

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO. CB11-0780
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 St. Luke's 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 St. Luke's 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 St. Luke's Pedestrian Mall, was created by Ordinance No. 878, Series of 2000;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the St. Luke's Pedestrian Mall is \$78,760.00, 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 St. Luke's 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 cost of the continuing care, operation, repair, maintenance and replacement of the St. Luke's Pedestrian Mall to be assessed against the real properties, exclusive of improvements thereon, benefited are hereby approved.

Section 3. A portion of the annual costs of the continuing care, operation, repair, maintenance and replacement of the St. Luke's Pedestrian Mall in the amount of \$78,760.00 are hereby assessed against the real properties, exclusive of improvements thereon, within said local maintenance district as follows:

1 NOTE: Whenever a series of lots is mentioned it shall be understood to include the first,
 2 intermediate and last named lots, and the amount appearing after such series shall be the
 3 assessment for each lot in the series. Where a series of lots is followed by "inclusive" the amount
 4 appearing after the series shall be the total for all lots in the series.

5
 6 CLEMENTS ADDITION TO THE CITY AND COUNTY OF DENVER

7
 8 Block 251
 9 All of Block 251 and the adjoining parcel described in Ordinance 692 of 1987
 10 and the adjoining portion of Cleveland Place Vacated by Ordinance 243 of 1975,
 11 except the northerly 19 feet of Cleveland Place adjoining Lot 26-32 inclusive \$4,425.98

12
 13 Block 249
 14 Lots
 15 18-19, inclusive \$598.10
 16 20-21, inclusive \$598.11
 17 22-34, inclusive \$3,887.68

18
 19 Block 250
 20 Lots
 21 1-34, inclusive and the adj Vacated Alley \$16,531.62

22
 23 Block 261
 24 Lots
 25 1-34, inclusive and the West 1/2 of the vacated alley \$16,531.62

26
 27 Block 263
 28 Lots
 29 17-19, inclusive and the South 1/3 of Lot 20 \$1,002.42
 30 21-24, inclusive and the North 2/3 of Lot 20 \$1,395.98
 31 25-26, inclusive \$598.10
 32 27 \$299.05
 33 28 \$299.05
 34 29 \$299.05
 35 30 \$299.05
 36 31-32, inclusive \$598.10

37
 38 Block 262
 39 Lots
 40 1-7, inclusive and the North 15' of Lot 8 and the vacated alley adjacent to
 41 Lots 1 to 5, and Lots 27-32 inclusive except for a parcel beginning at the SE corner
 42 of Lot 27, thence West 125', thence North 25', thence East 24', thence SE
 43 15', thence East 89', thence South 16' to Point of Beginning \$7,057.64
 44 9-16, inclusive and the South 10' of Lot 8 \$2,512.04
 45 7-22, inclusive \$1,794.32
 46 23 \$299.05
 47 24 \$299.05
 48 25-26, inclusive \$598.11

1 Block 286
 2 Lots
 3 1-32, inclusive and the adj vacated alley \$12,751.60
 4
 5 Block 297
 6 Lots
 7 1-12, inclusive \$4,888.07
 8 13-16, inclusive \$1,196.21

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

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

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

21 COMMITTEE APPROVAL: (by Consent) October 27, 2011
 22 MAYOR-COUNCIL DATE: November 8, 2011

23 PASSED BY THE COUNCIL _____ 2011
 24 _____ - PRESIDENT

25 APPROVED: _____ - MAYOR _____ 2011

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

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

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

31 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
 32 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
 33 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
 34 §3.2.6 of the Charter.

35 Douglas J. Friednash, City Attorney

36 BY: _____, _____ City Attorney - _____ 2011