

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2017

COUNCIL BILL NO. CB17-1191

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 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 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 \$11,000.00, 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, if any, filed with the Manager of Public Works;

(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 Pedestrian Mall.

**Section 2.** The annual cost of the continuing care, operation, repair, maintenance and replacement of the Phase II West 38th 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 Phase II West 38th Avenue Pedestrian Mall in the amount of \$11,000.00 are

1 hereby assessed against the real properties, exclusive of improvements thereon, within said local  
2 maintenance district as follows:

3 NOTE: Where a series of lots is followed by "inclusive", the amount appearing after the series shall  
4 be the total for all lots in the series. Where a series of lots is not followed by "inclusive", the amount  
5 appearing after such series shall be the assessment for each lot in the series.

|    |   |            |
|----|---|------------|
| 6  |   |            |
| 7  | DOWNING'S ADDITION TO NORTH DENVER                          |            |
| 8  | BLOCK 22  |            |
| 9  | Lots  |            |
| 10 | 15  | \$608.49   |
| 11 | 16  | \$608.49   |
| 12 |   |            |
| 13 | BLOCK 24  |            |
| 14 | Lots  |            |
| 15 | 16, S ½ of 17, inclusive                                    | \$609.71   |
| 16 |   |            |
| 17 | EICHOLTZ' RESUBDIVISION OF BLOCKS 33, 34, 35, 36            |            |
| 18 | H. WITTER'S N.D. ADDITION                                   |            |
| 19 | BLOCK 36  |            |
| 20 | Lots  |            |
| 21 | 14-15, inclusive  | \$607.28   |
| 22 |   |            |
| 23 | GEORGE'S RESUBDIVISION OF LOT 1, BLOCK 3, POTTERS HIGHLANDS |            |
| 24 | BLOCK 3   |            |
| 25 | Lots  |            |
| 26 | 1-5 & adj Alley, inclusive                                  | \$1,348.17 |
| 27 |   |            |
| 28 | HAWTHORNE PLACE   |            |
| 29 | BLOCK 1   |            |
| 30 | Lots  |            |
| 31 | 1-6, inclusive  | \$607.28   |
| 32 | 30-47   | \$121.45   |
| 33 |   |            |
| 34 |   |            |
| 35 | KURTZ PLACE   |            |
| 36 | BLOCK 1   |            |
| 37 | Lots  |            |
| 38 | 20-21, inclusive  | \$607.28   |
| 39 |   |            |
| 40 | MARSH'S RESUBDIVISION OF BLOCK 4, POTTER HIGHLANDS          |            |
| 41 | BLOCK 4   |            |
| 42 | Lots 10-11, inclusive                                       | \$607.28   |
| 43 |   |            |

|    |  |          |
|----|--|----------|
| 1  | POTTER HIGHLANDS                           |          |
| 2  | BLOCK 3                                    |          |
| 3  | Lot  |          |
| 4  | West 92.5' of Lot 2                        | \$449.39 |
| 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            | \$241.61 |
| 11 | South 50' Lots 14-15, inclusive            | \$241.61 |
| 12 |  |          |
| 13 | RESUBDIVISION OF BLOCK 6, POTTER HIGHLANDS |          |
| 14 | BLOCK 6                                    |          |
| 15 | Lots                                       |          |
| 16 | 15-16, East 2.083' Lot 17, inclusive       | \$374.43 |
| 17 | West 22.917' Lot 17                        | \$111.16 |
| 18 | 18 -22, inclusive                          | \$607.28 |
| 19 |  |          |
| 20 | VIADUCT ADDITION TO DENVER                 |          |
| 21 | BLOCK 49                                   |          |
| 22 | Lots                                       |          |
| 23 | 1-2, inclusive                             | \$592.22 |
| 24 | 29-30, inclusive                           | \$592.22 |

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

30 due 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.

39                   **[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: October 31, 2017 by Consent  
2 MAYOR-COUNCIL DATE: November 7, 2017  
3 PASSED BY THE COUNCIL: \_\_\_\_\_ November 20, 2017  
4 \_\_\_\_\_ *Al B...* - PRESIDENT  
5 APPROVED: \_\_\_\_\_ *[Signature]* - MAYOR Nov 21, 2017  
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: Jo Ann Weinstein, Assistant City Attorney DATE: November 9, 2017  
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 Kristin M. Bronson, Denver City Attorney  
16 BY: *Kristin J Crawford*, Assistant City Attorney DATE: Nov 7, 2017