

RESOLUTION NO. R 06-127

A RESOLUTION APPROVING A PROPOSED 2007 OPERATING PLAN AND BUDGET OF
THE OLDE TOWN ARVADA BUSINESS IMPROVEMENT DISTRICT

WHEREAS, on August 23, 2004, the City of Arvada (the "City") approved the formation of the Olde Town Arvada Business Improvement District (the "District") within the City; and

WHEREAS, as required by Section 31-25-1211, C.R.S., an operating plan (the "Plan") and proposed budget (the "Budget") for the year 2005 was filed with the City Clerk on July 16, 2004; and

WHEREAS, on September 30, 2006 a proposed operating plan and budget for the year 2007 was filed with the City Clerk and on October 17, 2006 a revised proposed operating plan and budget for the year 2007 was resubmitted with the City Clerk and reviewed by the City Attorney; and

WHEREAS, the City Council has determined that the Operating Plan and Budget Should be approved.


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Findings and Determinations. The City Council hereby approves the 2007 Operating Plan and Budget of the Olde Town Arvada Business Improvement District. The documentation submitted is sufficient as presented.

Section 2. Severability Clause. If any section, paragraph, clause, or provisions of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provisions shall in no manner effect any remaining provisions of this resolution.


Section 3. This resolution shall be effective upon its approval by the City Council.

APPROVED this 6th day of November, 2006.

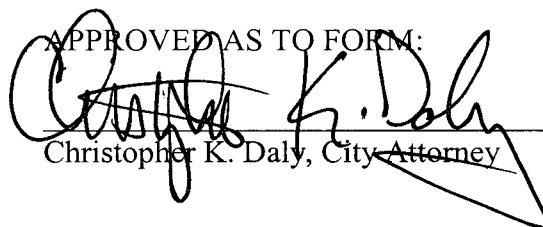


Ken Fellman, Mayor

ATTEST:



Deputy
City Clerk

APPROVED AS TO FORM:


Christopher K. Daly, City Attorney



2007
OPERATING PLAN
AND
BUDGET

OLDE TOWN ARVADA BUSINESS IMPROVEMENT DISTRICT

(September 30, 2006)
Revised and Resubmitted October 17, 2006

2007
**OPERATING PLAN AND BUDGET FOR THE
OLDE TOWN ARVADA BUSINESS IMPROVEMENT DISTRICT**

INTRODUCTION

The Olde Town Arvada Business Improvement District (BID") was organized by City of Arvada Ordinance Number 3906, Series 2004 on August 23, 2004 ("Organizational Ordinance").

By state statute, specifically Section 31-25-1211, C.R.S., by September 30 of each year, the BID is required to submit an operating plan and budget to the City for review and approval.

The District is in the process of considering its future plans and options. The District would like to remain in a holding pattern until its plans become more clear.

OPERATING PLAN CONTENTS

Pursuant to the provisions of the Business Improvement District Act, Section 31-25-1201, et seq., Colorado Revised Statutes, as amended, the Operating Plan is to specifically identify:

- (1) the composition of the Board of Directors,
- (2) the services and improvements to be provided by the District,
- (3) the taxes, fees, and assessments to be imposed by the District,
- (4) the estimated principal amount of the bonds to be issued by the District, and
- (5) such other information as the City may require.

Each of these five items is described below.

COMPOSITION OF THE BOARD OF DIRECTORS

Under the Organizational Ordinance, the Board of Directors of the District was appointed by the City Council. All Board members must, by law, be electors of the District. The current members of the Board of Directors are:

Charley Ault, President
Deborah Pearson, Secretary/Treasurer
Janine Sturdevant
Mary Van Doozer

Galen Callendar
Larry S. Luciano
Kit Simon

The Directors' Sheet attached as Exhibit 3 provides more detailed information.

Future appointments shall be made by the City in accordance with the previously approved operating plans.

DESCRIPTION OF IMPROVEMENTS AND SERVICES; TAXES, FEES, AND ASSESSMENTS;
PRINCIPAL AMOUNT OF BONDS

Given the current situation, the 2007 Operating Plan and Budget descriptions of (a) improvements and services, (b) taxes, fees, and assessments, (c) principal amount of bonds, and (d) other features of the BID will be simply the same as the original 2005 Operating Plan and Budget as previously approved by the City.

Shortly after its organization and following a successful TABOR election, the District imposed special assessments against commercial property in its service area as contemplated in the District's organizational documents. A number of property owners sued the District on various grounds. This suit resulted in a judgment against the District and an order by the Court to refund the assessments that had been collected. The District did so, but a number of District checks were not cashed. Following a contested motion by the District, the Court ordered that the District could retain and utilize the funds that would have paid on the uncashed checks. These funds, totaling \$1,734.33, are in the District's checking account and will be used in 2006 or 2007 for general expenses as permitted by the Court.

It is expected that no special assessments will be collected in 2007.

ADDITIONAL INFORMATION: CITY OVERSIGHT OF DISTRICT ACTIVITIES

The following is the brief report of BID activities required for the past year:

1. District Name: **Olde Town Arvada Business Improvement District.**
2. District Contact Person, address, telephone number, fax number: **Norman F. (Rick) Kron, Jr., attorney for the District, Grimshaw and Harring, P.C., 1700 Lincoln Street, Suite 3800, Denver, Colorado 80203. telephone, direct, 303-839-3704, fax number 303-839-3838.**

3. Board of Director names, addresses, telephone numbers, fax numbers where applicable: **Please see list provided in the text above, and Exhibit 3.**
4. District Map and Boundary Description: **Please see Exhibit 1.**
5. Current Budget: **Please see Exhibit 2.**
6. Most Recent Audit or Audit Exemption Application: **None completed as the District spent no money.**
7. Copy of any filing required by or for the State Securities Commissioner: **No bonds have been issued, therefore none has been required.**
8. A list of all intergovernmental agreements of the District: **None.**
9. Any alteration or revision to the debt service schedules provided in the operating plan: **None.**
10. A list of all lease-purchase agreements and a summary of their terms: **None.**
11. A description of activities performed in the last budget year: Organization of the District was by ordinance on August 23, 2004. Activity in the BID essentially stopped after the special assessment was protested and when the authority to levy a special assessment was stopped by order of Court. City staff and the attorney for the District have been working with the Board on maintaining the BID. The major activities in the last year have been the ongoing activities involving the assessment litigation and development of this Operating Plan and Budget and to request City approval thereof.
12. An Operating Plan description of activities to be performed in the next budget year (similar to this plan, although shortened) and a Budget for that year: **Please see the text above and the Exhibits attached hereto.**

CONCLUSION

The BID Board would like to take this opportunity to thank the City Council and City Staff for their assistance in the organization of the BID. Under Section 31-25-1211, C.R.S., the City is to approve or disapprove the Operating Plan and Budget within 30 days of the receipt of required documentation. The Board respectfully requests the adoption of a resolution or ordinance of approval.

EXHIBIT 1

EXHIBIT "A"
Historic Olde Town Arvada
Business Improvement District - Service Area
Arvada, Colorado

Those parcels of land situated in the Southeast One-Quarter (SE ¼) and the Southwest One-Quarter (SW ¼) of Section 11, and in the Northeast One-Quarter of the Northwest One-Quarter (NE ¼, NW ¼) of Section 14, Township 3 South, Range 69 West, of the 6th Principal Meridian, City of Arvada, County of Jefferson, State of Colorado being more particularly described as follows (all recorded documents, referred to herein, are a part of the Jefferson County records):

The following parcels situated within **Newell's Addition Subdivision**, recorded at Plat Book 5, Page 31:

- (1) Lots 1 thru 4, Block 1,
- (2) Lots 45 thru 50, Block 1,
- (3) Lots 1 thru 8; Block 2,

Together with the following parcels situated within **Smith & Rick's Subdivision**, recorded at Plat Book 4, Page 8:

- (1) Lots 1 and 2,
- (2) Lots 44 thru 48;

Together with the following parcels situated within **First Addition to Reno Park Subdivision**, recorded at Plat Book 2, Page 19:

- (1) Lots 1 thru 3, Block 6,
- (2) Lots 1 thru 7, Block 7,
- (3) Lots 14 thru 15, Block 7
- (4) Lots 23 thru 24, Block 7
- (5) Lots 47 thru 48, Block 7
- (6) Lots 1 thru 24, Block 8, excepting any portion thereof conveyed to the City of Arvada adjacent to the northerly or easterly boundary of said Lot 1,
- (7) Lots 44 thru 48, Block 8, together with the north 20 feet of Lot 43;

Together with the following parcels situated within **Reno Park Subdivision**, recorded at Plat Book 1, Page 32:

- (1) Lots 1 thru 9, Block 1, together with the west 65 feet of Lots 10 thru 13, together with the north 5.6 feet of the east 60 feet of Lot 10, excepting any portion thereof conveyed to the City of Arvada adjacent to the southerly boundary of said Lot 13,
- (2) Lots 14 thru 23, Block 1, excepting any portion thereof conveyed to the City of Arvada adjacent to the southerly boundary of said Lot 14,
- (3) Lots 1 thru 5, Block 2, together with the north 10 feet of Lot 6,
- (4) Lots 10 thru 14, Block 2, together with Plot A,
- (5) Lots 27 thru 33, Block 2,

(6) Plot B, Block 2, together with a portion of the alley adjacent to the northerly boundary of Plot B as vacated at Book 2271, Page 964,

(7) That portion of Plot C as described at Reception Number F1120150, also known as 7718 Grandview Avenue;

Together with the following parcels situated within **Ostrander's Subdivision**, recorded at Plat Book 2, Page 8:

(1) Lots 2 thru 13, together with the west 15 feet of Lot 1, together with the east 10 feet of Lot 14, together with the vacated alley adjacent to the northerly boundary thereof, as described at Book 2839, Page 293;

Together with the following parcels situated within **Hughes Subdivision**, recorded at Plat Book 119, Page 47:

(1) Lots 1 and 2;

Together with the following parcel situated within **Allen Kenfield Subdivision**, recorded at Reception Number 820883223:

(1) Lot 2, Block 1, excepting the east 5 feet of the north 27.9 feet thereof as described at Reception Number F1120839;

Together with the following parcels situated within **Van Voorhis Subdivision**, recorded at Plat Book 7, Page 15:

(1) The south 125 feet of Lot 2, Block 1,

(2) Lot 3, Block 1,

(3) Lot 4, Block 1, together with the east 5 feet of Lot 5,

(4) Lots 2 thru 6, Block 2, together with a portion of the vacated alley adjacent to the northerly boundary thereof as described at Reception Number F0526520;

Together with the following parcels situated within **Cornerstone at Olde Town**, recorded at Plat Book 92, Page 44:

(1) Lots 1, 2, and 6;

Together with the following parcels situated within the **Replat of Cornerstone at Olde Town**, Lots 3, 4, and 5, recorded at Plat Book 120, Page 49:

(1) Lots 1 thru 4;

Together with the following parcel situated in **Loberg Subdivision**, recorded at Plat Book 6, Page 65:

(1) Block 1, excepting any portion thereof conveyed to the City of Arvada adjacent to the southerly boundary thereof;

Together with the following parcels situated within **Arvada**, recorded at Plat Book 1, Page 7:

(1) Lots 1 thru 8, Block 1, together with a portion of the alley adjacent to the northerly boundary of said Lots 1 thru 8 as vacated at Reception Number 94036505, and excepting any portion of

said Lots 1 thru 8 conveyed to the City of Arvada adjacent to the southerly boundary of said Lots,
(2) Block 2, Lots 4 thru 6,
(3) The south 8 feet of Lot 9, Block 2, together with Lots 10 thru 12, Block 2, excepting the east 35.36 feet of the west 40 feet of Lots 11 and 12, Block 2,
(4) Lots 1 thru 6, Block 3, excepting any portion thereof conveyed to the City of Arvada adjacent to the westerly or northerly boundary thereof,
(5) The south 95 feet of Lot 1, Block 5, together with the west 10 feet of the south 95 feet of Lot 2, Block 5, together with the east 40 feet of the south 100 feet of Lot 2, Block 5,
(6) Block 6, excepting any portion thereof conveyed to the City of Arvada adjacent to the southerly boundary thereof, and also excepting that parcel described as Parcel B at Reception Number 94123442, Parcel B is also known as 7318 W. 57th Avenue;

Together with the following parcel situated within the **Resubdivision of Block 4 Arvada**, recorded at Book 2, Page 78:

(1) Lot 16, excepting any portion thereof conveyed to the City of Arvada adjacent to the northerly boundary thereof;

Together with the following parcels situated within **Olde Town Retail Center Minor Plat**, recorded at Plat Book 157, Page 56:

(1) Lots 1 and 2;

Together with the following parcel situated within **Brew Pub Minor Subdivision**, recorded at Plat Book 142 Page 45:

(1) Lot 2;

Together with the following parcels situated within **First Addition to Arvada**, recorded at Plat Book 2, Page 53A:

(1) Lot 7 and 8, excepting any portion thereof conveyed to the City of Arvada adjacent to the northerly boundary thereof;

Together with the following parcels situated within **Miles Minor Subdivision**, recorded at Plat Book 149, Page 44:

(1) Lot 1 and 2;

Together with the following parcels:

(1) That parcel described at Reception Number F0612015, also known as 5885 Allison Street,
(2) That parcel described at Reception Number 94002413, also known as 5700 Wadsworth Bypass,
(3) Those parcels described at Reception Number F1318605, and at Book 2851, Page 244, and at Book 2640, Page 712, excepting any portion thereof lying within the right-of-way for Ralston Road (W. 58th Avenue), said parcels also known as 7501, 7503 and 7505 Ralston Road,
(4) Those parcels described at Reception Numbers F1717759, F0117279, F0069833, and F0027735, excepting any portion thereof described at F0082865, F0212815, and F0264087, said parcels also known as 5725, 5727, 5771, and 5791 Wadsworth Bypass (Wadsworth Blvd.),

(5) Those parcels described at Reception Numbers F1996968 and 84041912, said parcels also known as 7201 Grandview Avenue and 5715 Wadsworth Bypass (Wadsworth Blvd.).

EXHIBIT 2

OLDE TOWN ARVADA BUSINESS IMPROVEMENT DISTRICT
BUDGET - 2007

<u>Revenues</u>	2005 Actual	2006 Budget	2006 YTD and Projected	2007 Budget
Property taxes	0	0	0	0
S.O. Taxes	0	0	0	0
Landowner Advances	0	0	0	0
Fees and charges	0	0	0	0
Bond proceeds	0	0	0	0
Other	0	0	0	0
	<hr/>			
Total	0	0	0	0
<u>Expenditures</u>				
Accounting	0	0	0	0
Auditing	0	0	0	0
Legal	0	0	0	0
Engineering	0	0	0	0
Management	0	0	0	0
Landowner reimbursement	0	0	0	0
Capital projects	0	0	0	0
Debt service	0	0	0	0
Other	0	0	0	0
Held in Reserve	0	0	0	0
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Total	0	0	0	0

Notes to Budget:

1. A mill levy of "zero" will be certified on or before December 15, 2006.
2. Expenses incurred on behalf of the District were paid by the Arvada Urban Renewal Authority and the City.

EXHIBIT 3

OLDE TOWN ARVADA BUSINESS IMPROVEMENT DISTRICT
Jefferson County, Colorado

Date Formed: 8/23/2004 (By Ordinance No. 3906)
G&H File No.: 14323
Statute: 31-25-1201, et seq., C.R.S. (B.I.D.)
Employer Identification No.:
Sales Tax Identification No.:

REGULAR MEETINGS: No regular meetings are scheduled

OFFICIAL POSTING LOCATION: La Dolce Vita, 5756 Old Wadsworth Blvd., Arvada, Colorado; The Kiosk, near 5711 Old Wadsworth Blvd., Arvada, Colorado; and Arvada Stationery, 5600 Old Wadsworth Blvd., Arvada, Colorado

BOARD OF DIRECTORS:

Charley Ault, **President**
PO Box 944
Arvada, CO 80001
(Appointed 11/2004)

(303) 422-4090-w
None-fax
(720) 352-2010-cell
cjactor@aol.com

Deborah Pearson
5709 Yukon Street
Arvada, CO 80002
(Appointed 11/2004)

(303) 423-5854-w
(303) 423-0238-fax
(303) _____-cell
dpearson1@amfam.com

Janine Sturdevant, Treasurer
920 12th Street
Golden, CO 80401
(Appointed 11/2004)

(303) 431-9000-w
(303) 384-9481-home
(303) 907-2209-cell
alewifejs@yahoo.com

Mary Van Doozer, Secretary
The Egg Shell Restaurant
5777 Old Wadsworth Blvd.
Arvada, CO 80002
(Appointed 11/2004)

(303) 420-7656 -w
(303) _____-fax
(303) _____-cell
_____(e-mail)

Galen Callendar
5715 Wadsworth Bypass
Arvada, CO 80002
(Appointed 11/2004)

(303) 421-1984-w
(303) 421-1834-fax
(303) 548-0662-cell
_____(e-mail)

Larry S. Luciano
7505 Grandview Ave.
Arvada, CO 80002
(Appointed 2005)

(303) 424-3033-w
(303) 421-2345-h
(303) 424-2022-fax
(303) 946-3863-cell
lluciano@aol.com

Kit Simon

(Appointed _____)

(303) _____ -w
(303) _____ -fax
(303) _____ -cell
unclekit@picknparlor.com

DISTRICT MANAGER/CONTACT PERSON

PUBLICATION

The Golden Transcript
1000 10th Street
Golden, CO 80401

(303) 279-5541 - w
(303) 279-7157 - fax
legals@jeffconews.com

Publishes on Thursday, deadline is the Friday before at 5:00 p.m.

Word format, put the notice in the e-mail, not as an attachment

CITY LEGAL CONTACT

ACCOUNTANT FOR THE DISTRICT

January 16, 2006