

BY AUTHORITY

1
2 ORDINANCE NO. _____
3 SERIES OF 2013

COUNCIL BILL NO. CB13-0632
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

7 **For an ordinance assessing the annual costs of the continuing care, operation,**
8 **repair, maintenance and replacement of the West 44th Avenue and Eliot Street**
9 **Pedestrian Mall Local Maintenance District upon the real property, exclusive of**
10 **improvements thereon, benefited.**

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

12 **Section 1.** Upon consideration of the recommendation of the Manager of Public Works that
13 an ordinance be enacted for the purpose of assessing the annual costs of the continuing care,
14 operation, repair, maintenance and replacement of the West 44th Avenue and Eliot Street
15 Pedestrian Mall, for the upcoming year, upon the real property, exclusive of improvements thereon
16 benefited the Council finds, as follows:

17 (a) A local maintenance district providing for the continuing care, operation, repair,
18 maintenance and replacement of the West 44th Avenue and Eliot Street Pedestrian Mall, was
19 created by Ordinance No. 39, Series of 2002 and amended by Ordinance No. 843, Series 2003;

20 (b) The annual cost of the continuing care, operation, repair, maintenance and
21 replacement of the West 44th Avenue and Eliot Street Pedestrian Mall is \$4,000 which amount the
22 Manager of Public Works has the authority to expend for the purposes stated herein;

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

27 (d) The real property within the West 44th Avenue and Eliot Street Pedestrian Mall will be
28 benefited in an amount equal to or in excess of the amount to be assessed against said property
29 because of the continuing care, operation, repair, maintenance and replacement of said Pedestrian
30 Mall.

31 **Section 2.** The annual cost of the continuing care, operation, repair, maintenance and
32 replacement of the West 44th Avenue and Eliot Street Pedestrian Mall to be assessed against the
33 real properties, exclusive of improvements thereon, benefited are hereby approved.

34 **Section 3.** As the West 44th Avenue and Eliot Street Pedestrian Mall currently has sufficient
35 reserves to pay for the 2014 annual costs of the continuing care, operation, repair, maintenance

1 and replacement of the West 44th Avenue and Eliot Street Pedestrian Mall, no additional amounts
2 shall be assessed against properties in the District.

3 **Section 4.** Any unspent revenue and revenue generated through investment shall be
4 retained and credited to the West 44th Avenue and Eliot Street Pedestrian Mall Local Maintenance
5 District for future long term or program maintenance of the District.

6 COMMITTEE APPROVAL DATE: (by Consent) September 19, 2013

7 MAYOR-COUNCIL DATE: (by Consent) September 24, 2013

8 PASSED BY THE COUNCIL: _____, 2013

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____, 2013

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____, 2013

15 PREPARED BY: Jo Ann Weinstein - ASSISTANT CITY ATTORNEY – October 3, 2013

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

20 Douglas J. Friednash, City Attorney

21 BY: _____, Assistant City Attorney DATE: _____, 2013