

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2019

COUNCIL BILL NO. CB19-1146  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5 **A BILL**

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

10  
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 Pedestrian  
15 Mall Local Maintenance District (“West 44th Avenue and Eliot Street Pedestrian Mall”), for the  
16 upcoming year, upon the real property, exclusive of improvements thereon, benefited, the Council  
17 finds, as follows:

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

21 (b) The annual cost of the continuing care, operation, repair, maintenance and  
22 replacement of the West 44th Avenue and Eliot Street Pedestrian Mall is \$8,200.00, which amount  
23 the Manager of Public Works has the authority to expend for the purposes stated herein;

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

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

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

1           **Section 3.** The annual costs of the continuing care, operation, repair, maintenance and  
 2 replacement of the West 44th Avenue and Eliot Street Pedestrian Mall in the amount of \$8,200.00  
 3 are hereby assessed against the real properties, exclusive of improvements thereon, within said  
 4 local maintenance district as follows:

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

8		
9	CLOUGH ADDITION, CITY OF DENVER	
10	BLOCK 1	
11	Lots	
12	26-29	\$178.03
13	30	\$890.14
14		
15	BLOCK 2	
16	Lots	
17	20	\$890.14
18	21-29	\$178.03
19	30	\$105.61
20		
21	KEY & OLSENS RE-SUBDIVISION OF PERRINS SUBDIVISION	
22	BLOCK 5	
23	Lot 6 and 24.47' strip adj. & north of Lot 6	\$341.82
24	Lot 7 and 24.47' strip adj. & north of Lot 7	\$341.82
25	24.47' strip adj. & north of Lot 1	\$890.14
26		
27	BLOCK 6	
28	North 145' of Lots 15-18, & vacated strip adj. on north, inclusive	\$718.39
29	East 122' of north 6.25' of Lot 11 & of Lot 12 to Lot 14 & strip adj., inclusive	\$1,707.51
30		

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

34           **Section 5.** Without demand, said assessments as set forth in Section 3 herein, shall be due  
 35 and payable on the first day of January of the year next following the year in which this assessing  
 36 ordinance became effective, and said assessments shall become delinquent if not paid by the last  
 37 day of February of the year next following the year in which this assessing ordinance became  
 38 effective. A failure to pay said assessments as hereinabove set forth shall become a lien on the  
 39 property subject to the assessment, and such lien may be sold by the City as provided by the Charter  
 40 and ordinances of the City and County of Denver.

1           **Section 6.** Any unspent revenue and revenue generated through investment shall be  
2 retained and credited to the West 44th Avenue and Eliot Street Pedestrian Mall Local Maintenance  
3 District for future long term or program maintenance of the District.

4 COMMITTEE APPROVAL DATE: October 29, 2019 by Consent

5 MAYOR-COUNCIL DATE: November 5, 2019

6 PASSED BY THE COUNCIL: \_\_\_\_\_

7 \_\_\_\_\_ - PRESIDENT

8 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

9 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
10 EX-OFFICIO CLERK OF THE  
11 CITY AND COUNTY OF DENVER

12 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

13 PREPARED BY: Bradley T. Neiman, Assistant City Attorney                      DATE: November 7, 2019

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

18  
19 Kristin M. Bronson, Denver City Attorney

20  
21 BY: \_\_\_\_\_, Assistant City Attorney    DATE: \_\_\_\_\_