

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2009

COUNCIL BILL NO. 657  
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 Phase II West 38<sup>th</sup> Avenue 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 Phase II West 38th Avenue 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 Phase II West 38th Avenue Pedestrian Mall, was created by Ordinance No. 818, Series of 1993;

(b) The annual costs of the continuing care, operation, repair, maintenance and replacement of the Phase II West 38th Avenue Pedestrian Mall are \$15,000.00 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 annual costs for the continuing care, operation, repair, maintenance and replacement of the Phase II West 38th Avenue Pedestrian Mall to be assessed against the properties, exclusive of improvements thereon, benefited are \$15,000.00; and

(e) The real property within the Phase II West 38th Avenue 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 Phase II West 38th Avenue Pedestrian Mall to be assessed against the 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 Phase II West 38th Avenue Pedestrian Mall in the amount of \$15,000.00 are  
 3 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  
 6 shall be the total for all lots in the series. Where a series of lots is not followed by "inclusive", the  
 7 amount appearing after such series shall be the assessment for each lot in the series.

|    |   |            |
|----|---|------------|
| 8  |   |            |
| 9  | DOWNING'S ADDITION TO NORTH DENVER                          |            |
| 10 | BLOCK 22  |            |
| 11 | Lots  |            |
| 12 | 15  | \$829.74   |
| 13 | 16  | \$829.74   |
| 14 |   |            |
| 15 | BLOCK 24  |            |
| 16 | Lots  |            |
| 17 | 16, S ½ of 17, inclusive                                    | \$831.40   |
| 18 |   |            |
| 19 | EICHOLTZ' RESUBDIVISION OF BLOCKS 33, 34, 35, 36            |            |
| 20 | H. WITTER'S N.D. ADDITION                                   |            |
| 21 | BLOCK 36  |            |
| 22 | Lots  |            |
| 23 | 14-15, inclusive  | \$828.09   |
| 24 |   |            |
| 25 | GEORGE'S RESUBDIVISION OF LOT 1, BLOCK 3, POTTERS HIGHLANDS |            |
| 26 | BLOCK 3   |            |
| 27 | Lots  |            |
| 28 | 1-5 & adj Alley, inclusive                                  | \$1,838.35 |
| 29 |   |            |
| 30 | HAWTHORNE PLACE   |            |
| 31 | BLOCK 1   |            |
| 32 | Lots  |            |
| 33 | 1-6, inclusive  | \$828.09   |
| 34 | 30-47   | \$165.62   |
| 35 |   |            |
| 36 | KURTZ PLACE   |            |
| 37 | BLOCK 1   |            |
| 38 | Lots  |            |
| 39 | 20-21, inclusive  | \$828.09   |
| 40 |   |            |
| 41 | MARSH'S RESUBDIVISION OF BLOCK 4, POTTER HIGHLANDS          |            |
| 42 | BLOCK 4   |            |
| 43 | Lots 10-11, inclusive                                       | \$828.09   |
| 44 |   |            |
| 45 | POTTER HIGHLANDS  |            |
| 46 | BLOCK 3   |            |
| 47 | Lot   |            |
| 48 | West 92.5' of Lot 2   | \$612.78   |

|    |  |          |
|----|--|----------|
| 1  | PROSPECT PLACE SUBDIVISION IN BLOCK 25,    |          |
| 2  | PERRINS ADDITION TO DENVER                 |          |
| 3  | BLOCK 25                                   |          |
| 4  | Lots                                       |          |
| 5  | South 50' Lots 12-13, inclusive            | \$329.46 |
| 6  | South 50' Lots 14-15, inclusive            | \$329.46 |
| 7  |  |          |
| 8  | RESUBDIVISION OF BLOCK 6, POTTER HIGHLANDS |          |
| 9  | BLOCK 6                                    |          |
| 10 | Lots                                       |          |
| 11 | 15-16, East 2.083' Lot 17, inclusive       | \$510.59 |
| 12 | West 22.917' Lot 17                        | \$151.59 |
| 13 | 18 -22, inclusive                          | \$828.09 |
| 14 |  |          |
| 15 | VIADUCT ADDITION TO DENVER                 |          |
| 16 | BLOCK 49                                   |          |
| 17 | Lots                                       |          |
| 18 | 1-2, inclusive                             | \$807.55 |
| 19 | 29-30, inclusive                           | \$807.55 |

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

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

30 **Section 6.** Any unspent revenue and revenue generated through investment shall be retained  
31 and credited to the Phase II West 38th Avenue Pedestrian Mall Local Maintenance District for  
32 future long term or program maintenance of the District.

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

1 COMMITTEE APPROVAL: (by consent) October 12, 2009  
2 MAYOR-COUNCIL DATE: October 27, 2009  
3 PASSED BY THE COUNCIL \_\_\_\_\_ 2009

4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2009  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2009; \_\_\_\_\_ 2009

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

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

15 City Attorney

16 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney - \_\_\_\_\_ 2009