

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2024

COUNCIL BILL NO. CB 24-1063  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance approving adoption of the Parks Legacy Fund Five Year Plan**  
7 **setting planned revenue uses from 2025-2029 for Denver Parks and Recreation.**

8  
9 **WHEREAS**, pursuant to the provisions of Section 20-18 of the Denver Revised Municipal  
10 Code (“DRMC”), by Ordinance No. 641, Series of 2018, and by voter approval, which was enacted  
11 December 11, 2018, there has been approved the establishment of a fund for the receipt of a portion  
12 of sales tax for the Parks, Trails, and Open Space Program, now referred to as the Parks Legacy  
13 Program; and

14 **WHEREAS**, pursuant to the provisions of Section 39-223 and Section 39-224, DRMC, that  
15 portion of sales tax paid to the fund shall be used for certain Permitted Uses under the Parks Legacy  
16 Program; and

17 **WHEREAS**, pursuant to Section 39-224(i), DRMC, every five years after the first year of  
18 adoption of the Parks Legacy Program, the Department of Parks and Recreation shall work with the  
19 Department of Parks and Recreation Advisory Board to hold at least one (1) public hearing; and  
20 submit to City Council for approval a five-year Parks Legacy Program Plan for the use and  
21 expenditure of the fund established for the Program; and

22 **WHEREAS**, the Department of Parks and Recreation has held such public hearings and  
23 submitted the Plan for approval as required; and

24 **WHEREAS**, the Parks Legacy Program Plan provides guidance regarding the acquisition of  
25 additional land for parks, trails and open spaces; improving and maintaining existing parks, trails and  
26 open spaces; restoring and protecting waterways, rivers, canals and streams; expanding the urban  
27 tree cover in parks, parkways and public rights-of-way; and implementing the Game Plan for a  
28 Healthy City; and

29 **WHEREAS**, pursuant to Section 39-224(i), DRMC, such plan for the use and expenditure of  
30 the fund for the Parks Legacy Program shall be approved by City Council.

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

32 **Section 1.** Council hereby approves the Parks Legacy Program Plan.

33 **Section 2.** Approval of the Parks Legacy Program Plan, and of any amendment thereto, shall  
34 not preempt the decision making powers vested by law or administrative directive in the Mayor, the  
35 City Council or any other official of the City and County of Denver with respect to, but not limited to:

1 the operation, maintenance and management of parks and park facilities, a designation of a park,  
2 the issuance of revocable permits, a conveyance or acquisition of real property by the City and  
3 County of Denver, or an appropriation for maintenance and operation of parks and park facilities, or  
4 construction of a capital improvement; and provided, further that it is expressly understood that  
5 judgment must be exercised in the application of the Parks Legacy Plan in the decision making  
6 processes of the Mayor, Council and other officials of the City and County of Denver.

7 COMMITTEE APPROVAL DATE: August 20, 2024

8 MAYOR-COUNCIL DATE: August 27, 2024

9 PASSED BY THE COUNCIL: \_\_\_\_\_  
10 \_\_\_\_\_ - PRESIDENT

11 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

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

15 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_

16 PREPARED BY: Jason D. Moore, Assistant City Attorney DATE: September 5, 2024

17 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
18 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
20 3.2.6 of the Charter.

21  
22 Kerry Tipper, Denver City Attorney

23  
24 BY: *Anshul Bagga*, Assistant City Attorney DATE: Sep 5, 2024