

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2016

COUNCIL BILL NO. CB16-0349  
COMMITTEE OF REFERENCE:  
Infrastructure & Culture

**A BILL**

**For an ordinance dissolving the Welton Street Pedestrian Mall Local Maintenance District and directing that the remaining funds thereof, after payment of expenses, be paid to and used by the Five Points Business Improvement District within the property formerly within said local maintenance district.**

**WHEREAS**, Ordinance No. 788, Series of 1995 created the Local Maintenance District for Welton Street, now commonly known as the Welton Street Pedestrian Mall Local Maintenance District (the "LMD"); and

**WHEREAS**, the City Council of the City and County of Denver, Colorado (the "City"), has received a petition for the organization of the Five Points Business Improvement District (the "BID") within the City, which petition may be found at City Clerk File No. 2016-0184; and

**WHEREAS**, based upon the petition for organization (the "Petition") and other evidence presented to Council, the BID will overlap all of the property that is included within the LMD; and

**WHEREAS**, the proponents of the BID desire to dissolve the LMD, contingent upon (1) the BID creation, and (2) the approval of one or more ballot issues conforming to Colorado Constitution Article X, Section 20 of the State Constitution in the November 2016 election of the BID, because both districts are not needed; and

**WHEREAS**, to avoid duplication of services, the City desires to dissolve the LMD, contingent upon (1) the BID creation, and (2) the approval of one or more ballot issues conforming to Colo. Const. Art. X, Sec. 20 of the State Constitution in the November 2016 election of the BID and that the remaining funds of the LMD, following payment of expenses, be paid to and used by the BID within the property formerly within the LMD.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

Section 1 Findings. That upon consideration of a recommendation that an ordinance be enacted dissolving the LMD, Council finds:

Section 2. Dissolution of Welton Street Pedestrian Mall Local Maintenance District. All of the property contained in the LMD is encompassed within the Service Area of the BID, as defined in the BID creation ordinance and duplication of services is not required; therefore, contingent upon (1) the creation of the BID, and (2) the approval of one or more ballot issues conforming to Art. X, Sec. 20 of the State Constitution in an election held on November 8, 2016 by the BID and final determination of the results as certified by the Designated Election Official of the BID, the LMD will be dissolved and will no longer exist except as may be necessary to wind up business at the

1 discretion of the Manager of Public Works of the City and County of Denver. Any funds remaining  
2 in the accounts of the LMD, following the wind up of its business, shall be distributed to the BID for  
3 use within the boundaries of the LMD. It is the intention of the BID to take over the maintenance  
4 responsibilities of the LMD.

5  
6 Section 3. Headers. The headings on each section hereof are for convenience of reference  
7 only and shall not be deemed to expand or limit the scope of any section.

8 COMMITTEE APPROVAL DATE: May 12, 2016 by consent

9 MAYOR-COUNCIL DATE: May 17, 2016

10 PASSED BY THE COUNCIL: \_\_\_\_\_, 2016

11 \_\_\_\_\_ - PRESIDENT

12 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2016

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

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2016; \_\_\_\_\_, 2016

17 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: May 19, 2016

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 Denver City Attorney

23 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2016