

**BY AUTHORITY**

ORDINANCE NO.  
SERIES OF 2010

COUNCIL BILL NO. CB10-0925

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 32<sup>nd</sup> and Lowell Pedestrian Mall Local Maintenance District 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 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 32<sup>nd</sup> and Lowell Pedestrian Mall 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 32<sup>nd</sup> and Lowell Pedestrian Mall, was created by Ordinance No. 785, Series of 1992;

(b) The annual costs of the continuing care, operation, repair, maintenance and replacement of the 32<sup>nd</sup> and Lowell Pedestrian Mall is \$39,000.00 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 real property within the 32<sup>nd</sup> and Lowell 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 Pedestrian Mall.

**Section 2.** The annual costs of the continuing care, operation, repair, maintenance and replacement of the 32<sup>nd</sup> and Lowell Pedestrian Mall to be assessed against the real properties, exclusive of improvements thereon, benefited are hereby approved.

**Section 3.** The annual costs of the continuing care, operation, repair, maintenance and replacement of the 32<sup>nd</sup> and Lowell Pedestrian Mall in the amount of \$39,000.00 are hereby assessed against the real properties, exclusive of improvements thereon, within said local maintenance district as follows:

1 NOTE: Where a series of lots is followed by "inclusive", the amount appearing after the  
 2 series shall be the total for all lots in the series. Where a series of lots is not followed by  
 3 "inclusive", the amount appearing after such series shall be the assessment for each lot in the  
 4 series.

5 SECOND FILING OF A PORTION OF HIGHLAND PARK  
 6 BLOCK 57

7 Lots  
 8 23-24 \$274.96  
 9 25-39, inclusive \$8,724.31  
 10 40-48, inclusive \$4,146.76

11  
 12 KOUNTZE HEIGHTS  
 13 BLOCK 1

14 Lots  
 15 23-24 and the west 1/2 of Lot 22, inclusive \$1,753.74

16  
 17 BLOCK 2

18 Lots  
 19 1 & east 18.75' of 2, inclusive \$1,226.16  
 20 3 and the east 1/2 lot 4 & west 6.25' of 2, inclusive \$1,226.16  
 21 Lot 5 and the west 1/2 OF Lot 4, inclusive \$743.16  
 22 6 \$445.89  
 23 7 \$445.89  
 24 8-10, inclusive \$1,753.83  
 25 11 \$445.89  
 26 12 \$445.89  
 27 13 and the east 5' of Lot 14, inclusive \$564.80  
 28 West 20' of Lot 14 and the east 10' of Lot 15, inclusive \$564.80  
 29 West 15' of Lot 15 and the east 15' of Lot 16, inclusive \$564.80  
 30 West 10' of Lot 16 and the east 20' of Lot 17, inclusive \$564.80  
 31 18 and the west 5' of Lot 17, inclusive \$564.80  
 32 19 \$445.89  
 33 20 \$445.89  
 34 21-24, inclusive \$2,809.05

35  
 36 PACKARDS HILL SUBDIVISION  
 37 BLOCK 1

38 Lots  
 39 1-4, inclusive \$2,779.36  
 40 5-10 (Adjusted), inclusive \$1,783.58  
 41 West 100' of Lots 47-50, inclusive \$1,857.84  
 42 East 25' of Lots 47-50, inclusive \$326.97

43  
 44 WOLFF PLACE  
 45 BLOCK 5

46 Lots  
 47 East 31'9" of the west 63'6" of Lots 1-4, inclusive \$431.07  
 48 East 31'9" of the west 95'3" of Lots 1-4, inclusive \$401.31  
 49 East 31'10" of Lots 1-4, inclusive \$386.42

1 W. 31'9" of Lots 1-4, inclusive \$475.66  
2 46-48, inclusive \$2,125.36  
3

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

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

14 **Section 6.** Any unspent revenue and revenue generated through investment shall be retained  
15 and credited to the 32<sup>nd</sup> and Lowell Pedestrian Mall Local Maintenance District for future long  
16 term or program maintenance of the District.

17 **Section 7.** This Ordinance shall be recorded among the records of the Clerk and Recorder of  
18 the City and County of Denver.

19 COMMITTEE APPROVAL: (by Consent) October 28, 2010

20 MAYOR-COUNCIL DATE: November 9, 2010

21 PASSED BY THE COUNCIL \_\_\_\_\_ 2010

22 \_\_\_\_\_ - PRESIDENT

23 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2010

24 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
25 EX-OFFICIO CLERK OF THE  
26 CITY AND COUNTY OF DENVER

27 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2010; \_\_\_\_\_ 2010

28 PREPARED BY: Mary Toornman - ASSISTANT CITY ATTORNEY - November 10, 2010

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

32 David R. Fine, City Attorney

33 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney - \_\_\_\_\_ 2010