

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2010

COUNCIL BILL NO. 10-0927

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 Broadway Pedestrian Mall B 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 Broadway Pedestrian Mall B 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 Broadway Pedestrian Mall B, was created by Ordinance No. 840, Series of 1998;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the Broadway Pedestrian Mall B is \$72,300.00 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 portion of the annual costs for the continuing care, operation, repair, maintenance and replacement of the Broadway Pedestrian Mall B to be assessed against the properties, exclusive of improvements thereon, benefited are \$67,216.18;

(e) The portion of the annual costs of the continuing care, operation, repair, maintenance and replacement of the Broadway Pedestrian Mall B to be borne by the City and County of Denver is \$5,083.82; and

(f) The real property within the Broadway Pedestrian Mall B 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.

1 **Section 2.** The annual cost of the continuing care, operation, repair, maintenance and
2 replacement of the Broadway Pedestrian Mall B to be assessed against the real properties,
3 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 Pedestrian Mall B in the amount of \$72,300.00 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 EXPOSITION ADDITION

13 BLOCK 8

14 Lots

15 1-2 Except the East 53' \$715.95

16 3-24 \$715.95

17
18 FIRST ADDITION TO LINCOLN SUBDIVISION

19 BLOCK 1

20 Lots

21 1-5 \$789.61

22 30-31, inclusive \$1,429.97

23 32- \$714.99

24 34-46 \$715.95

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29 Those portions of the SE ¼, NW ¼ and NE ¼, SW ¼ Section 15, Township 4 South, Range 68
30 West of the 6th Principal Meridian located between the south line of the Phase II Broadway
31 Pedestrian Mall (approximately the centerline of the Center Avenue extended from the east) and
32 a point 180.0 feet north of the northerly right-of-way line of Interstate 25, the west line of South
33 Broadway and a line located 100 feet west of and parallel with said west line.

34

35

\$33,918.03

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

39 **Section 5.** Without demand, said assessments as set forth in Section 3 herein, shall be due and
40 payable on the first day of January of the year next following the year in which this assessing
41 ordinance became effective, and said assessments shall become delinquent if not paid by the
42 last day of February of the year next following the year in which this assessing ordinance

1 became effective. A failure to pay said assessments as hereinabove set forth shall subject the
2 property subject to the assessment to sale as provided by the Charter of the City and County of
3 Denver.

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

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

9 COMMITTEE APPROVAL: (by Consent) October 28, 2010

10 MAYOR-COUNCIL DATE: November 9, 2010

11 PASSED BY THE COUNCIL _____ 2010

12 _____ - PRESIDENT

13 APPROVED: _____ - MAYOR _____ 2010

14 ATTEST: _____ - CLERK AND RECORDER,
15 EX-OFFICIO CLERK OF THE
16 CITY AND COUNTY OF DENVER

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

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

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
20 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
21 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
22 §3.2.6 of the Charter.

23 David R. Fine, City Attorney

24 BY: _____, _____ City Attorney - _____ 2010