

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2016

COUNCIL BILL NO. CB16-0256
COMMITTEE OF REFERENCE:
4 Business Development

5 **A BILL**

6 **For an ordinance dissolving the 9th Avenue Business Improvement District.**
7

8 **WHEREAS**, the City Council of the City and County of Denver, Colorado (the "City"), has
9 received a petition for the dissolution of the 9th Avenue Business Improvement District (the
10 "District"); and

11 **WHEREAS**, based upon the petition for dissolution (the "Petition") and other evidence
12 presented to Council, the Petition has been signed in conformity with the Business Improvement
13 District Act, Section 31-25-1201 *et seq.*, C.R.S. (the "Act"), the signatures on the Petition are
14 genuine, and the signatures of parties thereon represent the persons who own real or personal
15 property in the service area of the District having a valuation for assessment of not less than fifty
16 percent of the valuation for assessment of all real and personal property in the service area of the
17 District and who own at least fifty percent of the acreage in the service area of the District; and

18 **WHEREAS**, the Petition sets forth, among other things:

19 (a) As a result of the current development plan and the creation and proposed use of
20 metropolitan districts, the District is no longer needed; and

21 (b) The District has no outstanding indebtedness, obligations, or liabilities; and

22 (c) That the majority landowner and developer within the District requests that the District
23 be dissolved, and

24 **WHEREAS**, the Petition is signed by 9th Avenue (Denver) Land, LLC, the majority landowner
25 and developer of property within the service area and the District; and

26 **WHEREAS**, Council has determined that it appears that the allegations of the Petition are
27 true; and

28 **WHEREAS**, the District has not issued debt or undertaken operations since its creation and
29 has no outstanding indebtedness, obligations or liabilities; and

30 **WHEREAS**, Council has determined that it is in the best interest of all concerned that the
31 District be dissolved to avoid overlapping districts.

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

34 **Section 1. Findings.** That upon consideration of the Petition that an ordinance be enacted

1 dissolving the 9th Avenue Business Improvement District (the "District"), Council finds:

2 (a) That the dissolution of the District was initiated by a Petition filed in the Office of the
3 Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, on the 4th day of April, 2016,
4 Filing No. 2008-0532 that the Petition was sufficient, that the allegations in the Petition are true, that
5 such Petition was determined to be in due and regular form and properly executed, and that all
6 appropriate fees have been paid by Petitioner; and

7 (b) That notice of the proposed dissolution of the District has been published by the Clerk
8 and Recorder, Ex-Officio Clerk of the City and County of Denver; and

9 (c) That City Council has held a duly noticed hearing on the Petition; and

10 (d) That parties who own real or personal property in the service area of the District having
11 a valuation for assessment of not less than fifty percent of the valuation for assessment of all real
12 and personal property in the service area of the District and who own at least fifty percent of the
13 acreage in the District want the District to be dissolved; and

14 (e) That it is in the best interest of all concerned that the District be dissolved to avoid
15 duplication of services.

16 **Section 2. Dissolution.** The 9th Avenue Business Improvement District is hereby dissolved and
17 will no longer exist except as may be necessary to wind up the District's business.

18 **Section 3. Ratification of Clerk's Actions.** The actions of the City Clerk in setting and providing
19 public notice of the public hearing on the sufficiency of the Petition and in furtherance hereof are
20 hereby ratified and confirmed.

21 **Section 4. Conflicting Actions.** All acts, orders, resolutions, ordinances, or parts thereof, in
22 conflict with this Ordinance are hereby repealed, except that this section shall not be construed so
23 as to revive any act, order, resolution, or ordinance, or part thereof previously repealed.

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

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28 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
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1 COMMITTEE APPROVAL DATE: April 14, 2016 by consent.

2 MAYOR-COUNCIL DATE: April 19, 2016.

3 PASSED BY THE COUNCIL _____ 2016

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____ 2016

6 ATTEST: _____ - CLERK AND RECORDER,

7 EX OFFICIO CLERK OF THE

8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2016; _____ 2016

10 PREPARED BY: Jo Ann Weinstein, ASSISTANT CITY ATTORNEY DATE: April 28, 2016

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, as 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

16 D. Scott Martinez, City Attorney

17 BY: _____, Assistant City Attorney DATE: _____, 2016