

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. CB12-0826
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 Broadway Viaduct 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 Broadway Viaduct 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 Broadway Viaduct Pedestrian Mall, was created by Ordinance No. 838, Series of 1998;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the Broadway Viaduct Pedestrian Mall is \$47,500.00, 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 Broadway Viaduct Pedestrian Mall currently has sufficient reserves to pay for \$9,811.00 of the 2013 annual costs of the continuing care, operation, repair, maintenance and replacement of the Broadway Viaduct Pedestrian Mall, the amount to be assessed against the properties, exclusive of improvements thereon.

(e) The portion of the annual costs for the continuing care, operation, repair, maintenance and replacement of the Broadway Viaduct Pedestrian Mall to be assessed against the properties, exclusive of improvements thereon, benefited are \$36,458.93;

(f) The portion of the annual costs of the continuing care, operation, repair, maintenance and replacement of the Broadway Viaduct Pedestrian Mall to be borne by the City and County of Denver is \$1,230.07; and

1 (g) The real property within the Broadway Viaduct Pedestrian Mall will be benefited in
 2 an amount equal to or in excess of the amount to be assessed against said property because of
 3 the continuing care, operation, repair, maintenance and replacement of said Pedestrian Mall.

4 **Section 2.** The annual cost of the continuing care, operation, repair, maintenance and
 5 replacement of the Broadway Viaduct Pedestrian Mall to be assessed against the real
 6 properties, exclusive of improvements thereon, benefited are hereby approved.

7 **Section 3.** The annual costs of the continuing care, operation, repair, maintenance and
 8 replacement of the Broadway Viaduct Pedestrian Mall in the amount of \$36,458.93 are hereby
 9 assessed against the real properties, exclusive of improvements thereon, within said local
 10 maintenance district as follows:

11 NOTE: Where a series of lots is followed by “inclusive”, the amount appearing after the series
 12 shall be the total for all lots in the series. Where a series of lots is not followed by “inclusive”, the
 13 amount appearing after such series shall be the assessment for each lot in the series.

14	CASE & EBERT’S ADDITION TO THE CITY OF DENVER	
15	BLOCK 1	
16	Lots	
17	1-4, inclusive	\$1,226.72
18	5-10, inclusive	\$3,294.77
19	16-19, inclusive	\$2,529.17
20	BLOCK 15	
21	Lot 16	\$2,937.10
22	CURTIS & CLARK’S ADDITION TO DENVER, COLORADO	
23	BLOCK 60	
24	Lots 11-15, inclusive	\$2,530.80
25	THAT PART OF EAST DENVER COMMONLY KNOWN AS:	
26	DAVIS ADDITION TO DENVER	
27	BLOCK 61	
28	Lots	
29	1-3, Northerly ½ vacated alley adjacent to Lot 3, inclusive	\$1,339.64
30	25-27, inclusive	\$1,600.56
31	28-29, Southerly ½ vacated alley adjacent to Lot 29, inclusive	\$1,351.23
32	THE MCPHEE & MCGINNITY BLOCK IN DENVER, COLORADO Unplatted	
33		\$4,057.42
34	MULLEN’S ADDITION TO THE CITY OF DENVER	
35	BLOCK 3	
36	Lots 1-4, inclusive	\$2,529.17
37	PLATTE ADDITION TO DENVER	
38	BLOCK 55	
39	Lots	
40	4-8, inclusive	\$2,543.04

1	19-23, inclusive	\$2,310.52
2	26-27, inclusive	\$1,155.26
3	28-29, inclusive	\$1,155.26
4	30-32, inclusive	\$1,329.46
5		
6	BLOCK 56	
7	Lot	
8	16	\$2,039.65
9		
10	THAT PART OF EAST DENVER COMMONLY KNOWN AS:	
11	STECK'S ADDITION TO DENVER	
12	BLOCK 33	
13	Lot	
14	31	\$2,529.17
15		

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

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

26 **Section 6.** Any unspent revenue and revenue generated through investment shall be retained
27 and credited to the Broadway Viaduct Pedestrian Mall Local Maintenance District for future long
28 term or program maintenance of the District.

29

1 COMMITTEE APPROVAL: (by Consent) November 1, 2012
2 MAYOR-COUNCIL DATE: (by Consent) November 6, 2012
3 PASSED BY THE COUNCIL _____ 2012

4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____ 2012
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2012; _____ 2012

10 PREPARED BY: Jo Ann Weinstein - ASSISTANT CITY ATTORNEY - November 8, 2012

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 Douglas J. Friednash, City Attorney

16 BY: _____, _____ City Attorney - _____ 2012