

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2021

COUNCIL BILL NO. CB21-0657
COMMITTEE OF REFERENCE:

Business, Arts, Workforce & Aviation Services

A BILL

For an ordinance approving petitions requesting continuance of the Downtown Denver Business Improvement District for a ten-year period.

WHEREAS, the Downtown Denver Business Improvement District (the “District”) was initiated by petition filed with the City Clerk, ex-officio Clerk of the City and County of Denver, City Clerk File No. 92-546A and was created and established pursuant to Ordinance No. 501, Series of 1992; and

WHEREAS, the District’s initial Operating Plan directs that the District shall have perpetual existence unless, in the tenth year after its creation and every tenth year thereafter, the District fails to file with the City Council a petition requesting continuance signed by persons who own real and personal property in the District’s service area having a valuation for assessment of not less than fifty percent of the valuation for assessment of all real and personal property in the service area and who own at least fifty percent of the acreage in the District; and

WHEREAS, the District’s initial Operating Plan directs further that the City Council shall determine whether the petition threshold has been met and may, upon the filing of any challenge to the signatures, hold a public hearing to determine whether the petition threshold has been met; and

WHEREAS, on August 2, 2001, the District filed a Petition For The Continuance of The Downtown Denver Business Improvement District In The City And County Of Denver, which was approved by City Council pursuant to Ordinance No. 880, Series of 2001, and which extended the District through 2011; and

WHEREAS, on September 6, 2011, the District filed a Petition For The Continuance of The Downtown Denver Business Improvement District In The City And County Of Denver, which was approved by City Council pursuant to Ordinance No. 555, Series of 2011, and which extended the District through 2021; and

WHEREAS, the Board of Directors of the District circulated a petition amongst the owners of real and personal property within its service area for the continuance of the District for an additional 10-year period through 2031 (as executed, the “Petitions”); and

WHEREAS, the Board of Directors of the District passed a resolution on May 6, 2021 that determined that the Petitions signed by persons who own real and personal property in the District were in excess of the required percentages for the valuations of assessment of all real and personal

1 property in the service area of the District as well as the required percentage of acreage in the District
2 (the “Board’s Resolution”); and

3 **WHEREAS**, on or about May 12, 2021, the District filed the Petitions and a request for
4 continuance with the City, which may be found at City Clerk File No. 20011026B, which includes the
5 Board's Resolution and request that City Council adopt an Ordinance for the continuance of the
6 District for an additional ten-year period through 2031 (collectively, the “Petition Documents”); and

7 **WHEREAS**, the Petitions filed by the District meet and exceed the threshold required by the
8 District’s initial Operating Plan and demonstrate overwhelming support for continuation of the District
9 for another ten-year period by persons who own real and personal property in the District's service
10 area.

11 **NOW, THEREFORE,**

12 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

13 **Section 1.** The Petitions filed by the District in accordance with its approved initial
14 Operating Plan, which were filed as a part of the Petition Documents in the office of the Clerk and
15 Recorder, ex-officio Clerk of the City and County of Denver, under City Clerk File No. 20011026B,
16 were signed by persons who own real and personal property in the District's service area having a
17 valuation for assessment of not less than fifty percent of the valuation for assessment of all real and
18 personal property in the service area and who own at least fifty percent of the acreage in the service
19 area, meet and exceed the threshold established by the District’s initial Operating Plan for
20 continuation of the District for another ten-year period through 2031; and, in reliance upon the
21 Board’s Resolution, which presents the Petitions to City Council and requests that City Council
22 approve the continuation of the District, the City Council hereby approves continuation of the District
23 for an additional ten-year period through 2031.

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1 COMMITTEE APPROVAL DATE: June 16, 2021

2 MAYOR COUNCIL DATE: June 22, 2021

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: SPENCER FANE, LLP, April 26, 2021

11 REVIEWED BY: Bradley T. Neiman, Assistant City Attorney DATE: June 24, 2021

12 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
13 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.

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17 Kristin M. Bronson, Denver City Attorney

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19 BY: _____, Assistant City Attorney DATE: _____