BY AUTHORITY

ORDINANCE NO. _____ COUNCIL BILL NO. CB24-1733

SERIES OF 2024 COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

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

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

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

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

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

WHEREAS, upon its creation, the District is 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., subject to the Creation Ordinance; and

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

WHEREAS, in accordance with Section 21 of the Creation Ordinance, the Executive Director of the City's Department of Transportation and Infrastructure ("DOTI") desires to terminate and

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

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

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

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

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

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

COMMITTEE APPROVAL DATE: December 3, 2024 by Consent

MAYOR-COUNCIL DATE: December 10, 2024

PASSED BY THE COUNCIL: _____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

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

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

Kerry Tipper, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____