



## Legislation Text

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**File #:** 19-288, **Version:** 2

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Ordinance No. 19-71 excluding certain property from the USAFA Visitor's Center Business Improvement District.

(Legislative)

Presenter:  
Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

### **SUMMARY:**

This is a request for approval of an ordinance to exclude approximately 1.7 acres of property located in the Briargate area from the boundaries of the USAFA Visitor's Center Business Improvement District (the "BID"). The property is being excluded because it was intended from the outset to be a temporary location for this BID until the USAFA Visitor's Center project area was annexed into the City. These annexations have now occurred. State Statute (Section 31-25-1220, C.R.S.) requires that any exclusions of property from BIDs 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.

This agenda item was introduced at a Council Work Session on October 7, 2019, and approved on first reading on October 8, 2019. At the October 7<sup>th</sup> and 8<sup>th</sup> meetings updated drafts of this ordinance were distributed with revised language addressing the sequencing and timing of execution of the inclusions and exclusion, as well as a change in the newspaper used for publication of legal notice. The ordinance attached with this agenda includes these updated documents as presented.

### **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 is primarily inactive at this time pending inclusion of the intended properties and execution of other necessary documents with the Air Force,

The petitioners are requesting exclusion of this property on the basis that it was always intended to be a temporary location for this BID pending eligibility of the USAFA Visitors Center project side following its annexation. The property proposed to be excluded is currently vacant. Changing the boundaries of a BID by exclusion 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 exclusion, 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 exclusion 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 excluded from the boundaries of the BID.

This proposed property exclusion has been identified in both the original and most recently approved Operating Plans and Budgets for this BID.

This item has not been presented to the City Council Budget Committee because this exclusion and the related inclusions have been previously discussed and contemplated by the Committee and full Council.

Legal notice of the required City Council hearings has been published as required by Statute.

**PREVIOUS COUNCIL ACTION:**

The BID was established pursuant to Ordinance 18-77 adopted by Council on August 14, 2018, which approved the initial operating plan and budget ("Operating Plan") for the BID.

**FINANCIAL IMPLICATIONS:**

There should be no direct financial implications to the City from this action. The exclusion of this property will not have an adverse effect on the financial capability of the BID to meet its 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:**

Not applicable.

**ALTERNATIVES:**

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

**PROPOSED MOTION:**

Move to approve an ordinance excluding certain property from the boundaries of the USAFA Visitor's Center Business Improvement District.

An ordinance excluding certain property from the USAFA Visitor's Center Business Improvement District.