

BY AUTHORITY

ORDINANCE NO. 673  
SERIES OF 2009

COUNCIL BILL NO. 654  
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 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.

**Section 3.** As the West 44<sup>th</sup> Avenue and Eliot Street Pedestrian Mall currently has sufficient reserves to pay for the 2010 annual costs of the continuing care, operation, repair, maintenance

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

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

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

8 CONSENT AGENDA: (by consent) October 12, 2009

9 MAYOR-COUNCIL DATE: October 27, 2009

10 PASSED BY THE COUNCIL November 16 2009

11 James Robb - PRESIDENT

12 APPROVED: John Hader - MAYOR Nov. 17 2009

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

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

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

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

22 City Attorney  
23 BY: [Signature], Asst. City Attorney - 5 Nov 2009



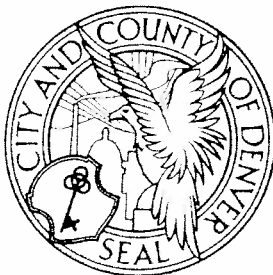
CITY AND COUNTY OF DENVER  
STATE OF COLORADO

# 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. 673, 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