

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. CB12-0825
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:

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 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 costs of the continuing care, operation, repair, maintenance and replacement of the Phase II West 38th Avenue Pedestrian Mall are \$9,000.00 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 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 said 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.

Section 3. The annual costs of the continuing care, operation, repair, maintenance and replacement of the Phase II West 38th Avenue Pedestrian Mall in the amount of \$9,000.00 are

1 hereby assessed against the real properties, exclusive of improvements thereon, within said local
2 maintenance district as follows:

3 NOTE: Where a series of lots is followed by "inclusive", the amount appearing after the series
4 shall be the total for all lots in the series. Where a series of lots is not followed by "inclusive", the
5 amount appearing after such series shall be the assessment for each lot in the series.

6		
7	DOWNING'S ADDITION TO NORTH DENVER	
8	BLOCK 22	
9	Lots	
10	15	\$497.84
11	16	\$497.84
12		
13	BLOCK 24	
14	Lots	
15	16, S 1/2 of 17, inclusive	\$498.84
16		
17	EICHOLTZ' RESUBDIVISION OF BLOCKS 33, 34, 35, 36	
18	H. WITTER'S N.D. ADDITION	
19	BLOCK 36	
20	Lots	
21	14-15, inclusive	\$496.85
22		
23	GEORGE'S RESUBDIVISION OF LOT 1, BLOCK 3, POTTERS HIGHLANDS	
24	BLOCK 3	
25	Lots	
26	1-5 & adj Alley, inclusive	\$1,103.01
27		
28	HAWTHORNE PLACE	
29	BLOCK 1	
30	Lots	
31	1-6, inclusive	\$496.85
32	30-47	\$99.37
33		
34	KURTZ PLACE	
35	BLOCK 1	
36	Lots	
37	20-21, inclusive	\$496.85
38		
39	MARSH'S RESUBDIVISION OF BLOCK 4, POTTER HIGHLANDS	
40	BLOCK 4	
41	Lots 10-11, inclusive	\$496.85
42		
43	POTTER HIGHLANDS	
44	BLOCK 3	
45	Lot	
46	West 92.5' of Lot 2	\$367.67
47		
48	PROSPECT PLACE SUBDIVISION IN BLOCK 25,	
49	PERRINS ADDITION TO DENVER	
50	BLOCK 25	

1	Lots	
2	South 50' Lots 12-13, inclusive	\$197.68
3	South 50' Lots 14-15, inclusive	\$197.68
4		
5	RESUBDIVISION OF BLOCK 6, POTTER HIGHLANDS	
6	BLOCK 6	
7	Lots	
8	15-16, East 2.083' Lot 17, inclusive	\$306.35
9	West 22.917' Lot 17	\$90.95
10	18 -22, inclusive	\$496.85
11		
12	VIADUCT ADDITION TO DENVER	
13	BLOCK 49	
14	Lots	
15	1-2, inclusive	\$484.53
16	29-30, inclusive	\$484.53

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

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

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

29

1 COMMITTEE APPROVAL DATE: (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 DATE: 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: _____, Assistant City Attorney DATE: _____, 2012