



## Legislation Text

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**File #:** 19-289, **Version:** 2

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Ordinance No. 19-70 including certain property into 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 include approximately 36.10 acres of property from the boundaries of the USAFA Visitor's Center Business Improvement District (the "BID"). The property is being included because it was intended from the outset represent the ultimate boundaries this BID following annexation of the properties ultimately intended for inclusion. These annexations have now occurred. State Statute (Section 31-25-1220, C.R.S.) requires that any inclusions 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 and the preceding agenda item (BID exclusions) will presented together with a combined PowerPoint.

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 has not been fully active, pending completion of annexation of the USAFA Visitors Center project property and execution of necessary documents by the Air Force.

The petitioners are requesting inclusions of these properties on the basis that the properties to be included have been anticipated to be part of this BID since it was originally created. 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 (in this case the property owner is the Air Force). 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 overall project is contingent upon a site development lease between the Air Force and the petitioner which has not yet been fully executed. Language has been added to the City Council ordinance directing the City Clerk to not forward this ordinance to the County Clerk and Recorder until and unless the lease has been executed.

This proposed property inclusion has been identified in the Operating Plans and Budgets for this BID beginning with the initial 2018 Plan.

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

Legal notice of the required City Council hearings is being 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 inclusions of this property will potentially provide the financial capability of the BID to meet its anticipated 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 including certain properties into the boundaries of the USAFA Visitor's Center Business Improvement District.

An ordinance including certain properties into the USAFA Visitor's Center Business Improvement District.