

Filing No. 2012-0402-

2025 Operating Plan

Federal Boulevard Business Improvement District

The Federal Boulevard Business Improvement District (the “BID”) is a business improvement district organized pursuant to Ordinance No. 402, Series 2012, on September 4, 2012, and the Business Improvement District Act, Section 31- 25-1201, *et seq.*, Colorado Revised Statutes. The main purpose of the BID is to improve the economic vitality and overall commercial appeal of Federal Boulevard and the area bounded by West 22nd to West 27th Avenues, and east along Eliot Street between West 24th and West 26th Avenues.

Activities of the BID are financed through an ad valorem property tax mill levy applied against the assessed value of taxable commercial property located within the boundaries of the BID. The BID provides programming and benefits to business and commercial properties located within the boundaries that include economic development, physical improvements and advocacy.

This 2025 Proposed Operating Plan and Budget is being filed in accordance with Section 31-25-1211, C.R.S.

Boundaries: The BID boundaries are as set forth in the map Exhibit A to the Organizing Ordinance.

BID Programs:

- **♣ Economic Development**

Economic development was rated highly as a program priority among BID stakeholders. Economic development initiatives can include business support, business attraction, investor and consumer marketing, special events, ratepayer communications and promotions.

- **♣ Physical Improvements & District Identity**

Physical improvements that enhance a sense of identity for the district also rated highly among stakeholders in the survey and could include a variety of improvements, including banners, planters, gateways, signage, public art and maintenance. Funds provided through the Elevate Denver Bond program will enhance safety for pedestrians.

- **♣ Advocacy on Behalf of Corridor Property and Businesses**

Advocacy efforts to promote the BID and its businesses and services can include planning efforts, leveraging a variety of public investment opportunities, and advocacy for policies that positively affect the District.

Methodology and Governance:

The estimated 2025 budget is anticipated to be approximately \$127,144. The budget is expected to be funded primarily through the an ad valorem property tax mill levy of seven out of an authorized ten mills applied against the assessed value of the taxable commercial property within the BID, currently \$12,165,390 of taxable assessed value.

City Services:

In order to allocate the costs of the services and improvements to be furnished by the BID in a way that most closely reflects its benefits, the BID will collect an ad valorem property tax levied on taxable commercial property. The BID mill levy collections started in 2014.

The BID is currently governed by a board of five members. To the extent possible, board representation shall represent geographic diversity within the BID boundaries.

Pursuant to an ordinance adopted by the City in 2019, the Board may be comprised of up to seven members. There is currently one vacancy on the Board.

BID services are in addition to any City services that are currently provided. BID services do not replace any existing City services. If appropriate and necessary, the BID and the City will enter into a *Base Level of Services Agreement* which outlines the frequency and type of current City services being provided within the BID.

Financial Approval:

In order to authorize the BID to collect and spend revenue generated by an ad valorem property tax mill levy of up to ten (10) mills in 2014 and future years, a majority of participating voters within the BID approved said taxing authority in an election held on November 6, 2012.

BID PROGRAMS

The following narrative provides recommendations for BID programs for 2023. The Board of Directors may amend program activities within the general categories authorized by state law and in the approved annual operating plan and budget.

Physical Improvements to enhance the overall physical realm include the following recommendations:

- Planning and implementation strategy for wayfinding, gateways and directional signage throughout the proposed district.
- Providing support for the expenditure of Elevate Denver Bond funds.
- Initiating special projects such as public art displays and community activities.
- Planning and implementation strategies for landscaping, street furniture and other amenities.
- Providing maintenance.

Economic Development, District Identity, Advocacy & Communications recommendations include:

- Active involvement in the implementation of BID programming and events. Leveraging BID programs, budget and initiatives.
- Coordinated efforts to ensure the successful redevelopment of key sites.
- Researching issues and developing policies that will positively influence the proposed District in the near and mid-term.
- Seeking grants and other funding to leverage BID assessments for projects and improvements.
- Building upon relationships with the City, Colorado Department of Transportation and other agencies that have a vested interest in the area.
- Developing and implementing a district identity and marketing plan.
- Maintaining active communication among BID ratepayers so it is clear what activities the BID is pursuing and providing opportunities for feedback from BID ratepayers.

Fees, Charges and Other Revenues: Although the 2025 budget does not contemplate imposing special rates, fees or charges for services furnished or performed, the BID shall be authorized to impose and collect reasonable rates, fees and charges for specific services as determined by the BID Board of Directors. At this time, the BID does not anticipate the need for imposing any

special rates, fees, and charges. Any special assessments will be assessed and collected only following the notice and public hearing requirements set forth in Section 31-25- 1219, C.R.S. The BID will be authorized to collect and spend revenues from other sources, including but not limited to revenues associated with grants, gifts, receipts from contracts and enterprises, specific ownership taxes, and interest earnings.

Assessment Methodology: Under Colorado law, business improvement districts can generate revenues through several methods, including charges for services rendered by the district, fees, taxes, special assessments, or a combination of any of these. In order to allocate the costs of the services to be furnished by the BID in a way that most closely reflects the benefits conferred upon the businesses and commercial properties in the BID, the BID is authorized to determine, impose and collect a mill levy based upon the assessed value of commercial property located in the BID.

Raising BID annual operating revenue through an ad valorem property tax mill levy is intended to equitably address the intended benefits provided by the BID by improving the overall value of commercial property in the BID through enhanced identity and image, economic development initiatives and advocacy.

Exhibit A
2025 Budget

**FEDERAL BOULEVARD
BUSINESS IMPROVEMENT DISTRICT
2025 Budget**

	2023 ACTUALS	2024 PROJECTIONS	2024 Adopted	2025 Sept DRAFT
Beginning Year Unrestricted Fund Balances	\$ 166,969	\$ 225,118	\$ 225,118	\$ 208,570
REVENUES				
GRANTS/GIFTS	\$ -			
OWNERSHIP TAXES	\$ 6,457	\$ 6,457	\$ -	\$ 6,457
PROPERTY TAXES	\$ 116,149	\$ 83,362	\$ 83,362	\$ 120,437
OTHER (event sponsorship & sales)	\$ 376	\$ -	\$ -	\$ 250
TOTAL REVENUES	\$ 122,982	\$ 89,819	\$ 83,362	\$ 127,144
EXPENDITURES				
OFFICE EXPENSES	\$ 975	\$ -	\$ 2,000	\$ -
MARKETING (SOCIAL MEDIA/WEB/ADVERTISING)	\$ 515	\$ 4,754	\$ 8,000	\$ 8,000
INSURANCE	\$ 4,220	\$ 2,000	\$ 3,500	\$ 4,500
PLACEMAKING/BRANDING	\$ -	\$ 3,735	\$ 35,000	\$ 16,000
EXECUTIVE DIRECTOR, OPERATIONS & LEGAL	\$ 47,033	\$ 58,040	\$ 60,000	\$ 61,800
ACCOUNTANT	\$ -	\$ -	\$ 1,250	\$ 800
BOOKKEEPER	\$ 706	\$ 1,200	\$ 1,680	\$ 1,236
LEGAL FEES	\$ 3,393	\$ 29	\$ 2,000	\$ -
UTILITIES	\$ 247	\$ 175	\$ 250	\$ 400
SDA DUES	\$ 2,571	\$ 500	\$ 500	\$ 550
MAINTENANCE	\$ 4,686	\$ 1,110	\$ 10,000	\$ 20,000
BUSINESS SUPPORT	\$ -	\$ 34,050	\$ 39,753	\$ 10,000
BANK FEES	\$ -	\$ -	\$ 14	
EVENTS	\$ -	\$ -	\$ -	\$ 25,000
LEGAL ADVERTISING	\$ 75	\$ 75	\$ -	\$ 80
DISTRICT MEETINGS/BUSINESS GATHERINGS	\$ 412	\$ 700	\$ -	\$ 800
TOTAL EXPENSES	\$ 64,833	\$ 106,368	\$ 163,947	\$ 149,166
NET CHANGE IN FUNDS AVAILABLE	\$ 58,149	\$ (16,548)	\$ (80,585)	\$ (22,022)
ENDING FUNDS AVAILABLE	\$ 225,118	\$ 208,570	\$ 144,533	\$ 186,548

Filing No. 2012-0402-

Operating Plan Supporting Materials

A-1: 2024 Year to date “budget to actual” financial reports

B: Any materials departures from the 2024 Operating Plan, and an explanation

C: A copy of your Public Notice publication for the 2025 Budget public hearing

D: The status of any planned or outstanding indebtedness

E: The results of any audits conducted during the year, if not already submitted.

F: A copy of the By-laws, if any, in effect in 2024

G: A list of official board actions (motions) in the past year.

H: Current list of all Board members including name, address, phone, fax and e-mails as well as term appointment and expiration date.

I: Board members attendance records for the past year.

J: A list of activities performed and planned for 2024 (and planning for in 2025);

K: Documented tangible impacts and performance measures that your BID provides and tracks. For instance this could include trend occupancy rates, business or citizen surveys, crime rates, lease rates, taxable retail sales, number of jobs created, pedestrian/visitor counts, and business license revenues. Any additional information would be beneficial for the City Council budget approval process.

Exhibit A-1 2024 Year to date “budget to actual” financial reports

Please see previously attached Exhibit A - 2025 Budget for budget to actual financial reports.

Exhibit B: Material Departures

There were no material departures from the 2024 operation plan.

Exhibit C: Copy of Public Notice for Budget Hearing Meeting

The Denver Post, LLC

PUBLISHER'S AFFIDAVIT

City and County of Denver)
State of Colorado)
)

The undersigned Nicole Maestas being first duly sworn under oath, states and affirms as follows:

- 1. He/she is the legal Advertising Reviewer of The Denver Post, LLC, publisher of The Denver Post and Your Hub.
- 2. The Denver Post and Your Hub are newspapers of general circulation that have been published continuously and without interruption for at least fifty-two weeks in Denver County and meet the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
- 3. The notice that is attached hereto is a true copy, published in Your Hub for Denver Downtown/East/West (including counties of Denver, Jefferson, Arapahoe, and Adams) on the following date(s):

September 26, 2024

Nicole Maestas
Signature

Subscribed and sworn to before me this 27 day of September, 2024.

Juliana Dashwood
Notary Public

JULIANA DASHWOOD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20244034234
MY COMMISSION EXPIRES SEPTEMBER 11, 2028

(SEAL)

NOTICE AS TO PROPOSED BUDGET

NOTICE IS HEREBY GIVEN that the proposed budget for the ensuing year of 2025 has been submitted to the Federal Boulevard Business Improvement District ("District"). Such proposed budget will be considered at the regular meeting of the Board of Directors of the District to be held at 9:00 a.m. on Wednesday, October 23, 2024, at 2406 Federal Boulevard, Denver, CO.

Copies of such proposed budget for fiscal year 2025 are available for inspection by the public at the offices of the district, 2406 Federal Boulevard, Denver, Colorado. Any interested elector within the District may, at any time prior to the final adoption of the proposed budget for the ensuing year 2025, file or register any objections thereto.

Dated September 19, 2024.

FEDERAL BOULEVARD
BUSINESS IMPROVEMENT DISTRICT
By: /s/ David Berton, Secretary

Please note: The Denver Post will no longer be issuing paper tears. There will only be a digital copy.

Exhibit D: Planned Indebtedness

There are no plans to incur debt at this time and there is no current debt.

Exhibit E: The results of any audits conducted during the year, if not already submitted

Attached

Federal Boulevard Business Improvement
District Financial Statements

December 31, 2023

ACCOUNTANT'S COMPILATION REPORT

Board of Directors
Federal Boulevard Business Improvement District

Management is responsible for the accompanying financial statements of each major fund of Federal Boulevard Business Improvement District, as of and for the period ended December 31, 2023, which are comprised of the Balance Sheet and the related Statement of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual – Governmental Funds for the twelve months then ended in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with the Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

Management has elected to omit the Statement of Net Position, Statement of Activities, Management Discussion and Analysis and all of the disclosures required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the District's financial position and results of operations. Accordingly, the financial statements are not designed for those who are not informed about such matters.

Simmons & Wheeler P.C.

April 27, 2024
Englewood, Colorado

Federal Boulevard Business Improvement District
Balance Sheet - Governmental Fund
December 31, 2023
See Accountant's Compilation Report

	<u>General Fund</u>	<u>Total All Funds</u>
Assets		
Current assets		
Cash in checking	\$ 228,902	\$ 228,902
Cash in checking retriected	1,500	1,500
Cash with County Treasurer	440	440
Taxes receivable	<u>83,362</u>	<u>83,362</u>
	<u>314,204</u>	<u>314,204</u>
Total Assets	<u>\$ 314,204</u>	<u>\$ 314,204</u>
Liabilities and Equity		
Current liabilities		
Accounts payable	<u>\$ 5,724</u>	<u>\$ 5,724</u>
	<u>5,724</u>	<u>5,724</u>
Total liabilities	<u>5,724</u>	<u>5,724</u>
Deferred Inflows of resources:		
Deferred property taxes	<u>83,362</u>	<u>83,362</u>
Total Deferred Inflows of Resources	<u>83,362</u>	<u>83,362</u>
Fund Balances:		
Restricted:		
Emergencies	4,000	4,000
Unassigned	<u>221,118</u>	<u>221,118</u>
Total Fund Balances	<u>225,118</u>	<u>225,118</u>
	<u>\$ 314,204</u>	<u>\$ 314,204</u>

Federal Boulevard Business Improvement District
Statement of Revenues, Expenditures and Changes in Fund Balance -Governmental Funds
Budget and Actual
For the Year Ended December 31, 2023
General Fund

See Accountant's Compilation Report

	Original & Final <u>Budget</u>	<u>Actual</u>	Variance Favorable <u>(Unfavorable)</u>
Revenues			
Property taxes	\$ 133,293	116,149	\$ (17,144)
Specific ownership taxes	1,863	6,457	4,594
Other income	-	376	376
	<u>135,156</u>	<u>122,982</u>	<u>(12,174)</u>
Expenditures			
Professional fees	-	706	(706)
Executive Director	30,000	47,033	(17,033)
Insurance	2,000	4,220	(2,220)
Legal	2,000	3,393	(1,393)
Legal advertising	-	75	(75)
Meals/entertaining	-	372	(372)
Meeting expenses	-	40	(40)
Placemaking design & services	50,000	-	50,000
Rent	-	618	(618)
Communication	6,000	-	6,000
Dues and Subscriptions	500	2,571	(2,071)
Advertising and marketing	-	147	(147)
Advertising promotion	-	175	(175)
Website and Social Media	-	193	(193)
Office expenses	4,056	357	3,699
Repair and maintenance	40,000	4,686	35,314
Utilities	600	247	353
	<u>135,156</u>	<u>64,833</u>	<u>70,323</u>
Excess (deficiency) of revenues over expenditures	-	58,149	58,149
Fund balance - beginning	<u>165,116</u>	<u>166,969</u>	<u>1,853</u>
Fund balance - ending	<u>\$ 165,116</u>	<u>225,118</u>	<u>\$ 60,002</u>

F: A copy of the By-laws, if any, in effect in 2024

By-laws are under development.

G: Official Board Actions

October 2023

- Approved board minutes for September
- Approved 2024 budget resolution
- Approved contract for Susan Orr

November 2023

- Approve October board minutes, election officers

December 2023

- No official board actions taken. January 2024

- Approved minutes from November
- Approved the Social Impact Law contract for 2024
- Approved public posting notification location

February 2024

- Approved minutes from January
- Approved funds for BID run grant to businesses within boundaries
- Approved contract for financial statement review by Simmons and Wheeler

March 2024

- Approved minutes for February
- Approved Jeff Park District branding

April 2024

- Approved the March meeting minutes
- Approved monthly financials
- Approved new website development and ADA compliance

May 2024

- Approved the April meeting minutes
- Approved branding logo and design
- Approved construction impact signage costs

June 2024

- Approved the May meeting minutes
- Approved the monthly financials.
- Approved participation in the BID Council and associated cost

July 2024

- No meeting this month.

August 2024

- Approved the June meeting minutes
- Approved the monthly financials
- Approved mural expenses for district branded murals
- Approved purchasing branded materials for BID ahead of JPUN event

September 2024

- Approved August meeting minutes
- Approved monthly financials
- Approved 2025 operating budget

H: Current list of all Board members including name, address, phone, fax and e-mails as well as term appointment and expiration date.

	<u>APPOINTED</u>	<u>CONFIRMED</u>	<u>EXPIRES</u>
Nikki Mohaupt, Arvada (F)(C) rep. owner of business in district, reappt., 2544 Federal Boulevard Denver, Colorado 80211, nikki@thefedbar.com	11-10-20	12-14-20	12-31-24
David Berton, Morrison (M)(C) rep. business in the district, reappt., AIA, 2899 N. Speer Blvd., #102 Denver, Colorado 80211, david@realarchitecture.com	11-10-20	12-14-20	12-31-24
Luis Vasquez, Denver (M)(H) rep. owner in the district, reappt., Luis Gilbert Vasquez, 3425 West Scott Place Denver, Colorado 80211, qualityplumbingdenver@gmail.com	11-10-20	12-14-20	12-31-24
Marne Wills-Cuellar, Lakewood (F)(C) rep. business owner in District, appt., Marne Wills-Cuellar, 2406 Federal Boulevard, Denver, CO 80211, press@adamsmysteryplayhouse.com	11-10-20	12-14-20	12-31-24
Marshall Vanderburg, (M)(C) rep. tenant in District, reappt., 2043 Grove St. Denver, CO 80211, j.marshall.vanderburg@gmail.com	11-10-20	12-14-20	12-31-24

I: Board members attendance records for the past year.

October 2023

Members Present: David Berton, Marne Wills Cuellar, Nikki Mohaupt, Gil Vasquez, and Marshall Vanderburg

Members not Present: Andrew Forney

November 2023

Members present: Nikki Mohaupt, David Berton, Marshall Vanderburg, Marne Wills-Cuellar and Gil Vsaquez

Members not present: N/A

December 2023

Members present: Nikki Mohaupt, David Berton, Marshall Vanderburg, Marne Wills-Cuellar and Gil Vsaquez

Members not present: N/A

January 2024

Members Present: Marshall Vanderburg, Marne Wills-Cuellar, Gil Vasquez

Members not present: David Berton, Nikki Mohaupt

February 2024

Members present: Nikki Mohaupt, David Bertron, Marne Wills-Cuellar, Gil Vasquez

Members not present: Marshall Vanderburg

March 2024

Members present: Nikki Mohaupt, David Berton, Marshall Vanderburg, Marne Wills-Cuellar and Gil Vsaquez

Members not present: N/A

April 2024

Members present: Nikki Mohaupt, David Berton, Marshall Vanderburg, Marne Wills-Cuellar and Gil Vsaquez

Members not present: N/A

May 2024

Members present: David Berton, Marne Wills-Cuellar and Gil Vasquez

Not Attending: Nikki Mohaupt and Marshall Vanderburg

June 2024

Members present: Nikki Mohaupt, David Berton, Marshall Vanderburg, Marne Wills-Cuellar and Gil Vsaquez

Members not present: N/A

July 2024

No meeting held.

August 2024

Board Members Attending: Gil Vasquez, Nikki Mohaupt, Marshall Vanderburg, Dave Berton and Marne Will-Cuellar

Members not present: N/A

September 2024

Board Members Attending: Gil Vasquez, Nikki Mohaupt, Marshall Vanderburg, Dave Berton and Marne Will-Cuellar

Members not present: N/A

J: A list of activities performed and planned for 2024 (and planning for in 2025)

In 2024 the board hired new staff to support administration and operations.

Branding and Identify

They contracted for a branding update, creating a new brand and logo for the district. They support two Jefferson Park United Neighbors events with sponsorship and participation. They also purchased branded material.

Business Support

Construction Impact Support through marketing and signage to support businesses during construction. We also provided coordination between construction management and businesses. In addition, the BID advocated for funding to support businesses who were impacted by significant revenue loss from complete streets closures.

In addition, the BID established a grant fund to support improvements to business exteriors and awarded funds to multiple businesses to update outdoor amenities or appearances.

The BID supported businesses with grant applications to CASR and DOLA, seeing \$20,000 in business awards. The BID also supported businesses in receiving digital marketing and website development support.

Communications

The BID contracted to design a new website, create a newsletter and began building a list serv for revamped communications and outreach to the community.

Events

In late 2024 or early 2025 the BID will support a ribbon cutting for the construction. In 2025 the BID is interested in developing a recurring event, or large stand alone event to support businesses and connect with community. To do this they anticipate contracting with an event management company.

K: Documented tangible impacts and performance measures that your BID provides and tracks.

The district monitors crime rates annually within the district boundaries. Crime to persons in the categories of aggravated assault and robbery increased slightly from 2022 to 2023, however, is still below 2021 levels. Crimes to property decreased overall, with auto theft showing the greatest decrease. The figure below details crime levels since 2010 to the most recent available year, 2023.

**Part 1 Crimes
in the Federal BID
By Year: 2010-2023**

Crime Type		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
PART 1 PERSONS	Homicide	0	0	0	0	0	0	0	0	0	0	0	1	0	0
	Sexual Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Robbery	3	3	6	6	3	3	5	3	8	2	1	9	5	6
	Aggravated Assault	1	3	4	6	5	6	3	6	4	7	8	8	8	9
	SUBTOTAL	4	6	10	12	8	9	8	9	12	9	9	18	13	15
PART 1 PROPERTY	Burglary	6	5	7	3	5	4	3	7	7	1	6	7	6	7
	Larceny	9	16	13	38	36	32	21	38	25	24	22	23	34	35
	TFMV	10	6	5	5	8	6	3	7	12	8	6	10	10	7
	Auto Theft	2	2	1	1	7	5	9	8	6	7	12	16	14	5
	Arson	0	0	0	0	0	0	1	0	0	0	0	0	0	0
	SUBTOTAL	27	29	26	47	56	47	37	60	50	40	46	56	64	54
GRAND TOTAL	31	35	36	59	64	56	45	69	62	49	55	74	77	69	

All files utilized in the creation of this report are dynamic. Dynamic files allow additions, deletions and/or modifications at any time, resulting in more complete and accurate records in the databases. Due to continuous data entry after reports are compiled, numbers may vary in previous or subsequent reports. Based on Uniform Crime Reporting Standards.

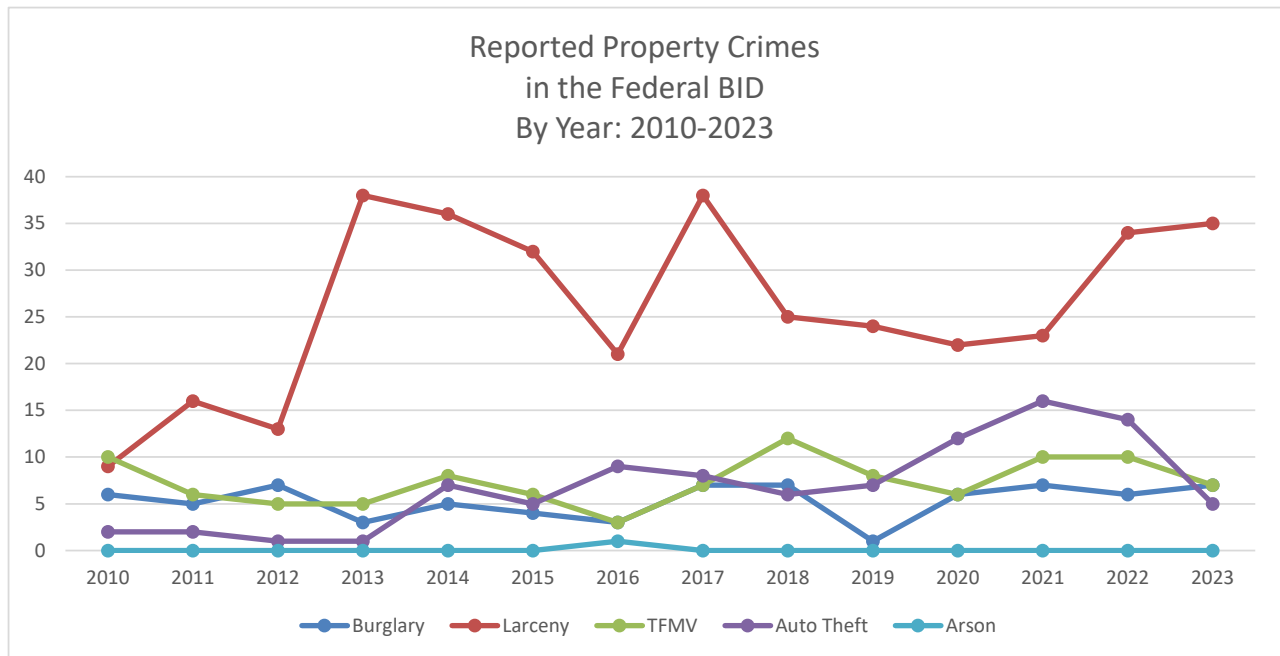
Excludes runaways, traffic offenses, unfounded reports and non-criminal activity.

Federal Blvd BID is from W 22nd Ave to W 27th Ave along N Federal Blvd

Vacancies in the district remained stable in 2024, with Red Tops Pizza closing temporarily due to construction and Federal Coffee under temporary closure, but anticipated to open within months of this report submission.

Sales taxes are showing a promising increase in the district, with a 25% increase from 2022. The area is seeing a very strong rebound from COVID losses with increased foot traffic and due to an increase in the cost of goods due to inflation. See the attached sales tax data for additional details.

**Part 1 Crimes
in the Federal BID
By Year: 2010-2023**



Federal Blvd Business Improvement District

	2022 <u>Aug</u>	2022 <u>Sep</u>	2022 <u>Oct</u>	2022 <u>Nov</u>
2023 TOTAL	53,428	62,035	46,952	42,138

	2023 <u>Aug</u>	2023 <u>Sep</u>	2023 <u>Oct</u>	2023 <u>Nov</u>
2024 Total	60,268	74,107	52,542	49,072

2022	2023	2023	2023	2023	2023
<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>

59,775	42,079	44,623	66,608	52,412	56,042
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2023	2024	2024	2024	2024	2024
<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>

66,418	41,204	45,975	73,931	54,516	53,847
---------------	---------------	---------------	---------------	---------------	---------------

2023

Jun

2023

Jul

ANNUAL TOTAL

YEAR OVER YEAR COMPARISON

74,883

58,655

659,630

2024

Jun

2024

Jul

65,930

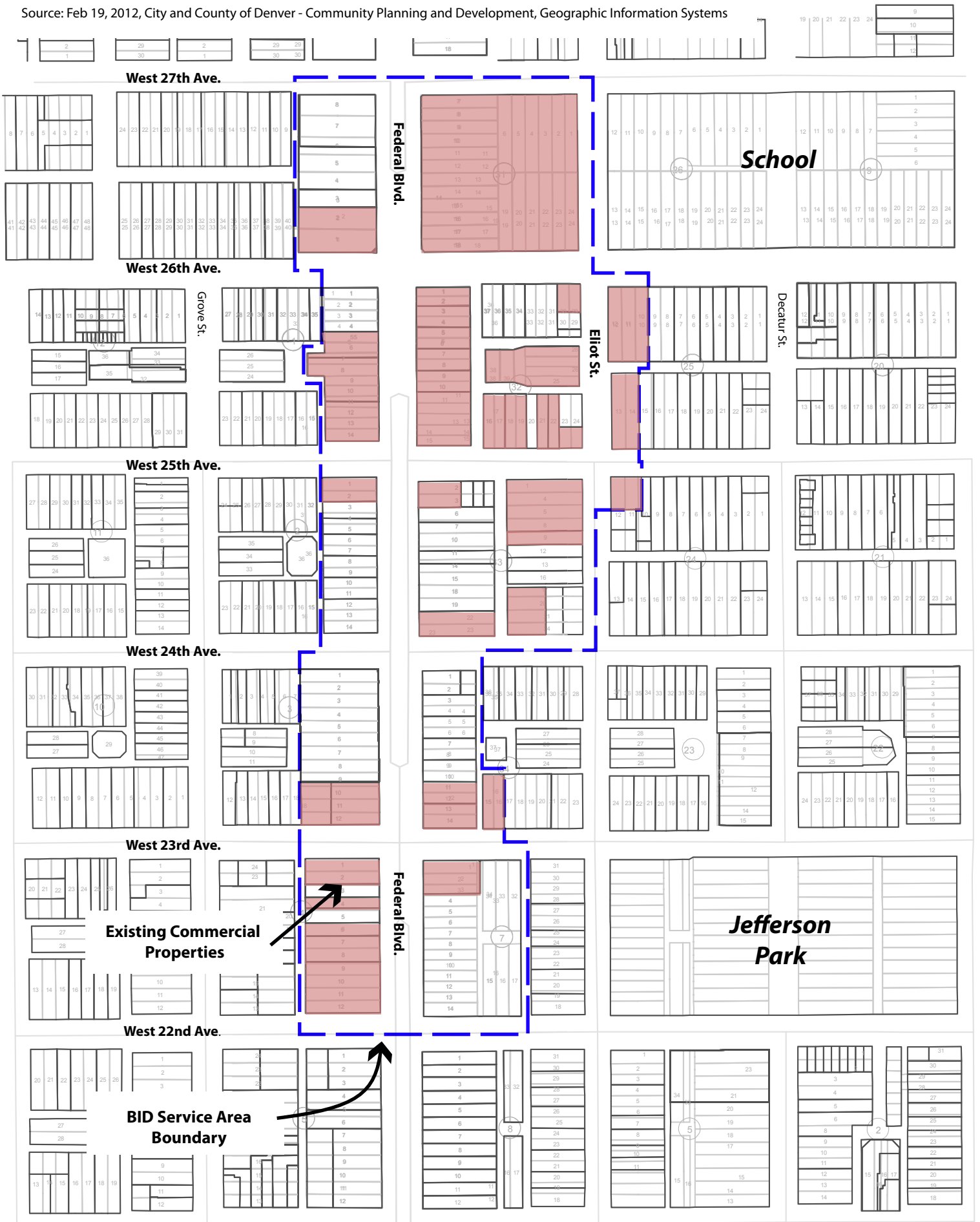
50,162.00

687,972

4%

Federal Boulevard Business Improvement District Service Area Boundary

Source: Feb 19, 2012, City and County of Denver - Community Planning and Development, Geographic Information Systems



CITY AND COUNTY OF DENVER
STATE OF COLORADO

Certification

I, **Debra Johnson**, Clerk and Recorder,
Ex-Officio Clerk of the City and County of Denver,
do hereby certify that the attached is a true and correct copy of

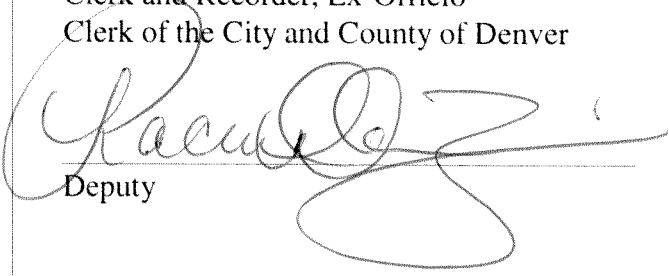
Ordinance No. 402, Series of 2012

I hereunto have set my hand
and affixed the Seal of the
City and County of Denver,
State of Colorado.

This 4th day of September,
A.D. 2012



Clerk and Recorder, Ex-Officio
Clerk of the City and County of Denver


Deputy

BY AUTHORITY

ORDINANCE NO. 402
SERIES OF 2012

COUNCIL BILL NO. CB12-0534

COMMITTEE OF REFERENCE:

Business, Workforce & Sustainability

A BILL

For an ordinance creating and establishing the Federal Boulevard Business Improvement District, appointing the initial members of the Board of Directors of the District, and approving the Initial Operating Plan and preliminary 2013 Budget therefore.

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

WHEREAS, the City Council of the City and County of Denver, Colorado (the "City"), has received a petition for the organization of the Federal Boulevard Business Improvement District within the City (the "District"); and

WHEREAS, based upon the petition for organization (the "Petition") and other evidence presented to Council, the Petition has been signed in conformity with the Business Improvement District Act, Section 31-25-1201 et seq., C.R.S. (the "Act"), the signatures on the Petition are genuine, and the signatures of parties thereon represent the persons who own real or personal property in the service area of the proposed District having a valuation for assessment of not less than fifty percent of the valuation for assessment of all real and personal property in the service area of the proposed District and who own at least fifty percent of the acreage in the proposed District; and

WHEREAS, the Petition sets forth, among other things:

(a) The name of the proposed District, which is to wit: "Federal Boulevard Business Improvement District";

(b) A general description of the boundaries and service area of the proposed District which is to wit: the area generally described as the area along the Federal Boulevard Corridor in Denver that encompasses both sides of Federal Boulevard Avenue from West 22nd to West 27th Avenues, along Eliot Street between West 24th and West 26th Avenues, and West 25th Avenue from Federal to Eliot. A map of the proposed District service area boundary is attached hereto for reference as Exhibit A, all of which is located in the City and consists of approximately 31.12 acres, more or less (the "Service Area"). The boundaries of the District include all properties within the Service Area which are classified as commercial property as defined in the Business Improvement District Act, Section 31-25-1203(2), C.R.S. As of the current time, the proposed District boundaries are depicted

1 on Exhibit A attached hereto for reference ("District Boundaries").

2 (c) A general description of the types of services or improvements or both to be provided by
3 the proposed District;

4 (d) The names of three persons to represent the petitioners, who have the power to enter
5 into agreements relating to the organization of the District;

6 (e) A request that City Council appoint the initial members of the Board of Directors of the
7 District pursuant to Section 31-25-1209(1)(b), C.R.S.;

8 (f) A request that Council consider the District's initial operating plan and 2013 budget for
9 approval in accordance with Section 31-25-1211, C.R.S.;

10 (g) A request that City Council approve the organization of the District; and

11 **WHEREAS**, Council has determined that it appears that the allegations of the Petition are true;
12 and

13 **WHEREAS**, Council has determined that the types of services or improvements to be provided
14 by the proposed District are of the type which best satisfy the purposes of the Act; and

15 **WHEREAS**, the Petition was filed with a cash deposit in such amount determined sufficient to
16 cover all municipal expenses associated with these proceedings in case the organization of the
17 proposed District is not effected; and

18 **WHEREAS**, the Service Area of the proposed District is entirely within the City; and

19 **WHEREAS**, the Service Area of the proposed District is not located within any other existing
20 business improvement district; and

21 **WHEREAS**, a legal description of the Service Area of the proposed District is attached hereto
22 as Exhibit B, a map of the boundaries of the Service Area of the proposed District is attached hereto
23 as Exhibit A, and a map of the current boundaries of the proposed District is depicted on Exhibit A,
24 and said exhibits are incorporated herein by reference.

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

27 **Section 1. Findings.** That upon consideration of a recommendation that an ordinance be
28 enacted creating the Federal Boulevard Business Improvement District (the "District"), Council finds:

29 (a) Petition Filing. That the proposed District was initiated by a Petition filed in the Office of
30 the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, on the 29th day of June,
31 2012, City Clerk Filing No. 12-499, that the Petition was sufficient, that the allegations in the Petition
32 are true, that such Petition was determined to be in due and regular form and properly executed and

1 that appropriate organizational fees have been paid by Petitioner;

2 (b) Public Hearing Set. That City Council has heretofore fixed a place and time for a
3 hearing on the Petition, which hearing has been scheduled for August 6, 2012 at 5:30 p.m., in the
4 City Council Chambers, Room 450 of the City and County Building, 1437 Bannock Street, Denver,
5 Colorado, and such hearing date is not less than twenty (20) days or more than forty (40) days after
6 the filing of the Petition;

7 (c) Notice of Hearing. That notice of such hearing has been duly published and the
8 proponents of the District, on behalf of the City Clerk, have mailed notice of such hearing to each
9 property owner within the Service Area and boundaries of the proposed District, as required by
10 Section 31-25-1206, C.R.S, and affidavits of such mailing and publication have been presented to the
11 City Clerk;

12 (d) Operating Plan and Budget. That the 2013 Operating Plan and Budget (the "Initial
13 Operating Plan"), which document includes the District's preliminary 2013 budget, has been filed in
14 the Office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, on the 29th
15 day of June, 2012, City Clerk Filing No. 12-499, and the same, as amended, has been reviewed and
16 approved by the Manager of Public Works;

17 (e) Necessity, No Overlap. That the proposed District is lawful and necessary, should be
18 created and established, and that the proposed District does not include territory that is within any
19 other business improvement district.

20 **Section 2.** Creation. The Federal Boulevard Business Improvement District is hereby
21 created, organized, and established for the purposes and shall have the powers set forth in the Act,
22 except as otherwise modified in this Ordinance. All services and improvements provided by the
23 District shall be undertaken in accordance with the Act and the Initial Operating Plan, as the same
24 may be amended from time to time, and the annually approved Operating Plans and Budgets. Any
25 amendments to this Ordinance shall be approved by City Council.

26 **Section 3.** Boundaries. The Service Area of the District is set forth in Exhibit B and depicted
27 in Exhibit A, which exhibits are attached hereto and incorporated herein by reference. The District is
28 located entirely within the City and County of Denver and the Service Area is generally described as:
29 the area along the Federal Boulevard Corridor in Denver that encompasses both sides of Federal
30 Boulevard Avenue from West 22nd to West 27th Avenues, along Eliot Street between West 24th and
31 West 26th Avenues, and West 25th Avenue from Federal to Eliot, consisting of approximately 31.12
32 acres. The boundaries of the proposed District, currently consisting of approximately 10.52 acres as

1 depicted in Exhibit A, shall consist of all "commercial property" now or hereafter located within the
2 Service Area, as that term is defined at Section 31-25-1203(2), C.R.S., but specifically excluding all
3 taxable personal property. As set forth in the Initial Operating Plan, the District may provide services
4 and improvements inside and outside of the Service Area.

5 **Section 4.** Inclusion and Exclusion. Inclusion and exclusion of property into or from the
6 District shall be completed as provided in the Act. Property located within the Service Area of the
7 District, as shown in Exhibit A attached hereto, that satisfies the definition of "commercial property"
8 set forth at Section 31-25-1203(2), C.R.S., but specifically excluding taxable personal property, shall
9 automatically be included within the District's boundaries as provided in the Act.

10 **Section 5.** Legal Status, Name. The District shall be a quasi-municipal corporation and
11 political subdivision of the State of Colorado with all powers and responsibilities thereof. The District
12 shall hereafter have the corporate name specified in the Petition: Federal Boulevard Business
13 Improvement District.

14 **Section 6.** Board of Directors, Appointed. Pursuant to Section 31-25-1209(1)(b), C.R.S., the
15 Board of Directors of the District (the "Board") shall consist of five (5) electors of the District,
16 appointed by the Mayor and confirmed by City Council resolution. Each member of the Board shall
17 be an elector of the District, as that term is defined at Section 31-25-1203(4)(a), C.R.S. The initial
18 members of the Board are hereby appointed and confirmed (and shall take office upon qualification,
19 including by taking the Oath of Office):

- 20 (a) Marshall Vanderburg-Five Year Term
- 21 (b) Howard Gerelick-Five Year Term
- 22 (c) David Jensen-Four Year Term
- 23 (d) Luis Gilbert Vasquez-Four Year Term
- 24 (e) David L. Berton-Four Year Term

25 **Section 7.** Board of Directors, Procedures. In accordance with Section 31-25-1209(1)(b),
26 C.R.S., members of the Board shall serve at the pleasure of the Mayor and City Council. Meetings of
27 the Board shall be subject to the Colorado Open Meetings Law. Three (3) Directors constitute a
28 quorum and an affirmative vote of three (3) Directors is required for District action. Officers of the
29 District shall include a Chairperson and President, Vice-President, Secretary, Assistant Secretary,
30 and Treasurer. The Directors shall elect the District's officers. Within thirty (30) days after a vacancy
31 occurs or as otherwise provided by law, a successor shall be appointed by the Mayor and confirmed
32 by resolution of City Council.

1 **Section 8. Board of Directors.**

2 (a) Appointment, Oath. Within thirty (30) days of the effective date of this Ordinance, or
3 within thirty (30) days of each subsequent appointment to the Board by the City Council by resolution,
4 each member of the Board shall appear before an officer authorized to administer oaths and take an
5 oath that he or she will faithfully perform the duties of his or her office as required by law and will
6 support the constitution of the United States, the constitution of the State of Colorado, and laws made
7 pursuant thereto.

8 (b) Duties. The Board shall carry out the responsibilities required of such Board by the Act
9 and other applicable law. The District shall obtain the approval of the City's Manager of Public Works
10 or designee prior to the construction of District improvements in the public right-of-way. The District
11 shall comply with the applicable Rules and Regulations of the City's Manager of Finance.

12 **Section 9. Initial Operating Plan and Budget.** The Initial Operating Plan, including the
13 District's preliminary 2013 budget, as filed with the City Clerk in City Clerk's Filing No. 12-499 is
14 hereby approved. The Board will formally adopt the District's 2013 budget following the effective date
15 of this Ordinance, in compliance with the Colorado Local Government Budget Law. Once formally
16 adopted by the Board, a copy of the District's 2013 budget will be provided to the Managers of Public
17 Works and Finance. The budgets for 2014 and subsequent years shall be incorporated into the
18 District's annual Operating Plan submitted as provided in Section 12 hereof for review and approval
19 on or before September 30th of each year (commencing with September 30, 2013), as required by
20 Section 31-25-1211, C.R.S. The District is authorized to proceed with an election on November 6,
21 2012 for any purpose authorized by law.

22 **Section 10. Business Personal Property.** The District shall not have the power to levy ad
23 valorem taxes against business personal property. No business personal property shall be deemed
24 to be within the boundaries of the District.

25 **Section 11. Financial Powers, City Fees.** The District shall have the power to levy taxes; fix,
26 and from time to time increase or decrease rates, tolls, and charges; accept grants, gifts and other
27 revenue allowed by the Act; and issue debt after providing notice to the Managers of Finance and
28 Public Works, and providing such Managers with their requested documentation, subject to the limits
29 and restrictions on the same as set forth in its Operating Plan or Amended Operating Plan as
30 approved by City Council, and electoral authorization. The District shall pay an annual fee as set
31 forth in City policy unless otherwise waived by the City's Manager of Finance.

32 **Section 12. Annual Operating Plan and Budget.** The Board shall file its annual Operating

1 Plan and budgets, including any proposed amendments thereto, with the Manager of Finance and
2 with the City Clerk for the approval of the City Council as provided in Section 31-25-1211, C.R.S.

3 **Section 13. Ratification of Past Actions.** The actions of the City Clerk and petitioners
4 involved in setting and providing public notice of the public hearing on the sufficiency of the Petition,
5 and in furtherance hereof are hereby ratified and confirmed.

6 **Section 14. Repealer.** All acts, orders, resolutions, ordinances, or parts thereof, in conflict
7 with this Ordinance are hereby repealed, except that this section shall not be construed so as to
8 revive any act, order, resolution, or ordinance, or part thereof previously repealed.

9 **Section 15. Headers.** The headings on each section hereof are for convenience of reference
10 only and shall not be deemed to expand or limit the scope of any section.

11 COMMITTEE APPROVAL DATE: July 25, 2012

12 MAYOR-COUNCIL DATE: July 31, 2012

13 PASSED BY THE COUNCIL: August 6, 2012

14 Mary Beckwith - PRESIDENT

15 APPROVED: [Signature] - MAYOR August 7, 2012

16 ATTEST: [Signature] - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: Aug 3, 2012; Aug 10, 2012

20 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: July 26, 2012

21 Pursuant to section 13-12, 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.

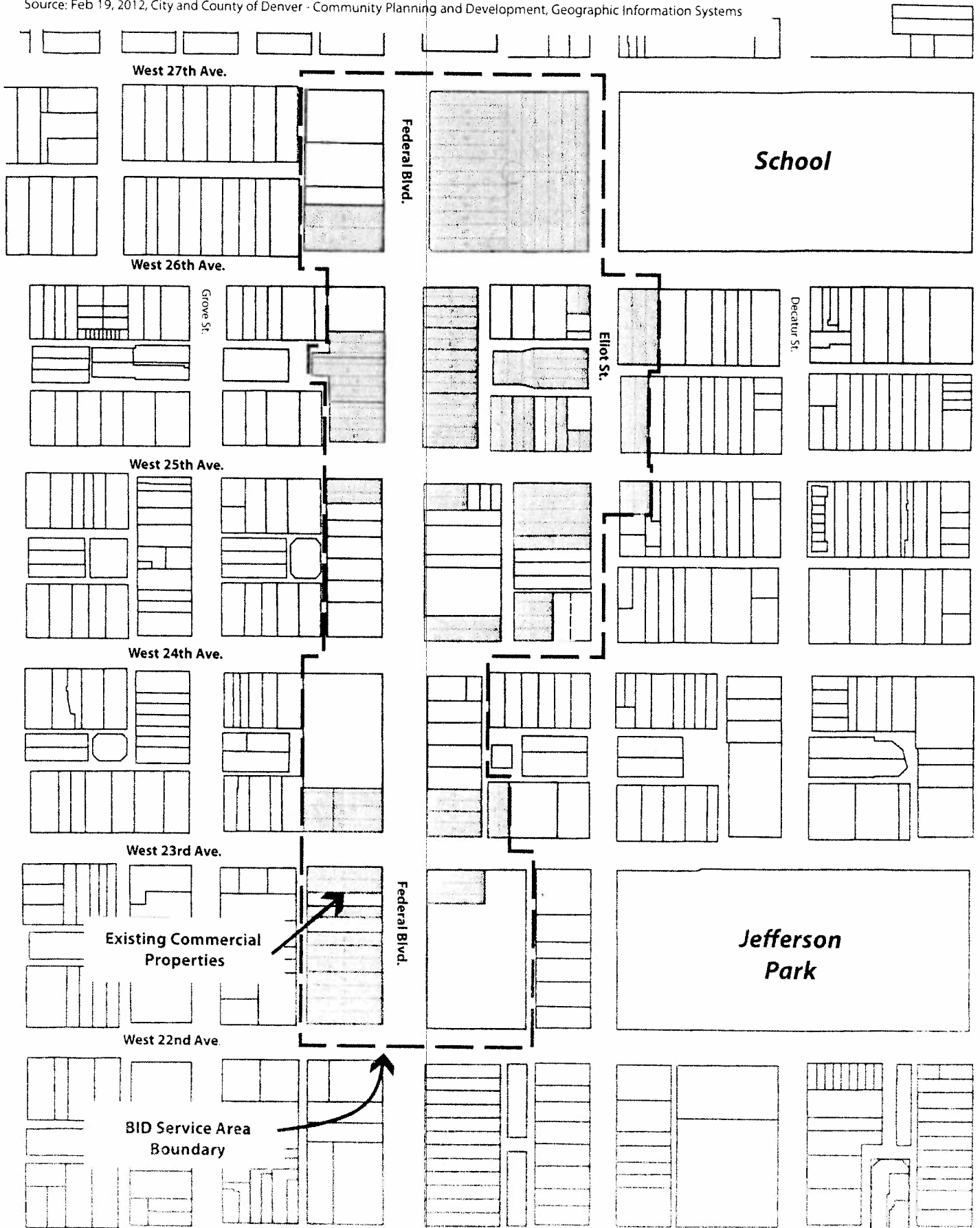
25 Douglas J. Friednash, City Attorney for the City and County of Denver

26 BY: [Signature], Assistant City Attorney DATE: 26 July, 2012



Federal Boulevard Business Improvement District Service Area Boundary

Source: Feb 19, 2012, City and County of Denver - Community Planning and Development, Geographic Information Systems



LEGAL DESCRIPTION OF FEDERAL BOULEVARD BUSINESS IMPROVEMENT DISTRICT SERVICE AREA BOUNDARY

A PARCEL OF LAND IN THE NE ¼ AND THE NW ¼ OF SECTION 32 AND IN THE SE ¼ AND THE SW ¼ OF SECTION 29, ALL IN TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF W. 27TH AVE. AND THE CENTERLINE OF ELIOT ST.;

THENCE SOUTHERLY ALONG THE CENTERLINE OF ELIOT ST. TO THE INTERSECTION OF THE CENTERLINE OF W. 26TH AVE.;

THENCE EASTERLY ALONG SAID CENTERLINE OF W. 26TH AVE. TO THE EAST LINE OF LOT 10, BLOCK 25, THE TOWN OF HIGHLAND EXTENDED NORTHERLY;

THENCE SOUTHERLY ALONG SAID EAST LINE OF LOT 10 EXTENDED NORTHERLY, THE EAST LINE OF SAID LOT 10, AND THE EAST LINE OF SAID LOT 10 EXTENDED SOUTHERLY TO THE SOUTH LINE OF SAID LOT 10 ALSO BEING THE CENTERLINE OF THE EAST/WEST ALLEY IN SAID BLOCK 25, TOWN OF HIGHLAND;

THENCE WESTERLY ALONG SAID ALLEY CENTERLINE AND ALSO THE SOUTH LINE OF LOT 10 TO THE EAST LINE OF LOT 14 SAID BLOCK 25 EXTENDED NORTHERLY;

THENCE SOUTHERLY ALONG SAID EAST LINE OF LOT 14 EXTENDED NORTHERLY, THE EAST LINE OF SAID LOT 14, AND THE EAST LINE OF SAID LOT 14 EXTENDED SOUTHERLY TO THE CENTERLINE OF W. 25TH AVE.;

THENCE EASTERLY ALONG SAID CENTERLINE OF W. 25TH AVE. TO THE EAST LINE OF THE WEST 1.255 FEET OF LOT 10 BLOCK 24, TOWN OF HIGHLAND EXTENDED NORTHERLY;

THENCE SOUTHERLY ALONG SAID EAST LINE TO THE SOUTH LINE OF THE NORTH 75.4 FEET OF LOTS 10, 11, AND 12 SAID BLOCK 24;

THENCE WESTERLY ALONG SAID NORTH LINE AND SAID NORTH LINE EXTENDED WESTERLY TO THE CENTERLINE OF ELIOT ST.;

THENCE SOUTHERLY ALONG SAID CENTERLINE TO THE CENTERLINE OF W. 24TH AVE.;

THENCE WESTERLY ALONG SAID CENTERLINE OF W. 24TH AVE. TO WEST LINE OF LOT 36 OF C.H. WALKER'S SUBDIVISION OF BLOCK 34, TOWN OF HIGHLANDS EXTENDED NORTHERLY;

THENCE SOUTHERLY ALONG SAID EXTENDED WEST LINE OF LOT 36, THE WEST LINE OF SAID LOT 36, AND THE WEST LINE OF SAID LOT 36 EXTENDED SOUTHERLY TO A POINT FIVE (5) FEET NORTH OF THE NORTH LINE OF LOTS 15 THROUGH 23 INCLUSIVE IN SAID C.H. WALKER'S SUBDIVISION OF BLOCK 34, TOWN OF HIGHLANDS;

THENCE EASTERLY ALONG A LINE 5 FEET NORTHERLY OF AND PARALLEL TO THE NORTH LINE OF SAID LOTS 15 THROUGH 23 TO THE EAST LINE OF LOT 16 EXTENDED NORTHERLY, C.H. WALKER'S SUBDIVISION OF BLOCK 34, TOWN OF HIGHLANDS;

THENCE SOUTHERLY ALONG SAID EAST LINE OF SAID LOT 16 EXTENDED NORTHERLY, THE EAST LINE OF SAID LOT 16, AND THE EAST LINE OF SAID LOT 16 EXTENDED SOUTHERLY TO THE CENTERLINE OF W. 23RD AVE.;

THENCE EASTERLY ALONG SAID CENTERLINE OF W. 23RD AVE. TO THE WEST LINE EXTENDED NORTHERLY OF LOTS 18 THROUGH 31 OF BLOCK 7, RATHBONE HEIGHTS;

1 THENCE SOUTHERLY ALONG SAID WEST LINE EXTENDED NORTHERLY, THE WEST LINE OF SAID LOTS 18 THROUGH 31 OF SAID
2 BLOCK 7, AND SAID WEST LINE EXTENDED SOUTHERLY TO THE CENTERLINE OF W. 22ND AVE.;
3 THENCE WESTERLY ALONG SAID CENTERLINE OF W. 22ND AVE. TO THE CENTERLINE OF THE ALLEY IN BLOCK 4, WITTER AND
4 COFIELD'S SUB-DIVISION OF THE TOWN OF HIGHLANDS EXTENDED SOUTHERLY;
5 THENCE NORTHERLY ALONG SAID CENTERLINE OF THE ALLEY IN SAID BLOCK 4 EXTENDED SOUTHERLY, THE CENTERLINE OF
6 SAID ALLEY, AND THE CENTERLINE OF SAID ALLEY EXTENDED NORTHERLY TO THE CENTERLINE OF W. 23RD AVE.;
7 THENCE CONTINUING NORTHERLY TO THE WEST LINE OF THE EAST HALF OF BLOCK 3, SAID WITTER AND COFIELD'S SUB-
8 DIVISION OF THE TOWN OF HIGHLANDS;
9 THENCE NORTHERLY ALONG SAID WEST LINE OF THE EAST HALF OF SAID BLOCK 3, AND SAID WEST LINE EXTENDED
10 NORTHERLY TO THE CENTERLINE OF W. 24TH AVE.;
11 THENCE EASTERLY ALONG SAID CENTERLINE OF W. 24TH AVE. TO THE CENTERLINE OF THE ALLEY ADJACENT TO LOTS 1
12 THROUGH 14, BLOCK 2, RESUBDIVISION OF BLOCKS 2-10 AND 16 IN WITTER AND COFIELD'S SUBDIVISION OF THE TOWN OF
13 HIGHLANDS EXTENDED SOUTHERLY;
14 THENCE NORTHERLY ALONG THE SAID CENTERLINE EXTENDED SOUTHERLY, THE CENTERLINE OF THE ALLEY IN SAID BLOCK 2,
15 AND SAID CENTERLINE EXTENDED NORTHERLY ACROSS W. 25TH AVE. TO THE CENTERLINE OF THE ALLEY ADJACENT TO LOTS
16 14 THROUGH 9 OF THE RESUBDIVISION OF BLOCK ONE (1) WITTER AND COFIELD'S SUBDIVISION TO HIGHLANDS;
17 THENCE NORTHERLY ALONG SAID CENTERLINE TO A POINT 12.5 FEET SOUTH OF THE SOUTH LINE OF LOT 8, SAID BLOCK 1;
18 THENCE WESTERLY AND PARALLEL WITH THE SAID SOUTH LINE OF BLOCK 8 TO A POINT 10 FEET WEST OF THE WEST LINE OF
19 LOTS 7 AND 8 IN SAID BLOCK 1;
20 THENCE NORTHERLY AND PARALLEL WITH THE WEST LINE OF SAID LOTS 7 AND 8 TO A POINT 15 FEET NORTH OF THE NORTH
21 LINE OF SAID LOT 7;
22 THENCE EASTERLY AND PARALLEL WITH THE NORTH LINE OF SAID LOT 7 TO THE WEST LINE OF LOTS 1 THROUGH 6 OF SAID
23 RESUBDIVISION OF BLOCK ONE (1) WITTER & COFIELD'S SUBDIVISION TO HIGHLANDS;
24 THENCE NORTHERLY ALONG SAID WEST LINE OF LOTS 1 THROUGH 6 AND SAID LINE EXTENDED NORTHERLY TO THE
25 CENTERLINE OF W. 26TH AVE.;
26 THENCE WESTERLY TO THE CENTERLINE OF THE ALLEY ADJACENT TO LOTS 1 THROUGH 8 OF BLOCK 1 KENNEDY'S ADDITION
27 TO THE TOWN OF HIGHLANDS EXTENDED SOUTHERLY;
28 THENCE NORTHERLY ALONG SAID CENTERLINE AND SAID LINE EXTENDED NORTHERLY TO THE CENTERLINE OF W. 27TH AVE.;
29 THENCE EASTERLY ALONG SAID CENTERLINE OF W. 27TH AVE. TO THE POINT OF BEGINNING.

30