

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2017

COUNCIL BILL NO. CB17-1004
COMMITTEE OF REFERENCE:
4 Finance & Governance

5 **A BILL**

6 **For an ordinance approving the I-25 and Broadway Urban Redevelopment Plan and**
7 **the I-25 and Broadway Project, the creation of the I-25 and Broadway Urban**
8 **Redevelopment Area and the I-25 and Broadway Tax Increment Area, and in**
9 **connection therewith repealing the Cherokee Urban Redevelopment Plan.**

10 **WHEREAS**, the City and County of Denver (“City”) is a consolidated city and county
11 government pursuant to Article XX, Section 1 of the Constitution of the State of Colorado; and

12 **WHEREAS**, the Denver Urban Renewal Authority (“Authority”) is a body corporate organized
13 by the Colorado Urban Renewal Law, § 31-25-101, *et seq.*, Colorado Revised Statutes (“Act”); and

14 **WHEREAS**, the City and the Authority are cooperating on the redevelopment of the I-25 and
15 Broadway area of Denver and desire to create an urban redevelopment area through the adoption
16 of this I-25 and Broadway Urban Redevelopment Plan (“Urban Redevelopment Plan”) to facilitate
17 redevelopment of the area as more fully set forth in the Urban Redevelopment Plan; and

18 **WHEREAS**, there has been prepared and referred to the Council of the City and County of
19 Denver (“City Council”) for its consideration and approval a copy of the Urban Redevelopment Plan
20 filed with the Denver City Clerk on the 15th day of September, 2017, in City Clerk File No. 2017-0433;
21 and

22 **WHEREAS**, the Urban Redevelopment Plan has been approved by the Board of
23 Commissioners of the Authority; and

24 **WHEREAS**, the Denver Planning Board, which is the duly designated and acting official
25 planning body of the City, has submitted to the City Council its report and recommendations
26 respecting the Urban Redevelopment Plan for the I-25 and Broadway Urban Redevelopment Area
27 (“the Urban Redevelopment Area”) and certifies that the Urban Redevelopment Plan conforms to
28 the general plan for the City as a whole, and the City Council duly considered the report,
29 recommendations and certifications of the Planning Board; and

30 **WHEREAS**, the City Council previously approved the Amended and Restated Cherokee
31 Urban Redevelopment Plan pursuant to Ordinance No. 67, Series of 2006; and

32 **WHEREAS**, the urban redevelopment area created by the Amended and Restated Cherokee

1 Urban Redevelopment Plan contains areas that overlap with the proposed Urban Redevelopment
2 Area; and

3 **WHEREAS**, no tax increment collected pursuant to the Amended and Restated Cherokee
4 Urban Redevelopment Plan was expended; and

5 **WHEREAS**, the City and the Authority desire to repeal the Amended and Restated Cherokee
6 Urban Redevelopment Plan in connection with the approval of the Urban Redevelopment Plan and
7 to return all tax increment collected pursuant to the Amended and Restated Cherokee Urban
8 Redevelopment Plan to the respective taxing entities; and

9 **WHEREAS**, in accordance with the requirements of § 31-25-107(9.5) of the Act, School
10 District No. 1 in the City and County of Denver has entered into an agreement with the Authority (the
11 “DPS Agreement”), the Urban Drainage and Flood Control District has entered into an agreement
12 with the Authority (the “UDFCD Agreement”), and Broadway Station Metropolitan Districts No. 1, No.
13 2 and No. 3 have entered an intergovernmental agreement with the Authority (the “Metropolitan
14 Districts Agreement”); and

15 **WHEREAS**, after notice as required by Colorado Revised Statutes, a public hearing has been
16 held concerning the Urban Redevelopment Plan (“Public Hearing”).

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

19 **Section 1.** That it be and is hereby found and determined, based upon the evidence
20 presented at the Public Hearing, in the Conditions Study, and testimony at the Public Hearing, that
21 the Urban Redevelopment Area consists of a “blighted area,” which is appropriate for one or more
22 urban redevelopment projects according to the urban renewal law of the State of Colorado, C.R.S.
23 § 31-25-101, *et seq.* (“Act”), and which, by reason of the following factors, constitutes “blight” (as
24 defined in the Act), constitutes an economic and social liability, and is a menace to the public health,
25 safety, morals and welfare: (i) predominance of defective or inadequate street layout; (ii)
26 deterioration of site or other improvements, (iii) unusual topography or inadequate public
27 improvements or utilities; (iv) environmental contamination of buildings or property, and (v) existence
28 of health, safety or welfare factors requiring high levels of municipal services or substantial physical
29 underutilization or vacancy of sites, buildings, or other improvements.

30 **Section 2.** That it be and is hereby found and determined that the Urban Redevelopment
31 Plan conforms to the Denver Comprehensive Plan 2000, as supplemented, and is necessary and
32 appropriate to facilitate the proper growth and development of the community in accordance with
33 sound planning standards and local community objectives.

1 **Section 3.** That it be and is hereby found and determined that the Urban Redevelopment
2 Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the
3 rehabilitation and redevelopment of the Urban Redevelopment Area by private enterprise.

4 **Section 4.** That it be and is hereby found and determined that the conditions of blight in the
5 Urban Redevelopment Area constitute an economic and social liability and a menace to the public
6 health, safety, morals, or welfare.

7 **Section 5.** That if any individuals or families are displaced from dwelling units as a result of
8 adoption or implementation of the Urban Redevelopment Plan, a feasible method exists for the
9 relocation of those individuals or families in accordance with the Act.

10 **Section 6.** That if business concerns are displaced by the adoption or implementation of the
11 Urban Redevelopment Plan, a feasible method exists for the relocation of those business concerns
12 in accordance with the Act.

13 **Section 7.** That it be and is hereby found and determined that reasonable efforts have been
14 taken by the Authority and the City to provide written notice of the Public Hearing to all property
15 owners, residents and owners of business concerns in the Urban Redevelopment Area at least thirty
16 (30) days prior to the date hereof.

17 **Section 8.** That it be and is hereby found and determined that no more than one hundred
18 twenty (120) days have passed since the commencement of the Public Hearing for the Urban
19 Redevelopment Plan.

20 **Section 9.** That it be and is hereby found and determined that the Urban Redevelopment
21 Plan contains no property that was included in a previously submitted urban renewal plan that was
22 not approved by the City Council.

23 **Section 10.** That it be and is hereby found and determined that the Urban Redevelopment
24 Plan conforms to the Denver Comprehensive Plan 2000, as a whole, and is necessary and
25 appropriate to facilitate the proper growth and development of the community in accordance with
26 sound planning standards and local community objectives.

27 **Section 11.** That it be and hereby is found that the DPS Agreement, the UDFCD Agreement
28 and the Metropolitan Districts Agreement have been entered into in satisfaction of the requirements
29 of Section 31-25-107(9.5) of the Act.

30 **Section 12.** That the City and County of Denver can adequately finance any additional City
31 and County of Denver infrastructure and services required to serve development within the Urban
32 Redevelopment Area for the period during which City and County of Denver property taxes are paid
33 to the Authority.

APPENDIX A

Schedule of Projects

1. I-25 and Broadway Project
Redeveloper: Broadway Station Metropolitan District No. 1

APPENDIX B

Property Tax Increment Areas and Sales Tax Increment Areas

1. I-25 and Broadway Property Tax Increment Area and Sales Tax Increment Area