

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2023

COUNCIL BILL NO. CB23-1627  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall Local Maintenance District 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 the recommendation of the Executive Director of the Department of Transportation and Infrastructure that an ordinance be enacted for the purpose of assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall Local Maintenance District (“West 38<sup>th</sup> Avenue Phase I Pedestrian Mall”), for the upcoming year, upon the real property, exclusive of improvements thereon, benefited, the Council finds, as follows:

(a) A local maintenance district providing for the continuing care, operation, repair, maintenance and replacement of the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall, was created by Ordinance No. 653, Series of 1998;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall is \$36,400.00, which amount the Executive Director of the Department of Transportation and Infrastructure has the authority to expend for the purposes stated herein;

(c) The Executive Director of the Department of Transportation and Infrastructure has complied with all provisions of law relating to the publishing of notice to the owners of real properties to be assessed and to all persons interested generally, and the Council sitting as a Board of Equalization has heard and determined all written complaints and objections, if any, filed with the Executive Director of the Department of Transportation and Infrastructure; and

(d) The real property within the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall will be benefited in an amount equal to or in excess of the amount to be assessed against said property because of the continuing care, operation, repair, maintenance and replacement of said West 38<sup>th</sup> Avenue Phase I Pedestrian Mall.

1           **Section 2.** The annual cost of the continuing care, operation, repair, maintenance, and  
2 replacement of the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall to be assessed against the real  
3 properties, exclusive of improvements thereon, benefited are hereby approved.

4           **Section 3.** The annual costs of the continuing care, operation, repair, maintenance, and  
5 replacement of the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall in the amount of \$36,400.00 are  
6 hereby assessed against the real properties, exclusive of improvements thereon, within said local  
7 maintenance district as follows:

8 NOTE: Where a series of lots is followed by “inclusive”, the amount appearing after the series shall  
9 be the total for all lots in the series. Where a series of lots is not followed by “inclusive”, the amount  
10 appearing after such series shall be the assessment for each lot in the series.

11  
12 DOWNING’S ADDITION TO NORTH DENVER  
13 BLOCK 21

14 Lots	
15 15, except easterly 9’	\$2,829.49
16 16 and the easterly 1/2 of vacated alley	\$3,243.28

17  
18 VIADUCT ADDITION TO DENVER  
19 BLOCK 47

20 Lots	
21 15-16	\$3,042.46

22  
23 BLOCK 48  
24 Lots

25 15-16	\$3,042.46
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26  
27 BLOCK 50  
28 Lots

29 1	\$3,042.46
30 30	\$3,042.46

31  
32 BLOCK 51  
33 Lots

34 1	\$2,945.09
35 30	\$3,042.46

36  
37 BLOCK 52  
38 Lots

39 1	\$3,042.46
40 30	\$3,042.46

41           **Section 4.** The assessments made pursuant hereto shall be a lien in the several amounts  
42 assessed against each lot or tract of land set forth in Section 3 herein, and such lien shall have the  
43 priority of the lien for local public improvement districts.

1           **Section 5.** Without demand, said assessments as set forth in Section 3 herein, shall be due  
2 and payable on the first day of January of the year next following the year in which this assessing  
3 ordinance became effective, and said assessments shall become delinquent if not paid by the last  
4 day of February of the year next following the year in which this assessing ordinance became  
5 effective. A failure to pay said assessments as hereinabove set forth shall become a lien on the  
6 property subject to the assessment, and such lien may be sold by the City as provided by the Charter  
7 and ordinances of the City and County of Denver.

8           **Section 6.** Any unspent revenue and revenue generated through investment shall be  
9 retained and credited to the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall Local Maintenance District  
10 for future long term or program maintenance of the District.

11 COMMITTEE APPROVAL DATE: October 31, 2023 by Consent

12 MAYOR-COUNCIL DATE: November 7, 2023 by Consent

13 PASSED BY THE COUNCIL: \_\_\_\_\_  
14 \_\_\_\_\_ - PRESIDENT

15 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

16 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
17 EX-OFFICIO CLERK OF THE  
18 CITY AND COUNTY OF DENVER

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_

20 PREPARED BY: Bradley T. Neiman, Assistant City Attorney                      DATE: November 9, 2023

21 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
22 City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
24 § 3.2.6 of the Charter.

25  
26 Kerry Tipper, Denver City Attorney

27  
28 BY: \_\_\_\_\_, Assistant City Attorney                      DATE: \_\_\_\_\_