

BY AUTHORITY

ORDINANCE NO. 670
SERIES OF 2009

COUNCIL BILL NO. 651
COMMITTEE OF REFERENCE:
Public Works

A BILL

For an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the West 38th Avenue I 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 38th Avenue I 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 38th Avenue I Pedestrian Mall, was created by Ordinance No. 653, Series of 1998;

(b) The annual costs of the continuing care, operation, repair, maintenance and replacement of the West 38th Avenue I Pedestrian Mall are \$25,232.00 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 38th Avenue I 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 costs of the continuing care, operation, repair, maintenance and replacement of the West 38th Avenue I Pedestrian Mall to be assessed against the real properties, exclusive of improvements thereon, benefited are hereby approved.

Section 3. As the West 38th Avenue Phase I Pedestrian Mall currently has sufficient reserves to pay for the 2010 annual costs of the continuing care, operation, repair, maintenance and replacement of the West 38th Avenue Pedestrian Mall, no additional amounts shall be assessed against properties in the District.

1 **Section 4.** Any unspent revenue and revenue generated through investment shall be retained
2 and credited to the West 38th Avenue I Pedestrian Mall Local Maintenance District for future long
3 term or program maintenance of the District.

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

6 CONSENT AGENDA: (by consent) September 8, 2009

7 MAYOR-COUNCIL DATE: October 6, 2009

8 PASSED BY THE COUNCIL November 16 2009

9 James Robb - PRESIDENT

10 APPROVED: Joe Feller - MAYOR Nov. 17 2009

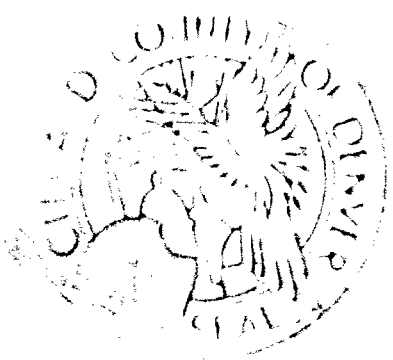
11 ATTEST: Stephanie Kelly - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 NOTICE PUBLISHED IN THE DAILY JOURNAL Nov. 13, 2009; Nov. 20, 2009

15 PREPARED BY: Jo Ann Weinstein - ASSISTANT CITY ATTORNEY - November 5, 2009

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 City Attorney
21 BY: [Signature], Asst City Attorney - S Moor 2009



CITY AND COUNTY OF DENVER
STATE OF COLORADO

Certification

I, **Stephanie Y. O'Malley**, Clerk and Recorder,
Ex-Officio Clerk of the City and County of Denver,
do hereby certify that the attached is a true and correct copy of

Ordinance No. 670, Series of 2009

I hereunto have set my hand
and affixed the Seal of the
City and County of Denver,
State of Colorado.
This 20th day of November,
A.D. 2009



Clerk and Recorder, Ex-Officio
Clerk of the City and County of Denver

Deputy



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City & County Of Denver

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