

BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. CB21-1261

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 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:

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 Phase II West 38th Avenue Pedestrian Mall Local Maintenance District (“Phase II West 38th
16 Avenue Pedestrian Mall”), for the upcoming year, upon the real property, exclusive of improvements
17 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 Phase II West 38th Avenue Pedestrian Mall, was created by
20 Ordinance No. 818, Series of 1993:

21 (b) The annual cost of the continuing care, operation, repair, maintenance and
22 replacement of the Phase II West 38th Avenue Pedestrian Mall is \$35,000.00, which amount the
23 Executive Director of the Department of Transportation and Infrastructure has the authority to expend
24 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 Phase II West 38th Avenue 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 Phase II
33 West 38th Avenue Pedestrian Mall.

1	POTTER HIGHLANDS	
2	BLOCK 3	
3	Lot	
4	West 92.5' of Lot 2	\$1,429.87
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	\$768.77
11	South 50' Lots 14-15, inclusive	\$768.77
12		
13	RESUBDIVISION OF BLOCK 6, POTTER HIGHLANDS	
14	BLOCK 6	
15	Lots	
16	15-16, East 2.083' Lot 17, inclusive	\$1,191.38
17	West 22.917' Lot 17	\$353.68
18	18 -22, inclusive	\$1,932.26
19		
20	VIADUCT ADDITION TO DENVER	
21	BLOCK 49	
22	Lots	
23	1-2, inclusive	\$1,884.34
24	29-30, inclusive	\$1,884.34

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 due
30 and payable on the first day of January of the year next following the year in which this assessing
31 ordinance became effective, and said assessments shall become delinquent if not paid by the last
32 day of February of the year next following the year in which this assessing ordinance became
33 effective. A failure to pay said assessments as hereinabove set forth shall become a lien on the
34 property subject to the assessment, and such lien may be sold by the City as provided by the Charter
35 and ordinances of the City and County of Denver.

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

40 [THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

1 COMMITTEE APPROVAL DATE: November 2, 2021 by Consent
2 MAYOR-COUNCIL DATE: November 9, 2021
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ;
10 PREPARED BY: Bradley T. Neiman, Assistant City Attorney DATE: November 10, 2021
11 Pursuant to section 13-9, 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
16 Kristin M. Bronson, Denver City Attorney
17
18 BY: _____, Assistant City Attorney DATE: _____