

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2012

COUNCIL BILL NO. CB11-0924
COMMITTEE OF REFERENCE:
Land Use, Transportation and
Infrastructure

6
7 **A B I L L**

8
9 **For an Ordinance authorizing and approving an amendment**
10 **to the South Broadway/Montgomery Ward Urban Renewal Plan**

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12
13 **WHEREAS**, the Council of the City and County of Denver (“Council”) approved the South
14 Broadway/Montgomery Ward Urban Renewal Plan, dated October 1992 (“Plan”) by authority of
15 Ordinance No. 740, Series of 1992, having found that the area described in the Plan consists of a
16 blighted area which is appropriate for urban renewal projects according to the Urban Renewal
17 Law of the State of Colorado (“Act”); and

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

22
23 **WHEREAS**, the City and the Authority desire to add the construction of a regional storm
24 sewer to provide drainage and the interior street enhancements as a project under the Plan (the
25 “Urban Renewal Project”); and

26
27 **WHEREAS**, Section V(D) of the Plan provides that the Plan may be amended pursuant to
28 Section 31-25-107 of the Act; and

29
30 **WHEREAS**, the Board of Commissioners of the Denver Urban Renewal Authority has
31 selected the Project as a project for tax increment funding; and

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33 **WHEREAS**, the amendment to the Plan to add the Urban Renewal Project and make
34 certain other amendments to the Plan (the “Proposed Amendment”) has been approved by the
35 Board of Commissioners of the Denver Urban Renewal Authority; and

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

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

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

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

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

Section 1. City Council determines that the Urban Renewal Project is in furtherance of the Plan and will promote the objectives set forth in the Plan. The Urban Renewal Project further promotes the urban renewal objectives described in the Plan, which are hereby incorporated by reference.

Section 2. There are currently no individuals or families living in the South Broadway/Montgomery Ward Urban Renewal Area who will be displaced from dwelling units as a result of adoption or implementation of the Proposed Amendment to the Plan and therefore no relocation plan is necessary for individuals or families.

Section 3. A feasible method exists for the relocation of business concerns in the South

1 Broadway/Montgomery Ward Urban Renewal Area which will be displaced as a result of adoption
2 or implementation of the Proposed Amendment to the Plan in the South Broadway Montgomery
3 Ward Urban Renewal Area or in other areas that are not generally less desirable with respect to
4 public utilities and public and commercial facilities.
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6 **Section 4.** Council set a public hearing on the Proposed Amendment for February 6,
7 2012 (“Public Hearing”) and that it be and is hereby found and determined that reasonable efforts
8 have been taken to provide written notice of the Public Hearing to all property owners, residents
9 and owners of business concerns in the South Broadway/Montgomery Ward Urban Renewal Area
10 at least thirty (30) days prior to the date of the Public Hearing.
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12 **Section 5.** That it be and is hereby found and determined that no more than one
13 hundred twenty (120) days have passed since the commencement of the Public Hearing.
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15 **Section 6.** That it be and is hereby found and determined that the Plan, as amended by
16 the Proposed Amendment, contains no property that was included in a previously submitted
17 urban renewal plan that Council failed to approve.
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19 **Section 7.** That it be and is hereby found and determined that the Plan, as amended by
20 the Proposed Amendment, conforms to the comprehensive plan of the City, as a whole, and is
21 necessary and appropriate to facilitate the proper growth and development of the community in
22 accordance with sound planning standards and local community objectives.
23

24 **Section 8.** That it be and is hereby found and determined that the Plan, as amended by
25 the Proposed Amendment, will afford maximum opportunity, consistent with the sound needs of
26 the City as a whole, for the rehabilitation and redevelopment of the South Broadway/Montgomery
27 Ward Urban Renewal Area by private enterprise.
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29 **Section 9.** That the Plan be and is amended as follows:
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31 Page 3, Section I(B) is amended by the addition of the following at the end of the
32 section:
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1 The Urban Renewal Project under this Plan also means the W. Dakota
2 Avenue Storm Water Outfall and Street Improvement Project, a regional storm
3 sewer project to provide drainage improvement and related interior street
4 enhancements as more fully described in Section V below.

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6 Page 22, Section V(C)(11)(C) is amended to read:

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8 The Authority may assist all persons, families, and business concerns
9 displaced by Project activities in finding other locations and facilities and may make
10 relocation payments to eligible residents and business concerns in such amounts
11 and under such terms and conditions as set forth in the Denver Urban Renewal
12 Authority Relocation Assistance Policy currently in effect.

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14 Page 24, Section V(C)(11)(H) is amended by adding the following at the end of the
15 section:

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17 The Authority will enter into an Intergovernmental Agreement with the City
18 and the BMP Metropolitan District No. 1 to implement the Urban Renewal Project
19 known as the W. Dakota Avenue Storm Water Outfall and Street Improvement
20 Project, the purpose of which is to provide drainage improvements in accordance
21 with City standards and requirements for the outfall area, including the Urban
22 Renewal Area. The project involves the construction of a large box culvert along
23 with upstream inlets and conduits commencing at the intersection of South Grant
24 Street and Virginia Avenue, then running westerly along Virginia Avenue to South
25 Broadway, northerly along South Broadway to Dakota Avenue, westerly along the
26 West Dakota Avenue alignment through the Urban Renewal Area to South
27 Cherokee Street, continuing westerly through a bore or tunnel under the RTD and
28 Consolidated Main Line tracks, across the former RTD bus barn property on South
29 Santa Fe Drive, and connecting to the existing CDOT culvert under I-25 for
30 ultimate drainage into the South Platte River. The route described above is subject
31 to modifications upon the mutual agreement of the City and BMP Metropolitan
32 District No. 1 as may be necessary to address unknown conditions, provided that
33 the alignment within the Urban Renewal Area along the West Dakota Avenue

1 alignment to South Cherokee Street shall not be modified in any material manner.
2 The Project shall also include, upon completion of the storm water improvements
3 through the Urban Renewal Area, improvements to West Dakota Avenue between
4 South Broadway and South Cherokee Street sufficient to re-establish and dedicate
5 West Dakota Avenue as a public street as well as streetscape improvements on
6 South Cherokee Street, all in accordance with City standards and requirements;
7 provided, however, that the West Dakota Avenue street improvements shall not
8 include sidewalk and streetscape improvements along the northerly side of the
9 street.

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11 Page 25, Section (V)(C)(11)(I)(2)(b), the last paragraph is deleted.

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13 Page 26, Section V(C)(11)(I)(4) is amended to read:

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15 This plan may be modified pursuant to the provisions of the Act and may
16 provide for Tax Increment Financing for projects outside of the Urban Renewal
17 Area in furtherance of this Urban Renewal Plan.

18
19 **Section 10.** That Ordinance No. 740, Series of 1992, is hereby amended to the extent
20 described herein. That to the extent that any provision or provisions of the Plan is or are deemed
21 by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision or
22 provisions shall not affect the validity or enforceability of all remaining provisions of the Plan.

23
24 COMMITTEE APPROVAL DATE: January 17, 2012

25 MAYOR-COUNCIL DATE: January 24, 2012

26 PASSED BY THE COUNCIL _____ 2012

27 _____ - PRESIDENT

28 APPROVED: _____ - MAYOR _____ 2012

29 ATTEST: _____ - CLERK AND RECORDER,
30 EX-OFFICIO CLERK OF THE
31 CITY AND COUNTY OF DENVER
32

1 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2012; _____ 2012

2 PREPARED BY: David W. Broadwell, ASSISTANT CITY ATTORNEY, January 25, 2012

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4 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
5 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
6 ordinance. The proposed ordinance is NOT submitted to the City Council for approval pursuant to
7 §3.2.6 of the Charter.

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9 Douglas J. Friednash, Denver City Attorney

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11 By: _____, Assistant City Attorney DATE: _____, 2012.