

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2015

COUNCIL BILL NO. CB15-0819
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Phase II West 38th Avenue 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 Executive Director 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 Phase II West 38th Avenue 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 Phase II West 38th Avenue Pedestrian Mall was created by Ordinance No. 818, Series of 1993;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the Phase II West 38th Avenue Pedestrian Mall is \$11,000.00 which amount the Executive Director of Public Works has the authority to expend for the purposes stated herein;

(c) The Executive Director 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 Executive Director of Public Works;

(d) The real property within the Phase II West 38th Avenue Pedestrian Mall will be benefited in an amount equal to or in excess of the amount to be assessed against such property because of the continuing care, operation, repair, maintenance and replacement of said Pedestrian Mall.

Section 2. The annual costs of the continuing care, operation, repair, maintenance and replacement of the Phase II West 38th Avenue Pedestrian Mall to be assessed against the real properties, exclusive of improvements thereon benefited are hereby approved.

1 **Section 3.** The annual costs of the continuing care, operation, repair, maintenance and
 2 replacement of the Phase II West 38th Avenue Pedestrian Mall Local Maintenance District in the
 3 amount of \$11,000.00 are hereby assessed against the real properties, exclusive of improvements
 4 thereon, within said local maintenance district as follows:

5 NOTE: Where a series of lots is followed by “inclusive”, the amount appearing after the series shall
 6 be the total for all lots in the series. Where a series of lots is not followed by “inclusive”, the amount
 7 appearing after such series shall be the assessment for each lot in the series.
 8 .

9	DOWNING’S ADDITION TO NORTH DENVER	
10	BLOCK 22	
11	Lots	
12	15	\$608.48
13	16	\$608.48
14		
15	BLOCK 24	
16	Lots	
17	16, S ½ of 17, inclusive	\$609.70
18		
19	EICHOLTZ’ RESUBDIVISION OF BLOCKS 33, 34, 35, 36	
20	H. WITTER’S N.D. ADDITION	
21	BLOCK 36	
22	Lots	
23	14-15, inclusive	\$607.27
24		
25	GEORGE’S RESUBDIVISION OF LOT 1, BLOCK 3, POTTERS HIGHLANDS	
26	BLOCK 3	
27	Lots	
28	1-5 & adj Alley, inclusive	\$1,348.15
29		
30	HAWTHORNE PLACE	
31	BLOCK 1	
32	Lots	
33	1-6, inclusive	\$607.27
34	30-47	\$121.45
35		
36		
37	KURTZ PLACE	
38	BLOCK 1	
39	Lots	
40	20-21, inclusive	\$607.27
41		
42	MARSH’S RESUBDIVISION OF BLOCK 4, POTTER HIGHLANDS	
43	BLOCK 4	
44	Lots 10-11, inclusive	\$607.27
45		

1	POTTER HIGHLANDS	
2	BLOCK 3	
3	Lot	
4	West 92.5' of Lot 2	\$449.38
5		
6	PROSPECT PLACE SUBDIVISION IN BLOCK 25,	
7	PERRINS ADDITION TO DENVER	
8	BLOCK 25	
9	Lots	
10	South 50' Lots 12-13, inclusive	\$241.61
11	South 50' Lots 14-15, inclusive	\$241.61
12		
13	RESUBDIVISION OF BLOCK 6, POTTER HIGHLANDS	
14	BLOCK 6	
15	Lots	
16	15-16, East 2.083' Lot 17, inclusive	\$374.43
17	West 22.917' Lot 17	\$111.16
18	18 -22, inclusive	\$607.27
19		
20	VIADUCT ADDITION TO DENVER	
21	BLOCK 49	
22	Lots	
23	1-2, inclusive	\$592.21
24	29-30, inclusive	\$592.21
25		

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

29 **Section 5.** Without demand, said assessments as set forth in Section 3 herein shall be
30 due and payable on the first day of January of the year next following the year in which this
31 assessing ordinance became effective, and said assessments shall become delinquent if not paid
32 by the last day of February of the year next following the year in which this assessing ordinance
33 became effective. A failure to pay said assessments as hereinabove set forth shall subject the
34 property being assessed to sale as provided by the Charter of the City and County of Denver.

35 **Section 6.** Any unspent revenue shall be retained and credited to the Phase II West 38th
36 Avenue Pedestrian Mall Local Maintenance District for future long term or program maintenance of
37 the District.

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39 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
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1 COMMITTEE APPROVAL DATE: October 29, 2015 [by consent]
2 MAYOR-COUNCIL DATE: November 3, 2015
3 PASSED BY THE COUNCIL: _____, 2015
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2015
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015
10 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: November 5, 2015
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 D. Scott Martinez, City Attorney
16 BY: _____, Assistant City Attorney DATE: _____, 2015