

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2010

COUNCIL BILL NO. 10-0929
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

4 **A BILL**

5
6 **For an ordinance assessing the annual costs of the continuing care,
7 operation, repair, maintenance and replacement of the Broadway Viaduct
8 Pedestrian Mall Local Maintenance District upon the real property, exclusive
9 of improvements thereon, benefited.**

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

11 **Section 1.** Upon consideration of the recommendation of the Manager of Public Works that an
12 ordinance be enacted for the purpose of assessing the annual costs of the continuing care,
13 operation, repair, maintenance and replacement of the Broadway Viaduct Pedestrian Mall upon
14 the real property, exclusive of improvements thereon, benefited the Council finds, as follows:

15 (a) A local maintenance district providing for the continuing care, operation, repair,
16 maintenance and replacement of the Broadway Viaduct Pedestrian Mall, was created by
17 Ordinance No. 838, Series of 1998;

18 (b) The annual cost of the continuing care, operation, repair, maintenance and
19 replacement of the Broadway Viaduct Pedestrian Mall is \$47,237.00 which amount the Manager
20 of Public Works has the authority to expend for the purposes stated herein;

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

25 (d) The portion of the annual costs for the continuing care, operation, repair,
26 maintenance and replacement of the Broadway Viaduct Pedestrian Mall to be assessed against
27 the properties, exclusive of improvements thereon, benefited are \$45,695.31;

28 (e) The portion of the annual costs of the continuing care, operation, repair,
29 maintenance and replacement of the Broadway Viaduct Pedestrian Mall to be borne by the City
30 and County of Denver is \$1,541.69; and

31 (f) The real property within the Broadway Viaduct Pedestrian Mall will be benefited in
32 an amount equal to or in excess of the amount to be assessed against said property because of
33 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
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 Broadway Viaduct Pedestrian Mall in the amount of \$47,237.00 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
9 shall be the total for all lots in the series. Where a series of lots is not followed by "inclusive", the
10 amount 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 \$1,537.50
16 5-10, inclusive \$4,129.45
17 16-19, inclusive \$3,169.90

18
19 BLOCK 15
20 Lot 16 \$3,681.17

21
22 CURTIS & CLARK'S ADDITION TO DENVER, COLORADO
23 BLOCK 60
24 Lots 11-15, inclusive \$3,171.95

25
26 THAT PART OF EAST DENVER COMMONLY KNOWN AS:
27 DAVIS ADDITION TO DENVER
28 BLOCK 61
29 Lots
30 1-3, Northerly 1/2 vacated alley adjacent to Lot 3, inclusive \$1,679.02
31 25-27, inclusive \$2,006.04
32 28-29, Southerly 1/2 vacated alley adjacent to Lot 29, inclusive \$1,693.54

33
34 THE MCPHEE & MCGINNITY BLOCK IN DENVER, COLORADO Unplatted \$5,085.33

35
36 MULLEN'S ADDITION TO THE CITY OF DENVER
37 BLOCK 3
38 Lots 1-4, inclusive \$3,169.90

39
40 PLATTE ADDITION TO DENVER
41 BLOCK 55
42 Lots
43 4-8, inclusive \$3,187.28
44 19-23, inclusive \$2,895.85
45 26-27, inclusive \$1,447.93
46 28-29, inclusive \$1,447.93

1	30-32, inclusive	\$1,666.26
2		
3	BLOCK 56	
4	Lot	
5	16	\$2,556.37
6		
7	THAT PART OF EAST DENVER COMMONLY KNOWN AS:	
8	STECK'S ADDITION TO DENVER	
9	BLOCK 33	
10	Lot	
11	31	\$3,169.90

12
13 **Section 4.** The assessments made pursuant hereto shall be a lien in the several amounts
14 assessed against each lot or tract of land set forth in Section 3 herein, and such lien shall have
15 the priority of the lien for local public improvement districts.

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

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

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

28

1 COMMITTEE APPROVAL: (by Consent) October 28, 2010
2 MAYOR-COUNCIL DATE: November 9, 2010
3 PASSED BY THE COUNCIL _____ 2010

4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____ 2010
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2010; _____ 2010

10 PREPARED BY: Mary Toornman - ASSISTANT CITY ATTORNEY - November 10, 2010

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 David R. Fine, City Attorney

16 BY: _____, _____ City Attorney - _____ 2010