

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. CB13-0358
COMMITTEE OF REFERENCE:
Land Use, Transportation and Infrastructure

A BILL

For an ordinance approving the 9th and Colorado Urban Redevelopment Plan.

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

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

WHEREAS, the City and the Authority are cooperating on the redevelopment of the 9th Avenue and Colorado Boulevard area of Denver and desire to create an urban redevelopment area through the adoption of this 9th and Colorado Urban Redevelopment Plan ("9th and Colorado Urban Redevelopment Plan") to facilitate redevelopment of the area as more fully set forth in the 9th and Colorado Urban Redevelopment Plan; and

WHEREAS, there has been prepared and referred to the Council of the City and County of Denver ("City Council") for its consideration and approval a copy of the 9th and Colorado Urban Redevelopment Plan filed with the Denver City Clerk on the 11th day of July, 2013, in City Clerk File No. 2013-0600-A together with an explanation of the conditions of blight that exist within the 9th and Colorado Urban Redevelopment Area as set forth in the 9th and Colorado Conditions Study dated May, 2013, prepared by Matrix Design Group, Inc., as filed on the 11th day of July, 2013, in Denver City Clerk File No. 2013-0600-B ("Conditions Study"); and

WHEREAS, the 9th and Colorado Urban Redevelopment Plan has been approved by the Board of Commissioners of the Authority; and

WHEREAS, the Denver Planning Board, which is the duly designated and acting official planning body of the City, has submitted to the City Council its report and recommendations respecting the 9th and Colorado Urban Redevelopment Plan for the 9th and Colorado Urban Redevelopment Area and certifies that the 9th and Colorado Urban Redevelopment Plan conforms to the general plan for the City as a whole, and the City Council duly considered the report, recommendations and certifications of the Planning Board; and

WHEREAS, pursuant to § 31-25-107(9)(d) of the Act, School District No. 1 in the City and County of Denver has been permitted to participate in an advisory capacity concerning the tax increment financing described in the Plan; and

1 **WHEREAS**, after notice as required by Colorado Revised Statutes, a public hearing has been
2 held concerning the 9th and Colorado Urban Redevelopment Plan ("Public Hearing").

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

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

17 **Section 2.** That it be and is hereby found and determined that the 9th and Colorado Urban
18 Redevelopment Plan conforms to the Denver Comprehensive Plan 2000, as supplemented, and is
19 necessary and appropriate to facilitate the proper growth and development of the community in
20 accordance with sound planning standards and local community objectives.

21 **Section 3.** That it be and is hereby found and determined that the 9th and Colorado Urban
22 Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the City as
23 a whole, for the rehabilitation and redevelopment of the 9th and Colorado Urban Redevelopment Area
24 by private enterprise.

25 **Section 4.** That it be and is hereby found and determined that the conditions of blight in the
26 9th and Colorado Urban Redevelopment Area constitute an economic and social liability and a
27 menace to the public health, safety, morals, or welfare.

28 **Section 5.** That if any individuals or families are displaced from dwelling units as a result of
29 adoption or implementation of the 9th and Colorado Urban Redevelopment Plan, a feasible method
30 exists for the relocation of those individuals or families in accordance with the Act.

31 **Section 6.** That if business concerns are displaced by the adoption or implementation of 9th
32 and Colorado Urban Redevelopment Plan, a feasible method exists for the relocation of those
33 business concerns in accordance with the Act.

34 **Section 7.** That it be and is hereby found and determined that reasonable efforts have been

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

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

7 **Section 9.** That it be and is hereby found and determined that the 9th and Colorado Urban
8 Redevelopment Plan contains no property that was included in a previously submitted urban renewal
9 plan that was not approved by the City Council.

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

14 **Section 11.** That the 9th and Colorado Urban Redevelopment Plan, having been duly
15 reviewed and considered, be and hereby is approved.

16 COMMITTEE APPROVAL DATE: June 25, 2013

17 MAYOR-COUNCIL DATE: July 2, 2013

18 PASSED BY THE COUNCIL: _____, 2013

19 _____ - PRESIDENT

20 APPROVED: _____ - MAYOR _____, 2013

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

24 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____, 2013

25 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: July 11, 2013

26 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
27 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
28 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
29 3.2.6 of the Charter.

30 Douglas J. Friednash, Denver City Attorney

31 BY: _____, City Attorney DATE: _____, 2013