

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2019

COUNCIL BILL NO. CB19-1245
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance approving the 4201 East Arkansas Urban Redevelopment Plan and the creation of the 4201 East Arkansas Urban Redevelopment Area and the 4201 East Arkansas Sales and Property Tax Increment Areas.

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 4201 East Arkansas area of Denver and desire to create an urban redevelopment area through the adoption of this 4201 East Arkansas Urban Redevelopment Plan to facilitate redevelopment of the area as more fully set forth in the 4201 East Arkansas 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 4201 East Arkansas Urban Redevelopment Plan filed with the Denver City Clerk in City Clerk File No. 20190090; and

WHEREAS, the 4201 East Arkansas 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 4201 East Arkansas Urban Redevelopment Plan for the 4201 East Arkansas Urban Redevelopment Area and certifies that the 4201 East Arkansas 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, in accordance with the requirements of § 31-25-107(9.5) of the Act, School District No. 1 in the City and County of Denver has entered into an agreement with the Authority (the "DPS Agreement"), the Urban Drainage and Flood Control District entered into an agreement with the Authority (the "UDFCD Agreement"), [and 4201 Arkansas Metropolitan District No. 1 and No.2 entered into an agreement with the Authority (the "Met Districts Agreement")]; and

WHEREAS, after notice as required by Colorado Revised Statutes, a public hearing has been

1 held concerning the 4201 East Arkansas Urban Redevelopment Plan ("Public Hearing").

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

4 **Section 1.** That it be and is hereby found and determined, based upon the evidence presented
5 at the Public Hearing, in the Conditions Study, and testimony at the Public Hearing, that the 4201 East
6 Arkansas Urban Redevelopment Area consists of a "blighted area," which is appropriate for one or
7 more urban redevelopment projects according to the urban renewal law of the State of Colorado,
8 C.R.S. § 31-25-101, *et seq.* ("Act"), and which, by reason of the following factors, constitutes "blight"
9 (as defined in the Act), constitutes an economic and social liability, and is a menace to the public
10 health, safety, morals and welfare: (i) unsanitary or unsafe conditions, (ii) deterioration of site or other
11 improvements, (iii) unusual topography or inadequate public improvements or utilities; (iv)
12 environmental contamination of buildings or property, and (v) existence of health, safety or welfare
13 factors requiring high levels of municipal services or substantial physical underutilization or vacancy of
14 sites, buildings, or other improvements.

15 **Section 2.** That it be and is hereby found and determined that the 4201 East Arkansas Urban
16 Redevelopment Plan conforms to the Denver Comprehensive Plan 2040, as supplemented, and is
17 necessary and appropriate to facilitate the proper growth and development of the community in
18 accordance with sound planning standards and local community objectives.

19 **Section 3.** That it be and is hereby found and determined that the 4201 East Arkansas Urban
20 Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the City as
21 a whole, for the rehabilitation and redevelopment of the 4201 East Arkansas Urban Redevelopment
22 Area by private enterprise.

23 **Section 4.** That it be and is hereby found and determined that the conditions of blight in the
24 4201 East Arkansas Urban Redevelopment Area constitute an economic and social liability and a
25 menace to the public health, safety, morals, or welfare.

26 **Section 5.** That if any individuals or families are displaced from dwelling units as a result of
27 adoption or implementation of the 4201 East Arkansas Urban Redevelopment Plan, a feasible method
28 exists for the relocation of those individuals or families in accordance with the Act.

29 **Section 6.** That if business concerns are displaced by the adoption or implementation of 4201
30 East Arkansas Urban Redevelopment Plan, a feasible method exists for the relocation of those
31 business concerns in accordance with the Act.

32 **Section 7.** That it be and is hereby found and determined that reasonable efforts have been
33 taken by the Authority and the City to provide written notice of the Public Hearing to all property

1 owners, residents and owners of business concerns in the 4201 East Arkansas Urban Redevelopment
2 Area at least thirty (30) days prior to the date hereof.

3 **Section 8.** That it be and is hereby found and determined that no more than one hundred
4 twenty (120) days have passed since the commencement of the Public Hearing for the 4201 East
5 Arkansas Urban Redevelopment Plan.

6 **Section 9.** That it be and is hereby found and determined that the 4201 East Arkansas Urban
7 Redevelopment Plan contains no property that was included in a previously submitted urban renewal
8 plan that was not approved by the City Council.

9 **Section 10.** That it be and hereby is found that the DPS Agreement, the UDFCD Agreement ,
10 [and the Metro Districts Agreement] have been entered into in satisfaction of the requirements of
11 Section 31-25-107(9.5) of the Act.

12 **Section 11.** That the City and County of Denver can adequately finance any additional City
13 and County of Denver infrastructure and services required to serve development within 4201 East
14 Arkansas Urban Redevelopment Area for the period during which City and County of Denver property
15 taxes are paid to the Authority.

16 **Section 12.** That the 4201 East Arkansas Urban Redevelopment Plan, having been duly
17 reviewed and considered, be and hereby is approved.

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1 COMMITTEE APPROVAL DATE: November 12, 2019 by Consent
2 MAYOR-COUNCIL DATE: November 19, 2019
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: Jennifer M. Welborn, Assistant City Attorney DATE: November 21, 2019

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

15 Kristin M. Bronson, Denver City Attorney

16 BY: *Kristin M. Bronson*, City Attorney DATE: Nov 21, 2019