

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2021

COUNCIL BILL NO. CB21-1171
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 Delgany Street 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 Delgany Street Local Maintenance District (“Delgany Street”), 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 Delgany Street, was created by Ordinance No. 755, Series of 2002;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of Delgany Street is \$141,350.00, 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;

(d) Delgany Street currently has sufficient reserves to pay for \$45,000.00 of the 2022 annual costs of the continuing care, operation, repair, maintenance and replacement of Delgany Street;

(e) The portion of the annual costs for the continuing care, operation, repair, maintenance and replacement of Delgany Street to be assessed against the properties, exclusive of improvements thereon, benefitted is \$96,350.00; and

(f) The real property within Delgany Street 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 Delgany Street.

1 **Section 2.** The annual cost of the continuing care, operation, repair, maintenance and
 2 replacement of Delgany Street to be assessed against the real properties, exclusive of improvements
 3 thereon, benefited are hereby approved.

4 **Section 3.** The annual costs of the continuing care, operation, repair, maintenance and
 5 replacement of Delgany Street in the amount of \$96,350.00 are hereby assessed against the real
 6 properties, exclusive of improvements thereon, within said local maintenance district as follows:

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

10 EAST DENVER, THE COMMONS SUBDIVISION, FILING #1
 11 BLOCK 1
 12 Lot

13 Lot	
14 1	\$28,578.36
15	
16 BLOCK 11	
17 Lots	
18 11-12, inclusive	\$20,413.16
19 13-16, inclusive	\$47,358.48
20	

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

24 **Section 5.** Without demand, said assessments as set forth in Section 3 herein, shall be due
 25 and payable on the first day of January of the year next following the year in which this assessing
 26 ordinance became effective, and said assessments shall become delinquent if not paid by the last
 27 day of February of the year next following the year in which this assessing ordinance became
 28 effective. A failure to pay said assessments as hereinabove set forth shall become a lien on the
 29 property subject to the assessment, and such lien may be sold by the City as provided by the Charter
 30 and ordinances of the City and County of Denver.

31 **Section 6.** Any unspent revenue and revenue generated through investment shall be
 32 retained and credited to Delgany Street Local Maintenance District for future long term or program
 33 maintenance of the District.

34 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: October 12, 2021 by Consent
2 MAYOR-COUNCIL DATE: October 19, 2021
3 PASSED BY THE COUNCIL: _____ November 1, 2021
4 Steve Filmore _____ - PRESIDENT
5 APPROVED: _____ - MAYOR MS _____ Nov 2, 2021
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: October 21, 2021
11 Pursuant to section 13-8, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 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: Jonathan Griffin, Assistant City Attorney DATE: Oct 20, 2021