



## Legislation Text

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**File #:** 15-00523, **Version:** 2

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Ordinance No. 15-70 Including Certain Property into the Interquest South Business Improvement District (Quasi-Judicial).

**From:**

Carl Schueler, Comprehensive Planning Manager, Land Use Review Division

**Summary:**

City Planning received a petition for inclusion of certain properties within the boundaries of the Interquest South Business Improvement District (the "BID"). State Statute (Section 31-25-1220, C.R.S.) requires that any inclusions of property within BIDs be approved by City Council by ordinance after notice and hearing. In accordance with the statutory section cited above, the petition for inclusion is verified and arrangements have been made for publication of notice of the hearing. This item is directly related to the immediately preceding and immediately following items on today's agenda.

**Previous Council Action:**

The BID was established pursuant to Ordinance 04-238 adopted by Council on October 26, 2004, which Ordinance approved the initial operating plan and budget ("Operating Plan") for the BID. In 2009 City Council approved including additional property into this BID by Ordinance 09-21. The BID's Operating Plan has been approved annually in accordance with Section 31-25-1211, C.R.S., and most recently in November 2014. Council has not approved issuance of any debt by this BID.

**Background:**

BIDs are created under Colorado Statute and City Policy to finance and/or maintain certain public improvements in non-residential areas, utilizing a property tax mill levy as the revenue source. BIDs are a separate legal entity from the City, but their budgets and operating plans must be approved annually by the City.

This BID has largely been inactive to-date. Although authorized to levy up to 50.0 mills for debt service, to-date the BID has only certified a levy of 1.0 mills for operations purposes. This BID has never issued debt, although it has accumulated developer advances.

The petitioners are requesting inclusion of these properties on the basis that they desire to be included within the BID and will receive future benefit from it. The boundaries of a BID by inclusion of property is governed by C.R.S. 31-25-1220, which requires the property owner to petition the governing body of the municipality in which the BID is located. Upon receipt of a petition for inclusion, notice of the petition must be given in accordance with C.R.S. 31-25-1220. The notice must inform all persons having objections to the inclusion to appear at a hearing to show cause why the petition

should not be granted. If the governing body, City Council, determines that changing the boundaries of the BID as requested by the petition does not adversely affect the BID, the governing body may grant the petition by ordinance. A certified copy of the ordinance is then filed with the County Clerk and Recorder and the property is then included in the boundaries of the BID.

This change in boundaries was not contemplated by the BID's most recent Operating Plan and Budget as approved by Council in October of 2014, because it was not anticipated at that time.

Legal notice of the required City Council hearings will be published as required by Statute.

**Financial Implications:**

There should be no direct financial implications to the City from this action. The inclusion of these properties is represented to have an ultimate positive impact on the ability of the BID to meet any future formal debt obligations. Financial obligations of the BID are limited to the properties within its boundaries and do not extend to general City taxpayers.

**Board/Commission Recommendation:**

The City's staff-level Special District Committee has been provided copies of these materials. All comments received have been in support and/or stated no concerns.

**Stakeholder Process:**

Not applicable.

**Alternatives:**

City Council could choose to approve, not approve or modify the proposed ordinance.

**Proposed Motion:**

(for September 8, 2015)

Move approval of the ordinance including certain properties in the boundaries of the Interquest South Business Improvement District.

**AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF THE INTERQUEST SOUTH BUSINESS IMPROVEMENT DISTRICT**