

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2010

COUNCIL BILL NO. CB10-0832
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 East 13th Avenue 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 East 13th Avenue 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 East 13th Avenue Pedestrian Mall, was created by Ordinance No. 134, Series of 1996;

(b) The annual costs of the continuing care, operation, repair, maintenance and replacement of the East 13th Avenue Pedestrian Mall are \$28,774.00 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 East 13th Avenue 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 costs of the continuing care, operation, repair, maintenance and replacement of the East 13th Avenue 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 East 13th Avenue Pedestrian Mall in the amount of \$28,774.00 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 H.C. BROWN'S 2ND ADDITION TO DENVER, COLORADO
 6 BLOCK 65

7 Lots
 8 West 60'Lots 1-4, inclusive \$849.51
 9 East 65' Lots 1-4 & Adjacent strip of land, inclusive \$1,119.51

10
 11 BLOCK 66
 12 Lots
 13 20 & Adjacent strip of land, inclusive \$2,027.64

14
 15 J.W. SMITH'S ADDITION TO DENVER
 16 BLOCK 65

17 Lot
 18 40 \$1,769.81

19
 20 BLOCK 66
 21 Lot
 22 21 \$1,769.81

23
 24 BLOCK 79
 25 Lots
 26 1 \$1,769.81
 27 40 \$1,769.81

28
 29 BLOCK 80
 30 Lots
 31 20-21 \$1,769.81

32
 33 BLOCK 83
 34 Lots
 35 20-21 \$1,769.81

36
 37 BLOCK 84
 38 Lots
 39 1 \$1,769.81
 40 40 \$1,769.81

41 BLOCK 89
 42 Lots
 43 1 \$1,769.81
 44 40 \$1,769.81

45 BLOCK 90
 46 Lots
 47 20-21 \$1,769.81

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

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

10 **Section 6.** Any unspent revenue and revenue generated through investment shall be
11 retained and credited to the East 13th Avenue Pedestrian Mall Local Maintenance District for
12 future long term or program maintenance of the District.

13 **Section 7.** This Ordinance shall be recorded among the records of the Clerk and Recorder
14 of the City and County of Denver.

15 COMMITTEE APPROVAL DATE: (by consent) September 30, 2010

16 MAYOR-COUNCIL DATE: October 5, 2010

17 PASSED BY THE COUNCIL: _____, 2010

18 _____ - PRESIDENT

19 APPROVED: _____ - MAYOR _____, 2010

20 ATTEST: _____ - CLERK AND RECORDER,
21 EX-OFFICIO CLERK OF THE
22 CITY AND COUNTY OF DENVER

23 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2010; _____, 2010

24 PREPARED BY: Mary Toornman - ASSISTANT CITY ATTORNEY DATE: October 7, 2010

25 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
26 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
27 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
28 §3.2.6 of the Charter.

29 David R. Fine, City Attorney

30 BY: _____, Assistant City Attorney DATE: _____, 2010