

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2018

COUNCIL BILL NO. CB18-0979  
COMMITTEE OF REFERENCE:  
4 Finance & Governance

5 **A BILL**

6 **For an ordinance authorizing and approving an amendment to the Emily Griffith**  
7 **Opportunity School Urban Redevelopment Plan.**  
8

9 **WHEREAS**, the Council of the City and County of Denver ("Council") approved the Emily  
10 Griffith Opportunity School Urban Redevelopment Plan ("Urban Redevelopment Plan") by authority  
11 of Ordinance No. 2017-0810, Series of 2017, having found that the area described in the Urban  
12 Redevelopment Plan consists of a blighted area which is appropriate for urban redevelopment  
13 projects according to the Urban Renewal Law of the State of Colorado ("Act"); and

14 **WHEREAS**, the Council found and determined that it was desirable and in the public  
15 interest for the Denver Urban Renewal Authority to undertake and carry out projects identified and  
16 described in the Urban Redevelopment Plan; and

17 **WHEREAS**, the Board of Commissioners of the Denver Urban Renewal Authority has  
18 approved a redevelopment of the Emily Griffith Opportunity School Urban Redevelopment Area  
19 (the "Urban Redevelopment Area"), consisting of a hotel with approximately 250 rooms,  
20 approximately 37,500 square feet of mixed-use space, a parking structure consisting of  
21 approximately 120 stalls, and certain pedestrian access (the "Project"), as one of the projects for  
22 tax increment funding; and

23 **WHEREAS**, an amendment to the Urban Redevelopment Plan (the "Proposed  
24 Amendment") to add the Project and to correct an error contained in the Urban Redevelopment  
25 Plan has been approved by the Board of Commissioners of the Denver Urban Renewal Authority;  
26 and

27 **WHEREAS**, the Denver Planning Board which is the duly designated and acting official  
28 planning body of the City and County of Denver, has submitted to the Council its report and  
29 recommendations concerning the Proposed Amendment and has certified that the Proposed  
30 Amendment conforms to the Comprehensive Plan for the City and County of Denver as a whole,  
31 and the Council of the City and County of Denver has duly considered the report,  
32 recommendations and certifications of the Planning Board; and

33 **WHEREAS**, there has been prepared and referred to the City Council of the City and  
34 County of Denver for its consideration and approval, a copy of the Proposed Amendment; and  
35

1           **WHEREAS**, after notice as required by Colorado Revised Statutes, a public hearing has  
2 been held concerning the Proposed Amendment (the “Public Hearing”); and

3           **WHEREAS**, in accordance with the requirements of Section 31-25-107(9.5), Colorado  
4 Revised Statutes, School District No. 1 in the City and County of Denver and State of Colorado  
5 entered into an agreement with the Denver Urban Renewal Authority (the “DPS Agreement”) and  
6 the Urban Drainage and Flood Control District entered into an agreement with the Denver Urban  
7 Renewal Authority and the City and County of Denver (the “UDFCD Agreement”) regarding the  
8 Urban Redevelopment Plan and the Proposed Amendment.

9  
10 **NOW, THEREFORE,**

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

12  
13           **Section 1.** City Council determines that the Project is located within the Urban  
14 Redevelopment Area and will promote the objectives set forth in the Urban Redevelopment Plan.  
15 The Project further promotes the urban renewal objectives described in the Urban Redevelopment  
16 Plan, which are hereby incorporated by reference.

17           **Section 2.** There are currently no individuals or families living in the Urban  
18 Redevelopment Area, therefore no individuals or families will be displaced from dwelling units as a  
19 result of adoption or implementation of the Proposed Amendment to the Urban Redevelopment  
20 Plan.

21           **Section 3.** There are currently no business concerns in the Urban Redevelopment Area,  
22 therefore no business concerns will be displaced as a result of adoption or implementation of the  
23 Proposed Amendment to the Urban Redevelopment Plan.

24           **Section 4.** Council set a public hearing on the Proposed Amendment for October 1, 2018  
25 (“Public Hearing”) and that it be and is hereby found and determined that reasonable efforts have  
26 been taken to provide written notice of the Public Hearing to all property owners, residents and  
27 owners of business concerns in the Urban Redevelopment Area at least thirty (30) days prior to the  
28 date of the Public Hearing.

29           **Section 5.** That it be and is hereby found and determined that no more than one hundred  
30 twenty (120) days have passed since the commencement of the Public Hearing.

31           **Section 6.** That it be and is hereby found and determined that the Urban Redevelopment  
32 Plan, as amended by the Proposed Amendment, contains no property that was included in a  
33 previously submitted urban redevelopment plan that Council failed to approve.

1           **Section 7.** That it be and is hereby found and determined that the Urban Redevelopment  
2 Plan, as amended by the Proposed Amendment, conforms to the Denver Comprehensive Plan  
3 2000, as a whole, and is necessary and appropriate to facilitate the proper growth and  
4 development of the community in accordance with sound planning standards and local community  
5 objectives.

6           **Section 8.** That it be and is hereby found and determined that the Urban Redevelopment  
7 Plan, as amended by the Proposed Amendment, will afford maximum opportunity, consistent with  
8 the sound needs of the City as a whole, for the rehabilitation and redevelopment of the Urban  
9 Redevelopment Area by private enterprise.

10           **Section 9.** That the City and County of Denver can adequately finance or agreements are  
11 in place to finance any additional City and County of Denver infrastructure and services required to  
12 serve development within the Urban Redevelopment Area for the period during which City and  
13 County of Denver property taxes are paid to the Authority.

14           **Section 10.** That the Urban Redevelopment Plan be and is amended hereby to add the  
15 Project to Appendix A (Schedule of Projects) to the Urban Redevelopment Plan, filed in the office  
16 of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver (the “City Clerk”) in  
17 City Clerk’s Filing No. 2017-0363.

18           **Section 11.** The Urban Redevelopment Plan be and is hereby further amended to correct  
19 an error in the Urban Redevelopment Plan regarding the listing of the five factors constituting a  
20 “blighted area” in (iii) of Section IIA of the Urban Redevelopment Plan which should read  
21 “predominance of defective or inadequate street layout” instead of “deterioration of site and other  
22 improvements.”

23           **Section 12.** That it be and hereby is found that the DPS Agreement and the UDFCD  
24 Agreement have been entered into in satisfaction of the requirements of Section 31-25-  
25 107(9.5), Colorado Revised Statutes, and the Act.

26           **Section 13.** That Ordinance No. 20170810, Series of 2017, is hereby amended to the  
27 extent described herein and to correct the error in its Section 1 regarding the five factors  
28 constituting a “blighted area” to conform to the correction made in the Urban Redevelopment Plan  
29 as described in Section 11 herein. That to the extent that any provision or provisions of the Urban  
30 Redevelopment Plan is or are deemed by a court of competent jurisdiction to be illegal, invalid or  
31 unenforceable, such provision or provisions shall not affect the validity or enforceability of all  
32 remaining provisions of the Urban Redevelopment Plan.

1 COMMITTEE APPROVAL DATE: September 11, 2018.

2 MAYOR-COUNCIL DATE: September 18, 2018.

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: Noah Cecil, Assistant City Attorney DATE: September 20, 2018

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12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
13 the 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.

16  
17 Kristin M. Bronson, Denver City Attorney

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19 BY:  \_\_\_\_\_, Assistant City Attorney DATE: Sep 20, 2018