



Legislation Text

File #: 17-1388, **Version:** 4

Ordinance No. 18-10 repealing Ordinance No. 17-119 and including certain property into the Creekwalk Marketplace Business Improvement District

(Legislative)

Presenter:

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Summary:

This is a request for a rehearing for an approval of an ordinance to include three (3) parcels totaling approximately 1.55 acres into the boundaries of the Creekwalk Marketplace Business Improvement District (the "District"). The City received a Petition for an Inclusion of Property as executed by the owner.

On January 9, 2018, Ordinance No. 17-119 passed on second reading on the Consent Calendar. However, the public notice for the December 12, 2017 City Council Meeting was inadvertently not published by the petitioner. Therefore, this ordinance is repealing the prior ordinance and allowing for proper public notice of the meeting time, date, and location. In the event there is a member of the public with an interest in providing comment, they would have the opportunity to request to be heard. The applicant has provided the City Clerk an affidavit of publication verifying that due notice was published in the newspaper on January 24, 2018.

Per Colorado State Statute, property pertaining to a BID does not need to be contiguous or adjacent. The property owner is in the process of acquiring additional property to eventually include in the BID. As such, the request is consistent with prior action of Council precedence of soliciting 100% property owner concurrence before becoming part of a BID.

Previous Council Action:

The BID with its initial operating plan and budget were established by Ordinance 16-18 that was adopted by Council and made effective on March 3, 2016. City Council recently approved a request for Inclusion of Property into this BID with approval of Ordinance 17-87, made effective on October 4, 2017. The BID's Operating Plan has been approved annually since that time in accordance with C.R.S. Section 31-25-1211, and most recently in October 2017. Council has not approved issuance of any debt by this BID. This item was presented at the November 27th, 2017 City Council Work Session where no issues regarding this request were raised.

This ordinance was re-heard on February 13, 2018, and passed unanimously on first reading.

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 their primary revenue

source. BIDs are separate legal entities into the City, but their budgets and operating plans must be approved annually by the City.

This BID is authorized to levy up to 50.0 mills in debt service and 10 mills for operations and maintenance, and has a maximum debt authorization of \$50,000,000. To-date, this BID has not issued any debt and it currently levies 1 mill for general operation purposes, and 50.0 mills for debt service. In 2018, this BID anticipates issuance of bonds for the construction of capital improvements with a public purpose for necessary development within the BID.

Changing 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 into the boundaries of the BID.

State Statute (Section 31-25-1220, C.R.S.) requires that any inclusions of property into Business Improvement Districts be approved by the City, by ordinance. In accordance with the statutory section cited above, the petition for inclusion has been verified and arrangements made with the City for legal publication.

When originally created, the developer in this area anticipated inclusion of additional properties as acquired, and presented this intent to City Council at the time. This expectation has been carried forward in the BID's current Operating Plan and Budget. With the inclusion of these properties, the boundaries of this BID will become somewhat more cohesive.

Financial Implications:

There should be no direct financial implications to the City into this action. The applicant represents that the developed and developable taxable property remaining in the District is sufficient to meet ongoing and future obligations of the District. As represented by the District, the inclusion of this property should have positive effect on the financial capability of the District to meet its anticipated future financing obligations.

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 with no stated concerns.

Stakeholder Process:

N/A

Alternatives:

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

Proposed Motion:

Move to adopt an ordinance repealing Ordinance No. 17-119 and including certain property into the boundaries of the Creekwalk Marketplace Business Improvement District.

An ordinance repealing Ordinance No. 17-119 and including certain property into the Creekwalk Marketplace Business Improvement District (Legislative Item)