

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0734  
COMMITTEE OF REFERENCE:  
Infrastructure & Culture

6 **A BILL**

7 **For an ordinance assessing the annual costs of the continuing care, operation,**  
8 **repair, maintenance and replacement of the West 38<sup>th</sup> Avenue Phase I**  
9 **Pedestrian Mall Local Maintenance District upon the real property, exclusive of**  
10 **improvements thereon, benefited.**

11 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

12 **Section 1.** Upon consideration of the recommendation of the Manager of Public Works that  
13 an ordinance be enacted for the purpose of assessing the annual costs of the continuing care,  
14 operation, repair, maintenance and replacement of the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall,  
15 for the upcoming year, upon the real property, exclusive of improvements thereon, benefited the  
16 Council finds, as follows:

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

20 (b) The annual costs of the continuing care, operation, repair, maintenance and  
21 replacement of the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall are \$11,200.00 which amount the  
22 Manager of Public Works has the authority to expend for the purposes stated herein;

23 (c) The Manager of Public Works has complied with all provisions of law relating to the  
24 publishing of notice to the owners of real properties to be assessed and to all persons interested  
25 generally, and the Council sitting as a Board of Equalization has heard and determined all written  
26 complaints and objections, if any, filed with the Manager of Public Works;

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

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

1           **Section 3.** As the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall currently has sufficient  
2 reserves to pay for the 2015 annual costs of the continuing care, operation, repair, maintenance  
3 and replacement of the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall, no additional amounts shall be  
4 assessed against properties in the District.

5           **Section 4.** Any unspent revenue and revenue generated through investment shall be  
6 retained and credited to the West 38<sup>th</sup> Avenue Phase I Pedestrian Mall Local Maintenance District  
7 for future long term or program maintenance of the District.

8 COMMITTEE APPROVAL DATE: September 11, 2014 [by consent]

9 MAYOR-COUNCIL DATE: September 16, 2014

10 PASSED BY THE COUNCIL: \_\_\_\_\_, 2014

11 \_\_\_\_\_ - PRESIDENT

12 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2014

13 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
14 EX-OFFICIO CLERK OF THE  
15 CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

17 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney           DATE: September 18, 2014

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
19 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
20 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
21 §3.2.6 of the Charter.

22 D. Scott Martinez, City Attorney

23 BY: \_\_\_\_\_, Assistant City Attorney           DATE: \_\_\_\_\_, 2014