

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO. CB11-0781
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 Delgany 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 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 Delgany Street Pedestrian Mall 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 Delgany Street Pedestrian Mall, was created by Ordinance No. 63, Series of 2002 and amended by Ordinance No. 755, Series of 2002;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the Delgany Street Pedestrian Mall is \$15,195.00, 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 filed with the Manager of Public Works;

(d) The real property within the Delgany 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 Pedestrian Mall.

Section 2. The annual cost of the continuing care, operation, repair, maintenance and replacement of the Delgany Street 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 Delgany Street Pedestrian Mall in the amount of \$15,195.00 are hereby assessed against the real properties, exclusive of improvements thereon, within said local maintenance district as follows:

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

4
5 EAST DENVER, THE COMMONS SUBDIVISION, FILING #1

6 BLOCK 1

7 Lot

8 1 \$4,506.99

9
10 BLOCK 11

11 Lots

12 11-12, inclusive \$3,219.28

13 13-16, inclusive \$7,468.73

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

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

24 **Section 6.** Any unspent revenue and revenue generated through investment shall be retained
25 and credited to the Delgany Street Pedestrian Mall Local Maintenance District for future long
26 term or program maintenance of the District.

27

1 COMMITTEE APPROVAL: (by Consent) October 27, 2011
2 MAYOR-COUNCIL DATE: November 8, 2011
3 PASSED BY THE COUNCIL _____ 2011

4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____ 2011
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2011; _____ 2011

10 PREPARED BY: Jo Ann Weinstein - ASSISTANT CITY ATTORNEY - November 10, 2011

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: _____, _____ City Attorney - _____ 2011