

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2024

COUNCIL BILL NO. CB24-1733
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance approving the termination and dissolution of the Broadway**
7 **Viaduct Pedestrian Mall Local Maintenance District and directing that the**
8 **remaining funds thereof, after payment of outstanding expenses, be transferred**
9 **to and used by the Ballpark Denver General Improvement District within the**
10 **property formerly located within said local maintenance district.**

11 **WHEREAS**, Ordinance No. 838, Series of 1998, created the local maintenance district
12 commonly known as the Broadway Viaduct Pedestrian Mall Local Maintenance District (the
13 “Broadway Viaduct LMD”); and

14 **WHEREAS**, the City Council (“Council”) of the City and County of Denver, Colorado (“City”)
15 approved Ordinance No. 766, Series of 2024 (“Creation Ordinance”), which created the Ballpark
16 Denver General Improvement District (“District”) subject to the approval of the electors of the District
17 voting for the organization of the District by a majority of the votes cast for the organization at an
18 election held on November 5, 2024, as provided in Part 6 of Article 25 of Title 31, C.R.S. (“Election”);
19 and

20 **WHEREAS**, one or more ballot issues conforming to Article X, Section 20 of the Colorado
21 Constitution (“TABOR Questions”) were also considered by the electors of the District at the Election;
22 and

23 **WHEREAS**, the results of the Election have been duly canvassed and the District has been
24 declared organized with one or more TABOR Questions also being approved; and

25 **WHEREAS**, upon its creation, the District is a public or quasi-municipal subdivision of the
26 State of Colorado and a body corporate with the limited proprietary powers set forth in Part 6, Article
27 25, Title 31, C.R.S., subject to the Creation Ordinance; and

28 **WHEREAS**, all of the property contained within the Broadway Viaduct LMD is encompassed
29 within the District and, to avoid the duplication of services, the District has the capability to assume
30 responsibility from the Broadway Viaduct LMD for the continuing care, operation, repair,
31 maintenance and replacement of the public improvements for which the Broadway Viaduct LMD is
32 responsible located within its respective boundaries; and

33 **WHEREAS**, in accordance with Section 21 of the Creation Ordinance, the Executive Director
34 of the City’s Department of Transportation and Infrastructure (“DOTI”) desires to terminate and

1 dissolve the Broadway Viaduct LMD and transfer any surplus funds of the Broadway Viaduct LMD,
2 following payment of outstanding expenses that may be necessary to wind up its business, to the
3 District, all in conformance with this Ordinance.

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

6 **Section 1.** That Council hereby finds that the results of the Election have been duly
7 canvassed and the District has been declared organized with one or more TABOR questions also
8 being approved, all in accordance with the Creation Ordinance.

9 **Section 2.** That, in accordance with Section 21 of the Creation Ordinance, the Broadway
10 Viaduct LMD is hereby terminated and dissolved. Upon such termination and dissolution, the
11 Broadway Viaduct LMD shall no longer exist except as may be necessary to wind up its business in
12 accordance with the City Charter and the Denver Revised Municipal Code at the direction of the
13 Executive Director of DOTI. Further, upon such termination and dissolution, any surplus funds
14 remaining in the accounts of the Broadway Viaduct LMD following payment of outstanding expenses
15 that may be necessary to wind up its business shall be transferred to and used by the District only
16 within the boundaries of the Broadway Viaduct LMD. The District shall segregate and account for
17 such funds upon receipt. Lastly, upon such termination and dissolution, the District shall assume
18 responsibility from the Broadway Viaduct LMD for the continuing care, operation, repair,
19 maintenance and replacement of the public improvements located within its respective boundaries.

20 **Section 3.** That Council has previously approved Ordinance No. 1605, Series of 2024,
21 which provides for the 2025 assessments payable by the property owners within the boundaries of
22 the Broadway Viaduct LMD to pay for the annual costs of the continuing care, operation, repair,
23 maintenance and replacement of the public improvements located within the Broadway Viaduct LMD
24 (“Assessing Ordinance”). Due to the termination and dissolution of the Broadway Viaduct LMD
25 described in this Ordinance, the Assessing Ordinance is hereby repealed in its entirety and Council
26 confirms that no 2025 assessments shall be imposed as described in the Assessing Ordinance.

27

28 **REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

1 COMMITTEE APPROVAL DATE: December 3, 2024 by Consent

2 MAYOR-COUNCIL DATE: December 10, 2024

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

10 PREPARED BY: Bradley T. Neiman, Assistant City Attorney DATE: December 12, 2024

11 Pursuant to section 13-9, 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, and 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 Kerry Tipper, Denver City Attorney

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