

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2009

COUNCIL BILL NO. 649
COMMITTEE OF REFERENCE:
Public Works

4
5 **A BILL**

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

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

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

15 (a) A local maintenance district providing for the continuing care, operation, repair,
16 maintenance and replacement of the Welton Street Pedestrian Mall, was created by Ordinance
17 No. 788, Series of 1995;

18 (b) The annual cost of the continuing care, operation, repair, maintenance and
19 replacement of the Welton Street Pedestrian Mall is \$33,200.00 which amount the Manager of
20 Public Works has the authority to expend for the purposes stated herein;

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

25 (d) The annual cost for the continuing care, operation, repair, maintenance and
26 replacement of the Welton Street Pedestrian Mall to be assessed against the properties,
27 exclusive of improvements thereon, benefited is \$33,200.00;

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

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

34 **Section 3.** The annual costs of the continuing care, operation, repair, maintenance and
35 replacement of the Welton Street Pedestrian Mall in the amount of \$33,200.00 are hereby

1 assessed against the real properties, exclusive of improvements thereon, within said local
2 maintenance district as follows:

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

6 CASE AND EBERT'S ADDITION TO THE CITY OF DENVER

7 BLOCK 70

8 Lots

9 14-15, and Lot 16 exc N 19.3', inclusive \$1296.93

10

11 17, S 2/3 18 and N 19.3' 16, inclusive \$1388.96

12 19 and N 1/3 18, inclusive \$759.41

13 20 and 21, inclusive \$1139.11

14 22-29 \$569.56

15

16 BLOCK 78

17 Lots

18 1-12 \$542.26

19 13 \$728.28

20 14-15 \$751.45

21

22 PARK ADDITION TO DENVER

23

24 BLOCK 70

25 Lots

26 17-18, inclusive \$177.96

27

28 BLOCK 151

29 Lots

30 27-32, inclusive \$2073.13

31

32 STILES ADDITION TO THE CITY OF DENVER

33 BLOCK 151

34 Lots

35 17-19, inclusive \$1884.50

36 20 \$554.93

37 21 and S 1/2 22, inclusive \$832.39

38 23-26 and N 1/2 22, inclusive \$2497.16

39 27-32, inclusive \$1476.21

40

41 BLOCK 184

42

43 Lots

44 4-8, inclusive \$1650.62

45 9-10 \$511.15

46 11-13, inclusive \$1533.45

47 14-16, inclusive \$1618.16

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

4 **Section 5.** Without demand, said assessments as set forth in Section 3 herein, shall be due
5 and payable on the first day of January of the year next following the year in which this
6 assessing ordinance became effective, and said assessments shall become delinquent if not
7 paid by the last day of February of the year next following the year in which this assessing
8 ordinance became effective. A failure to pay said assessments as hereinabove set forth shall
9 subject the property subject to the assessment to sale as provided by the Charter of the City and
10 County of Denver.

11 **Section 6.** Any unspent revenue and revenue generated through investment shall be retained
12 and credited to the Welton Street Pedestrian Mall Local Maintenance District for future long term
13 or program maintenance of the District.

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

16 COMMITTEE APPROVAL: (by consent) September 8, 2009

17 MAYOR-COUNCIL DATE: October 6, 2009

18 PASSED BY THE COUNCIL _____ 2009

19 _____ - PRESIDENT

20 APPROVED: _____ - MAYOR _____ 2009

21 ATTEST: _____ - CLERK AND RECORDER,
22 EX-OFFICIO CLERK OF THE
23 CITY AND COUNTY OF DENVER

24 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2009; _____ 2009

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

26 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
27 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
28 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
29 §3.2.6 of the Charter.

30 City Attorney

31 BY: _____, _____ City Attorney - _____ 2009