers have repeatedly pointed to the fact that *Channel 9 News* directly disputed that conclusion.

Channel 9 News in a segment titled "To pay or not to pay: The photo radar ticket question," by reporter Anastasiya Bolton answered a question presented by Ron Goldstein who received a ticket in Denver and had "heard something about these tickets being valid only if served in person." Perhaps Goldstein was a reader of the *Glendale Cherry Creek Chronicle*. The news anchor noted that after "weeks of research" Channel 9 News came to the conclusion that you did in fact have to pay even if you only received your citation in the regular mail. A Denver police officer was featured on the news segment who declared that you must pay as "there is a clear violation and the individual owes the fine for the violation."

Well respected 9 News legal analyst Scott Robinson supported the officer's statement on air declaring, "Anytime a motorist ignores a ticket, they are taking a huge risk. It's just dumb." The segment is readily available on the Internet.

The *Glendale Cherry Creek Chronicle* respectfully disagrees with Channel 9, Anastasiya Bolton and attorney Scott Robinson and we believe their conclusions to be simply wrong.

Channel 9 in its story cites the state statute (C.R.S. Sec. 42-4-110.5(2)(a)(II)) which declares that a traffic violation using an automated vehicle identification system (photo radar/red light camera) "shall serve the penalty assessment notice or summons and complaint for the alleged violation on the defendant no later than 90 days after the alleged violation occurred."

Channel 9 then concludes that since defendants received by regular mail the citations the statute has been satisfied.

But that analysis is fatally incomplete. The Colorado state statute originally required under 2(a)(I)(A) that a penalty assessment notice or summons and complaint be personally served by a peace officer or deputy sheriff but in 2002 the state legislature did away with that requirement.

That left what is proper service to the applicable city ordinance. The City and County of Denver has adopted the Colorado Municipal Court Rules which under Section 204(e) requires either personal service or certified mail. Thus notice by regular mail is not effective service in the City and County of Denver.

This fact is directly noted on pages 30-33 of the City Auditor's "Denver Photo Enforcement Program Performance Audit" which is also available online.

As a practical matter the Denver Police Department also recognizes this fact in the actual Notice of Violation sent to citizens which states:

"Failure to respond to this notice will result in a Penalty Assessment Notice being personally served upon you and an additional charge of up to \$59. Please be advised that failure to respond will result in a Default Judgment against you and further collection activity."

What the Notice of Violation does not tell you, since the city government does not want you to know your full rights, is that

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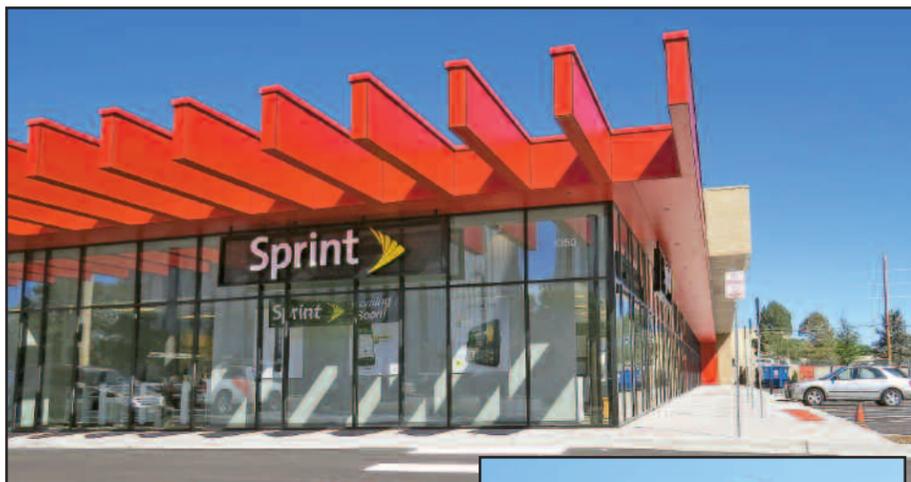
project manager Michele Poague, will replicate the ambience of the old club, but with more room. The expanded kitchen space will allow an updated menu including stone fired flatbread pizzas. The new building will also include meeting rooms for business groups and private parties.

Shotgun Willie's is scheduled to open November 13 of this year, with the project presently on budget and on time.

More buildings are going up at the storied *Century 21 Plaza* at 1300-1390 South Colorado Boulevard by *The Antonoff Investment Company, LLP*. The property is being marketed by Douglas Antonoff of *Antonoff & Co*.

The patriarch of the family, Ben Antonoff had built the *Century 21 Theater* and the *White Spot* coffee shop in 1967. The theater's first test run movie was Walt Disney's "Snow White" and the grand opening featured a Peter Sellers James Bond spoof "Casino Royale." The theater closed in 1990 and was replaced by *SoundTrack* which became *Ultimate Electronics*. The *White Spot* coffee shop was replaced by a *Hooters* restaurant.

The new buildings will house between 12 and 16 retailers and restaurants according to Doug Antonoff with the landlord looking to enter into 10 year leases with a



Sprint To The Future: New redevelopment of the site of the historic *Century 21 Theater* and former *White Spot Restaurant* at 1350-1390 S. Colorado Blvd. The new project, *Century 21 Plaza*, will feature a unique array of restaurants and retailers in approximately 32,000 square feet of newly constructed, architecturally compelling buildings.

mix of local and national tenants. The new tenants include *Sprint* and the hamburger shop *Mooyah* as well as the *Thai Pot Cafe*.

Colorado Boulevard has been the busiest street in Denver since the city's founding in 1858. The extraordinary traffic volume appears to allow the boulevard to constantly evolve with businesses coming and going without missing a beat as *Trader Joe's*, *Shotgun Willie's* and *Century 21* amply demonstrate.



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