

BY AUTHORITY

1
2 RESOLUTION NO. CR26-0243
3 SERIES OF 2026

COMMITTEE OF REFERENCE:
Finance & Business

A RESOLUTION

5 **To memorialize a decision by City Council in accordance with Section 39-3-124,**
6 **Colorado Revised Statutes, concerning certain property leased by the Belleview**
7 **Station Metropolitan District No. 1.**

8 **WHEREAS**, in accordance with C.R.S. § 39-3-124(1)(b)(I)(A), on and after January 1, 2009,
9 the part of real property that is used by the State of Colorado (“State”), a political subdivision of the
10 State, or a State-supported institution of higher education pursuant to the provisions of a lease or
11 rental agreement for at least a one-year term, with or without an option to purchase, and pursuant
12 to which the subject real property is used for purposes of the State, the political subdivision, or the
13 State-supported institution of higher education shall be exempt from the levy and collection of
14 property tax; and

15 **WHEREAS**, if the State, a political subdivision of the State, or Stated-supported institution of
16 higher education enters into a lease or rental agreement or is already in a lease or rental agreement
17 on or after January 1, 2009, and is exempt from the levy and collection of property tax pursuant to
18 C.R.S. § 39-3-124, the State, political subdivision of the State, or State-supported institution of higher
19 education, as applicable, shall file a copy of the lease or rental agreement with the Assessor’s Office
20 in and for the City and County of Denver (“Assessor”), and shall further notify the Assessor in the
21 event that the lease or rental agreement is terminated prior to the term stated in such lease or rental
22 agreement; and

23 **WHEREAS**, in accordance with C.R.S. § 39-3-124(1)(b)(I)(F), in addition to the requirements
24 of C.R.S. § 39-3-124(1)(b)(I)(A) described above, if a metropolitan district that is a party to a lease
25 or rental agreement that was effective as of January 1, 2025, or later and was filed with the Assessor
26 in support of a claim for a property tax exemption in accordance with C.R.S. § 39-3-124(1)(b)(I)(A)
27 shall also file with the Assessor a statement describing: 1) the metropolitan district’s use of the leased
28 property; 2) the metropolitan district’s authority to use the leased property for the metropolitan
29 district’s purposes; 3) any use of the leased property by a private person for private purposes; and
30 4) any disclosure filed a member of the board of directors of the metropolitan district (“Board”) in
31 accordance with C.R.S. §§ 24-18-109(3)(b), 24-18-110, 32-1-902, or 18-8-308 (collectively,
32 “Disclosure Statutes”); and

1 **WHEREAS**, furthermore, in accordance with C.R.S. § 39-3-124(1)(b)(I)(G), if the statement
2 described in C.R.S. 39-3-124(1)(b)(I)(F) includes a disclosure that relates to the leased property and
3 is filed by a member of the Board in accordance with the Disclosure Statutes, the Assessor shall,
4 within fourteen (14) days of receipt of the statement, submit the statement to City Council, as the
5 governing body that approved the metropolitan district’s service plan, and to the metropolitan district;
6 and

7 **WHEREAS**, furthermore, in accordance with C.R.S. § 39-3-124(1)(b)(I)(G), within sixty-three
8 (63) days of receipt of the statement, City Council shall issue a written decision including findings of
9 fact and a conclusion as to whether the leased property is used for a public purpose as required by
10 C.R.S. § 39-3-124(1)(b)(I)(A); and

11 **WHEREAS**, furthermore, in accordance with C.R.S. § 39-3-124(1)(b)(I)(G), if City Council
12 concludes that the leased property is not used for a public purpose as required by C.R.S. § 39-3-
13 124(1)(b)(I)(A), the leased property is not exempt from taxation in accordance with C.R.S. § 39-3-
14 124(1)(b)(I)(A), and the Assessor shall implement City Council’s decision, and the decision by City
15 Council in accordance with C.R.S. § 39-3-124(1)(b)(I)(G) shall not be subject to appeal and shall not
16 give rise to any private right of action; and

17 **WHEREAS**, on February 4, 2026, Brooke Maloy (“Ms. Maloy”), a Board member of the
18 Belleview Station Metropolitan District No. 1, formerly known as the Madre Metropolitan District No.
19 1 (“District”) acting on behalf of the District, submitted four (4) separate statements to the Assessor
20 detailing four (4) separate lease agreements entered into by the District with private property owners
21 in accordance with C.R.S. § 39-3-124 (each a “Statement” and collectively the “Statements”); and

22 **WHEREAS**, in accordance with C.R.S. § 39-3-124(1)(b)(I)(F), the City’s Department of
23 Finance, on behalf of the Assessor, submitted the Statements to City Council on February 18, 2026;
24 and

25 **WHEREAS**, the four (4) separate leases encompass fifteen (15) separate privately-owned
26 parcels, and each lease presumes a different use by the District for the subject leased property; and

27 **WHEREAS**, the first lease agreement is entitled Parking Lease Agreement and is dated June
28 30, 2014 between the District and Madre Investment Co., LLC (“Madre”), as amended by that First
29 Amendment to Parking Lease Agreement, dated December 31, 2019, and as further amended by
30 that Second Amendment to Parking Lease Agreement, dated January 1, 2023 (collectively, “Lease
31 1”); and

32 **WHEREAS**, Lease 1 encompasses the following two (2) Assessor parcel numbers: 1) 07084-
33 05-004-000; and 2) 07084-05-006-000 (collectively, “Lease 1 Property”) and the Lease 1 Statement

1 indicates that portions of the Lease 1 Property are being separately used by the District as: 1) a
2 parking lot; 2) a dog park; and 3) an open-air entertainment venue; and

3 **WHEREAS**, the second lease agreement is entitled Lease Agreement and is dated May 1,
4 2023 between Madre and the District (“Lease 2”); and

5 **WHEREAS**, Lease 2 encompasses the following nine (9) Assessor parcel numbers: 1)
6 07084-11-016-000; 2) 07084-11-017-000; 3) 07084-11-006-000; 4) 07084-11-010-000; 5) 07084-
7 11-015-000; 6) 07084-11-014-000; 7) 07084-11-009-000; 8) 07084-11-018-000; and 9) 07084-11-
8 019-000 (collectively, the “Lease 2 Property”) and the Lease 2 Statement indicates that the Lease 2
9 Property is being used by the District as a nature trail; and

10 **WHEREAS**, the third lease agreement is entitled Lease Agreement and is dated May 1, 2023
11 between Belquince Ltd. Liability Co. (“Belquince”) and the District (“Lease 3”); and

12 **WHEREAS**, Lease 3 encompasses Assessor parcel number 07084-08-004-000 (the “Lease
13 3 Property”) and the Lease 3 Statement indicates that the Lease 3 Property is being used by the
14 District to provide storage and parking for construction materials and equipment; and

15 **WHEREAS**, the fourth lease agreement is entitled Lease Agreement and is dated May 1,
16 2023 between Madre and the District (“Lease 4”); and

17 **WHEREAS**, Lease 4 encompasses the following three (3) Assessor Parcel Numbers: 1)
18 07084-09-002-000; 2) 07084-05-003-000; and 3) 07084-05-005-000 (collectively, the “Lease 4
19 Property”) and the Lease 4 Statement indicates that the Lease 4 Property is being used by the
20 District to provide storage and parking for construction materials and equipment; and

21 **WHEREAS**, collectively, Lease 1, Lease 2, Lease 3, and Lease 4 shall be referred to herein
22 as the “Leases;” and

23 **WHEREAS**, collectively, the Lease 1 Property, the Lease 2 Property, the Lease 3 Property,
24 and the Lease 4 Property shall be referred to herein as the “Leased Properties,” and individually as
25 a “Leased Property;” and

26 **WHEREAS**, the respective Statements related to Lease 1, Lease 2, Lease 3, and Lease 4
27 that are required pursuant to C.R.S. §§ 39-3-124(1)(b)(I)(F) and (G) have been filed in the records
28 of the City Clerk in and for the City and County of Denver under Filing Numbers 20260020,
29 20260021, 20260022, and 20260023, respectively, and are available for public inspection; and

30 **WHEREAS**, disclosures filed by Ms. Maloy, in connection with each of the respective
31 Statements indicate that she is a member of both Madre and Belquince, as well as a beneficiary of
32 a trust that is a member of Madre; and

1 **WHEREAS**, since Ms. Maloy is a Board member of the District and her disclosures relate to
2 the Leased Properties, the District's requests to find that the Leased Properties are tax-exempt
3 because of the Leases fall within the processes and legal requirements described in C.R.S. §§ 39-
4 3-124(1)(b)(I)(F) and (G); and

5 **WHEREAS**, in accordance with C.R.S. § 39-3-124(1)(b)(I)(G), City Council, as the governing
6 body of the District described therein, hereby adopts this Resolution to conform with the statutory
7 requirements of C.R.S. §§ 39-3-124(1)(b)(I)(F) and (G).

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

10 **Section 1.** The City Council hereby adopts the findings of fact described in the Recitals
11 above and considers the respective information included in the Statements, as filed with the City
12 Clerk under Filing Numbers 20260020, 20260021, 20260022, and 20260023, respectively.

13 **Section 2.** Portions of the Lease 1 Property are separately being used by the District as:
14 1) a paid surface parking lot, 2) a dog park, and 3) an open-air entertainment venue. All three uses
15 do not support the general health, safety or welfare of the public to justify property tax exemption for
16 the Lease 1 Property under C.R.S. § 39-3-124(1)(b)(I)(A). The dog park and the open-air
17 entertainment venue do not currently serve a valid public purpose as public park and recreation
18 facilities. This land will be privately developed in accordance with the District's service plan and
19 relevant development plans and, although typically open space, parks and dog park areas would be
20 deeded over to a metropolitan district as permanent public park and recreational facilities, these
21 parcels do not currently serve a public purpose and use for the neighboring community. The paid
22 surface parking lot, while open to the public for use, charges for parking at all times and does not
23 serve a public purpose that is separated from private benefit; there is available free parking on the
24 adjacent public streets, and it is unknown how the parking fee revenue generated off of the parking
25 spaces is being utilized or distributed, or whether such revenue is to the benefit of private property
26 owners within the area. It is City Council's conclusion that the Lease 1 Property is not eligible for
27 property tax exemption pursuant to C.R.S. §§ 39-3-124(1)(b)(I)(F) and (G) at this time.

1 **Section 3.** The Lease 2 Property is being used by the District as a nature trail, but such
2 nature trail does not currently support the general health, safety or welfare of the public to justify
3 property tax exemption for the Lease 2 Property under C.R.S. § 39-3-124(1)(b)(I)(A). Although the
4 District is authorized to own and operate open space and park amenities as a part of its service plan,
5 the entirety of the Lease 2 Property is not designated as permanent open space or park area. Absent
6 further development approvals, the Lease 2 Property will be privately developed, in whole or in part,
7 at some time in the future. Furthermore, the Lease 2 Property has not been deeded or permanently
8 conveyed to the District, as would typically be the case with parks and open space in a similarly-
9 situated development. In addition, the City Council finds that a nature trail is typically a path through
10 a natural forest or countryside, and is designed to draw attention to natural features. Here,
11 conversely, there are no natural features present on the Lease 2 Property, as the poured gravel path
12 goes along East Union Avenue on the southern border and I-25 along the eastern border, and there
13 are no natural features. Additionally, it is evident that the gravel used for the pathway is of a type
14 and quality that is not comfortable or appropriate for pedestrian walking. Furthermore, aside from
15 signage on the western entrances to the Lease 2 Property, there are no nature trail amenities
16 installed upon the property, including trash receptacles, lighting, or wayfinding. It is City Council's
17 conclusion that the Lease 2 Property is not eligible for property tax exemption pursuant to C.R.S. §§
18 39-3-124(1)(b)(I)(F) and (G) at this time.

19 **Section 4.** The Lease 3 Property is being used by the District to provide storage and
20 parking for construction materials and equipment for adjacent private redevelopment activities. This
21 activity does not meet the criteria for public use of the Lease 3 Property, as it does not support the
22 general health, safety or welfare of the public to justify property tax exemption for the Lease 3
23 Property under C.R.S. § 39-3-124(1)(b)(I)(A). The Lease 3 Property is being used for parking and
24 storage of cars and equipment related to nearby private construction projects. This benefits a private
25 developer, and not the general public. It is City Council's conclusion that the Lease 3 Property is not
26 eligible for property tax exemption pursuant to C.R.S. §§ 39-3-124(1)(b)(I)(F) and (G) at this time.

1 COMMITTEE APPROVAL DATE: March 10, 2026

2 MAYOR-COUNCIL DATE: March 17, 2026

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT


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

8 PREPARED BY: Bradley T. Neiman, Assistant City Attorney DATE: March 19, 2026

9 Pursuant to section 13-9, D.R.M.C., this proposed resolution has been reviewed by the Office of the
10 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
11 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to
12 § 3.2.6 of the Charter.

13

14 Miko Ando Brown, Denver City Attorney

15 BY:  _____, Assistant City Attorney

DATE: 3/18/2026 | 4:06 PM MDT