

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. CB11-0908
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance approving the Marycrest Urban Redevelopment Plan for the former Marycrest site.

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 ("DURA" or "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 DURA are cooperating on the redevelopment of the former Marycrest site approximately twenty (20) acres located at the Northeast corner of the intersection of West 52st Avenue and Federal Boulevard in Denver County and desire to create an Urban Redevelopment Area through the adoption of this Marycrest Urban Redevelopment Plan ("Marycrest Urban Redevelopment Plan" or "Plan") to facilitate redevelopment of site as more fully set forth in the Plan; and

WHEREAS, since portions of the Marycrest Urban Redevelopment Area ("Urban Redevelopment Area") lie within Denver County, pursuant to Section 31-23-112.5 of the Act, the City must approve the 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 Marycrest Urban Redevelopment Plan filed with the Denver City Clerk on the 19th day of January, 2012, in City Clerk File No. 12-035 together with an explanation of the conditions of blight that exist within the Marycrest Urban Redevelopment Area as set forth in the Marycrest Site Blight Study dated October 2011, prepared by URS Corp., as filed on the 19th day of January, 2012, in Denver City Clerk File No. 12-035-A, ("Blight Study"); and

WHEREAS, the sole property owner within the Marycrest Urban Redevelopment Area has consented to inclusion of this land in the Marycrest Urban Redevelopment Area; and

WHEREAS, the Marycrest 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

1 respecting the Marycrest Urban Redevelopment Plan for the Marycrest Urban Redevelopment Area
2 and certifies that the Marycrest Urban Redevelopment Plan conforms to the general plan for the City
3 as a whole, and the City Council duly considered the report, recommendations and certifications of the
4 Planning Board; and

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

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

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

12
13 **Section 1.** That it be and is hereby found and determined, based upon the evidence presented
14 at the Public Hearing, in the Blight Study, and testimony at the Public Hearing, that the Marycrest
15 Urban Redevelopment Area consists of a "blighted area," which is appropriate for one or more urban
16 redevelopment projects according to the urban renewal law of the State of Colorado, C.R.S. § 31-25-
17 101, *et seq.* ("Act"), and which, by reason of the following factors, constitutes "blight" (as defined in the
18 Act), constitutes an economic and social liability, and is a menace to the public health, safety, morals
19 and welfare: of (i) slum, deteriorated, or deteriorating structures, (ii) predominance of defective or
20 inadequate street layout, (iii) unsanitary or unsafe conditions, (iv) deterioration of site or other
21 improvements, (v) unusual topography or inadequate public improvements or utilities, and (vi) the
22 existence of health, safety or welfare factors requiring high levels of municipal services or substantial
23 physical underutilization or vacancy of sites, buildings or other improvements. Such blight substantially
24 impairs or arrests the sound growth of the municipality.

25 **Section 2.** That it be and is hereby found and determined that the Marycrest Urban
26 Redevelopment Plan conforms to the Denver Comprehensive Plan 2000, as a whole, and is
27 necessary and appropriate to facilitate the proper growth and development of the community in
28 accordance with sound planning standards and local community objectives.

29 **Section 3.** That it be and is hereby found and determined that the Marycrest Urban
30 Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the City as
31 a whole, for the rehabilitation and redevelopment of the Globeville Commercial Urban Redevelopment
32 Area by private enterprise.

33 **Section 4.** That it be and is hereby found and determined that the conditions of blight in the
34 Marycrest Urban Redevelopment Area constitute an economic and social liability and a menace to the

1 public health, safety, morals, or welfare.

2 **Section 5.** No individuals or families will be displaced from dwelling units as a result of
3 adoption or implementation of the Marycrest Urban Redevelopment Plan.

4 **Section 6.** No business concerns will be displaced by the adoption or implementation of
5 Marycrest Urban Redevelopment Plan.

6 **Section 7.** Since the Marycrest Urban Redevelopment Area may consist of open lands within
7 the meaning of Section 31-25-107(6) of the Act, it is hereby found and determined that the
8 nonresidential uses under the Plan are necessary and appropriate to facilitate the proper growth and
9 development of the community in accordance with sound planning standards and local community
10 objectives and, if necessary to carry out the Plan, any contemplated acquisition of the area (to the
11 extent authorized in the Plan) may require the exercise of governmental action, as provided by the Act
12 because of being in a blighted area. However, no such acquisition is contemplated at this time.

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

17 **Section 9.** That it be and is hereby found and determined that no more than one hundred
18 twenty (120) days have passed since the commencement of the Public Hearing for the Marycrest
19 Urban Redevelopment Plan.

20 **Section 10.** That it be and is hereby found and determined that the Marycrest Urban
21 Redevelopment Plan contains no property that was included in a previously submitted urban renewal
22 plan that was not approved by the City Council.

23 **Section 11.** That the City and County of Denver can adequately finance, and agreements are
24 in place to finance, any additional City and County of Denver infrastructure and services required to
25 serve development within the Marycrest Urban Redevelopment Area for the period during which City
26 and County of Denver property taxes are paid to the Authority.

27 **Section 12.** That the Marycrest Urban Redevelopment Plan, having been duly reviewed and
28 considered, be and hereby is approved.

29

1 COMMITTEE APPROVAL DATE: January 10, 2012
2 MAYOR-COUNCIL DATE: January 17, 2012
3 PASSED BY THE COUNCIL: _____, 2012
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2012
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2012; _____, 2012
10 PREPARED BY: Jennifer Welborn, Assistant City Attorney DATE: January 19, 2012
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 Douglas J. Friednash, City Attorney for the City and County of Denver
16 BY: _____, City Attorney DATE: _____, 2012