

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2010

COUNCIL BILL NO.10-1021
COMMITTEE OF REFERENCE:
4 Business, Workforce & Sustainability

5 **A BILL**

6 **For an Ordinance authorizing and approving an amendment to the Downtown**
7 **Denver Urban Renewal Plan to add the Historic CNB Building as an Urban**
8 **Renewal Project and to Create the Historic CNB Building Property and Sales**
9 **Tax Increment Area.**

10
11 **WHEREAS**, the Council of the City and County of Denver (“Council”) approved the
12 Downtown Denver Urban Renewal Plan (“1993 Plan”) by authority of Ordinance No. 85, Series of
13 1993, having found that the area described in the 1993 Plan consists of a blighted area which is
14 appropriate for urban renewal projects according to the Urban Renewal Law of the State of
15 Colorado (“Act”); and

16 **WHEREAS**, the Council found and determined that it was desirable and in the public
17 interest for the Denver Urban Renewal Authority to undertake and carry out projects identified and
18 described in the 1993 Plan submitted by the Denver Urban Renewal Authority; and

19 **WHEREAS**, Section C-1 of the 1993 Plan (Boundaries of the Urban Renewal Area)
20 provides that, pursuant to Section 31-25-107(9) of the Act, the Council in approving the 1993 Plan
21 contemplated that separate Property and/or Sales Tax Increment Areas may be created within the
22 Urban Renewal Area for each project; and

23 **WHEREAS**, Section C-1 of the 1993 Plan (Boundaries of the Urban Renewal Area)
24 provides that the 1993 Plan may be amended to reflect the boundaries of the Property and/or
25 Sales Tax Increment Areas for each project in an Appendix which shall become part of the 1993
26 Plan; and

27 **WHEREAS**, the Board of Commissioners of the Denver Urban Renewal Authority has
28 selected the Historic CNB Building Project as a project for tax increment funding; and

29 **WHEREAS**, an amendment to the 1993 Plan to create the Historic CNB Building Property
30 Tax Increment Area and the Historic CNB Building Sales Tax Increment Area (“Proposed
31 Amendment”) has been approved by the Board of Commissioners of the Denver Urban Renewal
32 Authority; and

33 **WHEREAS**, the Denver Planning Board which is the duly designated and acting official
34 planning body of the City and County of Denver, has submitted to the Council its report and
35 recommendations concerning the Proposed Amendment and has certified that the Proposed
36 Amendment conforms to the Comprehensive Plan for the City and County of Denver as a whole,

1 and the Council of the City and County of Denver has duly considered the report,
2 recommendations and certifications of the Planning Board; and

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

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

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

11 **NOW, THEREFORE,**

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

13 **Section 1.** City Council determines that the Historic CNB Building Project is located within
14 the Downtown Denver Urban Renewal Area and will promote the objectives set forth in the 1993
15 Plan. The Historic CNB Building Project further promotes the urban renewal objectives described
16 in the 1993 Plan, which are hereby incorporated by reference.

17 **Section 2.** There are currently no individuals or families living in the Historic CNB Building
18 Property or Sales Tax Increment Area, therefore no individuals or families will be displaced from
19 dwelling units as a result of adoption or implementation of the Proposed Amendment to the 1993
20 Plan.

21 **Section 3.** There are currently no business concerns in the Historic CNB Building
22 Property or Sales Tax Increment Area, therefore no business concerns will be displaced as a result
23 of adoption or implementation of the Proposed Amendment to the 1993 Plan.

24 **Section 4.** Council set a public hearing on the Proposed Amendment for January 3, 2011
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 Downtown Denver Urban Renewal Area at least thirty (30)
28 days prior to the 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 1993 Plan, as
32 amended by the Proposed Amendment, contains no property that was included in a previously
33 submitted urban renewal plan that Council failed to approve.

1 **Section 7.** That it be and is hereby found and determined that the 1993 Plan, as
2 amended by the Proposed Amendment, conforms to the Denver Comprehensive Plan 2000, as a
3 whole, and is necessary and appropriate to facilitate the proper growth and development of the
4 community in accordance with sound planning standards and local community objectives.

5 **Section 8.** That it be and is hereby found and determined that the 1993 Plan, as
6 amended by the Proposed Amendment, will afford maximum opportunity, consistent with the
7 sound needs of the City as a whole, for the rehabilitation and redevelopment of the Downtown
8 Denver Urban Renewal Area by private enterprise.

9 **Section 9.** That the 1993 Plan be and is amended hereby to add that certain document
10 identified as Appendix N, the Historic CNB Building Property and Sales Tax Increment Areas, filed
11 in the office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver (the "City
12 Clerk") in City Clerk's Filing No. 91-1097-AP and to include the Historic CNB Building project in
13 Appendix B, Schedule of Projects, filed with the City Clerk in the City Clerk's Filing No. 91-1097-
14 AO.

15 **Section 10.** That Ordinance No. 85, Series of 1993, is hereby amended to the extent
16 described herein. That to the extent that any provision or provisions of the 1993 Plan is or are
17 deemed by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision
18 or provisions shall not affect the validity or enforceability of all remaining provisions of the 1993
19 Plan.

20 COMMITTEE APPROVAL DATE: December 1, 2010

21 MAYOR-COUNCIL DATE: December 7, 2010

22 PASSED BY THE COUNCIL: _____, 2010

23 _____ - PRESIDENT

24 APPROVED: _____ - MAYOR _____, 2010

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

28 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2010; _____, 2010

29 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY Date: December 13, 2010

30 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
31 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
32 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
33 §3.2.6 of the Charter.

34 David R. Fine, Denver City Attorney

35 BY: _____, Assistant City Attorney DATE: _____, 2010