

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0614
COMMITTEE OF REFERENCE:
Business Development

5 A BILL

6 **For an ordinance dissolving the Santa Fe Drive Pedestrian Mall A Local**
7 **Maintenance District and directing that the remaining funds thereof, after**
8 **payment of expenses, be paid to and used by the Santa Fe Business**
9 **Improvement District within the property formerly within said local**
10 **maintenance district.**

11 **WHEREAS**, Ordinance No. 979, Series of 1996 created the Local Maintenance District for
12 the Santa Fe Drive Pedestrian Mall A, now commonly known as the Santa Fe Drive Pedestrian
13 Mall A Local Maintenance District (the "LMD"); and

14 **WHEREAS**, the City Council of the City and County of Denver, Colorado (the "City"), has
15 received a petition for the organization of the Santa Fe Business Improvement District within the
16 City (the "BID") which petition may be found at City Clerk File No. 2014-0631; and

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

20 **WHEREAS**, the proponents of the BID desire to dissolve the LMD, contingent upon (1) the
21 BID creation, and (2) the approval of one or more ballot issues conforming to Colorado
22 Constitution Article X, Section 20 of the State Constitution in the November 2014 election of the
23 BID, because both districts are not needed; and

24 **WHEREAS**, the City desires to dissolve the LMD, contingent upon (1) the BID creation, and
25 (2) the approval of one or more ballot issues conforming to Colo. Const. Art. X, Sec. 20 of the
26 State Constitution in the November, 2014 election of the BID and that the remaining funds of the
27 LMD, following payment of expenses, be paid to and used by the BID within the property formerly
28 within the LMD.

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

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

33 **Section 2. Dissolution of Santa Fe Drive Pedestrian Mall A Local Maintenance District.**
34 All of the property contained in Santa Fe Drive Pedestrian Mall A Local Maintenance District is
35 encompassed within the Service Area of the BID, as defined in the BID creation ordinance and
36 duplication of services is not required; therefore, contingent upon (1) the creation of the BID, and
37 (2) the approval of one or more ballot issues conforming to Art. X, Sec. 20 of the State Constitution
38 in an election held on November 4, 2014 by the BID and final determination of the results as
39 certified by the Designated Election Official of the BID, the Santa Fe Drive Pedestrian Mall A Local
40 Maintenance District will be dissolved and will no longer exist except as may be necessary to wind

1 up business at the discretion of the Manager of Public Works of the City and County of Denver.
2 Any funds remaining in the accounts of the Santa Fe Drive Pedestrian Mall A Local Maintenance
3 District, following the wind up of its business, shall be distributed to the Santa Fe Business
4 Improvement District to be used for improvements within the territory formerly within the Santa Fe
5 Drive Pedestrian Mall A Local Maintenance District. It is the intention of the BID to take over the
6 maintenance responsibilities of Santa Fe Drive Pedestrian Mall A Local Maintenance District.

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

9 COMMITTEE APPROVAL DATE: August 5, 2014

10 MAYOR-COUNCIL DATE: N/A

11 PASSED BY THE COUNCIL _____ 2014

12 _____ - PRESIDENT

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER
16

17 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: August 7, 2014

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19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
20 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
21 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
22 3.2.6 of the Charter.
23

24 D. Scott Martinez, City Attorney

25 BY: _____, Assistant City Attorney DATE: _____

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