

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2010

COUNCIL BILL NO. CB10-0834  
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 West 44<sup>th</sup> Avenue and Eliot Street 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 West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall 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 West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall, was created by Ordinance No. 39, Series of 2002 and amended by Ordinance No. 843, Series 2003;

(b) The annual cost of the continuing care, operation, repair, maintenance and replacement of the West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall is \$5,410.00 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 real property within the West 44<sup>th</sup> Avenue and Eliot Street 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 West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall to be assessed against the real properties, exclusive of improvements thereon, benefited are hereby approved.

1           **Section 3.** As the West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall currently has sufficient  
2 reserves to pay for the 2011 annual costs of the continuing care, operation, repair, maintenance  
3 and replacement of the West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall, no additional amounts  
4 shall be assessed against properties in the District.

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

8           **Section 5.** This Ordinance shall be recorded among the records of the Clerk and Recorder  
9 of the City and County of Denver.

10 COMMITTEE APPROVAL DATE: (by consent) September 30, 2010

11 MAYOR-COUNCIL DATE: October 5, 2010

12 PASSED BY THE COUNCIL: \_\_\_\_\_, 2010

13 \_\_\_\_\_ - PRESIDENT

14 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2010

15 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
16 EX-OFFICIO CLERK OF THE  
17 CITY AND COUNTY OF DENVER

18 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2010; \_\_\_\_\_, 2010

19 PREPARED BY: Mary Toornman - ASSISTANT CITY ATTORNEY      DATE: October 7, 2010

20 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
21 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
22 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
23 §3.2.6 of the Charter.

24 David R. Fine, City Attorney

25 BY: \_\_\_\_\_, Assistant City Attorney      DATE: \_\_\_\_\_, 2010