

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO. CB11-0782

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 Broadway Pedestrian Mall A 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 Manager of Public Works that an ordinance be enacted for the purpose of assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Broadway Pedestrian Mall A 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 Broadway Pedestrian Mall A, was created by Ordinance No. 839, Series of 1998;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the Broadway Pedestrian Mall A is \$55,300.00, which amount the Manager of Public Works has the authority to expend for the purposes stated herein;

(c) The Manager of Public Works 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 filed with the Manager of Public Works;

(d) The portion of the annual costs for the continuing care, operation, repair, maintenance and replacement of the Broadway Pedestrian Mall A to be assessed against the properties, exclusive of improvements thereon, benefited are \$48,012.80;

(e) The portion of the annual costs of the continuing care, operation, repair, maintenance and replacement of the Broadway Pedestrian Mall A to be borne by the City and County of Denver is \$7,287.20; and

(f) The real property within the Broadway Pedestrian Mall A 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 Pedestrian Mall.

1 **Section 2.** The annual cost of the continuing care, operation, repair, maintenance and
2 replacement of the Broadway Pedestrian Mall A to be assessed against the real properties,
3 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 Broadway Pedestrian Mall A in the amount of \$48,012.80 are hereby
6 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
9 shall be the total for all lots in the series. Where a series of lots is not followed by "inclusive", the
10 amount appearing after such series shall be the assessment for each lot in the series.

11
12 BROADWAY ADDITION TO BYERS SUBDIVISION

13 BLOCK 3

14 Lots

15 11	\$853.64
16 12-20	\$711.36
17 12' Wide Strip Adjacent to Lot 11	\$341.46

18
19 BLOCK 4

20 Lots

21 11-14	\$709.77
22 15 South 12.5 feet	\$355.68

23
24 GREENWAY'S RESUBDIVISION OF BLOCK 36

25 BLOCK 36

26 Lots

27 1	\$883.80
28 2-8	\$713.07

29
30 POLK'S RESUBDIVISION OF BLOCK 33, BYERS SUBDIVISION

31 BLOCK 33

32 Lots

33 1-9	\$711.36
34 10	\$882.09

35
36 POLK'S RESUBDIVISION OF BLOCK 34, BYERS SUBDIVISION

37 BLOCK 34

38 Lots

39 1-9	\$711.36
40 10	\$882.09

41

1 RESUBDIVISION OF BLOCKS 1, 2 AND 3 GALLUP'S SOUTH BROADWAY
2 SUBDIVISION
3 Lots

4 1	\$568.64
5 2-18	\$710.88
6 19	\$4,123.07

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

10 **Section 5.** Without demand, said assessments as set forth in Section 3 herein, shall be due and
11 payable on the first day of January of the year next following the year in which this assessing
12 ordinance became effective, and said assessments shall become delinquent if not paid by the
13 last day of February of the year next following the year in which this assessing ordinance
14 became effective. A failure to pay said assessments as hereinabove set forth shall subject the
15 property subject to the assessment to sale as provided by the Charter of the City and County of
16 Denver.

17 **Section 6.** Any unspent revenue and revenue generated through investment shall be retained
18 and credited to the Broadway Pedestrian Mall A Local Maintenance District for future long term
19 or program maintenance of the District.

20 COMMITTEE APPROVAL: (by Consent) October 27, 2011

21 MAYOR-COUNCIL DATE: November 8, 2011

22 PASSED BY THE COUNCIL _____ 2011

23 _____ - PRESIDENT

24 APPROVED: _____ - MAYOR _____ 2011

25 ATTEST: _____ - CLERK AND RECORDER,
26 EX-OFFICIO CLERK OF THE
27 CITY AND COUNTY OF DENVER

28 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2011; _____ 2011

29 PREPARED BY: Jo Ann Weinstein - ASSISTANT CITY ATTORNEY - November 10, 2011

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

34 Douglas J. Friednash, City Attorney

35 BY: _____, _____ City Attorney - _____ 2011