

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2021

COUNCIL BILL NO. CB21-1159
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 West 44th Avenue and Eliot Street 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 the Department of Transportation and Infrastructure that an ordinance be enacted for the purpose of assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the West 44th Avenue and Eliot Street Pedestrian Mall Local Maintenance District (“West 44th Avenue and Eliot Street 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 West 44th Avenue and Eliot Street Pedestrian Mall, was created by Ordinance No. 39, Series of 2002 and amended by Ordinance No. 843, Series of 2003;

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

(c) The Executive Director of the Department of Transportation and Infrastructure 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 the Department of Transportation and Infrastructure; and

(d) The real property within the West 44th Avenue and Eliot Street 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 West 44th 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.** The annual costs of the continuing care, operation, repair, maintenance and
5 replacement of the West 44th Avenue and Eliot Street Pedestrian Mall in the amount of \$8,200.00
6 are hereby assessed against the real properties, exclusive of improvements thereon, within said
7 local maintenance district as follows:

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

11
12 CLOUGH ADDITION, CITY OF DENVER
13 BLOCK 1

14 Lots	
15 26-29	\$ 178.03
16 30	\$ 890.14

17
18 BLOCK 2

19 Lots	
20 20	\$ 890.14
21 21-29	\$ 178.03
22 30	\$ 105.61

23
24 KEY & OLSENS RE-SUBDIVISION OF PERRINS SUBDIVISION
25 BLOCK 5

26 Lot 6 and 24.47' strip adj. & north of Lot 6	\$ 341.82
27 Lot 7 and 24.47' strip adj. & north of Lot 7	\$ 341.82
28 24.47' strip adj. & north of Lot 1	\$ 890.14

29
30 BLOCK 6

31 North 145' of Lots 15-18, & vacated strip adj. on north, inclusive	\$ 718.39
32 East 122' of north 6.25' of Lot 11 & of Lot 12 to Lot 14 & strip adj., inclusive	\$1,707.51

33
34 **Section 4.** The assessments made pursuant hereto shall be a lien in the several amounts
35 assessed against each lot or tract of land set forth in Section 3 herein, and such lien shall have the
36 priority of the lien for local public improvement districts.

37 **Section 5.** Without demand, said assessments as set forth in Section 3 herein, shall be due
38 and payable on the first day of January of the year next following the year in which this assessing
39 ordinance became effective, and said assessments shall become delinquent if not paid by the last
40 day of February of the year next following the year in which this assessing ordinance became
41 effective. A failure to pay said assessments as hereinabove set forth shall become a lien on the

1 property subject to the assessment, and such lien may be sold by the City as provided by the Charter
2 and ordinances of the City and County of Denver.

3 **Section 6.** Any unspent revenue and revenue generated through investment shall be
4 retained and credited to the West 44th Avenue and Eliot Street Pedestrian Mall Local Maintenance
5 District for future long term or program maintenance of the District.

6 COMMITTEE APPROVAL DATE: October 12, 2021 by Consent

7 MAYOR-COUNCIL DATE: October 19, 2021

8 PASSED BY THE COUNCIL: _____ November 1, 2021

9 _____ *Steve Gilmore* - PRESIDENT

10 APPROVED: _____ - MAYOR *Mike Johnston* Nov 2, 2021

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

15 PREPARED BY: Bradley T. Neiman, Assistant City Attorney DATE: October 21, 2021

16 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
17 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
18 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
19 3.2.6 of the Charter.

20
21 Kristin M. Bronson, Denver City Attorney

22 BY: *Jonathan Griffin*, Assistant City Attorney DATE: Oct 20, 2021
23 _____