

1 **BY AUTHORITY**

2
3 ORDINANCE NO. _____
4 SERIES OF 2014

COUNCIL BILL NO. CB14-1015
COMMITTEE OF REFERENCE:
Finance and Services

6 **A BILL**

7 **For an Ordinance authorizing and approving an amendment to the 9th and**
8 **Colorado Urban Redevelopment Plan to add the 9th Avenue Project and to**
9 **Create the 9th Avenue Property Tax Increment Area and the 9th Avenue Sales**
10 **Tax Increment Area**
11

12 **WHEREAS**, the Council of the City and County of Denver ("Council") approved the 9th
13 and Colorado Urban Redevelopment Plan ("Plan") by authority of Ordinance No. 340, Series of
14 2013, having found that the area described in the Plan consists of a blighted area which is
15 appropriate for urban redevelopment projects according to the Urban Renewal Law of the State
16 of Colorado ("Act"); and

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

20 **WHEREAS**, Section V-C of the Plan provides that, pursuant to Section 31-25-107(9) of
21 the Act, the Council in approving the Plan contemplated that separate Property Tax Increment
22 Areas and/or Sales Tax Increment Areas may be created within the 9th and Colorado Urban
23 Redevelopment Area for a Project; and

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

27 **WHEREAS**, the Board of Commissioners of the Denver Urban Renewal Authority has
28 approved the redevelopment of a substantial portion of the 9th and Colorado Urban
29 Redevelopment Area through the redevelopment into a mix of uses, including residential, retail,
30 office and hotel (the "Project") as one of the projects for tax increment funding; and

31 **WHEREAS**, an amendment to the Plan (the "Proposed Amendment") to create the 9th
32 Avenue Property Tax Increment Area (the "Property Tax Increment Area") and the 9th Avenue
33 Sales Tax Increment Area (the "Sales Tax Increment Area") has been approved by the Board of
34 Commissioners of the Denver Urban Renewal Authority; and

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

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

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

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

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

Section 1. City Council determines that the Project is located within the 9th and Colorado Urban Redevelopment Area and will promote the objectives set forth in the Plan. The Project further promotes the urban renewal objectives described in the Plan, which are hereby incorporated by reference.

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

Section 3. There are currently no business concerns in the Property Tax Increment Area or the Sales Tax Increment Area, therefore no business concerns will be displaced as a result of adoption or implementation of the Proposed Amendment to the Plan.

Section 4. Council set a public hearing on the Proposed Amendment for December 8, 2014 (“Public Hearing”) and that it be and is hereby found and determined that reasonable

1 efforts have been taken to provide written notice of the Public Hearing to all property owners,
2 residents and owners of business concerns in the 9th and Colorado Urban Redevelopment Area
3 at least thirty (30) days prior to the date of the Public Hearing.

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

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

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

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

17 **Section 9.** That the City and County of Denver can adequately finance or agreements
18 are in place to finance any additional City and County of Denver infrastructure and services
19 required to serve development within the Property Tax Increment Area and Sales Tax Increment
20 Area for the period during which City and County of Denver property taxes are paid to the
21 Authority.

22 **Section 10.** That the Plan be and is amended hereby to add the Project to Appendix A
23 (Schedule of Projects) to the Plan, to be filed in the office of the Clerk and Recorder, Ex-Officio
24 Clerk of the City and County of Denver (the "City Clerk") and to add the Property Tax Increment
25 Area and the Sales Tax Increment Area to Appendix B ("Property Tax Increment Areas and
26 Sales Tax Increment Areas"), to be filed with the City Clerk.

27 **Section 11.** That Ordinance No. 340, Series of 2013, is hereby amended to the extent
28 described herein. That to the extent that any provision or provisions of the Plan is or are
29 deemed by a court of competent jurisdiction to be illegal, invalid or unenforceable, such
30 provision or provisions shall not affect the validity or enforceability of all remaining provisions of
31 the Plan.

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1 COMMITTEE APPROVAL DATE: November 18, 2014

2 MAYOR-COUNCIL DATE: November 25, 2014

3 PASSED BY THE COUNCIL: _____, 2014

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____, 2014

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9

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

11 PREPARED BY: Jennifer Welborn, ASSISTANT CITY ATTORNEY, November 24, 2014

12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office
13 of the City Attorney. We find no irregularity as to form, and have no legal objection to the
14 proposed ordinance. The proposed ordinance is NOT submitted to the City Council for approval
15 pursuant to §3.2.6 of the Charter.
16

17 D. Scott Martinez, Denver City Attorney

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19 By: _____, Assistant City Attorney DATE: _____ 2014

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APPENDIX A
Schedule of Projects

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2. 9th Avenue Project
Developer: 9th Avenue (Denver) Venture LLC

Description: The redevelopment of substantial portions of the former University of Colorado Hospital site located within the Urban Redevelopment Area, including activities in furtherance of developing a mix of uses on the site, including residential, retail, office and hotel.

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APPENDIX B
Property Tax Increment Areas and Sales Tax Increment Areas

Legal/Depiction

- 2. 9th Avenue Property Tax Increment Area and Sales Tax Increment Area