

1 **BY AUTHORITY**

2  
3 ORDINANCE NO. \_\_\_\_\_  
4 SERIES OF 2015

COUNCIL BILL NO. CB14-1103  
COMMITTEE OF REFERENCE:  
Finance and Services

6 **A BILL**

7 **For an Ordinance authorizing and approving an amendment to the Welton**  
8 **Corridor Urban Redevelopment Plan to add the 2801 Welton Street Project**  
9 **and to Create the 2801 Welton Street Property Tax Increment Area and the**  
10 **2801 Welton Street Sales Tax Increment Area**  
11

12 **WHEREAS**, the Council of the City and County of Denver (“Council”) approved the  
13 Welton Corridor Urban Redevelopment Plan (“Plan”) by authority of Ordinance No. 448, Series  
14 of 2012, having found that the area described in the Plan consists of a blighted area which is  
15 appropriate for urban redevelopment projects according to the Urban Renewal Law of the State  
16 of Colorado (“Act”); and

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

20 **WHEREAS**, Section V-C of the Plan provides that, pursuant to Section 31-25-107(9) of  
21 the Act, the Council in approving the Plan contemplated that separate Property Tax Increment  
22 Areas and/or Sales Tax Increment Areas may be created within the Welton Corridor Urban  
23 Redevelopment Area for a Project; and

24 **WHEREAS**, the Plan may be amended to reflect the boundaries of a Property Tax  
25 Increment Area and/or Sales Tax Increment Area for each project as set forth in an Appendix  
26 which shall become part of the Plan; and

27 **WHEREAS**, the Board of Commissioners of the Denver Urban Renewal Authority has  
28 approved the redevelopment of 2801 Welton Street through the redevelopment of the current  
29 building into mixed-use space consisting of ground floor retail and second floor office space (the  
30 "Project") as one of the projects for tax increment funding; and

31 **WHEREAS**, an amendment to the Plan (the "Proposed Amendment") to create the 2801  
32 Welton Street Property Tax Increment Area (the “Property Tax Increment Area”) and the 2801

1 Welton Street Sales Tax Increment Area (the “Sales Tax Increment Area”) has been approved  
2 by the Board of Commissioners of the Denver Urban Renewal Authority; and

3 **WHEREAS**, the Denver Planning Board which is the duly designated and acting official  
4 planning body of the City and County of Denver, has submitted to the Council its report and  
5 recommendations concerning the Proposed Amendment and has certified that the Proposed  
6 Amendment conforms to the Comprehensive Plan for the City and County of Denver as a whole,  
7 and the Council of the City and County of Denver has duly considered the report,  
8 recommendations and certifications of the Planning Board; and

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

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

13 **WHEREAS**, in accordance with the requirements of Section 31-25-107(9)(d), Colorado  
14 Revised Statutes, School District No. 1 in the City and County of Denver and State of Colorado  
15 has been permitted to participate in an advisory capacity concerning the project financing  
16 described in the Proposed Amendment.

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

20 **Section 1.** City Council determines that the Project is located within the Welton  
21 Corridor Urban Redevelopment Area and will promote the objectives set forth in the Plan. The  
22 Project further promotes the urban renewal objectives described in the Plan, which are hereby  
23 incorporated by reference.

24 **Section 2.** There are currently no individuals or families living in the Property Tax  
25 Increment Area or the Sales Tax Increment Area, therefore no individuals or families will be  
26 displaced from dwelling units as a result of adoption or implementation of the Proposed  
27 Amendment to the Plan.

28 **Section 3.** There are currently no business concerns in the Property Tax Increment  
29 Area or the Sales Tax Increment Area, therefore no business concerns will be displaced as a  
30 result of adoption or implementation of the Proposed Amendment to the Plan.

31 **Section 4.** Council set a public hearing on the Proposed Amendment for January 12,  
32 2015 (“Public Hearing”) and that it be and is hereby found and determined that reasonable

1 efforts have been taken to provide written notice of the Public Hearing to all property owners,  
2 residents and owners of business concerns in the Welton Corridor Urban Redevelopment Area  
3 at least thirty (30) days prior to the date of the Public Hearing.

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

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

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

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

17 **Section 9.** That the City and County of Denver can adequately finance or agreements  
18 are in place to finance any additional City and County of Denver infrastructure and services  
19 required to serve development within the Property Tax Increment Area and Sales Tax Increment  
20 Area for the period during which City and County of Denver property taxes are paid to the  
21 Authority.

22 **Section 10.** That the Plan be and is amended hereby to add the Project to Appendix A  
23 (Schedule of Projects) to the Plan, filed in the office of the Clerk and Recorder, Ex-Officio Clerk  
24 of the City and County of Denver (the "City Clerk") in City Clerk's Filing No. 2014-0956 and to  
25 add the Property Tax Increment Area and the Sales Tax Increment Area to Appendix B  
26 ("Property Tax Increment Areas and Sales Tax Increment Areas"), filed with the City Clerk in the  
27 City Clerk's Filing No. 2014-0956.

28 **Section 11.** That Ordinance No. 448, Series of 2012, is hereby amended to the extent  
29 described herein. That to the extent that any provision or provisions of the Plan is or are  
30 deemed by a court of competent jurisdiction to be illegal, invalid or unenforceable, such  
31 provision or provisions shall not affect the validity or enforceability of all remaining provisions of  
32 the Plan.

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COMMITTEE APPROVAL DATE: December 16, 2014  
MAYOR-COUNCIL DATE: December 23, 2014 (Consent)  
PASSED BY THE COUNCIL: \_\_\_\_\_, 20\_\_

\_\_\_\_\_- PRESIDENT  
APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 20\_\_  
ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 20\_\_; \_\_\_\_\_, 20\_\_

PREPARED BY: Jennifer Welborn, ASSISTANT CITY ATTORNEY, Dated: December 23, 2014  
Pursuant to section 13-12, 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.

D. Scott Martinez, Denver City Attorney  
By: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_

**APPENDIX A**  
**Schedule of Projects**

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- 2. 2801 Welton Street Project  
Developer: SMP 2801 Welton LLC

**APPENDIX B**

**Property Tax Increment Areas and Sales Tax Increment Areas**

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2. 2801 Welton Street Property Tax Increment Area and Sales Tax Increment Area