

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2023

COUNCIL BILL NO. 23-0457
COMMITTEE OF REFERENCE:
Finance and Governance

A BILL

For an ordinance approving the 38th and Huron Urban Redevelopment Plan, the creation of the 38th and Huron Urban Redevelopment Area and the 38th and Huron 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 an approximately 3.3 acre site generally situated in the Globeville neighborhood bound by privately-owned property to the north, the alignment of Galapago Street to the east, 38th Avenue to the south, and the freight and passenger rail tracks to the west located in Denver, and desire to create an urban redevelopment area through the adoption of this 38th and Huron Urban Redevelopment Plan, as filed with the Denver City Clerk on the 21st day of April, 2023, under City Clerk Filing No. 20230043, to facilitate redevelopment of the area as more fully set forth in the 38th and Huron Urban Redevelopment Plan; and

WHEREAS, the Board of Commissioners of the Authority has approved the 38th and Huron Urban Redevelopment Plan and redevelopment of the 38th and Huron Urban Redevelopment Area as described in the 38th and Huron Redevelopment Plan (collectively and as further described in the 38th and Huron Urban Redevelopment Plan, the "38th and Huron 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 38th and Huron 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 38th and Huron 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 respecting the 38th and Huron

1 Urban Redevelopment Plan for the 38th and Huron Urban Redevelopment Area and certifies that
2 the 38th and Huron Urban Redevelopment Plan conforms to the general plan for the City as a whole,
3 and the City Council duly considered the report, recommendations and certifications of the Planning
4 Board; and

5 **WHEREAS**, in accordance with the requirements of § 31-25-107(9.5) of the Act, School
6 District No. 1 in the City and County of Denver and State of Colorado ("DPS") has entered into that
7 38th and Huron Intergovernmental Agreement with the Authority (the "DPS Agreement"), and the
8 Urban Drainage and Flood Control District, doing business as the Mile High Flood District ("UDFCD")
9 has entered into that letter agreement with the Authority (the "UDFCD Agreement; and

10 **WHEREAS**, after notice as required by Colorado Revised Statutes, a public hearing has been
11 held concerning the 38th and Huron Urban Redevelopment Plan ("Public Hearing").

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

14 **Section 1.** That it be and is hereby found and determined, based upon the evidence
15 presented at the Public Hearing, in the related Conditions Study, and testimony at the Public Hearing,
16 that the 38th and Huron Urban Redevelopment Area consists of a "blighted area," which is
17 appropriate for one or more urban redevelopment projects according to the Act, and which, by reason
18 of the following factors, constitutes "blight" (as defined in the Act), constitutes an economic and social
19 liability, and is a menace to the public health, safety, morals and welfare: (i) predominance of
20 defective or inadequate street layout; (ii) deterioration of site or other improvements; (iii) unusual
21 topography or inadequate public improvements or utilities; (iv) environmental contamination of
22 buildings or property; and (v) the existence of health, safety or welfare factors requiring high levels
23 of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other
24 improvements.

25 **Section 2.** That it be and is hereby found and determined that the 38th and Huron Urban
26 Redevelopment Plan conforms to the Denver Comprehensive Plan 2040, as supplemented, 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 38th and Huron Urban
30 Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the City
31 as a whole, for the rehabilitation and redevelopment of the 38th and Huron Urban Redevelopment
32 Area by private enterprise.

1 **Section 4.** That it be and is hereby found and determined that the conditions of blight in the
2 38th and Huron Urban Redevelopment Area constitute an economic and social liability and a menace
3 to the public health, safety, morals, or welfare.

4 **Section 5.** That if any individuals or families are displaced from dwelling units as a result of
5 adoption or implementation of the 38th and Huron Urban Redevelopment Plan, a feasible method
6 exists for the relocation of those individuals or families in accordance with the Act.

7 **Section 6.** That if business concerns are displaced by the adoption or implementation of 38th
8 and Huron Urban Redevelopment Plan, a feasible method exists for the relocation of those business
9 concerns in accordance with the Act.

10 **Section 7.** That it be and is hereby found and determined that reasonable efforts have been
11 taken by the Authority and the City to provide written notice of the Public Hearing to all property
12 owners, residents and owners of business concerns in the 38th and Huron Urban Redevelopment
13 Area at least thirty (30) days prior to the date hereof.

14 **Section 8.** That it be and is hereby found and determined that no more than one hundred
15 twenty (120) days have passed since the commencement of the Public Hearing for the 38th and
16 Huron Urban Redevelopment Plan.

17 **Section 9.** That it be and is hereby found and determined that the 38th and Huron Urban
18 Redevelopment Plan contains no property that was included in a previously submitted urban renewal
19 plan that was not approved by the City Council.

20 **Section 10.** That it be and hereby is found that the DPS Agreement and the UDFCD
21 Agreement satisfy of the requirements of § 31-25-107(9.5) of the Act.

22 **Section 11.** That the City and County of Denver can adequately finance any additional City
23 and County of Denver infrastructure and services required to serve development within the 38th and
24 Huron Urban Redevelopment Area for the period during which City and County of Denver property
25 taxes are paid to the Authority.

26 **Section 12.** That the 38th and Huron Urban Redevelopment Plan, having been duly reviewed
27 and considered, be and hereby is approved.

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1 COMMITTEE APPROVAL DATE: April 25, 2023
2 MAYOR-COUNCIL DATE: May 2, 2023
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
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: Bradley T. Neiman, Assistant City Attorney DATE: May 4, 2023
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.
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16 Kerry Tipper, Denver City Attorney
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18 BY: _____, Assistant City Attorney DATE: _____