

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO. CB11-0197
COMMITTEE OF REFERENCE:
Business, Workforce & Sustainability

A BILL

For an ordinance approving the Globeville Commercial Urban Redevelopment Plan for the former ASARCO 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, Adams County is a county 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, Adams County, and DURA are cooperating on the redevelopment of the former ASARCO Site located on contiguous parcels in both Denver County and Adams County at approximately 51st Avenue and Washington Street and desire to create an Urban Redevelopment Area that lies in both jurisdictions through the adoption of this Globeville Commercial Urban Redevelopment Plan ("Globeville Commercial Urban Redevelopment Plan" or "Plan") to facilitate redevelopment of the approximately 77 acre site as more fully set forth in the Plan; and

WHEREAS, since portions of the Globeville Commercial Urban Redevelopment Area ("Urban Redevelopment Area") lie within Adams County and Denver County, pursuant to Section 31-23-112.5 of the Act, both the City and Adams County must approve the Plan; and

WHEREAS, there has been prepared and referred to the Adams County Board of County Commissioners ("Board") for its consideration and approval a copy of the Globeville Commercial Urban Redevelopment Plan as filed with the Denver City Clerk in City Clerk File No. 11-246 on March 21, 2011; 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 Globeville Commercial Urban Redevelopment Plan filed with the Denver City Clerk on the 21st day of March, 2011, in City Clerk File No. 11-246 together with an explanation of the conditions of blight that exist within the Globeville Commercial Urban Redevelopment Area as set forth in the ASARCO Site Blight Study dated October 2008, prepared by URS, as filed on the 20th day of April, 2011, in Denver City Clerk File No. 11-246-A, ("Blight Study"); and

1 **WHEREAS**, the sole property owner within the Globeville Commercial Urban Redevelopment
2 Area has consented to inclusion of this land in the Globeville Commercial Urban Redevelopment Area;
3 and

4 **WHEREAS**, the Globeville Commercial Urban Redevelopment Plan has been approved by the
5 Board of Commissioners of the Authority; and

6 **WHEREAS**, the Globeville Commercial Urban Redevelopment Plan has been approved by the
7 Adams County Board; and

8 **WHEREAS**, the Denver Planning Board, which is the duly designated and acting official
9 planning body of the City, has submitted to the City Council its report and recommendations
10 respecting the Globeville Commercial Urban Redevelopment Plan for the Globeville Commercial
11 Urban Redevelopment Area and certifies that the Globeville Commercial Urban Redevelopment Plan
12 conforms to the general plan for the City as a whole, and the City Council duly considered the report,
13 recommendations and certifications of the Planning Board; and

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

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

19 **NOW THEREFORE,**
20 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**
21

22 **Section 1.** That it be and is hereby found and determined, based upon the evidence presented
23 at the Public Hearing, in the Blight Study, and testimony at the Public Hearing, that the Globeville
24 Commercial Urban Redevelopment Area consists of a "blighted area," which is appropriate for one or
25 more urban redevelopment projects according to the urban renewal law of the State of Colorado,
26 C.R.S. § 31-25-101, *et seq.* ("Act"), and which, by reason of the following factors, constitutes "blight"
27 (as defined in the Act), constitutes an economic and social liability, and is a menace to the public
28 health, safety, morals and welfare: (i) slum, deteriorated, or deteriorating structures; (ii) defective or
29 inadequate street layout; (iii) faulty lot layout; (iv) unsanitary or unsafe conditions; (v) deterioration of
30 site or other improvements; (vi) unusual topography and inadequate public improvements; and (vii)
31 environmental contamination of buildings or property. Such blight substantially impairs or arrests the
32 sound growth of the municipality.

33 **Section 2.** That it be and is hereby found and determined that the Globeville Commercial
34 Urban Redevelopment Plan conforms to the Denver Comprehensive Plan 2000, as a whole, and is

1 necessary and appropriate to facilitate the proper growth and development of the community in
2 accordance with sound planning standards and local community objectives.

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

7 **Section 4.** That it be and is hereby found and determined that the conditions of blight in the
8 Globeville Commercial Urban Redevelopment Area constitute an economic and social liability and a
9 menace to the public health, safety, morals, or welfare.

10 **Section 5.** That there are currently no individuals or families living in the Globeville
11 Commercial Urban Redevelopment Area, therefore no individuals or families will be displaced from
12 dwelling units as a result of adoption or implementation of the Globeville Commercial Urban
13 Redevelopment Plan.

14 **Section 6.** There are no business concerns in the Globeville Commercial Urban
15 Redevelopment Area; therefore no business concerns will be displaced by the adoption or
16 implementation of Globeville Commercial Urban Redevelopment Plan.

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

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

28 **Section 9.** That it be and is hereby found and determined that no more than one hundred
29 twenty (120) days have passed since the commencement of the Public Hearing for the Globeville
30 Commercial Urban Redevelopment Plan.

31 **Section 10.** That it be and is hereby found and determined that the Globeville Commercial
32 Urban Redevelopment Plan contains no property that was included in a previously submitted urban
33 renewal plan that was not approved by the City Council.

1 **Section 11.** That the City and County of Denver can adequately finance, and agreements are
2 in place to finance, any additional City and County of Denver infrastructure and services required to
3 serve development within the Globeville Commercial Urban Redevelopment Area for the period during
4 which City and County of Denver property taxes are paid to the Authority.

5 **Section 12.** That the Globeville Commercial Urban Redevelopment Plan, having been duly
6 reviewed and considered, be and hereby is approved.

7 COMMITTEE APPROVAL DATE: March 23, 2011

8 MAYOR-COUNCIL DATE: March 29, 2011

9 PASSED BY THE COUNCIL: _____, 2011

10 _____ - PRESIDENT

11 APPROVED: _____ - MAYOR _____, 2011

12 ATTEST: _____ - CLERK AND RECORDER,
13 EX-OFFICIO CLERK OF THE
14 CITY AND COUNTY OF DENVER

15 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011

16 PREPARED BY: Karen A. Aviles, Assistant City Attorney DATE: April 20, 2011

17 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
18 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
20 3.2.6 of the Charter.

21 David W. Broadwell, Denver City Attorney

22 BY: _____, City Attorney DATE: _____, 2011