

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2022

COUNCIL BILL NO. CB22-1255  
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 Phase II West 38th 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 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 Phase II West 38th Avenue Pedestrian Mall Local Maintenance District (“Phase II West 38th Avenue 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 Phase II West 38th Avenue Pedestrian Mall, was created by Ordinance No. 818, Series of 1993;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the Phase II West 38th Avenue Pedestrian Mall is \$45,000.00, 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) The real property within the Phase II West 38th 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 Phase II West 38th Avenue Pedestrian Mall.

1           **Section 2.** The annual costs of the continuing care, operation, repair, maintenance and  
2 replacement of the Phase II West 38th Avenue Pedestrian Mall to be assessed against the real  
3 properties, 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 Phase II West 38th Avenue Pedestrian Mall in the amount of \$45,000.00 are  
6 hereby 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	DOWNING'S ADDITION TO NORTH DENVER	
13	BLOCK 22	
14	Lots	
15	15	\$2,489.28
16	16	\$2,489.28
17		
18	BLOCK 24	
19	Lots	
20	16, S ½ of 17, inclusive	\$2,494.27
21		
22	EICHOLTZ' RESUBDIVISION OF BLOCKS 33, 34, 35, 36	
23	H. WITTER'S N.D. ADDITION	
24	BLOCK 36	
25	Lots	
26	14-15, inclusive	\$2,484.33
27		
28	GEORGE'S RESUBDIVISION OF LOT 1, BLOCK 3, POTTERS HIGHLANDS	
29	BLOCK 3	
30	Lots	
31	1-5 & adj Alley, inclusive	\$5,515.25
32		
33	HAWTHORNE PLACE	
34	BLOCK 1	
35	Lots	
36	1-6, inclusive	\$2,484.33
37	30-47	\$496.84
38		
39	KURTZ PLACE	
40	BLOCK 1	
41	Lots	
42	20-21, inclusive	\$2,484.33
43		
44	MARSH'S RESUBDIVISION OF BLOCK 4, POTTER HIGHLANDS	
45	BLOCK 4	
46	Lots 10-11, inclusive	\$2,484.33
47		

1	POTTER HIGHLANDS	
2	BLOCK 3	
3	Lot	
4	West 92.5' of Lot 2	\$1,838.40
5		
6	PROSPECT PLACE SUBDIVISION IN BLOCK 25,	
7	PERRINS ADDITION TO DENVER	
8	BLOCK 25	
9	Lots	
10	South 50' Lots 12-13, inclusive	\$988.42
11	South 50' Lots 14-15, inclusive	\$988.42
12		
13	RESUBDIVISION OF BLOCK 6, POTTER HIGHLANDS	
14	BLOCK 6	
15	Lots	
16	15-16, East 2.083' Lot 17, inclusive	\$1,531.77
17	West 22.917' Lot 17	\$454.73
18	18 -22, inclusive	\$2,484.33
19		
20	VIADUCT ADDITION TO DENVER	
21	BLOCK 49	
22	Lots	
23	1-2, inclusive	\$2,422.72
24	29-30, inclusive	\$2,422.72
25		

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

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

36           **Section 6.** Any unspent revenue and revenue generated through investment shall be  
37 retained and credited to the Phase II West 38th Avenue Pedestrian Mall Local Maintenance District  
38 for future long term or program maintenance of the District.

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1 COMMITTEE APPROVAL DATE: October 25, 2022 by Consent  
2 MAYOR-COUNCIL DATE: November 8, 2022  
3 PASSED BY THE COUNCIL: \_\_\_\_\_  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
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: November 10, 2022  
11 Pursuant to section 13-9, 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 Kerry Tipper, Interim Denver City Attorney  
17  
18 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_