

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2021

COUNCIL BILL NO. CB21-1353
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance approving the Fox Park Urban Redevelopment Plan, the creation of the Fox Park Urban Redevelopment Area and the Fox Park Property Tax Increment Area and Sales Tax Increment Area.

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 Fox Park area in Denver and desire to create an urban redevelopment area through the adoption of this Fox Park Urban Redevelopment Plan, as filed with the Denver City Clerk on the 16th day of November, 2021, under City Clerk Filing No. 20210093, to facilitate redevelopment of the area as more fully set forth in the Fox Park Urban Redevelopment Plan; and

WHEREAS, the Board of Commissioners of the Authority has approved the Fox Park Urban Redevelopment Plan and redevelopment of the Fox Park Urban Redevelopment Area, as described in the Fox Park Redevelopment Plan (, the "Fox Park Urban Redevelopment Area"); and

WHEREAS, the Board of Commissioners of the Authority has approved the creation of the Property Tax Increment Area and the Sales Tax Increment Area, as each term is defined in the Fox Park 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 Fox Park Urban Redevelopment Plan;

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 Fox Park Urban Redevelopment Plan for the Fox Park Urban Redevelopment Area and certifies that the Fox Park 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

1 **WHEREAS**, in accordance with the requirements of § 31-25-107(9.5) of the Act, School
2 District No. 1 in the City and County of Denver and State of Colorado (“DPS”) has entered into that
3 Fox Park Intergovernmental Agreement with the Authority (the "DPS Agreement") and the Urban
4 Drainage and Flood Control District (“UDFCD”) has entered into that letter agreement with the
5 Authority (the "UDFCD Agreement"); and

6 **WHEREAS**, after notice as required by Colorado Revised Statutes, a public hearing has been
7 held concerning the Fox Park Urban Redevelopment Plan ("Public Hearing").

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

10 **Section 1.** That it be and is hereby found and determined, based upon the evidence
11 presented at the Public Hearing, in the Conditions Study, and testimony at the Public Hearing, that
12 the Fox Park Urban Redevelopment Area consists of a "blighted area," which is appropriate for one
13 or more urban redevelopment projects according to the Act, and which, by reason of the following
14 factors, constitutes "blight" (as defined in the Act), constitutes an economic and social liability, and
15 is a menace to the public health, safety, morals and welfare: (i) predominance of defective or
16 inadequate street layout, (ii) deterioration of site or other improvements, (iii) unusual topography or
17 inadequate public improvements or utilities, and (iv) existence of health, safety or welfare factors
18 requiring high levels of municipal services or substantial physical underutilization or vacancy of sites,
19 buildings, or other improvements

20 **Section 2.** That it be and is hereby found and determined that the Fox Park Urban
21 Redevelopment Plan conforms to the Denver Comprehensive Plan 2040, as supplemented, and is
22 necessary and appropriate to facilitate the proper growth and development of the community in
23 accordance with sound planning standards and local community objectives.

24 **Section 3.** That it be and is hereby found and determined that the Fox Park Urban
25 Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the City
26 as a whole, for the rehabilitation and redevelopment of the Fox Park Urban Redevelopment Area by
27 private enterprise.

28 **Section 4.** That it be and is hereby found and determined that the conditions of blight in the
29 Fox Park Urban Redevelopment Area constitute an economic and social liability and a menace to
30 the public health, safety, morals, or welfare.

31 **Section 5.** That if any individuals or families are displaced from dwelling units as a result of
32 adoption or implementation of the Fox Park Urban Redevelopment Plan, a feasible method exists

1 for the relocation of those individuals or families in accordance with the Act.

2 **Section 6.** That if business concerns are displaced by the adoption or implementation of Fox
3 Park Urban Redevelopment Plan, a feasible method exists for the relocation of those business
4 concerns in accordance with the Act.

5 **Section 7.** That it be and is hereby found and determined that reasonable efforts have been
6 taken by the Authority and the City to provide written notice of the Public Hearing to all property
7 owners, residents and owners of business concerns in the Fox Park Urban Redevelopment Area at
8 least thirty (30) days prior to the date hereof.

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

12 **Section 9.** That it be and is hereby found and determined that the Fox Park Urban
13 Redevelopment Plan contains no property that was included in a previously submitted urban renewal
14 plan that was not approved by the City Council.

15 **Section 10.** That it is hereby found and determined that the Fox Park Urban Redevelopment
16 Plan conforms to the Denver Comprehensive Plan 2040, as a whole, and is necessary and
17 appropriate to facilitate the proper growth and development of the community in accordance with
18 sound planning standards and local community objectives.

19 **Section 11.** That it be and hereby is found that the DPS Agreement and the UDFCD
20 Agreement satisfy of the requirements of § 31-25-107(9.5) of the Act.

21 **Section 12.** That the City and County of Denver can adequately finance any additional City
22 and County of Denver infrastructure and services required to serve development within the Fox Park
23 Urban Redevelopment Area for the period during which City and County of Denver property taxes
24 are paid to the Authority.

25 **Section 13.** That the Fox Park Urban Redevelopment Plan, having been duly reviewed and
26 considered, be and hereby is approved.

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1 COMMITTEE APPROVAL DATE: November 9, 2021
2 MAYOR-COUNCIL DATE: November 16, 2021
3 PASSED BY THE COUNCIL: _____ November 29, 2021
4 *Steve Filmore* - PRESIDENT
5 APPROVED: _____ - MAYOR *Mike Johnston* Nov 30, 2021
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 Welborn, Assistant City Attorney DATE: November 18, 2021
11 Pursuant to section 13-9, 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
16 Kristin M. Bronson, Denver City Attorney
17
18 BY: *Jonathan Griffin* , Assistant City Attorney DATE: Nov 18, 2021