

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2020

COUNCIL BILL NO. CB20-1096
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance assessing the annual costs of the continuing care, operation,**
7 **repair, maintenance and replacement of the West 44th Avenue and Eliot Street**
8 **Pedestrian Mall Local Maintenance District upon the real property, exclusive of**
9 **improvements thereon, benefited.**

10
11 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

12 **Section 1.** Upon consideration of the recommendation of the Executive Director of the
13 Department of Transportation and Infrastructure that an ordinance be enacted for the purpose of
14 assessing the annual costs of the continuing care, operation, repair, maintenance and replacement
15 of the West 44th Avenue and Eliot Street Pedestrian Mall Local Maintenance District (“West 44th
16 Avenue and Eliot Street Pedestrian Mall”), for the upcoming year, upon the real property, exclusive
17 of improvements thereon, benefited, the Council finds, as follows:

18 (a) A local maintenance district providing for the continuing care, operation, repair,
19 maintenance and replacement of the West 44th Avenue and Eliot Street Pedestrian Mall, was
20 created by Ordinance No. 39, Series of 2002 and amended by Ordinance No. 843, Series of 2003;

21 (b) The annual cost of the continuing care, operation, repair, maintenance and
22 replacement of the West 44th Avenue and Eliot Street Pedestrian Mall is \$8,200.00, which amount
23 the Executive Director of the Department of Transportation and Infrastructure has the authority to
24 expend for the purposes stated herein;

25 (c) The Executive Director of the Department of Transportation and Infrastructure has
26 complied with all provisions of law relating to the publishing of notice to the owners of real properties
27 to be assessed and to all persons interested generally, and the Council sitting as a Board of
28 Equalization has heard and determined all written complaints and objections, if any, filed with the
29 Executive Director of the Department of Transportation and Infrastructure;

30 (d) The real property within the West 44th Avenue and Eliot Street Pedestrian Mall will be
31 benefited in an amount equal to or in excess of the amount to be assessed against said property
32 because of the continuing care, operation, repair, maintenance and replacement of said West 44th
33 Avenue and Eliot Street Pedestrian Mall.

1 **Section 2.** The annual cost of the continuing care, operation, repair, maintenance and
2 replacement of the West 44th Avenue and Eliot Street Pedestrian Mall to be assessed against the
3 real properties, exclusive of improvements thereon, benefited are hereby approved.

4 **Section 3.** As the West 44th Avenue and Eliot Street Pedestrian Mall currently has sufficient
5 reserves to pay for the 2021 annual costs of the continuing care, operation, repair, maintenance and
6 replacement of the West 44th Avenue and Eliot Street Pedestrian Mall, no additional amounts shall
7 be assessed against properties in the District.

8 **Section 4.** Any unspent revenue and revenue generated through investment shall be
9 retained and credited to the West 44th Avenue and Eliot Street Pedestrian Mall Local Maintenance
10 District for future long term or program maintenance of the District.

11 COMMITTEE APPROVAL DATE: October 13, 2020 by Consent

12 MAYOR-COUNCIL DATE: October 20, 2020

13 PASSED BY THE COUNCIL: _____
14 _____ - PRESIDENT

15 APPROVED: _____ - MAYOR _____

16 ATTEST: _____ - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

20 PREPARED BY: Bradley T. Neiman, Assistant City Attorney DATE: October 22, 2020

21 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
22 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
24 3.2.6 of the Charter.

25
26 Kristin M. Bronson, Denver City Attorney

27 BY: , Assistant City Attorney DATE: Oct 21, 2020
28 _____