

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2017

COUNCIL BILL NO. CB17-1195

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 Broadway Viaduct 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 Broadway Viaduct Pedestrian Mall Local Maintenance District ("Broadway Viaduct 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 Broadway Viaduct Pedestrian Mall, was created by Ordinance No. 838, Series of 1998;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the Broadway Viaduct Pedestrian Mall is \$35,000.00, 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 portion of the annual costs for the continuing care, operation, repair, maintenance and replacement of the Broadway Viaduct Pedestrian Mall to be assessed against the properties, exclusive of improvements thereon, benefited are \$33,845.95;

(e) The portion of the annual costs of the continuing care, operation, repair, maintenance and replacement of the Broadway Viaduct Pedestrian Mall to be borne by the City and County of Denver is \$1,154.05; and

(f) The real property within the Broadway Viaduct 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.

1           **Section 2.** The annual cost of the continuing care, operation, repair, maintenance and  
2 replacement of the Broadway Viaduct Pedestrian Mall to be assessed against the real properties,  
3 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 Broadway Viaduct Pedestrian Mall in the amount of \$33,845.95 are hereby  
6 assessed against the real properties, exclusive of improvements thereon, within said local  
7 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	CASE & EBERT'S ADDITION TO THE CITY OF DENVER	
13	BLOCK 1	
14	Lots	
15	1-4, inclusive	\$1,150.91
16	5-10, inclusive	\$3,091.14
17	16-19, inclusive	\$2,372.86
18		
19	BLOCK 15	
20	Lot 16	\$2,755.58
21		
22	CURTIS & CLARK'S ADDITION TO DENVER, COLORADO	
23	BLOCK 60	
24	Lots 11-15, inclusive	\$2,374.39
25		
26	THAT PART OF EAST DENVER COMMONLY KNOWN AS:	
27	DAVIS ADDITION TO DENVER	
28	BLOCK 61	
29	Lots	
30	1-3, Northerly ½ vacated alley adjacent to Lot 3, inclusive	\$1,256.85
31	25-27, inclusive	\$1,501.64
32	28-29, Southerly ½ vacated alley adjacent to Lot 29, inclusive	\$1,267.72
33		
34	THE MCPHEE & MCGINNITY BLOCK IN	
35	DENVER, COLORADO Unplatted	\$3,806.68
36		
37	MULLEN'S ADDITION TO THE CITY OF DENVER	
38	BLOCK 3	
39	Lots 1-4, inclusive	\$2,372.86
40		

1	PLATTE ADDITION TO DENVER	
2	BLOCK 55	
3	Lots	
4	4-8, inclusive	\$2,385.87
5	19-23, inclusive	\$2,167.72
6	26-29, inclusive	\$1,807.97
7	30-32, inclusive	\$1,247.30
8		
9	BLOCK 56	
10	Lot	
11	16	\$1,913.60
12		
13	THAT PART OF EAST DENVER COMMONLY KNOWN AS:	
14	STECK'S ADDITION TO DENVER	
15	BLOCK 33	
16	Lot	
17	31	\$2,372.86
18		

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

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

29           **Section 6.** Any unspent revenue and revenue generated through investment shall be  
30 retained and credited to the Broadway Viaduct Pedestrian Mall Local Maintenance District for future  
31 long term or program maintenance of the District.

32   **[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: October 31, 2017 by Consent  
2 MAYOR-COUNCIL DATE: November 7, 2017  
3 PASSED BY THE COUNCIL: \_\_\_\_\_ November 20, 2017  
4 \_\_\_\_\_ *ALB* - PRESIDENT  
5 APPROVED: \_\_\_\_\_ *JAW* - MAYOR \_\_\_\_\_ Nov 21, 2017  
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: Jo Ann Weinstein, Assistant City Attorney DATE: November 9, 2017  
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 Kristin M. Bronson, Denver City Attorney  
16 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: \_\_\_\_\_ Nov 7, 2017