

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. CB18-0979
COMMITTEE OF REFERENCE:
4 Finance & Governance

5 **A BILL**

6 **For an ordinance authorizing and approving an amendment to the Emily Griffith**
7 **Opportunity School Urban Redevelopment Plan.**
8

9 **WHEREAS**, the Council of the City and County of Denver ("Council") approved the Emily
10 Griffith Opportunity School Urban Redevelopment Plan ("Urban Redevelopment Plan") by authority
11 of Ordinance No. 2017-0810, Series of 2017, having found that the area described in the Urban
12 Redevelopment Plan consists of a blighted area which is appropriate for urban redevelopment
13 projects according to the Urban Renewal Law of the State of Colorado ("Act"); and

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

17 **WHEREAS**, the Board of Commissioners of the Denver Urban Renewal Authority has
18 approved a redevelopment of the Emily Griffith Opportunity School Urban Redevelopment Area
19 (the "Urban Redevelopment Area"), consisting of a hotel with approximately 250 rooms,
20 approximately 37,500 square feet of mixed-use space, a parking structure consisting of
21 approximately 120 stalls, and certain pedestrian access (the "Project"), as one of the projects for
22 tax increment funding; and

23 **WHEREAS**, an amendment to the Urban Redevelopment Plan (the "Proposed
24 Amendment") to add the Project and to correct an error contained in the Urban Redevelopment
25 Plan has been approved by the Board of Commissioners of the Denver Urban Renewal Authority;
26 and

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

33 **WHEREAS**, there has been prepared and referred to the City Council of the City and
34 County of Denver for its consideration and approval, a copy of the Proposed Amendment; and
35

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

3 **WHEREAS**, in accordance with the requirements of Section 31-25-107(9.5), Colorado
4 Revised Statutes, School District No. 1 in the City and County of Denver and State of Colorado
5 entered into an agreement with the Denver Urban Renewal Authority (the “DPS Agreement”) and
6 the Urban Drainage and Flood Control District entered into an agreement with the Denver Urban
7 Renewal Authority and the City and County of Denver (the “UDFCD Agreement”) regarding the
8 Urban Redevelopment Plan and the Proposed Amendment.

9
10 **NOW, THEREFORE,**

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

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

17 **Section 2.** There are currently no individuals or families living in the Urban
18 Redevelopment Area, therefore no individuals or families will be displaced from dwelling units as a
19 result of adoption or implementation of the Proposed Amendment to the Urban Redevelopment
20 Plan.

21 **Section 3.** There are currently no business concerns in the Urban Redevelopment Area,
22 therefore no business concerns will be displaced as a result of adoption or implementation of the
23 Proposed Amendment to the Urban Redevelopment Plan.

24 **Section 4.** Council set a public hearing on the Proposed Amendment for October 1, 2018
25 (“Public Hearing”) and that it be and is hereby found and determined that reasonable efforts have
26 been taken to provide written notice of the Public Hearing to all property owners, residents and
27 owners of business concerns in the Urban Redevelopment Area at least thirty (30) days prior to the
28 date of the Public Hearing.

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

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

1 **Section 7.** That it be and is hereby found and determined that the Urban Redevelopment
2 Plan, as amended by the Proposed Amendment, conforms to the Denver Comprehensive Plan
3 2000, as a whole, and is necessary and appropriate to facilitate the proper growth and
4 development of the community in accordance with sound planning standards and local community
5 objectives.

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

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

14 **Section 10.** That the Urban Redevelopment Plan be and is amended hereby to add the
15 Project to Appendix A (Schedule of Projects) to the Urban Redevelopment Plan, filed in the office
16 of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver (the “City Clerk”) in
17 City Clerk’s Filing No. 2017-0363.

18 **Section 11.** The Urban Redevelopment Plan be and is hereby further amended to correct
19 an error in the Urban Redevelopment Plan regarding the listing of the five factors constituting a
20 “blighted area” in (iii) of Section IIA of the Urban Redevelopment Plan which should read
21 “predominance of defective or inadequate street layout” instead of “deterioration of site and other
22 improvements.”

23 **Section 12.** That it be and hereby is found that the DPS Agreement and the UDFCD
24 Agreement have been entered into in satisfaction of the requirements of Section 31-25-
25 107(9.5), Colorado Revised Statutes, and the Act.

26 **Section 13.** That Ordinance No. 20170810, Series of 2017, is hereby amended to the
27 extent described herein and to correct the error in its Section 1 regarding the five factors
28 constituting a “blighted area” to conform to the correction made in the Urban Redevelopment Plan
29 as described in Section 11 herein. That to the extent that any provision or provisions of the Urban
30 Redevelopment Plan is or are deemed by a court of competent jurisdiction to be illegal, invalid or
31 unenforceable, such provision or provisions shall not affect the validity or enforceability of all
32 remaining provisions of the Urban Redevelopment Plan.

1 COMMITTEE APPROVAL DATE: September 11, 2018.

2 MAYOR-COUNCIL DATE: September 18, 2018.

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

10 PREPARED BY: Noah Cecil, Assistant City Attorney DATE: September 20, 2018

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12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.

16
17 Kristin M. Bronson, Denver City Attorney

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19 BY: _____, Assistant City Attorney DATE: _____