

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0471
COMMITTEE OF REFERENCE:
4 Health, Safety, Education & Services

5 **A BILL**

6 **For an Ordinance authorizing and approving an amendment to the Welton**
7 **Corridor Urban Redevelopment Plan to add the 2300 Welton Street Project and to**
8 **Create the 2300 Welton Street Property Tax Increment Area**
9

10 **WHEREAS**, the Council of the City and County of Denver ("Council") approved the Welton
11 Corridor Urban Redevelopment Plan ("Plan") by authority of Ordinance No. 448, Series of 2012,
12 having found that the area described in the Plan consists of a blighted area which is appropriate for
13 urban redevelopment projects according to the Urban Renewal Law of the State of Colorado ("Act");
14 and

15 **WHEREAS**, the Council found and determined that it was desirable and in the public interest
16 for the Denver Urban Renewal Authority to undertake and carry out projects identified and described
17 in the Plan; and

18 **WHEREAS**, Section V-C of the Plan provides that, pursuant to Section 31-25-107(9) of the Act,
19 the Council in approving the Plan contemplated that a separate Property Tax Increment Area may be
20 created within the Welton Corridor Urban Redevelopment Area for a Project; and

21 **WHEREAS**, the Plan may be amended to reflect the boundaries of a Property Tax Increment
22 Area for each project as set forth in an Appendix which shall become part of the Plan; and

23 **WHEREAS**, the Board of Commissioners of the Denver Urban Renewal Authority has approved
24 the redevelopment of 2300 Welton Street through the development of an affordable housing project
25 consisting of two separate buildings and approximately 223 units (the "Project") as one of the projects
26 for tax increment funding; and

27 **WHEREAS**, an amendment to the Plan (the "Proposed Amendment") to create the 2300
28 Welton Street Property Tax Increment Area (the "Property Tax Increment Area") has been approved
29 by the Board of Commissioners of the Denver Urban Renewal Authority; and

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

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

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

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

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

11 **Section 1.** City Council determines that the Project is located within the Welton Corridor
12 Urban Redevelopment Area and will promote the objectives set forth in the Plan. The Project further
13 promotes the urban renewal objectives described in the Plan, which are hereby incorporated by
14 reference.

15 **Section 2.** There are currently no individuals or families living in the Property Tax Increment
16 Area, therefore no individuals or families will be displaced from dwelling units as a result of adoption or
17 implementation of the Proposed Amendment to the Plan.

18 **Section 3.** There are currently no business concerns in the 2300 Welton Street Property Tax
19 Increment Area, therefore no business concerns will be displaced as a result of adoption or
20 implementation of the Proposed Amendment to the Plan.

21 **Section 4.** Council set a public hearing on the Proposed Amendment for July 14, 2014
22 (“Public Hearing”) and that it be and is hereby found and determined that reasonable efforts have
23 been taken to provide written notice of the Public Hearing to all property owners, residents and owners
24 of business concerns in the Welton Corridor Urban Redevelopment Area at least thirty (30) days prior
25 to the date of the Public Hearing.

26 **Section 5.** That it be and is hereby found and determined that no more than one hundred
27 twenty (120) days have passed since the commencement of the Public Hearing.

28 **Section 6.** That it be and is hereby found and determined that the Plan, as amended by the
29 Proposed Amendment, contains no property that was included in a previously submitted urban
30 redevelopment plan that Council failed to approve.

31 **Section 7.** That it be and is hereby found and determined that the Plan, as amended by the
32 Proposed Amendment, conforms to the Denver Comprehensive Plan 2000, as a whole, and is
33 necessary and appropriate to facilitate the proper growth and development of the community in
34 accordance with sound planning standards and local community objectives.

1 **Section 8.** That it be and is hereby found and determined that the Plan, as amended by the
2 Proposed Amendment, will afford maximum opportunity, consistent with the sound needs of the City
3 as a whole, for the rehabilitation and redevelopment of the Welton Corridor Urban Redevelopment
4 Area by private enterprise.

5 **Section 9.** That the Plan be and is amended hereby to add the Project to Appendix A
6 (Schedule of Projects) to the Plan, filed in the office of the Clerk and Recorder, Ex-Officio Clerk of the
7 City and County of Denver (the "City Clerk") in City Clerk's Filing No. 2012-0695-C and to add the
8 Property Tax Increment Area to Appendix B ("Property Tax Increment Areas and Sales Tax Increment
9 Areas"), filed with the City Clerk in the City Clerk's Filing No. 2012-0695-D.

10 **Section 10.** That Ordinance No. 448, Series of 2012, is hereby amended to the extent
11 described herein. That to the extent that any provision or provisions of the Plan is or are deemed by a
12 court of competent jurisdiction to be illegal, invalid or unenforceable, such provision or provisions shall
13 not affect the validity or enforceability of all remaining provisions of the Plan.

14 COMMITTEE APPROVAL DATE: June 24, 2014

15 MAYOR-COUNCIL DATE: July 1, 2014 (out of order by permission)

16 PASSED BY THE COUNCIL: _____, 2014

17 _____ - PRESIDENT

18 APPROVED: _____ - MAYOR _____, 2014

19 ATTEST: _____ - CLERK AND RECORDER,
20 EX-OFFICIO CLERK OF THE
21 CITY AND COUNTY OF DENVER

22 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2014; _____, 2014

23 PREPARED BY: Jennifer Welborn, Assistant City Attorney DATE: June 26, 2014

24 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
25 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
26 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6 of
27 the Charter.

28 D. Scott Martinez, City Attorney for the City and County of Denver

29 BY: _____, Assistant City Attorney DATE: _____, 2014

