

**BY AUTHORITY**

1  
2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0735  
COMMITTEE OF REFERENCE:  
Infrastructure & Culture

**A BILL**

8 **For an ordinance assessing the annual costs of the continuing care, operation,**  
9 **repair, maintenance and replacement of the West 44<sup>th</sup> Avenue and Eliot Street**  
10 **Pedestrian Mall Local Maintenance District upon the real property, exclusive of**  
11 **improvements thereon, benefited.**

12 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

13 **Section 1.** Upon consideration of the recommendation of the Manager of Public Works that  
14 an ordinance be enacted for the purpose of assessing the annual costs of the continuing care,  
15 operation, repair, maintenance and replacement of the West 44<sup>th</sup> Avenue and Eliot Street  
16 Pedestrian Mall, for the upcoming year, upon the real property, exclusive of improvements thereon  
17 benefited the Council finds, as follows:

18 (a) A local maintenance district providing for the continuing care, operation, repair,  
19 maintenance and replacement of the West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall, was  
20 created by Ordinance No. 39, Series of 2002 and amended by Ordinance No. 843, Series 2003;

21 (b) The annual cost of the continuing care, operation, repair, maintenance and  
22 replacement of the West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall is \$4,000 which amount the  
23 Manager of Public Works has the authority to expend for the purposes stated herein;

24 (c) The Manager of Public Works has complied with all provisions of law relating to the  
25 publishing of notice to the owners of real properties to be assessed and to all persons interested  
26 generally, and the Council sitting as a Board of Equalization has heard and determined all written  
27 complaints and objections, if any, filed with the Manager of Public Works;

28 (d) The real property within the West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall will be  
29 benefited in an amount equal to or in excess of the amount to be assessed against said property  
30 because of the continuing care, operation, repair, maintenance and replacement of said Pedestrian  
31 Mall.

32 **Section 2.** The annual cost of the continuing care, operation, repair, maintenance and  
33 replacement of the West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall to be assessed against the  
34 real properties, exclusive of improvements thereon, benefited are hereby approved.

35 **Section 3.** As the West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall currently has sufficient  
36 reserves to pay for the 2015 annual costs of the continuing care, operation, repair, maintenance

1 and replacement of the West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall, no additional amounts  
2 shall be assessed against properties in the District.

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

6 COMMITTEE APPROVAL DATE: September 11, 2014 [by consent]

7 MAYOR-COUNCIL DATE: September 16, 2014

8 PASSED BY THE COUNCIL: \_\_\_\_\_, 2014

9 \_\_\_\_\_ - PRESIDENT

10 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2014

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

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

15 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: September 18, 2014

16 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
17 the 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 D. Scott Martinez, City Attorney

21 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2014