

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2012

COUNCIL BILL NO. 12-0107
COMMITTEE OF REFERENCE:
4 Land Use, Transportation, and Infrastructure

5
6 **A BILL**

7 **For an ordinance approving the Tamarac Square South Urban Redevelopment Plan.**

8 **WHEREAS**, the City and County of Denver ("City") is a consolidated city and county government
9 pursuant to Article XX, Section 1 of the Constitution of the State of Colorado; and

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

13 **WHEREAS**, there has been prepared and referred to the Council of the City and County of
14 Denver ("City Council") for its consideration and approval a copy of the Tamarac Square South Urban
15 Redevelopment Plan filed with the Denver City Clerk on the 24th day of February, 2012, in City Clerk
16 File No. 12-0120 together with an explanation of the conditions of blight that exist within the Tamarac
17 Square South Urban Redevelopment Area as set forth in the Tamarac Square South Blight Study
18 dated January 2012, prepared by URS, as filed on the 12th day of March, 2012, in Denver City Clerk
19 File No. 12-0120-A, ("Blight Study"); and

20 **WHEREAS**, the sole property owner within the Tamarac Square South Urban Redevelopment
21 Area has consented to inclusion of this land in the Tamarac Square South Urban Redevelopment
22 Area; and

23 **WHEREAS**, the Tamarac Square South Urban Redevelopment Plan has been approved by
24 the Board of Commissioners of the Authority; and

25 **WHEREAS**, the Denver Planning Board, which is the duly designated and acting official
26 planning body of the City, has submitted to the City Council its report and recommendations
27 respecting the Tamarac Square South Urban Redevelopment Plan for the Tamarac Square South
28 Urban Redevelopment Area and certifies that the Tamarac Square South Urban Redevelopment Plan
29 conforms to the general plan for the City as a whole, and the City Council duly considered the report,
30 recommendations and certifications of the Planning Board; and

31 **WHEREAS**, pursuant to § 31-25-107(a)(d) of the Act, School District No. 1 in the City and
32 County of Denver has been permitted to participate in an advisory capacity concerning the tax
33 increment financing described in the Plan; and

34 **WHEREAS**, after notice as required by Colorado Revised Statutes, a public hearing has been

1 held concerning the Tamarac Square South Urban Redevelopment Plan ("Public Hearing").

2 **NOW THEREFORE,**

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

4 **Section 1.** That it be and is hereby found and determined, based upon the evidence
5 presented at the Public Hearing, in the Blight Study, and testimony at the Public Hearing, that the
6 Tamarac Square South Urban Redevelopment Area consists of a "blighted area," which is
7 appropriate for one or more urban redevelopment projects according to the urban renewal law of the
8 State of Colorado, C.R.S. § 31-25-101, *et seq.* ("Act"), and which, by reason of the following factors,
9 constitutes "blight" (as defined in the Act), constitutes an economic and social liability, and is a
10 menace to the public health, safety, morals and welfare: (i) predominance of defective or inadequate
11 street layout; (ii) unsanitary or unsafe conditions; (iii) deterioration of site or other improvements; (iv)
12 unusual topography or inadequate public improvements or utilities; and (v) the existence of health,
13 safety, or welfare factors requiring high levels of municipal services or substantial physical
14 underutilization or vacancy of sites, buildings, or other improvements. Such blight substantially
15 impairs or arrests the sound growth of the municipality.

16 **Section 2.** The sole property owner was notified of the Blight Study within thirty (30) days of
17 commissioning the Blight Study and the owner has no objection to the inclusion of the property in the
18 Tamarac Square South Urban Redevelopment Area.

19 **Section 3.** That it be and is hereby found and determined that the Tamarac Square South
20 Urban Redevelopment Plan conforms to the Denver Comprehensive Plan 2000, 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 **Section 4.** That it be and is hereby found and determined that the Tamarac Square South
24 Urban Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the
25 City as a whole, for the rehabilitation and redevelopment of the Tamarac Square South Urban
26 Redevelopment Area by private enterprise.

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

30 **Section 6.** That there are currently no individuals or families living in the Tamarac Square
31 South Urban Redevelopment Area, therefore no individuals or families will be displaced from dwelling
32 units as a result of adoption or implementation of the Tamarac Square South Urban Redevelopment
33 Plan.

34 **Section 7.** There are no business concerns in the Tamarac Square South Urban

1 Redevelopment Area; therefore no business concerns will be displaced by the adoption or
2 implementation of Tamarac Square South Urban Redevelopment Plan.

3 **Section 8.** Council set a public hearing on the Tamarac Square South Urban
4 Redevelopment Plan for March 27, 2012, and that it be and is hereby found and determined that
5 reasonable efforts have been taken by the Authority and the City to provide written notice of the
6 Public Hearing to all property owners, residents and owners of business concerns in the Tamarac
7 Square South Urban Redevelopment Area at least thirty (30) days prior to the date hereof.

8 **Section 9.** That it be and is hereby found and determined that no more than one hundred
9 twenty (120) days have passed since the commencement of the Public Hearing for the Tamarac
10 Square South Urban Redevelopment Plan.

11 **Section 10.** That it be and is hereby found and determined that the Tamarac Square South
12 Urban Redevelopment Plan contains no property that was included in a previously submitted urban
13 renewal plan that was not approved by the City Council.

14 **Section 11.** That the City and County of Denver can adequately finance, and agreements are
15 in place to finance, any additional City and County of Denver infrastructure and services required to
16 serve development within the Tamarac Square South Urban Redevelopment Area for the period
17 during which City and County of Denver sales taxes are paid to the Authority.

18 **Section 12.** That the Tamarac Square South Urban Redevelopment Plan, having been duly
19 reviewed and considered, be and hereby is approved.

20 COMMITTEE APPROVAL DATE: March 8, 2012

21 MAYOR-COUNCIL DATE: March 13, 2012

22 PASSED BY THE COUNCIL: _____, 2012

23 _____ - PRESIDENT

24 APPROVED: _____ - MAYOR _____, 2012

25 ATTEST: _____ - CLERK AND RECORDER,
26 EX-OFFICIO CLERK OF THE
27 CITY AND COUNTY OF DENVER

28 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2012; _____, 2012

29 PREPARED BY: Karen A. Aviles, Assistant City Attorney DATE: March 15, 2012

30 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
31 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
32 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
33 3.2.6 of the Charter.

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

35 BY: _____, Assistant City Attorney DATE: _____, 2012