

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2017

COUNCIL BILL NO. CB17-0057
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

**For an Ordinance authorizing and approving an amendment to the
St. Anthony Urban Redevelopment Plan to add the Sloans Block 9 Project.**

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 Block 9 (“Project Area”) through the renovation of the site a new 217,290 square foot building consisting of a 7-story tower with 112 units of senior rental housing at 60% Area Median Income (“AMI”), a 5-story tower with 64 units of senior rental housing with affordability at the 30%, 40%, 50% and 60% AMI levels, a 20,000 square foot community health clinic, a senior activity center and rooftop community amenity space and 125 parking spaces (the “Project”) as one of the projects for tax increment funding; and

WHEREAS, a property tax increment area that encompasses Blocks 1 through 7 of the St. Anthony Urban Redevelopment Area has previously been approved by the Council (the “Property Tax Increment Area”); and

WHEREAS, it is the intent of the Denver Urban Renewal Authority to use property tax increment derived from the Property Tax Increment Area to support the Project; 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, recommendations
3 and certifications of the Planning Board; and

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

6 **WHEREAS**, after notice as required by Colorado Revised Statutes, a public hearing has been
7 held concerning the Proposed Amendment (the “Public Hearing”); and

8 **WHEREAS**, in accordance with the requirements of Section 31-25-107(9.5), Colorado
9 Revised Statutes, School District No. 1 in the City and County of Denver and State of Colorado has
10 entered into an agreement with the Denver Urban Renewal Authority (the “DPS Agreement”) and
11 the Urban Drainage and Flood Control District entered into an agreement with the Denver Urban
12 Renewal Authority (the “UDFCD Agreement”).

13 **NOW, THEREFORE,**

14 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

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

19 **Section 2.** There are currently no individuals or families living in the Project Area, therefore
20 no individuals or families will be displaced from dwelling units as a result of adoption or
21 implementation of the Proposed Amendment to the Plan.

22 **Section 3.** There are currently no business concerns in the Project Area, therefore no
23 business concerns will be displaced as a result of adoption or implementation of the Proposed
24 Amendment to the Plan.

25 **Section 4.** Council set a public hearing on the Proposed Amendment for February 13, 2017
26 (“Public Hearing”) and that it be and is hereby found and determined that reasonable efforts have
27 been taken to provide written notice of the Public Hearing to all property owners, residents and
28 owners of business concerns in the St. Anthony Urban Redevelopment Area at least thirty (30) days
29 prior to the date of the Public Hearing.

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

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

1 **Section 7.** That it be and is hereby found and determined that the Plan, as amended by
2 the Proposed Amendment, conforms to the Denver Comprehensive Plan 2000, as a whole, and is
3 necessary and appropriate to facilitate the proper growth and development of the community in
4 accordance with sound planning standards and local community objectives.

5 **Section 8.** That it be and is hereby found and determined that the Plan, as amended by
6 the Proposed Amendment, will afford maximum opportunity, consistent with the sound needs of the
7 City as a whole, for the rehabilitation and redevelopment of the St. Anthony Urban Redevelopment
8 Area by private enterprise.

9 **Section 9.** That the City and County of Denver can adequately finance any additional City
10 and County of Denver infrastructure and services required to serve development within the Project
11 Area for the period during which City and County of Denver property taxes are paid to the Authority.

12 **Section 10.** That the Plan be and is amended hereby to add the Project to Appendix A
13 (Schedule of Projects) to the Plan, filed in the office of the Clerk and Recorder, Ex-Officio Clerk of
14 the City and County of Denver (the “City Clerk”) in City Clerk’s Filing No. 2017-0037.

15 **Section 11.** The Urban Development Plan be and is hereby further amended as follows:
16 For all amendments involving a substantial modification to the Urban Redevelopment Plan
17 occurring after January 1, 2016, the term “Property Tax Revenues” shall mean:

18 “Property Tax Revenues” means the amount derived by the City and all taxing
19 jurisdictions from the levy of Property Tax within the Property Tax Increment Area less
20 any amount derived from a specially earmarked voter-approved levy by which the City
21 has heretofore committed by contract to pay to a private contractor in order to provide
22 services to residents of the City, including any residents in the Urban Redevelopment
23 Area. “Property Tax Revenues” does not include any amounts derived by the City and
24 all taxing districts either (a) because voters authorized the City or other taxing district to
25 retain and spend the additional moneys pursuant to Section 20(7)(d) of Article X of the
26 Colorado Constitution subsequent to the creation of the special fund pursuant to Colorado
27 Revised Statutes § 31-25-107(9)(a)(II) or (b) as a result of an increase in the property tax
28 mill levy approved by the voters of the City or other taxing district to the extent the total
29 mill levy of the City or other taxing district, subsequent to the creation of the special fund
30 pursuant to Colorado Revised Statutes § 31-25-107(9)(a)(II) exceeds the respective mill
31 levy in effect at the time of substantial modification of the Urban Redevelopment Plan by
32 the adoption of this amendment to the Urban Redevelopment Plan adding this Project.

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1 The first paragraph of Section V(C) is amended to read:

2 C. Tax Increment Financing

3 This Urban Redevelopment Plan contemplates that the primary method of
4 financing the Projects and other activities shall be the use of Sales Tax Increment
5 and/or Property Tax Increment financing, or any combination thereof, under the tax
6 increment financing provisions of Colo. Rev. Stat. § 31-25-107(9), as amended from
7 time to time, which is by this reference incorporated herein as if set forth in its entirety,
8 subject to Council approval as set forth herein. For each Project for which Property
9 Tax Increment and/or Sales Tax Increment is to be used, a separate Property Tax
10 Increment Area and/or Sales Tax Increment Area shall be designated by the Authority
11 and the City, and approved by the Council. In accordance with the Act, School District
12 No. 1 in the City and County of Denver shall be permitted to participate in an advisory
13 capacity with respect to the inclusion of tax increment financing in this Urban Renewal
14 Plan and with respect to any use of Property Tax Increment. To the extent required by
15 the Act, the Authority shall notify the governing bodies of each other public body whose
16 Property Tax Revenues would be allocated under this Urban Redevelopment Plan and
17 the Authority shall meet with representatives of such other public bodies and attempt
18 to negotiate an agreement governing the types and limits of tax revenues of each
19 taxing entity to be allocated under the Urban Redevelopment Plan. The agreement
20 must address, without limitation, estimated impacts of the Urban Redevelopment Plan
21 on district services associated solely with the Urban Redevelopment Plan. The
22 agreement may be entered into separately among the Authority and each other public
23 body, or through a joint agreement among the City, the Authority and any public body
24 that has chosen to enter that agreement. Any such allocated shared tax revenues
25 governed by any agreement are limited to all or any portion of the taxes levied upon
26 taxable property by the public body within the area covered by the Urban
27 Redevelopment Plan in addition to any sales tax revenues generated within the Urban
28 Redevelopment Area covered by the Urban Redevelopment Plan by the imposition of
29 the sales tax of the City and any other public body. In the absence of an agreement
30 between the City, the Authority and any taxing entity described above, the parties must
31 submit to mediation on the issue of appropriate allocation of project costs among the
32 City and other taxing entities whose taxes will be allocated pursuant to the Urban
33 Redevelopment Plan. If there is any conflict between the Act, any Cooperation
34 Agreements between the City and DURA and this Urban Redevelopment Plan, the

1 provisions of the Act shall control.

2 **Section 12.** That it be and hereby is found that the DPS Agreement and the UDFCD
3 Agreement have been entered into in satisfaction of the requirements of Section 31-25-
4 107(9.5), Colorado Revised Statutes, and the Act.

5 **Section 13.** That Ordinance No. 363, Series of 2013, is hereby amended to the extent
6 described herein. That to the extent that any provision or provisions of the Plan is or are deemed by
7 a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision or provisions
8 shall not affect the validity or enforceability of all remaining provisions of the Plan.

9 COMMITTEE APPROVAL DATE: January 24, 2017

10 MAYOR-COUNCIL DATE: January 31, 2017

11 PASSED BY THE COUNCIL: _____

12 _____ - PRESIDENT

13 APPROVED: _____ - MAYOR _____

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

17 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

18 PREPARED BY: Jennifer M. Welborn, Assistant City Attorney DATE: February 2, 2017

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
20 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
21 ordinance. The proposed ordinance is NOT submitted to the City Council for approval pursuant to
22 § 3.2.6 of the Charter.

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24 Kristin M. Bronson, Denver City Attorney

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27 BY:  _____, Assistant City Attorney DATE: Feb 2, 2017 _____

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