

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2022

COUNCIL BILL NO. CB22-0831
COMMITTEE OF REFERENCE:
4 Business, Arts, Workforce & Aviation Services

5
6 A BILL

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

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

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

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

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

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

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

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

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

33 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY AND**

1 **COUNTY OF DENVER, COLORADO:**

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

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

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

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

31 **Section 5. Creation.** As permitted by the provisions of Sections 31-25-607(3.5) and -
32 607(4)(c), because the Petition was signed by one hundred percent of the owners of taxable real

1 property to be included in the District and contains a request for such waiver, the requirement for an
2 organizational election is hereby waived, and the District is hereby declared organized. The District
3 is a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the
4 limited proprietary powers set forth in Part 6, Article 25, Title 31, C.R.S., except as set forth herein.

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

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

- 14 (a) Parcel 1:
- 15 (i) Street Address: 2775 W. 13TH AVE.
 - 16 (ii) Assessor's Schedule No.: 05051-07-046-000
 - 17 (iii) Description: A PARCEL OF LAND BEING LOTS 13-36, BLOCK 1 OF
18 FAIRVIEW TOGETHER WITH THAT PORTION OF VACATED WEST MYRTLE
19 PLACE AND THE PORTION OF THE SIXTEEN FOOT (16) VACATED ALLEY PER
20 ORDINANCE NO. 197 SERIES OF 1981 RECORDED IN BOOK 2359 AT PAGE 586
21 IN THE RECORDS OF THE CLERK AND RECORDERS OFFICE OF THE CITY
22 AND COUNTY OF DENVER AND EXCEPTING THEREFROM THE PARCEL OF
23 LAND CONVEYED TO THE REGIONAL TRANSPORTATION DISTRICT (RTD) IN
24 THE DEED RECORDED AT RECEPTION NO. 2010094290 OF SAID RECORDS
25 OF THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF DENVER,
26 SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 4
27 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND
28 COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY
29 DESCRIBED AS FOLLOWS:
30 COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF WEST 13TH
31 AVENUE AND DECATUR STREET;
32 THENCE NORTH 69°44'43" EAST A DISTANCE OF 59.51 FEET TO THE POINT

1 OF BEGINNING AND THE SOUTHWEST CORNER OF LOT 25, BLOCK 4 OF
2 FAIRVIEW;
3 THENCE NORTH 00°28'02" WEST, ALONG THE WEST LINE OF LOTS 24 AND
4 25, BLOCK 4 OF FAIRVIEW, A DISTANCE OF 250.01 FEET TO THE NORTHWEST
5 CORNER OF SAID LOT 24 AND THE POINT OF BEGINNING;
6 THENCE NORTH 00°28'02" WEST, CROSSING VACATED WEST MYRTLE
7 PLACE AND ALONG SAID WEST LINE OF LOT 25, BLOCK 1 OF FAIRVIEW, A
8 DISTANCE OF 116.99 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL
9 OF LAND CONVEYED TO RTD IN THE DEED RECORDED AT RECEPTION NO.
10 2010094290;
11 THENCE ALONG THE SOUTHEASTERLY LINE OF SAID RTD PARCEL
12 DESCRIBED IN THE DEED RECORDED AT RECEPTION NO.2010094290 THE
13 FOLLOWING THREE (3) COURSES:
14 1. NORTH 71°59'20" EAST, DEPARTING SAID WEST LINE A DISTANCE OF 35.29
15 FEET TO A POINT OF CURVATURE;
16 2. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE
17 OF 34°42'00", A RADIUS OF 378.90 FEET AND AN ARC LENGTH OF 229.47 FEET
18 (CHORD BEARS NORTH 54°38'19" EAST, 225.98 FEET);
19 3. NORTH 37°06'28" EAST A DISTANCE OF 72.73 FEET TO A POINT ON THE
20 NORTH LINE OF SAID LOT 14, BLOCK 1 OF FAIRVIEW;
21 THENCE NORTH 89°27'25" EAST, ALONG THE NORTH LINE OF SAID LOTS 13
22 AND 14, BLOCK 1 OF FAIRVIEW, A DISTANCE OF 36.82 FEET TO THE NORTH
23 EAST CORNER OF SAID LOT 13;
24 THENCE SOUTH 00°26'52" EAST, ALONG THE EAST LINE OF LOTS 13 AND 36,
25 BLOCK 1 OF FAIRVIEW, A DISTANCE OF 313.75 FEET TO A POINT ON THE
26 SOUTH LINE OF VACATED WEST MYRTLE PLACE, SAID LINE ALSO BEING THE
27 NORTH LINE OF BLOCK 4 OF FAIRVIEW;
28 THENCE SOUTH 89°22'17" WEST, ALONG SAID SOUTH LINE OF VACATED
29 WEST MYRTLE PLACE AND THE NORTH LINE OF BLOCK 1 OF FAIRVIEW, A
30 DISTANCE OF 300.06 FEET TO THE POINT OF BEGINNING.
31 FOR THE PURPOSE OF THIS DESCRIPTION THE BEARINGS ARE BASED ON
32 THE TWENTY FOOT (20') RANGE LINE OF WEST 13TH AVENUE SOUTH OF

1 BLOCK 4 OF FAIRVIEW AS MONUMENTED BY A 2" ALUMINUM CAP STAMPED
2 LS 24942 IN A RANGE BOX AT THE WEST END OF 13TH AVENUE AND BY A 3-
3 1/4" ALUMINUM CAP STAMPED LS 38026 IN A RANGE BOX TO THE EAST ON
4 WEST 13TH AVENUE AND BEARS NORTH 89°22'55" EAST.

5 (b) Parcel 2:

6 (i) Street Address: 2797 W. 13TH AVE.

7 (ii) Assessor's Schedule No.: 05051-07-051-051

8 (iii) Description: A PARCEL OF LAND BEING LOTS 13-36, BLOCK 4 OF
9 FAIRVIEW, TOGETHER WITH THAT PORTION OF THE TEN FOOT (10')
10 VACATED ALLEY PER ORDINANCE NO. 618 SERIES OF 2006 RECORDED AT
11 RECEPTION NO. 2006155051 IN THE RECORDS OF THE CLERK AND
12 RECORDER'S OFFICE OF THE CITY AND COUNTY OF DENVER, SITUATED IN
13 THE NORTHEAST ONEQUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE
14 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF
15 DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
16 FOLLOWS:

17 COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF WEST 13TH
18 AVENUE AND DECATUR STREET; THENCE NORTH 69°44'43" EAST A
19 DISTANCE OF 59.51 FEET TO THE POINT OF BEGINNING AND THE
20 SOUTHWEST CORNER OF LOT 25, BLOCK 4 OF FAIRVIEW;

21 THENCE NORTH 00°28'02" WEST, ALONG THE WEST LINE OF LOTS 24 AND
22 25, BLOCK 4 OF FAIRVIEW, A DISTANCE OF 250.01 FEET TO THE NORTHWEST
23 CORNER OF SAID LOT 24;

24 THENCE NORTH 89°22'17" EAST, ALONG THE NORTH LINES OF LOTS 13-24,
25 BLOCK 4 OF FAIRVIEW, A DISTANCE OF 300.06 FEET TO THE NORTHEAST
26 CORNER OF LOT 13, BLOCK 4 OF FAIRVIEW;

27 THENCE SOUTH 00°26'52" EAST, ALONG THE EAST LINE OF LOTS 13 AND 36,
28 BLOCK 4 OF FAIRVIEW, A DISTANCE OF 250.06 FEET TO THE SOUTHEAST
29 CORNER OF SAID LOT 36;

30 THENCE SOUTH 89°22'55" WEST, ALONG THE SOUTH LINES OF LOTS 25-36,
31 BLOCK 4 OF FAIRVIEW, A DISTANCE OF 299.98 FEET TO THE POINT OF
32 BEGINNING.

1 NOTE: FOR THE PURPOSE OF THIS DESCRIPTION THE BEARINGS ARE
2 BASED ON THE TWENTY FOOT (20') RANGE LINE OF WEST 13TH AVENUE
3 SOUTH OF BLOCK 4 OF FAIRVIEW AS MONUMENTED BY A 2" ALUMINUM CAP
4 STAMPED LS 24942 IN A RANGE BOX AT THE WEST END OF 13TH AVENUE
5 AND BY A 3-1/4" ALUMINUM CAP STAMPED LS 38026 IN A RANGE BOX TO THE
6 EAST ON WEST 13TH AVENUE AND BEARS NORTH 89°22'55" EAST.

7 (c) Parcel 3:

8 (i) Street Address: 2520 W. 13TH AVE.

9 (ii) Assessor's Schedule No.: 05054-01-053-000

10 (iii) Description: L 5 TO 13 INC & PT OF VAC 13TH AV LYG N OF & ADJ TO L 5
11 BLK5 FAIRVIEW

12 (d) Parcel 4:

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

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

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

16 (e) Parcel 5:

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

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

19 (iii) Description: S5/T4R/68 PT NE/4 BEG SLY EXTD ELI L 61 B 6 FRVW WI
20 NWLYLIB1 S FRVW TH NELY ALG SD NWLY LI 208.7 FT TO TPOB THN572.43
21 TO PT 11FT S OF N LI EXC PT S TO CITY & EXC FAIRVIEWB5 BEG SW COR L63
22 TH N 125.01FT E 66.42FT S 125FT W66.60FTTPOB & EXC BEG NW COR L7 B6
23 TH E 66.05FT S 314.84FT CV/R RAD403FT CHORD S06.5944W 106.86FT W
24 24.42FT N 173.51FT

25 (f) Parcel 6:

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

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

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

29 (g) Parcel 7:

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

31 (ii) Assessor's Schedule No.: 05054-07-043-043

32 (iii) Description: FAIRVIEW SUB BLK 6 PTN L8 TO 23 DAF BEG NECOR L8 S

1 117FT W 53FT S 6FT W 347.32FT N 123FTE 400.31FT TPOB IMPS ONLY (LAND
2 PARCEL 045) ? MARKET UNIT

3 (h) Parcel 8:

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

5 (ii) Assessor's Schedule No.: 05054-09-013-000

6 (iii) Description: SOUTH FAIRVIEW B2 L5 TO 24 & W 19FT L4 & S/2 VAC W 12TH
7 AVE ADJ EXC E 20.84FT THEREOF EXC FAIRVIEW B6 BEG NW COR L7 THE
8 66.05FT S 314.84FT CV/R RAD 403FT CHORD S06.5944W 106.86FTW24.42FT
9 N173.51FTN77.3222E 24.73FT N 30.65FT S77.3222W53.50FT N81.35FTE
10 52.19FT N 16FT W 51.83FT N 125FT TPOB

11 (i) Parcel 9:

12 (i) Street Address: 2501 W. 11TH AVE.

13 (ii) Assessor's Schedule No.: 05054-09-012-000

14 (iii) Description: FAIRVIEW BLK 2 E/2 OF L29 & L30 THRU 38

15 (j) Parcel 10:

16 (i) Street Address: 1093 N. DECATUR ST.

17 (ii) Assessor's Schedule No.: 05054-11-060-000

18 (iii) Description: SUN VALLEY HOMES 2ND FLG BEG AT COR OF N LI W 10TH
19 AVE & WLI DECATUR ST W 377.59FT N 266.4FT E 377.59FT S 266.4FT TPOB &
20 S/2 VAC W 11TH AVE EXC E 6FT & S 5.5FT TO CITY EXC COM NWCOR
21 DECATUR ST & 10TH AVE W 183.50 N 5.5FT TPOB TH W 140FT N56FT E 140FT
22 S 56FT TPOB

23 (k) Parcel 11:

24 (i) Street Address: 1087 N. BRYANT ST.

25 (ii) Assessor's Schedule No.: 05054-00-016-000

26 (iii) Description: PART OF SUN VALLEY HOMES HSG PRJT DAF BEG N LI W
27 10TH AVE & E LI DECATUR ST TH N 266 FT TO INTERS E LI DECATUR ST & S
28 LIW 11TH AVE TH E 390 FT

29 (l) Parcel 12:

30 (i) Street Address: 991 N. ALCOTT WAY

31 (ii) Assessor's Schedule No.: 05054-00-014-000

32 (iii) Description: THAT PT 5 4 68W PLATTED AS PART OF SUN VALLEY HOMES

1 HSG PRJT DAF BEG INTERS S LI W 11TH AVE & ELY LI BRYANT ST TH
2 ALGSELY LI SD ST TO NLY LI

3 (m) Parcel 13:

4 (i) Street Address: 2449 W. 9TH AVE.

5 (ii) Assessor's Schedule No.: 05054-00-013-000

6 (iii) Description: PART OF SUN VALLEY HOMES HSG PRJT DAF BEG INTERS
7 W 11TH AVE & W BDRY LI T C STRIP ADJ S P RIVER TH S TO N LI ALLEY IN B5
8 S FAIRVIEW TH W TO

9 (n) Parcel 14:

10 (i) Street Address: 995 N DECATUR ST

11 (ii) Assessor's Schedule No.: 05054-16-056-000

12 (iii) Description: PORTION OF SUN VALLEY HOMES 2ND FLG S OF S LI W 10TH
13 AVE WOF W LI DECATUR N OF ALY & E OF E LI OF L21 B15 SOUTHFAIRVIEW
14 & N 1/2 VAC ALY ADJ COM NE COR L21 B15 SOUTHFAIRVIEW TH S 5.5FT TPOB
15 TH E 494.16FT S 127.44FT W 494.16FTN 127.8FT TPOB

16 (o) Parcel 15:

17 (i) Street Address: 999 N. CLAY WAY

18 (ii) Assessor's Schedule No.: 05054-00-018-000

19 (iii) Description: SUN VALLEY HOMES 2ND FLG LYG S OF S LI W 10TH AV & N
20 OF N LIW 9TH AV E OF E LI DECATUR & W & S OF SW LI OF CLAY WAY & WOF
21 BRYANT ST

22 (p) Parcel 16:

23 (i) Street Address: 994 N. CLAY WAY

24 (ii) Assessor's Schedule No.: 05054-00-019-000

25 (iii) Description: SUN VALLEY HOMES 2ND FLG LYG S OF W 10TH AV E & N OF
26 E & NLI OF CLAY WAY W OF BRYANT S OF W MULBERRY PL & W OF LIEXTDG
27 S FR NE COR L11 B9 TO NW COR L10 B10 SOUTH FAIRVIEW

28 (q) Parcel 17:

29 (i) Street Address: 991 N. BRYANT ST

30 (ii) Assessor's Schedule No.: 05054-00-015-000

31 (iii) Description: PART OF SUN VALLEY HOMES HSG PRJT DAF BEG SE COR
32 L 40 B 9 SFAIRVIEW TH N TO NE COR L 11 B 9 SD ADDN TH E ON A STR LI29.95

1 FT TH NE 95.92 FT TO

2 (r) Parcel 18:

3 (i) Street Address: 930 N BRYANT ST

4 (ii) Assessor's Schedule No.: 05054-00-020-000

5 (iii) Description: SUN VALLEY HOMES 2ND FLG LYG N OF W 9TH AV E OF
6 BRYANT ST WOF E LI L45 & SD LI EXTD N B5 SOUTH FAIRVIEW & S OF N LI
7 OFVAC ALY IN SD B5 SOUTH FAIRVIEW

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

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

11 (a) The Council shall act as the ex officio Board of Directors of the District ("Board of
12 Directors"). The Board of Directors of the District shall retain the management and control of the
13 business and the affairs of the District, specifically including:

14 (i) Approval of the District's annual work plan and budget and amendments thereto
15 (the "Work Plan and Budget") submitted by the District Advisory Board.

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

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

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

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

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

29 (b) The Sun Valley Denver General Improvement District Advisory Board ("District
30 Advisory Board") is hereby created. The Council hereby delegates certain authority of the District to
31 the District Advisory Board as set forth herein. Any authority not expressly delegated to the District
32 Advisory Board pursuant to this Creation Ordinance shall be expressly retained by City Council,

1 acting as ex officio Board of Directors of the District.

2 (c) The District Advisory Board shall be comprised of seven (7) voting members, five (5)
3 of whom shall be appointed by the Mayor, and three (3) non-voting members, for a total of ten (10)
4 members, as set forth below. A majority of the voting members then serving shall constitute a quorum
5 for the purposes of conducting meetings of the District Advisory Board and taking votes and official
6 actions. The initial five (5) appointed members of the District Advisory Board detailed in Section 8(d),
7 below, shall be considered to be appointed upon the effective date of this Creation Ordinance and
8 shall not require a separate appointment by the Mayor.

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

11 (i) Shaina Burkett, for an initial term lasting through December 31, 2024;

12 (ii) Erin Clark, for an initial term lasting through December 31, 2024;

13 (iii) James DiPaolo , for an initial term lasting through December 31, 2026;

14 (iv) Annie Hancock, for an initial term lasting through December 31, 2026;

15 (v) Wayne Taunton , for an initial term lasting through December 31, 2026;

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

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

18 and

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

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

22 (i) The City's Manager of Community Planning and Development, or the Manager's
23 designated representative;

24 (ii) The City's Manager of Parks and Recreation, or the Manager's designated
25 representative; and

26 (iii) The City Council District member whose district overlaps a majority of the total
27 acreage of the District

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

32 (h) The District Advisory Board shall inform the Mayor of any District Advisory Board

1 vacancy that comes to its attention. Appointment to the District Advisory Board in future years shall
2 occur as follows:

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

5 (ii) The District Advisory Board shall provide posted notice of a public hearing on
6 submissions of interest for any existing or upcoming vacancy(ies), hold a public hearing, and
7 thereafter provide the Mayor with one or more recommended nominees to fill the vacancy(ies),
8 taking into account the qualifications thereof, the desired diversity of the District Advisory Board,
9 and the nominee's willingness to serve.

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

13 (iv) Subject to appointment, reasonable efforts will be made to include a mix of
14 District Advisory Board members with the following interests:

15 (1) At least two (2) representatives of non-residential property or businesses

16 (2) At least two (2) residential representatives

17 (v) The members of the District Advisory Board shall serve at the pleasure of the
18 Mayor. Vacancies on the District Advisory Board shall be filled for the remainder of any unexpired
19 term by appointment by the Mayor and confirmed by City Council resolution.

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

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

32 (i) To elect officers and conduct meetings. Officers shall include a President,

1 Treasurer, and Secretary, and such other officers as the District Advisory Board deems necessary
2 or convenient.

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

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

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

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

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

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

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

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

1 amend or supplement such Work Plan and Budget.

2 (x) Recommend to the Board of Directors rates, tolls, charges, assessments and/or
3 property taxes necessary for the next year's Work Plan and Budget in accordance with this Creation
4 Ordinance and Section 31-25-613, C.R.S.

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

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

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

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

17 (xv) To develop and recommend design guidelines or standards applicable to the
18 territory within the District.

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

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

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

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

31 (xx) To receive petitions for inclusions and exclusions of property on behalf the
32 District and to publish notice of inclusion and exclusion hearings; except that such inclusion or

1 exclusion hearings shall be conducted by the Board of Directors. The District Advisory Board shall
2 cause a certified copy of any inclusion ordinance or exclusion ordinance to be recorded in the real
3 estate records of the City Clerk and Recorder.

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

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

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

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

1 Creation Ordinance shall be construed as limiting or waiving any rights or authority that the City has
2 pursuant to the Urban Renewal Law, Sections 31-25-101, *et seq.*, C.R.S., and other applicable law
3 to review, consider or approve any urban redevelopment plans or enter into agreements with DURA
4 or other parties relating thereto.

5 **Section 9. District Powers and Obligations.** Except as limited by the Election, subsequent
6 elections, and this Creation Ordinance, the District shall have all of the limited powers set forth in
7 Part 6 of Article 25 of Title 31, C.R.S., including but not limited to Sections 31-25-611 and 31-25-
8 611.5, C.R.S., as follows:

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

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

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

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

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

31 (1) Upgraded stormwater, sanitary, and water improvements serving the
32 Sun Valley neighborhood.

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

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

(b) District Services. A general description of the services to be provided by the District is as follows: the provision of enhanced operation and maintenance of the Sun Valley Neighborhood Improvements and other improvements and services related to, and/or of benefit to, the District. The District shall be authorized to undertake operations and maintenance functions with respect to the improvements and area within and without the District, as necessary and within the limits set forth in this Creation Ordinance and the statutes and any revenue and spending limits approved by the voters of the District in the Election or in a subsequent election, subject to future agreements and 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 shall include a summary of the current
14 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 30 days after the effective date
14 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 (a) 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.

