

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2022

COUNCIL BILL NUMBER: 22-0980
DIRECT FILE - TORRES

4
5 A BILL

6 **For an Ordinance concerning the organization and creation of the Sun Valley**
7 **Denver General Improvement District, in the City and County of Denver, and**
8 **creating the District Advisory Board and appointing the initial members thereof.**
9

10 **WHEREAS**, pursuant to Part 6 of Article 25 of Title 31, C.R.S., a Petition For The Organization
11 of the Sun Valley Denver General Improvement District and an Amended Petition For The
12 Organization of the Sun Valley Denver General Improvement District were filed on July 11, 2022,
13 and August 15, 2022, respectively (together and as amended, the "Petition"), in the office of the Clerk
14 and Recorder, ex officio Clerk, of the City and County of Denver (the "City") as City Clerk File No.
15 20220076A; and

16 **WHEREAS**, such Petition has been reviewed by the City; and

17 **WHEREAS**, such Petition has been signed by not less than thirty percent or two hundred of
18 the electors of the proposed District, whichever is less; and

19 **WHEREAS**, such Petition has been signed by one hundred percent of the owners of taxable
20 real property to be included in the District, and includes a request that the City Council, as governing
21 body of the City, waive the requirements of an organizational election in accordance with Sections
22 31-25-607(3.5) and 31-25-607(4)(c), C.R.S.; and

23 **WHEREAS**, Section 31-25-609, C.R.S., provides that the governing body of the municipality
24 in which the District is located shall constitute ex officio the Board of Directors of the District and
25 shall be authorized to exercise certain powers under the laws of Colorado concerning Improvement
26 Districts in Municipalities, Sections 31-25-601, *et seq.*, C.R.S.; and

27 **WHEREAS**, the City Council desires to create the District Advisory Board of the District and
28 to delegate the authority to exercise certain powers granted to the Board of Directors of the District
29 under Sections 31-25-601, *et seq.*, C.R.S., to the District Advisory Board as set forth herein; and

30 **WHEREAS**, the Petitioners are in compliance with the requirement for a bond or other security
31 as specified in Section 31-25-605, C.R.S., and as further described herein and

32 **WHEREAS**, all capitalized terms not otherwise defined in these Recitals shall have the
33 meaning further ascribed within this Creation Ordinance.

1 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY AND**
2 **COUNTY OF DENVER, COLORADO:**

3 **Section 1. Findings.** The City Council of the City and County of Denver, acting as City
4 Council (the “Council”), hereby accepts the Petition which requests the formation of a general
5 improvement district to be known as the “Sun Valley Denver General Improvement District” (the
6 “District”). The Council hereby finds that: (a) the signatures on the Petition are genuine; (b) the
7 Petition is signed by not less than thirty percent or two hundred of the electors, whichever is less, of
8 the proposed District; (c) all requirements for notice, mailing, publication and a hearing set forth in
9 Sections 31-25-606 and 31-25-607, C.R.S., respectively, have been performed; (d) the Petition is
10 signed by one hundred percent of the owners of taxable real property to be included in the proposed
11 District; (e) Petitioners have provided a bond with security approved by Council sufficient to comply
12 with the provisions of Section 31-25-605, C.R.S., and that the same shall be sufficient to pay all
13 expenses connected with these proceedings, including necessary services rendered by the City in
14 connection with its review of the Petition; (f) the proposed improvements and services do not
15 duplicate or interfere with any municipal improvement or service already constructed or planned to
16 be constructed or furnished within the limits of the proposed District; (g) the creation of the District
17 and proposed improvements and services therein will confer a general benefit on the District; (h) the
18 costs of the proposed improvements and services will not be excessive as compared with the value
19 of the property in the District; (i) the organization of the District will serve a public use and will promote
20 the health, prosperity, security and general welfare of the inhabitants of the City and the District; and
21 (j) the allegations of the Petition are true and that the District should be established.

22 **Section 2. Additional Finding.** It appearing that the Petition has been duly signed and
23 presented in conformity with Colorado law, specifically including Part 6, Article 25, Title 31, C.R.S.,
24 and that the allegations of the Petition are true, the Council, by this ordinance, hereby finds that it
25 has full jurisdiction under the law to adopt this ordinance (the “Creation Ordinance”).

26 **Section 3. District Name.** The Council hereby determines that the District shall be known
27 by its corporate name specified in the Petition as the “Sun Valley Denver General Improvement
28 District,” by which, in all proceedings, it shall be known.

29 **Section 4. Public Purpose.** The District, having the purposes and powers provided in Part
30 6 of Article 25, Title 31, C.R.S., as amended and as limited by this Creation Ordinance, will serve a
31 public use and will promote the health, safety, prosperity, security, and general welfare of the
32 inhabitants of said District.

1 **Section 5. Creation.** As permitted by the provisions of Sections 31-25-607(3.5) and -
2 607(4)(c), C.R.S., because the Petition was signed by one hundred percent of the owners of taxable
3 real property to be included in the District and contains a request for such waiver, the requirement
4 for an organizational election is hereby waived, and the District is hereby declared organized. The
5 District is a public or quasi-municipal subdivision of the State of Colorado and a body corporate with
6 the limited proprietary powers set forth in Part 6, Article 25, Title 31, C.R.S., except as set forth
7 herein.

8 **Section 6. Election.** At an election to be held on November 8, 2022 as provided in Part 6
9 of Article 25 of Title 31, C.R.S. (the "Election"), the electors of the District shall vote for or against
10 the imposition of property tax, rates, tolls, charges, special assessments, and the issuance of debt
11 and other matters for which approval is required under Section 20 of Article X of the Colorado
12 Constitution. The District's designated election official for the Election shall be Brenden Desmond,
13 of Spencer Fane LLP, or his designee. Brenden Desmond, or his designee, is authorized to act on
14 behalf of the District in all Election matters.

15 **Section 7. District Boundaries.** The District is located entirely within the boundaries of the
16 City and a description of the District boundaries is as follows:

17 (a) Parcel 1:
18 (i) Street Address: 2775 W. 13TH AVE.
19 (ii) Assessor's Schedule No.: 05051-07-046-000
20 (iii) Description: FAIRVIEW B1 L13-36 & B4 L13-36 & ADJ VAC ALYS PER ORD
21 2006-0618 & ADJ VAC W MYRTLE PL BEG SW COR L25 N 250.01FT TPOB
22 N116.99FT N71.5920E 35.29FT CV/L RAD 378.90FT DAF*

23 (b) Parcel 2:
24 (i) Street Address: 2797 W. 13TH AVE.
25 (ii) Assessor's Schedule Nos.: 05051-07-051-051; 05051-07-052-052; and
26 05051-07-053-000
27 Description: GREENHAUS CONDOS MARKET UNIT; GREENHAUS CONDOS
28 LIHTC UNIT; FAIRVIEW B1 L13-36 & B4 L13-36 & ADJ VAC ALYS PER ORD2006-
29 0618 & ADJ VAC W MYRTLE PL BEG SW COR L25N 250.01FT E 300.06FT S
30 250.06FT W 299.98FT TPOB EXCS 10FT OF SD L25-36 LAND ONLY (IMPS
31 PARCELS 051 & 052).

32 (c) Parcel 3:

1 (i) Street Addresses: 2520 W. 13TH AVE.; 2530 W. 13TH AVE.; 2540 W. 13TH
2 AVE.

3 (ii) Assessor's Schedule Nos.: 05054-01-068-000; 05054-01-069-000; and
4 05054-01-070-000

5 (iii) Description: L 10 TO 13 INC & PT OF VAC 13TH AV LYG N OF & ADJ TO L 5
6 BLK 5 FAIRVIEW; L11 BLK 5 FAIRVIEW; L 12 & 13 BLK 5 FAIRVIEW

7 (d) Parcel 4:

8 (i) Street Address: 2516 W. 13TH AVE.

9 (ii) Assessor's Schedule No.: 05054-01-052-000

10 (iii) Description: L 3 & 4 BLK 5 FAIRVIEW & PT VAC 13TH AV ADJ SD LOTS

11 (e) Parcel 5:

12 (i) Street Address: 2514 W. 13TH AVE.

13 (ii) Assessor's Schedule No.: 05054-00-028-000

14 (iii) Description: S5/T4R/68 PT NE/4 BEG SLY EXTD ELI L 61 B 6 FRVW WI
15 NWLYLIB1 S FRVW TH NELY ALG SD NWLY LI 208.7 FT TO TPOB THN572.43
16 TO PT 11FT S OF N LI EXC PT S TO CITY & EXC FAIRVIEWB5 BEG SW COR L63
17 TH N 125.01FT E 66.42FT S 125FT W66.60FTTPOB & EXC BEG NW COR L7 B6
18 TH E 66.05FT S 314.84FT CV/R RAD403FT CHORD S06.5944W 106.86FT W
19 24.42FT N 173.51FT

20 (f) Parcel 6:

21 (i) Street Address: 2617 W. HOLDEN PL.

22 (ii) Assessor's Schedule No.: 05054-01-056-000

23 (iii) Description: L 53 TO 60 INC BLK 5 FAIRVIEW

24 (g) Parcel 7:

25 (i) Street Address: 2660 W. HOLDEN PL.

26 (ii) Assessor's Schedule Nos.: 05054-07-043-043; and 05054-07-044-044

27 (iii) Description: FAIRVIEW SUB BLK 6 PTN L8 TO 23 DAF BEG NECOR L8 S
28 117FT W 53FT S 6FT W 347.32FT N 123FTE 400.31FT TPOB IMPS ONLY (LAND
29 PARCEL 045) ? MARKET UNIT; FAIRVIEW SUB BLK 6 PTN L8 TO 23 DAF BEG
30 NECOR L8 S 117FT W 53FT S 6FT W 347.32FT N 123FTE 400.31FT TPOB IMPS
31 ONLY (LAND PARCEL 045) ? LIHTC UNIT

32 (h) Parcel 8:

- 1 (i) Street Address: 2514 W. 13TH AVE.
- 2 (ii) Assessor's Schedule No.: 05054-09-013-000
- 3 (iii) Description: SOUTH FAIRVIEW B2 L5 TO 24 & W 19FT L4 & S/2 VAC W 12TH
- 4 AVE ADJ EXC E 20.84FT THEREOF EXC FAIRVIEW B6 BEG NW COR L7 THE
- 5 66.05FT S 314.84FT CV/R RAD 403FT CHORD S06.5944W 106.86FTW24.42FT
- 6 N173.51FTN77.3222E 24.73FT N 30.65FT S77.3222W53.50FT N81.35FTE
- 7 52.19FT N 16FT W 51.83FT N 125FT TPOB

8 (i) Parcel 9:

- 9 (i) Street Address: 2501 W. 11TH AVE.
- 10 (ii) Assessor's Schedule No.: 05054-09-012-000
- 11 (iii) Description: FAIRVIEW BLK 2 E/2 OF L29 & L30 THRU 38

12 (j) Parcel 10:

- 13 (i) Street Address: 994 N. CLAY WAY
- 14 (ii) Assessor's Schedule No.: 05054-00-031-000
- 15 (iii) Description: PT SUN VALLEY HOMES HOUSING PROJECT COLORADO 1
- 16 TO 8 AND SUN VALLEY HOMES SECOND FILING HOUSING PROJECT1 TO 12
- 17 AND VAC BRYANT ST AND ALCOTT WAY PER ORD 396 20220*DAF BEG NW
- 18 COR SUN VALLEY HOMES HOUSING PROJECTCOLORADO 1 TO 8 TH E
- 19 1205.08FT S 777.78FTW 525.10FT N 185.05FT W 60.00FT S 144.91FT W
- 20 270.00FT

21 (k) Parcel 11:

- 22 (i) Street Address: 999 N. CLAY WAY
- 23 (ii) Assessor's Schedule No.: 05054-00-018-000
- 24 (iii) Description: SUN VALLEY HOMES 2ND FLG LYG S OF S LI W 10TH AV & N
- 25 OF N LIW 9TH AV E OF E LI DECATUR & W & S OF SW LI OF CLAY WAY & WOF
- 26 BRYANT ST

27 (l) Parcel 12:

- 28 (i) Street Address: 930 N. BRYANT ST.
- 29 (ii) Assessor's Schedule No.: 05054-00-020-000
- 30 (iii) Description: SUN VALLEY HOMES 2ND FLG LYG N OF W 9TH AV E OF
- 31 BRYANT ST WOF E LI L45 & SD LI EXTD N B5 SOUTH FAIRVIEW & S OF N LI
- 32 OFVAC ALY IN SD B5 SOUTH FAIRVIEW

1 A description and a map of the proposed District boundaries are also provided in the Petition and
2 are incorporated by reference herein.

3 **Section 8. District Board of Directors and District Advisory Board.**

4 (a) The Council shall act as the ex officio Board of Directors of the District (“Board of
5 Directors”). The Board of Directors of the District shall retain the management and control of the
6 business and the affairs of the District, specifically including:

7 (i) Approval of the District’s annual work plan and budget and amendments thereto
8 (the “Work Plan and Budget”) submitted by the District Advisory Board.

9 (ii) Approval of the issuance of debt and other Obligations (as that term is defined
10 in Section 9(b), below).

11 (iii) Approval of property taxes, rates, tolls, charges, and/or special assessments, if
12 any, based on recommendations of the District Advisory Board.

13 (iv) Approval of inclusions or exclusions of parcels of property into or from,
14 respectively, the District in accordance with Section 31-25-618, C.R.S.

15 (v) Approval of any exercise by the District of eminent domain or dominant eminent
16 domain pursuant to Section 31-25-611(1)(i), C.R.S.

17 (vi) Approval of contracts exceeding \$100,000; provided that the District Advisory
18 Board may be authorized to approve and execute District contracts in excess of \$100,000 if the
19 Board of Directors provides its specific and express prior approval of such authorization in narrative
20 form as described in an annual Work Plan and Budget or amendment thereto that has been approved
21 by the Board of Directors.

22 (b) The Sun Valley Denver General Improvement District Advisory Board (“District
23 Advisory Board”) is hereby created. The Council hereby delegates certain authority of the District to
24 the District Advisory Board as set forth herein. Any authority not expressly delegated to the District
25 Advisory Board pursuant to this Creation Ordinance shall be expressly retained by City Council,
26 acting as ex officio Board of Directors of the District.

27 (c) The District Advisory Board shall be comprised of seven (7) voting members, five (5)
28 of whom shall be appointed by the Mayor, and three (3) non-voting members, for a total of ten (10)
29 members, as set forth below. A majority of the voting members then serving shall constitute a quorum
30 for the purposes of conducting meetings of the District Advisory Board and taking votes and official
31 actions. The initial five (5) appointed members of the District Advisory Board detailed in Section 8(d),
32 below, shall be considered to be appointed upon the effective date of this Creation Ordinance and

1 shall not require a separate appointment by the Mayor.

2 (d) The initial five (5) appointed members of the District Advisory Board are hereby
3 appointed and confirmed and consist of the following:

- 4 (i) Shaina Burkett, for an initial term lasting through December 31, 2024;
- 5 (ii) Erin Clark, for an initial term lasting through December 31, 2024;
- 6 (iii) James DiPaolo, for an initial term lasting through December 31, 2026;
- 7 (iv) Annie Hancock, for an initial term lasting through December 31, 2026; and
- 8 (v) Wayne Taunton, for an initial term lasting through December 31, 2026.

9 (e) The following shall be ex officio, voting members of the District Advisory Board;

- 10 (i) The City's Manager of Finance, or the Manager's designated representative;

11 and

- 12 (ii) The Executive Director of the City's Department of Transportation and
13 Infrastructure, or the Executive Director's designated representative.

14 (f) The following shall be ex officio, non-voting members of the District Advisory Board;

- 15 (i) The City's Manager of Community Planning and Development, or the Manager's
16 designated representative;

- 17 (ii) The City's Manager of Parks and Recreation, or the Manager's designated
18 representative; and

- 19 (iii) The City Council District member whose district overlaps a majority of the total
20 acreage of the District.

21 (g) For the Mayor-appointed members, following the initial terms, the length of the term is
22 four (4) years and the consecutive term limit shall be two (2) terms; after a member has fulfilled two
23 consecutive terms, that person may not be a member of the District Advisory Board for two (2) years
24 before being reappointed.

25 (h) The District Advisory Board shall inform the Mayor of any District Advisory Board
26 vacancy that comes to its attention. Appointment to the District Advisory Board in future years shall
27 occur as follows:

- 28 (i) The District Advisory Board shall accept submissions of interest for any existing
29 or upcoming vacancy(ies).

- 30 (ii) The District Advisory Board shall provide posted notice of a public hearing on
31 submissions of interest for any existing or upcoming vacancy(ies), hold a public hearing, and
32 thereafter provide the Mayor with one or more recommended nominees to fill the vacancy(ies),

1 taking into account the qualifications thereof, the desired diversity of the District Advisory Board,
2 and the nominee's willingness to serve.

3 (iii) The Mayor shall review the recommendation(s) and may require additional
4 information from the District Advisory Board or the nominee(s). The Mayor, with confirmation by
5 City Council resolution, will approve all District Advisory Board appointments.

6 (iv) Subject to appointment, reasonable efforts will be made to include a mix of
7 Mayor-appointed District Advisory Board members with the following interests:

8 (1) At least two (2) representatives of non-residential property or
9 businesses; and

10 (2) At least two (2) residential representatives.

11 (v) The members of the District Advisory Board shall serve at the pleasure of the
12 Mayor. Vacancies on the District Advisory Board shall be filled for the remainder of any unexpired
13 term by appointment by the Mayor and confirmed by City Council resolution. An individual
14 appointed by the Mayor and confirmed by City Council to fill a vacancy on the District Advisory
15 Board shall not have the remainder of the unexpired term count toward any term limit restrictions
16 described above in Section 8(g), but shall have the term limit restrictions apply in event of a re-
17 appointment to the District Advisory Board at the end of the initial appointed term.

18 (i) The District Advisory Board, subject to approval of the Board of Directors, shall conduct
19 and manage all affairs of the District as the authorized agent of the Board of Directors, including but
20 not limited to its financial and legal affairs, the engineering, contracting, constructing and monitoring
21 of the public improvements, services and other affairs of the District in accordance with the laws of
22 the State of Colorado. Notwithstanding the foregoing, overall control and supervision of the affairs
23 of the District shall remain vested in the Board of Directors, specifically including: (i) approval of the
24 annual Work Plan and Budget, and (ii) approval of property taxes, fees, charges, special
25 assessments and mill levies. Nothing herein shall be construed to permit the District Advisory Board
26 to act except by authority of the Board of Directors.

27 (j) The District Advisory Board is hereby authorized to exercise the powers and conduct
28 the duties specified below as the authorized agent of the Board of Directors in accordance with the
29 provisions of Sections 31-25-601, *et seq.*, C.R.S., and this Creation Ordinance:

30 (i) To elect officers and conduct meetings. Officers shall include a President,
31 Treasurer, and Secretary, and such other officers as the District Advisory Board deems necessary
32 or convenient.

1 (ii) To keep, maintain, and store, at an appropriate location, all records of the
2 District.

3 (iii) To receive and disburse funds and to deposit or invest any legally available
4 revenues of the District subject to Sections 11-10.5-101, *et seq.*, C.R.S. (Public Deposit Protection
5 Act, "PDPA") and Sections 24-75-601, *et seq.*, C.R.S. (Legal Investments). There shall be at least
6 two (2) signatures required upon any warrants or checks issued by the District.

7 (iv) To obtain a federal and sales tax identification number and PDPA number for
8 the District.

9 (v) To obtain errors and omissions insurance for the members of the District
10 Advisory Board, general liability insurance and such other insurance, if any, as deemed reasonable
11 and necessary by the District Advisory Board.

12 (vi) To prepare and recommend an annual Work Plan and Budget for the District to
13 the Board of Directors, and any amendments thereto; provided, however, that the Board of Directors
14 shall adopt the annual Work Plan and Budget, and any amendments thereto, for the District.

15 (vii) To give public notice and hold public meetings and hearings and recommend
16 property taxes, fees, charges or special assessments for capital, maintenance, operations, and other
17 purposes to the Board of Directors for adoption.

18 (viii) To comply with the Colorado Local Government Audit Law, Part 6 of Article 1 of
19 Title 29, C.R.S. A copy of each audit and each audit exemption prepared pursuant to the Colorado
20 Local Government Audit Law shall be filed with the City's Manager of Finance no later than the date
21 such audit or audit exemption is required to be filed with the State Auditor pursuant to Section 29-1-
22 606, C.R.S., or Section 29-1-604, C.R.S, respectively. Notwithstanding the foregoing, the District
23 shall conduct an independent audit no less frequently than every three (3) years after its
24 organization. In addition, if the District issues any indebtedness, it shall cause an audit to be
25 performed in each year in which such indebtedness is outstanding. The District Advisory Board shall
26 be authorized to execute any audit exemption application.

27 (ix) To prepare, deliver and recommend to the Board of Directors for the Board's
28 approval, at least once a year on or before September 30, a Work Plan and Budget describing the
29 major activities to be undertaken by the District for the next succeeding fiscal year; provided,
30 however, that the District Advisory Board may from time to time request that the Board of Directors
31 amend or supplement such Work Plan and Budget.

32 (x) Recommend to the Board of Directors rates, tolls, charges, assessments and/or

1 property taxes necessary for the next year's Work Plan and Budget in accordance with this Creation
2 Ordinance and Section 31-25-613, C.R.S.

3 (xi) Recommend to the Board of Directors the creation of any special improvement
4 districts in accordance with Section 31-25-611.5, C.R.S., if any, and, if created, act on behalf of the
5 Board of Directors regarding such special improvement district(s) as may be described in
6 ordinance(s) creating such special improvement district(s).

7 (xii) To enter into contracts affecting the affairs of the District up to \$100,000 and
8 such greater amounts subject to the conditions of Section 8(a)(vi), above, including any contracts
9 with the City.

10 (xiii) To engage appropriate professional consultants on behalf of the District,
11 including but not limited to accounting, auditing, engineering and legal consultants.

12 (xiv) To design, acquire, review, evaluate, recommend, value engineer, construct,
13 install and maintain improvements as approved by the Board of Directors in a Work Plan and Budget,
14 or amendments thereto.

15 (xv) To develop and recommend design guidelines or standards applicable to the
16 territory within the District, provided that such guidelines or standards do not conflict with applicable
17 guidelines or standards of the City.

18 (xvi) To have management, control and supervision of business and affairs of the
19 District, as approved by the Board of Directors in a Work Plan and Budget subject to the limitations
20 set forth herein.

21 (xvii) To apply for, in the name of the District, obtain and maintain such permits as
22 may be needed for improvements or services of the District.

23 (xviii) To construct and install improvements along any public street or alley; except
24 that plans and specifications of proposed improvements shall be approved by the City's Department
25 of Transportation and Infrastructure and/or the Colorado Department of Transportation, as
26 applicable, and all permits are obtained before construction or installation of improvements is
27 commenced.

28 (xix) To adopt reasonable by-laws or amended by-laws not contrary to applicable law
29 or this Creation Ordinance.

30 (xx) To receive petitions for inclusions and exclusions of property on behalf the
31 District and to publish notice of inclusion and exclusion hearings; except that such inclusion or
32 exclusion hearings shall be conducted by the Board of Directors. The District Advisory Board shall

1 cause a certified copy of any inclusion ordinance or exclusion ordinance to be recorded in the real
2 estate records of the City Clerk and Recorder.

3 (xxi) The following state statutes apply to the business and affairs of the District
4 Advisory Board:

- 5 (1) The Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*
- 6 (2) The Colorado Sunshine Act (Open Meetings Law), C.R.S. §§ 24-6-201,
7 *et seq.*, specifically including the requirement for public notice of
8 meetings.
- 9 (3) The Colorado Open Records Act, C.R.S. §§ 24-72-101, *et seq.*
- 10 (4) The Fair Campaign Practices Act, specifically C.R.S. § 1-45-117.
- 11 (5) The Colorado Local Government Budget Law, C.R.S. §§ 29-1-101, *et*
12 *seq.*
- 13 (6) The Colorado Local Government Audit Law, C.R.S. §§ 29-1-601, *et seq.*
- 14 (7) The Legal Investment Law, C.R.S. §§ 24-75-601.1, *et seq.*
- 15 (8) The Local Government Delinquency Charge Law, C.R.S. §§ 29-1-1101,
16 *et seq.*
- 17 (9) The Supplemental Public Securities Act, C.R.S. §§ 11-57-201, *et seq.*
- 18 (10) The Code of Ethics, C.R.S. §§ 24-18-101, *et seq.* and C.R.S. § 18-8-308.
- 19 (11) The statutes concerning entry into intergovernmental agreements and
20 the creation of authorities, C.R.S. §§ 29-1-201, *et seq.*

21 (xxii) To exercise all rights and powers necessary or incidental to the powers
22 specifically delegated to the District Advisory Board.

23 (xxiii) To accept notice on behalf of the District pursuant to the Urban Renewal Law,
24 Sections 31-25-101, *et seq.*, C.R.S., and to negotiate, enter into, and execute on behalf of the District
25 one or more agreements between the District, the Denver Urban Renewal Authority (“DURA”), and
26 other necessary parties, if any, related to the utilization of tax increment financing and/or other
27 revenues, provided any such agreements shall be subject to later ratification by the Board of
28 Directors as a part of the Board of Directors’ consideration and approval of the District’s annual Work
29 Plan and Budget. The District Advisory Board President, with attestation from the District Advisory
30 Board Secretary, shall be authorized to execute such agreement(s) with DURA, and other necessary
31 parties, if any, referenced in this Section 8(k)(xxiii) on behalf of the District. Nothing contained in this
32 Creation Ordinance shall be construed as limiting or waiving any rights or authority that the City has

1 pursuant to the Urban Renewal Law, Sections 31-25-101, *et seq.*, C.R.S., and other applicable law
2 to review, consider or approve any urban redevelopment plans or enter into agreements with DURA
3 or other parties relating thereto.

4 **Section 9. District Powers and Obligations.** Except as limited by the Election, subsequent
5 elections, and this Creation Ordinance, the District shall have all of the limited powers set forth in
6 Part 6 of Article 25 of Title 31, C.R.S., including but not limited to Sections 31-25-611 and 31-25-
7 611.5, C.R.S., as follows:

8 (a) If approved by a majority of the electors of the District voting in an election as required
9 by law, the District may assess property taxes, rates, tolls, charges and special assessments as
10 allowed by Part 6 of Article 25 of Title 31, C.R.S., and as set forth herein, subject to the provisions
11 of the Work Plan and Budget;

12 (b) The District shall not be authorized pursuant to this Creation Ordinance to incur
13 indebtedness, issue debt, or enter into multi-fiscal year financial obligations or other lawful
14 obligations evidencing or securing a borrowing by the District for any purpose (collectively
15 “Obligations”). The District shall not be authorized pursuant to this Creation Ordinance to impose or
16 collect any capital charges or fees to pay for any Obligations. It is anticipated that the District may
17 in the future desire to incur, issue and/or enter into Obligations to further the purposes of the District,
18 and therefore the Election may include ballot issues and questions to authorize such Obligations.
19 However, the District shall not be authorized to actually incur, issue and/or enter into Obligations, or
20 impose or collect any capital charges or fees to pay for such Obligations, unless and until the District
21 is provided such authorization by separate ordinance duly adopted by City Council.

22 **Section 10. District Improvements and District Services.**

23 (a) District Improvements. A general description of the public benefits and improvements
24 to be furnished by or for the District includes, but is not limited to:

25 (i) Sun Valley Neighborhood Improvements. The primary purpose of the District
26 will be to provide for the ongoing maintenance of streetscape, planned public improvements, open
27 spaces, and green infrastructure and related improvements in the Sun Valley neighborhood (the
28 “Sun Valley Neighborhood Improvements”). The Sun Valley Neighborhood Improvements may
29 include, but will not be limited to:

- 30 (1) Upgraded stormwater, sanitary, and water improvements serving the
31 Sun Valley neighborhood.
- 32 (2) Upgraded roadway, pedestrian, and multi-modal improvements along

1 West 13th Street and Holden Place, improving the east-west connection
2 between the Platte River and Federal Boulevard.

- 3 (3) Upgraded roadway, pedestrian, and multi-modal improvements along
4 Bryant and Decatur Streets, improving connections between the stadium
5 district to the north and the Sun Valley neighborhood to the south.
- 6 (4) New streetscapes and green infrastructure throughout the project area.
- 7 (5) Other enhancements, which may include but not be limited to pavement
8 enhancements and bus shelters, bicycle and pedestrian amenities.
- 9 (6) West 10th Avenue “promenade” linking existing neighborhoods to the
10 new Riverfront Park.
- 11 (7) West 10th Avenue Plazas providing open space amenities and
12 gathering points for the Sun Valley Neighborhood.
- 13 (8) Riverfront Road “shared street” activating the new Riverfront Park.
- 14 (9) Upgraded roadway, pedestrian, and multi-modal improvements.
- 15 (10) New streetscapes and green infrastructure throughout the project area.
- 16 (11) Other similar and related improvements benefiting the Sun Valley
17 neighborhood.
- 18 (12) Potential park and recreation improvements as may be identified
19 pursuant to one or more intergovernmental agreements with the City.

20 (ii) Other Improvements. In addition to the Sun Valley Neighborhood
21 Improvements described above, the District shall have the power to provide other improvements
22 consistent with the provisions of Sections 31-25-601, *et seq.*, C.R.S., and any applicable, Board of
23 Directors-approved Work Plan and Budget.

24 (b) District Services. A general description of the services to be provided by the District
25 is as follows: the provision of enhanced operation and maintenance of the Sun Valley Neighborhood
26 Improvements and other improvements and services related to, and/or of benefit to, the District. The
27 District shall be authorized to undertake operations and maintenance functions with respect to the
28 improvements and area within and without the District, as necessary and within the limits set forth in
29 this Creation Ordinance and the statutes and any revenue and spending limits approved by the
30 voters of the District in the Election or in a subsequent election, subject to future agreements and
31 permits with the City for use of right of way, as applicable.

1 **Section 11. District Mill Levy.** Revenue obtained from certification of an ad valorem mill
2 levy not to exceed eight (8) mills shall be expended for the cost to administer the District, and for
3 neighborhood infrastructure enhancements and/or maintenance of the Sun Valley Neighborhood
4 Improvements.

5 (a) Mill levy and other revenue may be used for additional neighborhood infrastructure
6 enhancements and improvements, as well as the general maintenance of the broader District area.
7 Any such enhancements and maintenance may be funded from an ad valorem mill levy not to exceed
8 eight (8.000) mills, and any revenue from any payment- or fee-in-lieu-of taxes arrangement related
9 thereto. To clarify the foregoing, it is anticipated that real property located within the boundaries of
10 the District that is owned by the Denver Housing Authority (“DHA”), or a tax-exempt
11 affiliate/subsidiary of DHA that DHA owns or controls, or other tax-exempt entity(ies) except for the
12 City, shall pay to the District an annual payment- or fee-in-lieu-of-taxes in an amount not-less-than
13 \$125 per each residential unit located upon such real property, or comparable rate for non-residential
14 property, subject to the terms of one or more separate agreements or other arrangements, if any.
15 The priority projects and maintenance to initially be funded through this levy include the Sun Valley
16 Neighborhood Improvements described above. In the future, other improvements within and for the
17 District area may also be funded, including but not limited to the financing, acquisition, construction,
18 installation and maintenance of streetscaping, landscaping, pedestrian amenities, trails, parking,
19 entry monumentation, median islands, irrigation, and park and recreation amenities and
20 improvements, together with all necessary, incidental, and appurtenant facilities, equipment, land
21 and easements and extensions of and improvements to such facilities. The limitation on tax revenues
22 shall not be a limitation on other revenues that may be collected and spent by the District, including
23 fees, gifts, grants, charges, interest, special assessments, and enterprise revenue. The District may
24 have additional authority to issue debt or other multiple fiscal year obligations in the future in amounts
25 as approved by the voters of the District, the District Board of Directors, and City Council.

26 (b) Unless the Board of Directors expressly approves it in an annual Work Plan and
27 Budget, the District shall be prohibited from imposing or enforcing any fees, rates, tolls, charges,
28 penalties or special assessments against the City.

29 **Section 12. Preparation of Annual Work Plan and Budget.** In 2022, the District Advisory
30 Board shall provide notice of a public hearing on the proposed 2022 and 2023 Work Plan and Budget
31 in accordance with the Local Government Budget Law of Colorado and shall hold a public hearing
32 on the 2022 and 2023 Work Plan and Budget and thereafter submit the same to the District Board

1 of Directors no later than September 30, 2022. The Board of Directors shall review for approval the
2 2022 and 2023 Work Plan and Budget on or before December 5, 2022. Beginning in 2023 and every
3 year thereafter, on or before September 30 of each year and after a hearing, in such detail as may
4 be reasonably requested by the Board of Directors, the District Advisory Board shall write and submit
5 a written proposal for the District Work Plan and Budget for the ensuing year. The District Advisory
6 Board shall provide notice of the hearing on the proposed Work Plan and Budget in accordance with
7 the Local Government Budget Law of Colorado. Following approval, the services, improvements,
8 and financial arrangements shall conform so far as practicable to the approved Work Plan and
9 Budget. After the hearing, the Work Plan and Budget shall be submitted to the Board of Directors.
10 The Board of Directors shall approve or disapprove the Work Plan and Budget by December 5 of
11 the year in which such documents are submitted. The District Advisory Board may from time to time
12 request that the Board of Directors amend or supplement such Work Plan and Budget. In addition
13 to other information required by statute, each Work Plan and Budget shall include a summary of the
14 current status and progress of the relevant land use approvals and development within the District's
15 boundaries.

16 **Section 13. Standard of Construction.**

17 (a) Construction. All public improvements constructed by the District shall be designed
18 and constructed in accordance with applicable standards of the City, except as modified by
19 agreement with the City, and in compliance with the applicable provisions of the Denver Revised
20 Municipal Code. No public improvements shall be funded by the District until the City, acting through
21 the Executive Director of the Department of Transportation and Infrastructure, or the Executive
22 Director's designated representative, has approved the plans and specifications as being in
23 conformance with the standards of the City and all required permits and approvals are obtained.

24 (b) Certain Ordinances.

25 (i) All construction and maintenance performed by the District shall comply with
26 the prevailing wage requirements of DRMC 20-76 or a successor ordinance in substantially the same
27 manner as the City.

28 (ii) The District shall comply with DRMC 20-85 to 20-89 or a successor ordinance
29 concerning public art in substantially the same manner as the City.

30 (iii) The District shall comply with Articles III and VII of Chapter 28, DRMC, or a
31 successor ordinance concerning small business, minority, and women business enterprise in
32 substantially the same manner as the City.

1 (iv) The District shall comply with all applicable state laws concerning public bidding
2 and construction contracting.

3 (c) Conveyance of Improvements. All public improvements constructed by the District
4 shall be conveyed, at the City's request, to the City upon acceptance of such improvements by the
5 Department of Transportation and Infrastructure.

6 **Section 14. Inclusions, Exclusions.** Inclusions or exclusions of property into and from the
7 District may be made pursuant to the procedures in Section 31-25-618, C.R.S.

8 **Section 15. Recorded Notice of Organization.** The District shall provide notice of its
9 existence to all persons acquiring property within the District by recording a notice of organization in
10 the real property records of the Clerk and Recorder of the City and County of Denver.

11 **Section 16. Conclusive.** This Creation Ordinance finally and conclusively establishes the
12 regular organization of the District against all persons unless an action attacking the validity of the
13 organization is commenced in a court of competent jurisdiction within thirty (30) days after the
14 effective date of this Creation Ordinance. Thereafter, any such action shall be perpetually barred.

15 **Section 17. Confirmation of Actions and Powers.** The District may seek confirmations of
16 Board actions and powers as authorized in Section 31-25-631, C.R.S.

17 **Section 18. Intergovernmental Agreements.**
18 The District may enter into one or more intergovernmental agreements as approved
19 by the District Advisory Board or the Board of Directors.

20 **Section 19. Dissolution.** The District may be dissolved as provided in Section 31-25-625,
21 C.R.S. The District Advisory Board and the Board of Directors shall consider dissolution of the
22 District, in their discretion, three (3) years from the date of this Creation Ordinance in the event
23 significant progress has not been made on land use approvals and development within the District's
24 boundaries.

25 **Section 20. City Fees and Charges.** The District shall pay the City such fees and charges
26 as may be required by statute, ordinance, charter, and City rules and regulations including but not
27 limited to: (a) a 1% fee for billing and collections by the Treasurer on behalf of the District, if any; and
28 (b) an annual fee for costs that the City incurs for the annual review and monitoring of the District
29 which shall be reasonably related to the City's administrative cost associated with the District, not to
30 exceed the fees set forth in City Policy and the Manager of Finance Rules and Regulations as they
31 currently exist or may be adopted or amended from time to time.

1 **Section 21. Statutory or Ordinance Citations.** All references to specific statutory or
2 ordinance citations hereunder shall include if such citations are amended or supplemented in the
3 future from time to time, and shall include any successor statutes or ordinances.

4 **Section 22. Severability.** If any section, paragraph, clause or provision of this ordinance
5 shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such
6 section, paragraph, clause or provision shall in no manner affect any remaining provisions of this
7 ordinance.

8 COMMITTEE APPROVAL DATE: N/A

9 MAYOR-COUNCIL DATE: N/A

10 PASSED BY THE COUNCIL _____

11 _____ - PRESIDENT

12 APPROVED: _____ - MAYOR _____

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER
16

17 NOTICE PUBLISHED IN THE DAILY JOURNAL _____;

18 PREPARED BY: Thomas N. George, Spencer Fane LLP

19 REVIEWED BY: Bradley Neiman, Assistant City Attorney DATE: August 17, 2022
20

21 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
22 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
24 3.2.6 of the Charter.

25
26 Kristin M. Bronson, Denver City Attorney

27 BY: Jonathan Griffin, Assistant City Attorney DATE: Aug. 23, 2022