

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2017

COUNCIL BILL NO. CB17-0055
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an Ordinance authorizing and approving an amendment to the St. Anthony Urban Redevelopment Plan to add the Sloans Block 3 Project and to Create the Sloans Block 3 Sales Tax Increment Areas.

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

WHEREAS, the Council of the City and County of Denver (“Council”) approved the St. Anthony Urban Redevelopment Plan (“Plan”) by authority of Ordinance No. 363, Series of 2013, having found that the area described in the Plan consists of a blighted area which is appropriate for urban redevelopment projects according to the Urban Renewal Law of the State of Colorado (“Act”); and

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

WHEREAS, Section V-C of the Plan provides that, pursuant to Section 31-25-107(9) of the Act, the Council in approving the Plan contemplated that separate property tax increment areas and/or sales tax increment areas may be created within the St. Anthony Urban Redevelopment Area for a Project; and

WHEREAS, the Board of Commissioners of the Denver Urban Renewal Authority has approved the redevelopment of Block 3 (“Sloans Block 3”) through the rehabilitation of the 44,000 square foot Kuhlman Building into affordable rental apartments, the rehabilitation of the auditorium attached to the Kuhlman Building into approximately 5,000 square feet of retail/restaurant space, the construction of approximately 2,500 square feet of new retail restaurant space and the construction of approximately 25 market rate townhomes (the "Project") as one of the projects for tax increment funding; and

WHEREAS, a property tax increment area that encompasses Sloans Block 3 and other portions of the St. Anthony Urban Redevelopment Area has previously been approved by the Council; and

WHEREAS, it is the intent of the Denver Urban Renewal Authority to use property tax increment derived from Sloans Block 3 and from other portions of the property tax increment area to

1 support the Project; and

2 **WHEREAS**, the Plan may be amended to create the boundaries of two sales tax increment
3 areas for the Project as set forth in an Appendix which shall become part of the Plan; and

4 **WHEREAS**, an amendment to the Plan (the "Proposed Amendment") to create the [Sloans
5 Block 3A Sales Tax Increment Area] and the [Sloans Block 3B Sales Tax Increment Area] (the "Sales
6 Tax Increment Areas") has been approved by the Board of Commissioners of the Denver Urban
7 Renewal Authority; and

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

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

16 **WHEREAS**, after notice as required by Colorado Revised Statutes, a public hearing has been
17 held concerning the Proposed Amendment (the "Public Hearing"); and

18 **WHEREAS**, in accordance with the requirements of Section 31-25-107(9.5), Colorado
19 Revised Statutes, School District No. 1 in the City and County of Denver and State of Colorado has
20 entered into an agreement with the Denver Urban Renewal Authority (the "DPS

21 business concerns will be displaced as a result of adoption or implementation Agreement")
22 and the Urban Drainage and Flood Control District entered into an agreement with the Denver Urban
23 Renewal Authority (the "UDFCD Agreement").

24 **NOW, THEREFORE,**

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

26 **Section 1.** City Council determines that the Project is located within the St. Anthony Urban
27 Redevelopment Area and will promote the objectives set forth in the Plan. The Project further
28 promotes the urban renewal objectives described in the Plan, which are hereby incorporated by
29 reference.

30 **Section 2.** There are currently no individuals or families living in the Sales Tax Increment
31 Areas, therefore no individuals or families will be displaced from dwelling units as a result of
32 adoption or implementation of the Proposed Amendment to the Plan.

33

1 **Section 3.** There are currently no business concerns in the Sales Tax Increment Areas,
2 therefore no of the Proposed Amendment to the Plan.

3
4 **Section 4.** Council set a public hearing on the Proposed Amendment for February 13, 2017
5 (“Public Hearing”) and that it be and is hereby found and determined that reasonable efforts have
6 been taken to provide written notice of the Public Hearing to all property owners, residents and
7 owners of business concerns in the St. Anthony Urban Redevelopment Area at least thirty (30) days
8 prior to the date of the Public Hearing.

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

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

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

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

22 **Section 9.** That the City and County of Denver can adequately finance any additional City
23 and County of Denver infrastructure and services required to serve development within the Sales
24 Tax Increment Areas for the period during which City and County of Denver property taxes are paid
25 to the Authority.

26 **Section 10.** That the Plan be and is amended hereby to add the Project to Appendix A
27 (Schedule of Projects) to the Plan, filed in the office of the Clerk and Recorder, Ex-Officio Clerk of
28 the City and County of Denver (the “City Clerk”) in City Clerk’s Filing No. 2017-0035 and to add the
29 Sales Tax Increment Areas to Appendix B (“Property Tax Increment Areas and Sales Tax Increment
30 Areas”), filed with the City Clerk in the City Clerk’s Filing No. 2017-0035.

31 **Section 11.** The Urban Development Plan be and is hereby further amended as follows:
32 For all amendments involving a substantial modification to the Urban Redevelopment Plan
33 occurring after January 1, 2016, the term “Property Tax Revenues” is shall mean:

1 “Property Tax Revenues” means the amount derived by the City and all taxing jurisdictions
2 from the levy of Property Tax within the Property Tax Increment Area less any amount derived from
3 a specially earmarked voter-approved levy by which the City has heretofore committed by contract
4 to pay to a private contractor in order to provide services to residents of the City, including any
5 residents in the Urban Redevelopment Area. “Property Tax Revenues” does not include any
6 amounts derived by the City and all taxing districts either (a) because voters authorized the City or
7 other taxing district to retain and spend the additional moneys pursuant to Section 20(7)(d) of Article
8 X of the Colorado Constitution subsequent to the creation of the special fund pursuant to Colorado
9 Revised Statutes § 31-25-107(9)(a)(II) or (b) as a result of an increase in the property tax mill levy
10 approved by the voters of the City or other taxing district to the extent the total mill levy of the City or
11 other taxing district, subsequent to the creation of the special fund pursuant to Colorado Revised
12 Statutes § 31-25-107(9)(a)(II) exceeds the respective mill levy in effect at the time of substantial
13 modification of the Urban Redevelopment Plan by the adoption of this amendment to the Urban
14 Redevelopment Plan adding this Project.

15 The first paragraph of Section V(C) is amended to read:

16 C. Tax Increment Financing

17 This Urban Redevelopment Plan contemplates that the primary method of financing the
18 Projects and other activities shall be the use of Sales Tax Increment and/or Property Tax Increment
19 financing, or any combination thereof, under the tax increment financing provisions of Colo. Rev.
20 Stat. § 31-25-107(9), as amended from time to time, which is by this reference incorporated herein
21 as if set forth in its entirety, subject to Council approval as set forth herein. For each Project for
22 which Property Tax Increment and/or Sales Tax Increment is to be used, a separate Property Tax
23 Increment Area and/or Sales Tax Increment Area shall be designated by the Authority and the City,
24 and approved by the Council. In accordance with the Act, School District No. 1 in the City and
25 County of Denver shall be permitted to participate in an advisory capacity with respect to the
26 inclusion of tax increment financing in this Urban Renewal Plan and with respect to any use of
27 Property Tax Increment. To the extent required by the Act, the Authority shall notify the governing
28 bodies of each other public body whose Property Tax Revenues would be allocated under this Urban
29 Redevelopment Plan and the Authority shall meet with representatives of such other public bodies
30 and attempt to negotiate an agreement governing the types and limits of tax revenues of each taxing
31 entity to be allocated under the Urban Redevelopment Plan. The agreement must address, without
32 limitation, estimated impacts of the Urban Redevelopment Plan on district services associated solely
33 with the Urban Redevelopment Plan. The agreement may be entered into separately among the

1 Authority and each other public body, or through a joint agreement among the City, the Authority and
2 any public body that has chosen to enter that agreement. Any such allocated shared tax revenues
3 governed by any agreement are limited to all or any portion of the taxes levied upon taxable property
4 by the public body within the area covered by the Urban Redevelopment Plan in addition to any sales
5 tax revenues generated within the Urban Redevelopment Area covered by the Urban
6 Redevelopment Plan by the imposition of the sales tax of the City and any other public body. In the
7 absence of an agreement between the City, the Authority and any taxing entity described above, the
8 parties must submit to mediation on the issue of appropriate allocation of project costs among the
9 City and other taxing entities whose taxes will be allocated pursuant to the Urban Redevelopment
10 Plan. If there is any conflict between the Act, any Cooperation Agreements between the City and
11 DURA and this Urban Redevelopment Plan, the provisions of the Act shall control.

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

15 **Section 13.** That Ordinance No. 363, Series of 2013, is hereby amended to the extent
16 described herein. That to the extent that any provision or provisions of the Plan is or are deemed by
17 a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision or provisions
18 shall not affect the validity or enforceability of all remaining provisions of the Plan.

19 COMMITTEE APPROVAL DATE: January 24, 2017

20 MAYOR-COUNCIL DATE: January 31, 2017

21 PASSED BY THE COUNCIL: _____

22 _____ - PRESIDENT

23 APPROVED: _____ - MAYOR _____

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

27 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

28 PREPARED BY: Jennifer M. Welborn, Assistant City Attorney DATE: February 2, 2017

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

33
34 Kristin M. Bronson, Denver City Attorney

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36 BY: _____, Assistant City Attorney DATE: _____