

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. CB14-1099
COMMITTEE OF REFERENCE:
Finances & Services

A B I L L

For an Ordinance authorizing and approving an amendment to the St. Anthony Urban Redevelopment Plan to add the Sloans Block 7 West Project and to Create the Sloans Block 7 West Sales Tax Increment Area

WHEREAS, the Council of the City and County of Denver ("Council") approved the St. Anthony Urban Redevelopment Plan ("Plan") by authority of Ordinance No. 363, Series of 2013, having found that the area described in the Plan consists of a blighted area which is appropriate for urban redevelopment projects according to the Urban Renewal Law of the State of Colorado ("Act"); and

WHEREAS, the Council found and determined that it was desirable and in the public interest for the Denver Urban Renewal Authority to undertake and carry out projects identified and described in the Plan; and

WHEREAS, Section V-C of the Plan provides that, pursuant to Section 31-25-107(9) of the Act, the Council in approving the Plan contemplated that separate property tax increment areas and/or sales tax increment areas may be created within the St. Anthony Urban Redevelopment Area for a Project; and

WHEREAS, the Board of Commissioners of the Denver Urban Renewal Authority has approved the redevelopment of Lot 3 of Block 7 ("Sloans Block 7 West") through the construction of a building containing a theater and the acquisition of rights to adjacent parking (the "Project") as one of the projects for tax increment funding; and

WHEREAS, a property tax increment area that encompasses Sloans Block 7 West and other portions of the St. Anthony Urban Redevelopment Area has previously been approved by the Council; and

WHEREAS, it is the intent of the Denver Urban Renewal Authority to use property tax increment derived from Sloans Block 7 West and from other portions of the property tax increment area to support the Project; and

WHEREAS, the Plan may be amended to create the boundaries of a sales tax increment area for each project as set forth in an Appendix which shall become part of the Plan; and

WHEREAS, an amendment to the Plan (the "Proposed Amendment") to create the Sloans Block 7 West Sales Tax Increment Area (the "Sales Tax Increment Area") has been approved by the Board of Commissioners of the Denver Urban Renewal Authority; and

WHEREAS, the Denver Planning Board which is the duly designated and acting official planning body of the City and County of Denver, has submitted to the Council its report and recommendations concerning the Proposed Amendment and has certified that the Proposed

1 Amendment conforms to the Comprehensive Plan for the City and County of Denver as a whole,
2 and the Council of the City and County of Denver has duly considered the report,
3 recommendations and certifications of the Planning Board; and
4

5 **WHEREAS**, there has been prepared and referred to the City Council of the City and
6 County of Denver for its consideration and approval, a copy of the Proposed Amendment; and
7

8 **WHEREAS**, after notice as required by Colorado Revised Statutes, a public hearing has
9 been held concerning the Proposed Amendment (the “Public Hearing”); and
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11 **WHEREAS**, in accordance with the requirements of Section 31-25-107(9)(d), Colorado
12 Revised Statutes, School District No. 1 in the City and County of Denver and State of Colorado
13 has been permitted to participate in an advisory capacity concerning the project financing
14 described in the Proposed Amendment.
15

16 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
17 **DENVER:**
18

19 **Section 1.** City Council determines that the Project is located within the St. Anthony
20 Urban Redevelopment Area and will promote the objectives set forth in the Plan. The Project
21 further promotes the urban renewal objectives described in the Plan, which are hereby
22 incorporated by reference.
23

24 **Section 2.** There are currently no individuals or families living in the Sales Tax Increment
25 Area, therefore no individuals or families will be displaced from dwelling units as a result of
26 adoption or implementation of the Proposed Amendment to the Plan.
27

28 **Section 3.** There are currently no business concerns in the Sales Tax Increment Area,
29 therefore no business concerns will be displaced as a result of adoption or implementation of the
30 Proposed Amendment to the Plan.
31

32 **Section 4.** Council set a public hearing on the Proposed Amendment for January 20,
33 2015 (“Public Hearing”) and that it be and is hereby found and determined that reasonable efforts
34 have been taken to provide written notice of the Public Hearing to all property owners, residents
35 and owners of business concerns in the St. Anthony Urban Redevelopment Area at least thirty (30)
36 days prior to the date of the Public Hearing.
37

38 **Section 5.** That it be and is hereby found and determined that no more than one hundred
39 twenty (120) days have passed since the commencement of the Public Hearing.
40

41 **Section 6.** That it be and is hereby found and determined that the Plan, as amended by
42 the Proposed Amendment, contains no property that was included in a previously submitted urban
43 redevelopment plan that Council failed to approve.
44

45 **Section 7.** That it be and is hereby found and determined that the Plan, as amended by
46 the Proposed Amendment, conforms to the Denver Comprehensive Plan 2000, as a whole, and is
47 necessary and appropriate to facilitate the proper growth and development of the community in
48 accordance with sound planning standards and local community objectives.
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1 **Section 8.** That it be and is hereby found and determined that the Plan, as amended by
2 the Proposed Amendment, will afford maximum opportunity, consistent with the sound needs of
3 the City as a whole, for the rehabilitation and redevelopment of the St. Anthony Urban
4 Redevelopment Area by private enterprise.

5
6 **Section 9.** That the City and County of Denver can adequately finance any additional City
7 and County of Denver infrastructure and services required to serve development within the Sales
8 Tax Increment Area for the period during which City and County of Denver property taxes are paid
9 to the Authority.

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11 **Section 10.** That the Plan be and is amended hereby to add the Project to Appendix A
12 (Schedule of Projects) to the Plan, filed in the office of the Clerk and Recorder, Ex-Officio Clerk of
13 the City and County of Denver (the "City Clerk") in City Clerk's Filing No. 13-0665-A and to add the
14 Sales Tax Increment Area to Appendix B ("Property Tax Increment Areas and Sales Tax Increment
15 Areas"), filed with the City Clerk in the City Clerk's Filing No. 13-0665-A.

16
17 **Section 11.** That Ordinance No. 363, Series of 2013, is hereby amended to the extent
18 described herein. That to the extent that any provision or provisions of the Plan is or are deemed
19 by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision or
20 provisions shall not affect the validity or enforceability of all remaining provisions of the Plan.

21
22 COMMITTEE APPROVAL DATE: December 16, 2014
23 MAYOR-COUNCIL DATE: December 23, 2014 (Consent)
24 PASSED BY THE COUNCIL: _____, 2015
25 _____ - PRESIDENT

26 APPROVED: _____ - MAYOR _____, 2015
27 ATTEST: _____ - CLERK AND RECORDER,
28 EX-OFFICIO CLERK OF THE
29 CITY AND COUNTY OF DENVER

30 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

31 PREPARED BY: Lori Strand, Assistant City Attorney DATE: January 8, 2015

32 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
33 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
34 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
35 § 3.2.6 of the Charter.

36 D. Scott Martinez, Denver City Attorney

37 BY: _____, Assistant City Attorney DATE: _____, 2015

APPENDIX A
Schedule of Projects

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- 2. Sloans Block 7 West Project
Developer: Alamo Sloans LLC
Description: Construction of a building containing a theater and the acquisition of rights to adjacent parking.

APPENDIX B

Property Tax Increment Areas and Sales Tax Increment Areas

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- 2. Sloans Block 7 West Sales Tax Increment Area
Legal Description:
Lot 3, Block 7
South Sloan's Lake Subdivision, Filing No. 1
According to the Plat thereof recorded May 15, 2014
At Reception No. 2014055707
City and County of Denver
State of Colorado