

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2009

COUNCIL BILL NO. 651
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 West 38th Avenue I**
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 West 38th Avenue I Pedestrian Mall upon
14 the 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 West 38th Avenue I Pedestrian Mall, was created by
17 Ordinance No. 653, Series of 1998;

18 (b) The annual costs of the continuing care, operation, repair, maintenance and
19 replacement of the West 38th Avenue I Pedestrian Mall are \$25,232.00 which amount the
20 Manager of 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 real property within the West 38th Avenue I Pedestrian Mall will be benefited in
26 an amount equal to or in excess of the amount to be assessed against said property because of
27 the continuing care, operation, repair, maintenance and replacement of said Pedestrian Mall.

28 **Section 2.** The annual costs of the continuing care, operation, repair, maintenance and
29 replacement of the West 38th Avenue I Pedestrian Mall to be assessed against the real
30 properties, exclusive of improvements thereon, benefited are hereby approved.

31 **Section 3.** As the West 38th Avenue Phase I Pedestrian Mall currently has sufficient reserves to
32 pay for the 2010 annual costs of the continuing care, operation, repair, maintenance and
33 replacement of the West 38th Avenue Pedestrian Mall, no additional amounts shall be assessed
34 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 _____ 2009

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____ 2009

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

14 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2009; _____ 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: _____, _____ City Attorney - _____ 2009