

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2025

COUNCIL BILL NO. CB25-0917  
COMMITTEE OF REFERENCE:  
South Platte River

**A BILL**

**For an Ordinance concerning the organization and creation of the Broadway Denver General Improvement District, in the City and County of Denver, creating the District Advisory Board and appointing the initial members thereof, and approving the 2025 and 2026 Work Plan and Budget thereof, and making appropriations for the Budget Years 2025 and 2026.**

**WHEREAS**, pursuant to Part 6 of Article 25 of Title 31, C.R.S., a Petition For The Organization of the Broadway Denver General Improvement District (the "Petition") for the proposed Broadway Denver General Improvement District ("District") was filed on June 25, 2025, in the office of the Clerk and Recorder, ex officio Clerk, of the City and County of Denver (the "City") as City Clerk File No. 20250104; and

**WHEREAS**, a proposed 2025 and 2026 Work Plan and Budget for the District ("Work Plan and Budget") was filed on June 25, 2025, in the office of the Clerk and Recorder, ex officio Clerk, of the City as City Clerk File No. 20250105; and

**WHEREAS**, such Petition has been reviewed by the City; and

**WHEREAS**, such Petition has been signed by not less than thirty percent or two hundred of the electors of the proposed District, whichever is less (the "Petitioners"); and

**WHEREAS**, Section 31-25-609, C.R.S., provides that the governing body of the municipality in which the District is located shall constitute ex officio the Board of Directors of the District and shall be authorized to exercise certain powers under the laws of Colorado concerning improvement districts in municipalities, Sections 31-25-601, *et seq.*, C.R.S.; and

**WHEREAS**, the City Council of the City and County of Denver, Colorado, ("Council"), desires to create the District Advisory Board of the District and to delegate the authority to exercise certain powers granted to the Board of Directors of the District under Sections 31-25-601, *et seq.*, C.R.S., to the District Advisory Board as set forth herein; and

**WHEREAS**, the Petitioners are in compliance with the requirement for a bond or other security as specified in Section 31-25-605, C.R.S., and as further described herein; and

**WHEREAS**, Ordinance No. 819, Series of 1993 created the local maintenance district for the Phase II Broadway Pedestrian Mall ("Broadway Pedestrian Mall II LMD") in conformance with the

1 Charter for the City (“Charter”) and the Denver Revised Municipal Code (as may be amended from  
2 time to time, the “DRMC”); and

3 **WHEREAS**, Ordinance No. 839, Series of 1998 created the local maintenance district for the  
4 Broadway Pedestrian Mall Phase A (“Broadway Pedestrian Mall A LMD”) in conformance with the  
5 Charter and the DRMC; and

6 **WHEREAS**, Ordinance No. 840, Series of 1998 created the local maintenance district for the  
7 Broadway Pedestrian Mall Phase B (“Broadway Pedestrian Mall B LMD”) in conformance with the  
8 Charter and the DRMC; and

9 **WHEREAS**, collectively, the Broadway Pedestrian Mall II LMD, Broadway Pedestrian Mall A  
10 LMD, and Broadway Pedestrian Mall B LMD shall be referred to herein as the “LMDs”; and

11 **WHEREAS**, if the District is declared organized as a result of the Election (as that term is  
12 defined in Section 6, below), subject to the approval of one or more ballot issues presented to the  
13 electors of the District at the Election, the District shall assume responsibility from the LMDs for the  
14 continuing care, operation, repair, maintenance and replacement of the improvements located within  
15 their respective boundaries, subject to the provisions herein; and

16 **WHEREAS**, in the event of such electoral approvals at the Election, the LMDs shall no longer  
17 be required and shall be dissolved by Council in accordance with the terms and conditions contained  
18 herein and the applicable requirements of the Denver Revised Municipal Code; and

19 **WHEREAS**, all capitalized terms not otherwise defined in these Recitals shall have the  
20 meaning further ascribed within this Creation Ordinance.

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

23 **Section 1. Findings.** The Council, acting as City Council, hereby accepts the Petition which  
24 requests the formation of a general improvement district to be known as the “Broadway Denver  
25 General Improvement District” (the “District”). The Council hereby finds that: (a) the signatures on  
26 the Petition are genuine; (b) the Petition is signed by not less than thirty percent or two hundred of  
27 the electors, whichever is less, of the proposed District; (c) all requirements for notice, mailing,  
28 publication and a hearing set forth in Sections 31-25-606 and 31-25-607, C.R.S., respectively, have  
29 been performed; (d) Petitioners have provided a bond with security approved by Council sufficient  
30 to comply with the provisions of Section 31-25-605, C.R.S., and that the same shall be sufficient to  
31 pay all expenses connected with these proceedings, including necessary services rendered by the  
32 City in connection with its review of the Petition; (e) the proposed improvements and services do not

duplicate or interfere with any municipal improvement or service already constructed or planned to be constructed or furnished within the limits of the proposed District; (f) the creation of the District and proposed improvements and services therein will confer a general benefit on the District; (g) the costs of the proposed improvements and services will not be excessive as compared with the value of the property in the District; (h) the organization of the District will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the City and the District; and (i) the allegations of the Petition are true, and that the District should be established.

**Section 2. Additional Finding.** It appearing that the Petition has been duly signed and presented in conformity with Colorado law, specifically including Part 6, Article 25, Title 31, C.R.S., and that the allegations of the Petition are true, the Council, by this ordinance, hereby finds that it has full jurisdiction under the law to adopt this ordinance (the "Creation Ordinance").

**Section 3. District Name.** The Council hereby determines that the District shall be known by its corporate name specified in the Petition as the "Broadway Denver General Improvement District," by which, in all proceedings, it shall be known.

**Section 4. Public Purpose.** The District, having the purposes and powers provided in Part 6 of Article 25, Title 31, C.R.S., as amended and as limited by this Creation Ordinance, will serve a public use and will promote the health, safety, prosperity, security, and general welfare of the inhabitants of said District.

**Section 5. Creation.** The District is hereby declared organized, subject to approval of the electors of the District voting for or against the organization of the District by a majority of the votes cast for the organization at an election to be held on November 4, 2025, as provided in Part 6 of Article 25 of Title 31, C.R.S. (the "Election"). Upon its creation, the District will be a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the limited proprietary powers set forth in Part 6, Article 25, Title 31, C.R.S., except as set forth herein.

**Section 6. Election.** The Petitioners may proceed with the Election, to be held on November 4, 2025, consistent with Part 6 of Article 25 of Title 31, C.R.S. The Election may, in the discretion of the Petitioners, be conducted by the Petitioners or in coordination with the City. At the Election, the electors of the District shall vote for or against the creation of the District, certain revenue and spending authority including the imposition of property tax, rates, tolls, charges, special assessments, the issuance of debt, and any other matters for which approval is required under Section 20 of Article X of the Colorado Constitution. The District's designated election official for the Election shall be Courtney Linney, or another employee, of the law firm of Spencer Fane LLP, or the

1 designated election official's designee ("Designated Election Official"). The Designated Election  
2 Official is authorized to act on behalf of the Petitioners and the proposed District in all Election  
3 matters. The Petitioners shall provide a copy of the certified Election results to the City within seven  
4 (7) days of such certified Election results being reviewed by a duly-appointed board of canvassers  
5 and thereafter certified in accordance with applicable law. In the event that the electors of the District  
6 vote to disapprove the creation of the District at the Election, this Creation Ordinance shall  
7 automatically be of no further legal effect with no further action needed from Council, and nothing  
8 shall prohibit the Petitioners from re-seeking the creation of the District in conformance with the  
9 requirements of Part 6 of Article 25 of Title 31, C.R.S., as applicable.

10 **Section 7. District Boundaries.** The District is located entirely within the boundaries of the  
11 City, generally described as a parcel of land lying in Sections 10 and 15, Township 4 South, Range  
12 68 West of the 6<sup>th</sup> Principal Meridian, City and County of Denver, State of Colorado, and more  
13 particularly described as follows:

14 Beginning at a point on the northwesterly corner of a parcel of land with assessor schedule  
15 number 0510201010000 also known by address as 555 North Broadway Street;

16 Thence southerly, with the eastern line of the alley between Acoma Street and Broadway St,  
17 to its intersection with the centerline of West 2<sup>nd</sup> Avenue;

18 Thence southerly, with the western line of a parcel of land with assessor schedule number  
19 0510233010000 also known by address as 139 North Broadway Street;

20 Thence westerly, with the northern line of a parcel of land with assessor schedule number  
21 0510233033033 also known by address as 101 North Broadway Street;

22 Thence southerly, with the western line of a parcel of land with assessor schedule number  
23 0510233033033 also known by address as 101 North Broadway Street;

24 Thence easterly, with the southern line of a parcel of land with assessor schedule number  
25 0510233033033 also known by address as 101 North Broadway Street to its intersection with the  
26 eastern line of the alley between Acoma Street and North Broadway Street and with the  
27 southwesterly point of the parcel of land on the eastern side of the alley between Acoma Street and  
28 North Broadway Street with assessor schedule number 0510233033033;

29 Thence southerly, with the western line of the parcels of land adjacent to the westerly line of  
30 North Broadway Street to the southwestern point of the parcel of land with assessor schedule  
31 number 0510316031000;

1           Thence westerly, with the northern line of a parcel of land with assessor schedule number  
2   0510316030000 also known by address as 21 South Broadway Street;

3           Thence southerly, with the western line of a parcel of land with assessor schedule number  
4   0510316030000 also known by address as 21 South Broadway Street;

5           Thence easterly, with the southern line of a parcel of land with assessor schedule number  
6   0510316030000 also known by address as 21 South Broadway Street to its intersection with the  
7   eastern line of the alley between Acoma Street and North Broadway Street;

8           Thence southerly, to perpendicularly cross the centerline of West Archer Place, to follow  
9   westerly along the northern line of the parcel of land with assessor schedule number 0510320063000  
10   also known by address as 99 South Broadway Street;

11          Thence southerly, with the western line of a parcel of land with assessor schedule number  
12   0510320063000 also known by address as 99 South Broadway Street;

13          Thence easterly, with the southern line of a parcel of land with assessor schedule number  
14   0510320063000 also known by address as 99 South Broadway Street to its intersection with the  
15   eastern line of the alley between Acoma Street and North Broadway Street;

16          Thence southerly, to perpendicularly cross the centerline of West Bayaud Avenue, to follow  
17   southerly along the western line of the parcel of land with assessor schedule number  
18   0510321041000 also known by address as 101 South Broadway Street;

19          Thence southerly, with the eastern line of the alley between Acoma Street and North  
20   Broadway Street to the northwesterly point of a parcel of land with assessor schedule number  
21   0510334042000 also known by address as 295 South Broadway Street;

22          Thence westerly, perpendicularly across the alley between Acoma Street and North  
23   Broadway Street with the northern line of the parcel of land with assessor schedule number  
24   0510334017000;

25          Thence westerly, to the northwesterly point of the parcel of land with assessor schedule  
26   number 0510333023000;

27          Thence southerly, with the western line of a parcel of land with assessor schedule number  
28   0510333023000;

29          Thence easterly, with the southern line of a parcel of land with assessor schedule number  
30   0510333023000 to its intersection with the southeasterly point of the parcel of land with assessor  
31   schedule number 0510334042000 also known by address as 295 South Broadway Street;

1           Thence southerly along the western line of the right-of-way of South Broadway Street to the  
2   northeasterly point of a parcel of land with assessor schedule number 0515204047000 also known  
3   by address as 389 South Broadway Street;

4           Thence westerly, to the northwesterly point of the parcel of land with assessor schedule  
5   number 0515204047000 also known by address as 389 South Broadway Street;

6           Thence southerly, with the western line of a parcel of land with assessor schedule number  
7   0515204047000 also known by address as 389 South Broadway Street;

8           Thence easterly, with the southern line of a parcel of land with assessor schedule number  
9   0515204047000 also known by address as 389 South Broadway Street to the southeasterly point of  
10   the parcel of land with assessor schedule number 0515204047000 also known by address as 389  
11   South Broadway Street;

12           Thence southerly to the northeasterly point of a parcel of land with assessor schedule number  
13   0515205015000 also known by address as 431 South Broadway Street;

14           Thence westerly, to the northwesterly point of the parcel of land with assessor schedule  
15   number 0515205015000 also known by address as 431 South Broadway Street;

16           Thence southerly, with the westerly line of parcels of land to the southwesterly point of a  
17   parcel of land with assessor schedule number 0515205017000 also known by address as 447 S  
18   Broadway Street;

19           Thence easterly, with the southern line of a parcel of land with assessor schedule number  
20   0515205017000 also known by address as 447 S Broadway Street to it's southeastern intersection  
21   with the western line of the right-of-way of South Broadway Street;

22           Thence southerly, with the western line of the right-of-way of South Broadway Street, to the  
23   northeasterly point of the parcel of land with assessor schedule number 0515208012000 also known  
24   by address as 457 South Broadway Street;

25           Thence westerly, to the northwesterly point of the parcel of land with assessor schedule  
26   number 0515208012000 also known by address as 457 South Broadway Street;

27           Thence southerly, with the westerly line of parcels of land to the southwesterly point of a  
28   parcel of land with assessor schedule number 0515208013000 also known by address as 475 South  
29   Broadway Street;

30           Thence easterly, with the southern line of a parcel of land with assessor schedule number  
31   0515208013000 also known by address as 475 South Broadway Street to it's southeastern  
32   intersection with the western line of the right-of-way of South Broadway Street;

1           Thence southerly, with the western line of the right-of-way of South Broadway Street, to the  
2 easterly point of the parcel of land with assessor schedule number 0515200048000 also known by  
3 address as 515 South Broadway Street;

4           Thence westerly by thirty feet, to the easterly boundary of the parking lot of the parcel of land  
5 with assessor schedule number 0515200048000 also known by address as 515 South Broadway  
6 Street;

7           Thence northerly, with the easterly boundary of the parcel of land with assessor schedule  
8 number 0515200048000 also known by address as 515 South Broadway Street;

9           Thence westerly, with the northern boundary of the parcel of land with assessor schedule  
10 number 0515200048000 also known by address as 515 South Broadway Street;

11           Thence southerly, with the westerly line of parcels of land to the southwesterly point of a  
12 parcel of land with assessor schedule number 0515200048000 also known by address as 515 South  
13 Broadway Street;

14           Thence easterly, with the southern line of a parcel of land with assessor schedule number  
15 0515200048000 also known by address as 515 South Broadway Street to its intersection with the  
16 western line of the right-of-way of South Broadway Street;

17           Thence southerly, to the northeasterly corner of the parcel of land with assessor schedule  
18 number 0515500058000;

19           Thence westerly, to the northwesterly point of the parcel of land with assessor schedule  
20 number 0515500058000;

21           Thence southerly, to the southerly northwesterly point of the parcel of land with assessor  
22 schedule number 0515500031000 also known by address as 765 South Broadway Street;

23           Thence northwesterly, to the northwesterly point of the parcel of land with assessor schedule  
24 number 0515500133000 also known by address as 801 South Broadway Street;

25           Thence southeasterly, to the southeasterly point of the parcel of land with assessor schedule  
26 number 0515500134000 also known by address as 801 South Broadway Street Miscellaneous;

27           Thence northerly, to the northerly line of the right-of-way of Interstate 25;

28           Thence southeasterly, to the western line of the right-of-way of South Lincoln Avenue;

29           Thence northerly, to the southeasterly point of the parcel of land with assessor schedule  
30 number 0515609011000 also known by address as 831 South Lincoln Street;

31           Thence northerly, with the westerly line of the right-of-way of South Lincoln Street and the  
32 easterly line of the adjacent parcels of lands along the western side of South Lincoln Street, to the

northeasterly point of the parcel of land with assessor schedule number 0510102019000 also known by address as 575 North Lincoln Street;

Thence westerly, with the centerline of East 6<sup>th</sup> Avenue, back to the point of beginning.

A description and a map of the proposed District boundaries are also provided in the Petition and are incorporated by reference herein.

**Section 8. District Board of Directors and District Advisory Board.**

(a) The Council shall act as the ex officio Board of Directors of the District ("Board of Directors"). The Board of Directors of the District shall retain the management and control of the business and the affairs of the District, specifically including:

(i) Approval of the District's annual work plan and budget and amendments thereto (the "Work Plan and Budget") submitted by the District Advisory Board.

(ii) Approval of the issuance of debt and other Obligations (as that term is defined in Section 9(b), below).

(iii) Approval of property taxes, rates, tolls, charges, and/or special assessments, if any, based upon recommendations of the District Advisory Board.

(iv) Approval of inclusions or exclusions of parcels of property into or from, respectively, the District in accordance with Section 31-25-618, C.R.S.

(v) Approval of any exercise by the District of eminent domain or dominant eminent domain pursuant to Section 31-25-611(1)(i), C.R.S.

(vi) Approval of contracts exceeding \$100,000; provided that the District Advisory Board may be authorized to approve and execute District contracts in excess of \$100,000 if the Board of Directors provides its specific and express prior approval of such authorization in narrative form as described in an annual Work Plan and Budget or amendment thereto that has been approved by the Board of Directors.

(b) The Broadway Denver General Improvement District Advisory Board ("District Advisory Board") is hereby created. The Council hereby delegates certain authority of the District to the District Advisory Board as set forth herein. Any authority not expressly delegated to the District Advisory Board pursuant to this Creation Ordinance shall be expressly retained by the Council, acting as ex officio Board of Directors of the District.

(c) The District Advisory Board shall be comprised of eleven (11) members, all voting members, nine (9) of whom shall be appointed by the Mayor and confirmed by Council, and two (2) of whom shall be ex officio City representatives, as set forth below. A majority of the members then-

1 serving shall constitute a quorum for the purposes of conducting meetings of the District Advisory  
2 Board and taking votes and official actions. The initial appointed members of the District Advisory  
3 Board detailed in Section 8(d), below, shall be considered to be appointed upon the effective date  
4 of the certified Election results demonstrating a successful creation Election of the District pursuant  
5 to Section 6, above, and shall not require a separate appointment by the Mayor.

6 (d) The following initial nine (9) appointed members of the District Advisory Board are  
7 hereby appointed and confirmed, and consist of the following:

- 8 (i) Brad Deen, for an initial term lasting through December 31, 2026;
- 9 (ii) Sean Workman, for an initial term lasting through December 31, 2026;
- 10 (iii) Scott Happel, for an initial term lasting through December 31, 2026;
- 11 (iv) Brad Brickley, for an initial term lasting through December 31, 2026;
- 12 (v) Beth Fluto, for an initial term lasting through December 31, 2028;
- 13 (vi) Blake Davis, for an initial term lasting through December 31, 2028;
- 14 (vii) Anna Spenceley, for an initial term lasting through December 31, 2028;
- 15 (viii) William Feinberg, for an initial term lasting through December 31, 2028;
- 16 (ix) Luke Johnson, for an initial term lasting through December 31, 2028.

17 (e) The following shall be the ex officio members of the District Advisory Board:

- 18 (i) The Manager of Finance, or the Manager of Finance's designated representative..
- 19 (ii) The Council District member whose district overlaps a majority of the total acreage of  
20 the District, or the Council District member's designated representative.

21 (iii) Additionally, the following City representatives shall be invited to attend all  
22 regular and special meetings of the District Advisory Board at the same time as the District Advisory  
23 Board members are notified of such meetings: (1) Executive Director of the City's Department of  
24 Transportation and Infrastructure ("DOTI"), or the Executive Director's designated representative; (2)  
25 the Chief of the Denver Police Department, or the Chief's designated representative; and (3) the  
26 Executive Director of the office of Denver Economic Development & Opportunity , or the Executive  
27 Director's 's designated representative.

28 (f) For the Mayor-appointed members, following the initial terms, which initial terms shall  
29 not count toward the term limit, the length of the term is four (4) years and the consecutive term limit  
30 shall be two (2) terms; after a member has fulfilled two consecutive terms, that person may not be a  
31 member of the District Advisory Board for at least two (2) years before being reappointed. District  
32 Advisory Board members shall continue to serve until the later to occur of the expiration of their

1 terms or until a successor is appointed and confirmed by Council in accordance with Section 8(g),  
2 below.

3 (g) The District Advisory Board shall inform the Mayor of any District Advisory Board  
4 vacancy that comes to its attention. Appointment to the District Advisory Board in future years shall  
5 occur as follows:

6 (i) The District Advisory Board shall accept submissions of interest for any existing  
7 or upcoming vacancy(ies).

8 (ii) The District Advisory Board shall provide posted notice, in the same manner in  
9 which it notices its meetings, of a public hearing on submissions of interest for any existing or upcoming  
10 vacancy(ies), hold a public hearing, and thereafter provide the Mayor with one (1) or more  
11 recommended nominees to fill the vacancy(ies), taking into account the qualifications thereof, the  
12 desired diversity of the District Advisory Board, and the nominee's willingness to serve. Newspaper  
13 publication of the foregoing notice is not required.

14 (iii) The Mayor shall review the recommendation(s) and may require additional  
15 information from the District Advisory Board or the nominee(s). The Mayor, with confirmation by  
16 Council resolution, will approve all District Advisory Board appointments.

17 (iv) Subject to appointment, reasonable efforts will be made to include a mix of  
18 Mayor-appointed District Advisory Board members with the following characteristics:

19 (1) at least one (1) representative from an owner of commercial  
20 property in the District boundaries;

21 (2) at least one (1) representative from a retail business owner in the  
22 District boundaries;

23 (3) at least one (1) representative from a restaurant/bar business  
24 owner in the District boundaries

25 (4) at least one (1) representative from an owner of residential  
26 property in the District boundaries; and

27 (5) at least one (1) resident living in the District boundaries.

28 (h) Members of the District Advisory Board are not required to be electors of the District,  
29 as the term "electors" is defined in Section 31-25-602(2), C.R.S. The members of the District  
30 Advisory Board shall serve at the pleasure of the Mayor. Vacancies on the District Advisory Board  
31 shall be filled for the remainder of any unexpired term by appointment by the Mayor and confirmed  
32 by Council resolution. An individual appointed by the Mayor and confirmed by Council to fill a

vacancy on the District Advisory Board shall not have the remainder of the unexpired term count toward any term limit restrictions described above in this Section 8, but shall have the term limit restrictions apply in event of a re-appointment to the District Advisory Board at the end of the initial appointed term.

(i) The District Advisory Board, subject to approval of the Board of Directors, shall conduct and manage all affairs of the District as the authorized agent of the Board of Directors, including but not limited to its financial and legal affairs, the engineering, contracting, constructing and monitoring of the improvements, services and other affairs of the District in accordance with the laws of the State of Colorado and this Creation Ordinance. Notwithstanding the foregoing, overall control and supervision of the affairs of the District shall remain vested in the Board of Directors, specifically including: (i) approval of the annual Work Plan and Budget, and (ii) approval of property taxes, rates, tolls, charges, special assessments and mill levies. Nothing herein shall be construed to permit the District Advisory Board to act except by authority of the Board of Directors.

(j) The District Advisory Board is hereby authorized to exercise the powers and conduct the duties specified below as the authorized agent of the Board of Directors in accordance with the provisions of Sections 31-25-601, *et seq.*, C.R.S., and this Creation Ordinance:

(i) To elect officers and conduct meetings. Officers shall include a President, Treasurer, and Secretary, and such other officers as the District Advisory Board deems necessary or convenient.

(ii) To keep, maintain, and store, at an appropriate location, all records of the District.

(iii) To receive and disburse funds and to deposit or invest any legally available revenues of the District subject to Sections 11-10.5-101, *et seq.*, C.R.S. (Public Deposit Protection Act, "PDPA") and Sections 24-75-601, *et seq.*, C.R.S. (Legal Investments). There shall be at least two (2) signatures required upon any warrants or checks issued by the District.

(iv) To obtain a federal and sales tax identification number and PDPA number for the District.

(v) To obtain errors and omissions insurance for the members of the District Advisory Board, general liability insurance and such other insurance, if any, as deemed reasonable and necessary by the District Advisory Board for the District.

(vi) To prepare and recommend an annual Work Plan and Budget for the District to the Board of Directors, and any amendments thereto; provided, however, that the Board of Directors

1 shall adopt the annual Work Plan and Budget, and any amendments thereto, for the District.

2 (vii) To give public notice and hold public meetings and hearings and recommend  
3 property taxes, fees, charges or special assessments for capital, maintenance, operations, and other  
4 purposes to the Board of Directors for adoption.

5 (viii) To comply with the Colorado Local Government Audit Law, Part 6 of Article 1 of  
6 Title 29, C.R.S. ("Colorado Local Government Audit Law"). A copy of each audit and each audit  
7 exemption prepared pursuant to the Colorado Local Government Audit Law shall be filed with the  
8 City's Manager of Finance no later than the date such audit or audit exemption is required to be filed  
9 with the State Auditor pursuant to Section 29-1-606, C.R.S., or Section 29-1-604, C.R.S,  
10 respectively. Notwithstanding the foregoing, the District shall conduct an independent audit no less  
11 frequently than every three (3) years after its organization. In addition, if the District issues any  
12 indebtedness, it shall cause an audit to be performed in each year in which such indebtedness is  
13 outstanding. The District Advisory Board shall be authorized to execute any audit exemption  
14 application.

15 (ix) To prepare, deliver and recommend to the Board of Directors for its  
16 approval, at least once a year on or before September 30, a Work Plan and Budget describing the  
17 major activities to be undertaken by the District for the next succeeding fiscal year; provided,  
18 however, that the District Advisory Board may from time to time request that the Board of Directors  
19 amend or supplement such Work Plan and Budget.

20 (x) To recommend to the Board of Directors rates, tolls, charges, assessments  
21 and/or property taxes necessary for the next year's Work Plan and Budget in accordance with this  
22 Creation Ordinance and Section 31-25-613, C.R.S.

23 (xi) To recommend to the Board of Directors the creation of any special  
24 improvement districts in accordance with Section 31-25-611.5, C.R.S., if any, and, if created, act on  
25 behalf of the Board of Directors regarding such special improvement district(s) as may be described  
26 in ordinance(s) creating such special improvement district(s).

27 (xii) To enter into contracts affecting the affairs of the District up to \$100,000 and  
28 such greater amounts subject to the conditions of Section 8(a)(vi), above, including any contracts  
29 with the City.

30 (xiii) To engage appropriate professional consultants on behalf of the District,  
31 including but not limited to accounting, auditing, engineering and legal consultants.

32 (xiv) To design, acquire, review, evaluate, recommend, value engineer, construct,

1 install and maintain improvements as approved by the Board of Directors in a Work Plan and Budget,  
2 or amendments thereto.

3 (xv) To develop and recommend design guidelines or standards applicable to the  
4 territory within the District, provided that such guidelines or standards do not conflict with applicable  
5 guidelines or standards of the City.

6 (xvi) To have management, control and supervision of business and affairs of the  
7 District, as approved by the Board of Directors in a Work Plan and Budget subject to the limitations  
8 set forth herein.

9 (xvii) To apply for, in the name of the District, obtain and maintain such permits and  
10 licenses as may be needed for improvements or services of the District.

11 (xviii) To construct and install improvements along any public street or alley; except  
12 that plans and specifications of proposed improvements shall be approved by the City's Department  
13 of Transportation and Infrastructure and/or the Colorado Department of Transportation, as  
14 applicable, and all permits are obtained before construction or installation of improvements is  
15 commenced.

16 (xix) To adopt reasonable by-laws or amended by-laws not contrary to applicable law  
17 or this Creation Ordinance.

18 (xx) To receive petitions for inclusions and exclusions of property on behalf the  
19 District and to publish notice of inclusion and exclusion hearings; except that such inclusion or  
20 exclusion hearings shall be conducted by the Board of Directors. The District Advisory Board shall  
21 cause a certified copy of any inclusion ordinance or exclusion ordinance to be recorded in the real  
22 property records of the Clerk and Recorder for the City and County of Denver.

23 (xxi) The following State of Colorado statutes apply to the business and affairs of the  
24 District Advisory Board:

- 25 (1) The Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*
- 26 (2) The Colorado Sunshine Act (Open Meetings Law), C.R.S. §§ 24-6-201,  
27 *et seq.*, specifically including the requirement for public notice of  
28 meetings.
- 29 (3) The Colorado Open Records Act, C.R.S. §§ 24-72-101, *et seq.*
- 30 (4) The Fair Campaign Practices Act, specifically C.R.S. § 1-45-117.
- 31 (5) The Colorado Local Government Budget Law, C.R.S. §§ 29-1-101, *et*  
32 *seq.*

- 1 (6) The Colorado Local Government Audit Law, C.R.S. §§ 29-1-601, *et seq.*  
2 (7) The Legal Investment Law, C.R.S. §§ 24-75-601.1, *et seq.*  
3 (8) The Local Government Delinquency Charge Law, C.R.S. §§ 29-1-1101,  
4 *et seq.*  
5 (9) The Supplemental Public Securities Act, C.R.S. §§ 11-57-201, *et seq.*  
6 (10) The Code of Ethics, C.R.S. §§ 24-18-101, *et seq.* and C.R.S. § 18-8-308.  
7 (11) The statutes concerning entry into intergovernmental agreements and  
8 the creation of authorities, C.R.S. §§ 29-1-201, *et seq.*

9 (xxii) To exercise all rights and powers necessary or incidental to the powers  
10 specifically delegated to the District Advisory Board.

11 (xxiii) To accept notice on behalf of the District pursuant to the Urban Renewal Law,  
12 Sections 31-25-101, *et seq.*, C.R.S., and to negotiate, enter into, and execute on behalf of the District  
13 one or more agreements between the District, the Denver Urban Renewal Authority (“DURA”), and  
14 other necessary parties, if any, related to the utilization of tax increment financing and/or other  
15 revenues, provided any such agreements shall be subject to later ratification by the Board of  
16 Directors as a part of the Board of Directors’ consideration and approval of the District’s annual Work  
17 Plan and Budget. The District Advisory Board President, with attestation from the District Advisory  
18 Board Secretary, shall be authorized to execute such agreement(s) with DURA, and other necessary  
19 parties, if any, referenced in this Section 8(k)(xxiii) on behalf of the District. Nothing contained in this  
20 Creation Ordinance shall be construed as limiting or waiving any rights or authority that the City has  
21 pursuant to the Urban Renewal Law, Sections 31-25-101, *et seq.*, C.R.S., and other applicable law  
22 to review, consider or approve any urban redevelopment plans or enter into agreements with DURA  
23 or other parties relating thereto.

24 (xxiv) To negotiate, enter into, and execute on behalf of the District one or more  
25 agreements between the District and other governmental entities related to the continuing care,  
26 operation, maintenance, repair and replacement of any local public improvements located adjacent  
27 to the boundaries of the District that were previously contained within the boundaries of any or all of  
28 the LMDs prior to the dissolution of such LMDs, provided any such agreements shall be negotiated  
29 in consultation with DOTI and shall be subject to prior approval or later ratification by the Board of  
30 Directors as a part of the Board of Directors’ consideration and approval of the District’s annual Work  
31 Plan and Budget. The District Advisory Board President, with attestation from the District Advisory  
32 Board Secretary, shall be authorized to execute such agreement(s) referenced in this Section

1 8(k)(xxiv) on behalf of the District. Nothing contained in this Creation Ordinance shall be construed  
2 as limiting or waiving any rights or authority that the City has pursuant to applicable law to enter into  
3 agreements with other parties relating thereto.

4 (xxv) Notwithstanding anything to the contrary stated herein, the District Advisory  
5 Board shall be prohibited from entering into any type of contract, agreement or similar arrangement or  
6 hiring as an employee or paid consultant a current or past member of the District Advisory Board or  
7 any current or past District Advisory Board member's immediate family members (i.e., parents,  
8 spouses, children, or siblings) or any entity in which a current or past member of the District Advisory  
9 Board or one of his/her immediate family members is an employee of, a consultant with or has a  
10 financial interest in said entity, whereby said District Advisory Board member or his/her immediate  
11 family member (i.e., parents, spouses, children, or siblings) receives any direct or indirect financial  
12 benefit from said contract, agreement or hiring or similar arrangement, without the express prior  
13 consent of the City's Manager of Finance.

14 **Section 9. District Powers and Obligations.** Except as limited by the Election, subsequent  
15 elections, and this Creation Ordinance, the District shall have all of the limited powers set forth in  
16 Part 6 of Article 25 of Title 31, C.R.S., including but not limited to Sections 31-25-611 and 31-25-  
17 611.5, C.R.S., as follows:

18 (a) If approved by a majority of the electors of the District voting in an election as required  
19 by law, the District may assess property taxes, rates, tolls, charges and special assessments as  
20 allowed by Part 6 of Article 25 of Title 31, C.R.S., and as set forth herein, subject to the provisions  
21 of the Work Plan and Budget;

22 (b) The District shall not be authorized pursuant to this Creation Ordinance to incur  
23 indebtedness, issue debt, or enter into multi-fiscal year financial obligations or other lawful  
24 obligations evidencing or securing a borrowing by the District for any purpose (collectively  
25 "Obligations") other than as described in this Section 9(b). The District shall not be authorized  
26 pursuant to this Creation Ordinance to impose or collect any capital charges or fees to pay for any  
27 Obligations. It is anticipated that the District may in the future desire to incur, issue and/or enter into  
28 Obligations to further the purposes of the District, and therefore the Election may include ballot  
29 issues and questions to authorize such Obligations. However, the District shall not be authorized to  
30 actually incur, issue and/or enter into Obligations, or impose or collect any capital charges or fees to  
31 pay for such Obligations, unless and until the District is provided such authorization by separate  
32 ordinance duly adopted by Council.

1           **Section 10. District Improvements and District Services.**

2           (a)   District Improvements. The District shall have the power to provide improvements  
3 consistent with the provisions of Sections 31-25-601, *et seq.*, C.R.S., and any applicable, Board of  
4 Directors-approved Work Plan and Budget.

5           (b)   District Services. The District shall have the power to provide services consistent with  
6 the provisions of Sections 31-25-601, *et seq.*, C.R.S., and any applicable, Board of Directors-  
7 approved Work Plan and Budget. The District shall be authorized to undertake operations and  
8 maintenance functions with respect to the improvements and area within and without the District, as  
9 necessary and within the limits set forth in this Creation Ordinance and the statutes and any revenue  
10 and spending limits approved by the electors of the District in the Election or a subsequent election,  
11 subject to future agreements and permits with the City for use of right-of-way, as applicable. Further,  
12 the District shall be authorized to provide the following specific services:

13                   (i)   safety and security services, only pursuant to separate intergovernmental  
14 agreement(s) with the City;

15                   (ii)   enhanced cleaning services;

16                   (iii)   branding, marketing and programming in support of the commercial businesses  
17 and public events within the District; and

18                   (iv)   installation, operation and maintenance of pedestrian, street, and landscaping  
19 improvements, together with all necessary, incidental, and appurtenant facilities, equipment, land,  
20 easements and extensions of, and improvements to such facilities, and services related thereto.

21           **Section 11. District Mill Levy and Initial Rate.**

22           (a)   If approved at the Election, the District may impose annually an ad valorem property  
23 tax mill levy not to exceed eight and ninety-six hundredths of one (8.960) mills ("Maximum Mill  
24 Levy"), and use the revenues derived therefrom, and from any payment or fee-in-lieu-of taxes  
25 arrangement or agreement related thereto or any gifts, grants, donations, contributions or other  
26 lawful revenue, for any lawful purpose of the District. To clarify the foregoing, it is anticipated that  
27 real property located within the boundaries of the District that is owned by tax-exempt entity(ies)  
28 and considered tax exempt, except for property owned by the City, may pay to the District an annual  
29 payment- or fee-in-lieu-of-taxes in an amount agreed upon with the District, subject to the terms of  
30 one or more separate agreements or other arrangements, if any.

31           (b)   The foregoing Maximum Mill Levy is not subject to adjustment for any local, State of  
32 Colorado, or other change to assessed valuation.

(c) In order to generate revenue in 2026, the District may impose a rate upon all taxable real and personal property in the District's boundaries in 2025, for collection in 2026 (the "2026 Rate"). The foregoing 2026 Rate may be imposed by the District against all taxable real and personal property located in the District boundaries on the basis of up to eight and ninety-six hundredths of one (8.960) mills applied against the 2025 assessed values as provided by the City Assessor such that the amount owed by each property will be the same as the amount that would be owed by the property if the District did in fact impose a 2025 ad valorem property tax mill levy on the same basis. This 2026 Rate will not be imposed on tax-exempt property unless agreed upon by any tax-exempt property owners. The foregoing 2026 Rate may be billed at the same time and in the same form and manner as ad valorem taxes. Further, the 2026 Rate may be collected by the District, or in the discretion of the District Advisory Board, may be collected and enforced by the City Treasurer consistent with Denver Revised Municipal Code Section 20-303; if the 2026 Rate is collected by the City Treasurer on behalf of the District, the full amount of the 2026 Rate will be due and payable no later than February 28, 2026. It is expected that, subject to Election results, the District will commence imposing its ad valorem mill levy in 2026 for collection in 2027. Therefore, while authorized hereunder, the foregoing 2026 Rate is not expected to be imposed for collection beyond 2026. Under no circumstances shall the District be authorized to impose any revenue-generating rate similar to the 2026 Rate in any future years (starting in 2026 for collection in 2027) at the same time that the District imposes an ad valorem mill levy. The 2026 Rate is authorized by this Ordinance and, subject to the results of the Election, the District Advisory Board is authorized to take all necessary actions to implement the 2026 Rate as set forth herein.

(d) Except for the 2026 Rate described in the foregoing subsection, any and all District fees, rates, tolls, charges, penalties or special assessments must be approved by the Board of Directors in an annual Work Plan and Budget.

(e) Unless the Board of Directors expressly approves it in an annual Work Plan and Budget, the District shall be prohibited from imposing or enforcing any fees, rates, tolls, charges, penalties or special assessments against the City.

(f) The limitation on tax revenues in this Creation Ordinance shall not be a limitation on other revenues that may be collected and spent by the District, including tolls, charges, rates, gifts, grants, charges, interest, special assessments, and enterprise revenue, provided such authority is approved by the electors of the District, as applicable, exercised in conformance with applicable State law and this Creation Ordinance, and set forth in an approved Work Plan and Budget. The

District may have additional authority to issue debt or other multiple fiscal year Obligations in the future in amounts as approved by the voters of the District, the District Board of Directors, and Council.

**Section 12. Approval of 2025 and 2026 Annual Work Plan and Budget; Preparation of Annual Work Plan and Budget.**

(a) The District's Work Plan and Budget for the years 2025 and 2026 is hereby approved by this Ordinance.

(b) Beginning in 2026 and every year thereafter, on or before September 30 of each year and after a hearing, in such detail as may be reasonably requested by the Board of Directors, the District Advisory Board shall prepare and submit a written proposal for the District Work Plan and Budget for the ensuing year. The District Advisory Board shall provide notice of the public hearing on the proposed Work Plan and Budget in accordance with the Local Government Budget Law of Colorado. After the public hearing and upon approval by the District Advisory Board, the Work Plan and Budget shall be submitted to the Board of Directors for its consideration. The Board of Directors shall approve or disapprove the Work Plan and Budget by December 5 of the year in which such documents are submitted. The District Advisory Board may from time-to-time request that the Board of Directors amend or supplement such Work Plan and Budget. In addition to other information required by statute, each Work Plan and Budget shall include a summary of the current status and progress of the relevant land use approvals and development within the District's boundaries. Following approval, the District's services, improvements, and financial arrangements shall conform so far as practicable to the approved Work Plan and Budget.

**Section 13. Standard of Construction.**

(a) Construction. All public improvements constructed by the District shall be designed and constructed in accordance with applicable standards of the City, except as modified by agreement with the City, and in compliance with the applicable provisions of the Denver Revised Municipal Code. No public improvements shall be funded by the District until the City, acting through the Executive Director of the Department of Transportation and Infrastructure, or the Executive Director's designated representative, has approved the plans and specifications as being in conformance with the standards of the City and all required permits and approvals are obtained.

(b) Certain Ordinances.

(i) All construction and maintenance performed by the District shall comply with the prevailing wage requirements of DRMC 20-76 or a successor ordinance in substantially the same

1 manner as the City.

2 (ii) The District shall comply with DRMC 20-85 to 20-89 or a successor ordinance  
3 concerning public art in substantially the same manner as the City.

4 (iii) The District shall comply with Articles III and VII of Chapter 28, DRMC, or a  
5 successor ordinance concerning small business, minority, and women business enterprise in  
6 substantially the same manner as the City.

7 (iv) The District shall comply with all applicable state laws concerning public bidding  
8 and construction contracting.

9 (c) Conveyance of Improvements. All public improvements constructed by the District  
10 shall be conveyed, at the City's request, to the City upon acceptance of such improvements by the  
11 Department of Transportation and Infrastructure.

12 **Section 14. Inclusions, Exclusions.** Inclusions or exclusions of property into and from the  
13 District may be made pursuant to the procedures in Section 31-25-618, C.R.S. If, within two years  
14 of the effective date of this Creation Ordinance, a petition is lawfully received pursuant to Section  
15 31-25-618, C.R.S., to exclude property from the District boundaries, the Board of Directors shall, in  
16 addition to other matters that it may consider in accordance with Section 31-25-618, C.R.S., consider  
17 as favorable reasons for exclusion the following specific circumstances: (1) the property has been  
18 included within the legal boundaries of a metropolitan district organized pursuant to Part 1 of Article  
19 32, C.R.S., that will provide the same or substantially similar services as are provided by the District;  
20 (2) exclusion of the property from the District will avoid the duplication of services and overlapping  
21 property taxes as between such metropolitan district and the District; and (3) such metropolitan  
22 district has sufficiently demonstrated to the Board of Directors at the public hearing conducted  
23 pursuant to Section 31-25-618, C.R.S., that it will provide such services in perpetuity, negating the  
24 need for the District to provide such services. The District will not have any continuing obligation to  
25 provide services to any property excluded from the District's boundaries in accordance with Section  
26 31-25-618, C.R.S.; provided however that as a part of the Board of Director's consideration of any  
27 exclusion petition submitted to it in accordance with Section 31-25-618, C.R.S., accommodations  
28 shall be made for either: (1) the removal of; or (2) the continuing care, operation, repair, maintenance  
29 and replacement by an entity other than the District of any public improvements located upon or  
30 directly adjacent to any to-be-excluded property that are or were the obligation of any existing or  
31 since-dissolved LMD and are not otherwise located within the District's boundaries. Any petition for  
32 exclusion received more than two years after the effective date of this ordinance shall be considered

1 pursuant to Section 31-25-618, C.R.S., without any specifically-prescribed considerations by the  
2 Board of Directors as otherwise described in this Section 14. Consistent with Section 31-25-619,  
3 C.R.S., all property included within or excluded from the District shall thereafter be subject to the  
4 levy of taxes for the payment of its proportionate share of any indebtedness of the District, if any,  
5 outstanding at the time of inclusion or exclusion.

6 **Section 15. Recorded Notice of Organization.** The District shall provide notice of its  
7 existence to all persons acquiring property within the District by recording a notice of organization in  
8 the real property records of the Clerk and Recorder of the City and County of Denver.

9 **Section 16. Conclusive.** Subject to the Election, this Creation Ordinance finally and  
10 conclusively establishes the regular organization of the District against all persons unless an action  
11 attacking the validity of the organization is commenced in a court of competent jurisdiction within  
12 thirty (30) days after the certification of the Election results creating the District. Thereafter, any such  
13 action shall be perpetually barred.

14 **Section 17. Confirmation of Actions and Powers.** The District may seek confirmations of  
15 Board actions and powers as authorized in Section 31-25-631, C.R.S.

16 **Section 18. Intergovernmental Agreements.** The District may enter into one or more  
17 intergovernmental agreements as approved by the District Advisory Board or the Board of Directors.

18 **Section 19. Dissolution.** The District may be dissolved as provided in Section 31-25-625,  
19 C.R.S.

20 **Section 20. City Fees and Charges.** The District shall pay the City such fees and charges  
21 as may be required by statute, ordinance, charter, and City rules and regulations including but not  
22 limited to: (a) a 1% fee for billing and collections by the Treasurer on behalf of the District, if any; and  
23 (b) an annual fee for costs that the City incurs for the annual review and monitoring of the District  
24 which shall be reasonably related to the City's administrative cost associated with the District, not to  
25 exceed the fees set forth in City Policy and the Manager of Finance Rules and Regulations as they  
26 currently exist or may be adopted or amended from time to time.

27

28 **Section 21. Dissolution of Local Maintenance Districts**

29 (a) **Broadway Pedestrian Mall II LMD.** Substantially all of the property contained within the  
30 Broadway Pedestrian Mall II LMD is encompassed within the District created herein; therefore,  
31 contingent upon the electoral creation of the District and the approval of one or more ballot issues  
32 conforming to Article X, Section 20 of the Colorado Constitution to be considered at the Election and

1 the final determination of the results as certified by the Designated Election Official in accordance  
2 with applicable law, it is the intent of the proponents of the District to seek Council approval of an  
3 ordinance dissolving the Broadway Pedestrian Mall II LMD shortly after the effective date of creation  
4 of the District. The District Advisory Board shall coordinate and cooperate with the City in any such  
5 dissolution efforts, as may be requested by the City. Upon such dissolution, the Broadway Pedestrian  
6 Mall II LMD shall no longer exist except as may be necessary to wind up its business in accordance  
7 with the Charter and the DRMC at the discretion of the Executive Director of the City's Department  
8 of Transportation and Infrastructure. Upon such dissolution, any surplus funds remaining in the  
9 accounts of the Broadway Pedestrian Mall II LMD shall be distributed over to the District (or a third  
10 party consistent with Section 22(d), below) for use only within the boundaries of the Broadway  
11 Pedestrian Mall II LMD; the District shall segregate and account for such funds upon receipt. Upon  
12 the effective date of such dissolution, the District shall assume responsibility from the Broadway  
13 Pedestrian Mall II LMD for the continuing care, operation, repair, maintenance and replacement of  
14 the improvements located within its respective boundaries that were the obligation of the Broadway  
15 Pedestrian Mall II LMD, and the District may enter into one or more intergovernmental agreements  
16 with other governmental entities to share in such responsibility.

17 (b) Broadway Pedestrian Mall A LMD. All of the property contained within the Broadway  
18 Pedestrian Mall A LMD is encompassed within the District created herein; therefore, contingent upon  
19 the electoral creation of the District and the approval of one or more ballot issues conforming to  
20 Article X, Section 20 of the Colorado Constitution to be considered at the Election and the final  
21 determination of the results as certified by the Designated Election Official in accordance with  
22 applicable law, it is the intent of the proponents of the District to seek Council approval of an  
23 ordinance dissolving the Broadway Pedestrian Mall A LMD shortly after the effective date of creation  
24 of the District. The District Advisory Board shall coordinate and cooperate with the City in any such  
25 dissolution efforts, as may be requested by the City. Upon such dissolution, the Broadway Pedestrian  
26 Mall A LMD shall no longer exist except as may be necessary to wind up its business in accordance  
27 with the Charter and the DRMC at the discretion of the Executive Director of the City's Department  
28 of Transportation and Infrastructure. Upon such dissolution, any surplus funds remaining in the  
29 accounts of the Broadway Pedestrian Mall A LMD shall be distributed over to the District for use only  
30 within the boundaries of the Broadway Pedestrian Mall A LMD; the District shall segregate and  
31 account for such funds upon receipt. Upon the effective date of such dissolution, the District shall  
32 assume responsibility from the Broadway Pedestrian Mall A LMD for the continuing care, operation,

1 repair, maintenance and replacement of the improvements located within its respective boundaries  
2 that were the obligation of the Broadway Pedestrian Mall A LMD, and the District may enter into one  
3 or more intergovernmental agreements with other governmental entities to share in such  
4 responsibility.

5 (c) Broadway Pedestrian Mall B LMD. Substantially all of the property contained within the  
6 Broadway Pedestrian Mall B LMD is encompassed within the District created herein; therefore,  
7 contingent upon the electoral creation of the District and the approval of one or more ballot issues  
8 conforming to Article X, Section 20 of the Colorado Constitution to be considered at the Election and  
9 the final determination of the results as certified by the Designated Election Official in accordance  
10 with applicable law, it is the intent of the proponents of the District to seek Council approval of an  
11 ordinance dissolving the Broadway Pedestrian Mall B LMD shortly after the effective date of creation  
12 of the District. The District Advisory Board shall coordinate and cooperate with the City in any such  
13 dissolution efforts, as may be requested by the City. Upon such dissolution, the Broadway Pedestrian  
14 Mall B LMD shall no longer exist except as may be necessary to wind up its business in accordance  
15 with the Charter and the DRMC at the discretion of the Executive Director of the City's Department  
16 of Transportation and Infrastructure. Upon such dissolution, any surplus funds remaining in the  
17 accounts of the Broadway Pedestrian Mall B LMD shall be distributed over to the District (or a third  
18 party consistent with Section 22(d), below) for use only within the boundaries of the Broadway  
19 Pedestrian Mall B LMD; the District shall segregate and account for such funds upon receipt. Upon  
20 the effective date of such dissolution, the District shall assume responsibility from the Broadway  
21 Pedestrian Mall B LMD for the continuing care, operation, repair, maintenance and replacement of  
22 the improvements located within its respective boundaries that were the obligation of the Broadway  
23 Pedestrian Mall B LMD, and the District may enter into one or more intergovernmental agreements  
24 with other governmental entities to share in such responsibility.

25 (d) Portions of LMDs Not within the District Boundaries. Notwithstanding the foregoing, for  
26 property within the LMDs that is not within the boundaries of the District and the improvements within  
27 which property will be maintained by a third party other than the District after dissolution of the LMD,  
28 any surplus funds remaining in such LMD accounts may be proportionately distributed over to the  
29 District and such third party(ies) based upon the percentage of improvements to be maintained by  
30 each party, provided such party(ies) have agreed in writing to assume the full responsibility for  
31 maintaining such improvements and negating the requirement for the District to provide such  
32 services.

1       **Section 22. Statutory or Ordinance Citations.** All references to specific statutory or  
2 ordinance citations hereunder shall include if such citations are amended or supplemented in the  
3 future from time to time and shall include any successor statutes or ordinances.

4       **Section 23. Severability.** If any section, paragraph, clause or provision of this ordinance  
5 shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such  
6 section, paragraph, clause or provision shall in no manner affect any remaining provisions of this  
7 ordinance.

8 COMMITTEE APPROVAL DATE: June 25, 2025

9 MAYOR-COUNCIL DATE: July 1, 2025 By Consent

10 PASSED BY THE COUNCIL \_\_\_\_\_

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

12 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

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

16 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_; \_\_\_\_\_

17 PREPARED BY: Thomas N. George, Spencer Fane LLP

18 REVIEWED BY: Bradley T. Neiman, Assistant City Attorney       DATE: July 24, 2025

19 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
20 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 Katie J. McLoughlin, Interim City Attorney

25 BY: \_\_\_\_\_, Assistant City Attorney       DATE: \_\_\_\_\_