

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2017

COUNCIL BILL NO. CB17-1105  
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 44th Avenue and Eliot Street 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 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 West 44th Avenue and Eliot Street Pedestrian Mall Local Maintenance District ("West 44th Avenue and Eliot Street 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 44th Avenue and Eliot Street Pedestrian Mall, was created by Ordinance No. 39, Series of 2002 and amended by Ordinance No. 843, Series of 2003;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the West 44th Avenue and Eliot Street Pedestrian Mall is \$6,200.00, 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, if any, filed with the Manager of Public Works;

(d) The real property within the West 44th Avenue and Eliot Street 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 Streetscape.

**Section 2.** The annual cost of the continuing care, operation, repair, maintenance and replacement of the West 44th Avenue and Eliot Street 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 West 44th Avenue and Eliot Street Pedestrian Mall in the amount of \$6,200.00

1 are hereby assessed against the real properties, exclusive of improvements thereon, within said  
2 local maintenance district as follows:

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

6  
7 CLOUGH ADDITION, CITY OF DENVER  
8 BLOCK 1

9 Lots	
10 26-29	\$ 134.61
11 30	\$ 673.03

12  
13 BLOCK 2

14 Lots	
15 20	\$ 673.03
16 21-29	\$ 134.61
17 30	\$ 79.85

18  
19 KEY & OLSENS RE-SUBDIVISION OF PERRINS SUBDIVISION  
20 BLOCK 5

21 Lot 6 and 24.47' strip adj. & north of Lot 6	\$ 258.45
22 Lot 7 and 24.47' strip adj. & north of Lot 7	\$ 258.45
23 24.47' strip adj. & north of Lot 1	\$ 673.03

24  
25 BLOCK 6

26 North 145' of Lots 15-18, & vacated strip adj. on north, inclusive	\$ 543.17
27 East 122' of north 6.25' of Lot 11 & of Lot 12 to Lot 14 & strip adj., inclusive	\$1,291.04

28  
29 **Section 4.** The assessments made pursuant hereto shall be a lien in the several amounts  
30 assessed against each lot or tract of land set forth in Section 3 herein, and such lien shall have the  
31 priority of the lien for local public improvement districts.

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

39 **Section 6.** Any unspent revenue and revenue generated through investment shall be  
40 retained and credited to the West 44th Avenue and Eliot Street Pedestrian Mall Local Maintenance  
41 District for future long term or program maintenance of the District.

1 COMMITTEE APPROVAL DATE: October 10, 2017 by Consent  
2 MAYOR-COUNCIL DATE: October 17, 2017  
3 PASSED BY THE COUNCIL: \_\_\_\_\_ October 30, 2017  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR Oct 31, 2017  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_;  
10 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: October 19, 2017  
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
14 § 3.2.6 of the Charter.  
15 Kristin M. Bronson, Denver City Attorney  
16 BY: \_\_\_\_\_, Assistant City Attorney DATE: Oct 17, 2017