

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2023

COUNCIL BILL NO. 23-1083
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an Ordinance authorizing and approving an amendment to the 3015 East Colfax Urban Redevelopment Plan

WHEREAS, the Council of the City and County of Denver (“City Council”) approved the 3015 East Colfax Urban Redevelopment Plan (“Urban Redevelopment Plan”) by authority of Ordinance No. 20220589, Series of 2022 (“Creation Ordinance”), having found that the area described in the Urban Redevelopment Plan consists of a blighted area which is appropriate for urban redevelopment projects according to the Urban Renewal Law of the State of Colorado, Sections 31-25-101, *et seq.*, of the Colorado Revised Statutes (“Act”); and

WHEREAS, the Denver Urban Renewal Authority (“Authority”) is a body corporate organized by the Act; and

WHEREAS, the Urban Redevelopment Plan created the Property Tax Increment Area and the Sales Tax Increment Area, which are coterminous with the 3015 East Colfax Urban Redevelopment Area (“Urban Redevelopment Area”); and

WHEREAS, the Board of Commissioners of the Authority desires to amend the definition of “Project” contained in the Urban Redevelopment Plan to reflect a revised scope; and

WHEREAS, Section XIV of the Urban Redevelopment Plan provides that the Urban Redevelopment Plan may be amended pursuant to Section 31-25-107 of the Act; and

WHEREAS, an amendment to the Urban Redevelopment Plan (the “Proposed Amendment”) to revise the definition of “Project” has been approved by the Board of Commissioners of the Authority; and

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

WHEREAS, there has been prepared and referred to the City Council for its consideration and approval, a copy of the Proposed Amendment as set forth in this Ordinance; and

1 **WHEREAS**, after notice as required by the Act, a public hearing has been held concerning
2 the Proposed Amendment to the Urban Redevelopment Plan (as originally scheduled for September
3 18, 2023 and as may be continued, the “Public Hearing”); and

4 **WHEREAS**, in accordance with the requirements of Section 31-25-107(9.5) of the Act, School
5 District No. 1 in the City and County of Denver and State of Colorado (“DPS”) entered into an
6 agreement with the Authority (the “DPS Agreement”) and the Urban Drainage and Flood Control
7 District, doing business as the Mile High Flood District, (“UDFCD”) entered into an agreement with
8 the Authority (the “UDFCD Agreement”).

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

11 **Section 1.** City Council determines that the Project as revised under the Proposed
12 Amendment is located within the Urban Redevelopment Area and will promote the objectives set
13 forth in the Urban Redevelopment Plan.

14 **Section 2.** That it be and is hereby found and determined that the Urban Redevelopment
15 Plan, as amended by the Proposed Amendment, conforms to the Denver Comprehensive Plan 2040,
16 as supplemented, and is necessary and appropriate to facilitate the proper growth and development
17 of the community in accordance with sound planning standards and local community objectives.

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

22 **Section 4.** There are currently no individuals or families living in the Urban Redevelopment
23 Area, therefore no individuals or families will be displaced from dwelling units as a result of adoption
24 or implementation of the Proposed Amendment to the Urban Redevelopment Plan.

25 **Section 5.** There are currently no business concerns in the Urban Redevelopment Area,
26 therefore no business concerns will be displaced as a result of adoption or implementation of the
27 Proposed Amendment to the Urban Redevelopment Plan.

28 **Section 6.** That the Public Hearing on the Proposed Amendment to the Urban
29 Redevelopment Plan was held before City Council and that it be and is hereby found and determined
30 that reasonable efforts have been taken to provide written notice of the Public Hearing to all property
31 owners, residents and owners of business concerns in the Urban Redevelopment Area at least thirty
32 (30) days prior to the date hereof.

1 **Section 7.** That it be and is hereby found and determined that no more than one hundred
2 twenty (120) days have passed since the commencement of the Public Hearing.

3 **Section 8.** That it be and is hereby found and determined that the Urban Redevelopment
4 Plan, as amended by the Proposed Amendment, contains no property that was included in a
5 previously submitted urban redevelopment plan that City Council failed to approve.

6 **Section 9.** That it be and hereby is found that the DPS Agreement and the UDFCD
7 Agreement have been entered into in satisfaction of the requirements of Section 31-25-107(9.5) of
8 the Act.

9 **Section 10.** That the City can adequately finance, or agreements are in place to finance,
10 any additional City infrastructure and services required to serve development within the Urban
11 Redevelopment Area for the period during which City property taxes are paid to the Authority.

12 **Section 11.** The definition of "Project" or "Projects" in the Urban Development Plan be and
13 is hereby amended to read:

14 '"Project' or 'Projects' means the redevelopment of the Urban Redevelopment
15 Area consisting of the rehabilitation of the All Inn Motel building into a hotel with ground
16 floor commercial uses and other possible additional improvements in furtherance of
17 the objectives of the Urban Redevelopment Plan with such additional improvements to
18 be approved by City Council."

19 **Section 12.** That the Urban Redevelopment Plan filed in the office of the Clerk and Recorder,
20 Ex-Officio Clerk of the City and County of Denver (the "City Clerk") in City Clerk's Filing No. 20220062,
21 be and is amended hereby to revise the definition of Project to the definition described in Section 11,
22 above.

23 **Section 13.** Except as expressly amended herein by this Proposed Amendment, the Urban
24 Redevelopment Plan as originally approved by City Council pursuant to the Creation Ordinance shall
25 remain in full force and effect.

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1 COMMITTEE APPROVAL DATE: August 15, 2023
2 MAYOR-COUNCIL DATE: August 22, 2023 by Consent
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____
10 PREPARED BY: Bradley T. Neiman, Assistant City Attorney DATE: September 7, 2023
11 Pursuant to section 13-9, D.R.M.C., this proposed resolution has been reviewed by the Office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to
14 § 3.2.6 of the Charter.
15 Kerry Tipper, Denver City Attorney
16
17 BY: Anshul Bagga, Assistant City Attorney DATE: Sep 19, 2023