

As amended June 16, 2014

COUNCIL BILL NO. CB14-026
ORDINANCE NO. 4448

AN ORDINANCE ACCEPTING A PETITION FOR THE ORGANIZATION OF THE OLDE TOWN ARVADA BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF ARVADA AND MAKING CERTAIN FINDINGS OF FACT AND DETERMINATIONS; DECLARING THE NECESSITY OF THE FORMATION OF THE BUSINESS IMPROVEMENT DISTRICT; ESTABLISHING AND CREATING THE OLDE TOWN ARVADA BUSINESS IMPROVEMENT DISTRICT; AND PROVIDING OTHER DETAILS RELATING THERETO

WHEREAS, on May 16, 2014, a Petition for the Organization of a Business Improvement District in the City of Arvada, Colorado (the "Petition") was filed in the office of the City Clerk of the City of Arvada (the "City") requesting that the City Council establish a business improvement district to be known as the Olde Town Arvada Business Improvement District (the "District") in the area of the City north of the railroad tracks, the south side of Ralston Road between Yukon Street on the west and Teller Street on the east pursuant to 31-25-1201, *et seq.*, C.R.S.; and

WHEREAS, on May 16, 2014 a Ten Dollar (\$10.00) cash deposit was provided to the City, which amount has been determined by the City to be sufficient to cover all expenses connected with the proceedings in case organization of the proposed district is not effected, in accordance with the law; and

WHEREAS, on May 19, 2014, City Council adopted Resolution No. R14-081 accepting the Petition; and

WHEREAS, the Petition and Resolution have been reviewed by the City Clerk; and

WHEREAS, the City Clerk thereupon caused required notice of said public hearing to be published and mailed by first class mail to all property owners within the proposed Olde Town Arvada Business Improvement District at the last known address as disclosed by the tax records of Jefferson County; and

WHEREAS, the evidence presented at the public hearing demonstrates that all conditions imposed by state law for the organization of a business improvement district exist in this case and supports the organization of the District.

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

Section 1. Findings and Determinations. The Council hereby accepts the Petition and finds, determines and declares that the organization of the proposed district will serve a public use and will promote the health, security and general welfare of the inhabitants of the City and the property owners of the proposed district. The Council hereby determines and finds that the signatures on the Petition are genuine, that the Petition is duly signed and presented in

conformity with the Act, that the allegations of the Petition are true, and that the types of services or improvements to be provided by the proposed district are those services or improvements which best satisfy the purposes set forth in the Act. The City Council further finds and determines as follows:

- (a) The Petition is in the form and content required by state law.
- (b) The total valuation for assessment of the 2013 taxable real and personal property (payable in 2014) in the service area, according to the records of the Jefferson County Assessor, is \$8,464,628.
- (c) The signatures on the Petition are genuine, and represent ownership of real property in the service area having an approximate valuation for assessment of \$4,911,947, which is more than fifty percent of the total valuation. Personal property is not within the boundaries of the District.
- (d) The total square footage in the proposed District is 334,873.
- (e) The signatures on the Petition represent total square footage of 206,055
- (f) All other allegations of the Petition are true.
- (g) The types of services or improvements to be provided by the proposed District are those services or improvements which best satisfy the purposes of Part 12 of Article 25, Title 31 C.R.S.
- (h) That the service area includes locations designated by the municipality as locations for new business or commercial development.
- (i) All of the property within the boundaries of the District is within the corporate limits of the City.

Section 2. Establishment of District. Based upon the findings and determinations set forth herein, the Council, by this ordinance, hereby finds that it has full jurisdiction under the law to adopt this ordinance (the “Ordinance”), that the district for which the Petition has been filed is hereby declared organized, and that the district shall be known as “Olde Town Arvada Business Improvement District (the “District”), by which, in all subsequent proceedings, it shall hereafter be known. The District shall be a quasi-municipal corporation and political subdivision of the State of Colorado with all of the powers and responsibilities thereof.

Section 3. District Boundaries. The District boundaries, service area and legal description are specified in Exhibit A attached hereto and incorporated herein by reference. Personal property is not within the boundaries of the District. The District shall have all powers conferred by statute upon business improvement districts to furnish the services and facilities as set forth in the Petition.

Section 4. Service Area Designation. The Council hereby designates the property within the service area and boundaries of the District as the location for new business and commercial development.

Section 5. Board of Directors. Pursuant to C.R.S. § 31-25-1209(1)(b), there is hereby created a Board of Directors, which Board of Directors shall consist of five electors of the District appointed by City Council as more fully set forth below.

Angela Cook, Into the Fire
Lori Drienka, Carly's/Eli Ashby
Marty Hester, 12 Volt Tavern
Karen Miller, Paws 'n' Play
Laura Tobey, KARS building

Each member shall serve at the pleasure of the City Council. Within thirty days after a vacancy occurs, a successor shall be appointed in the same manner as the original appointment. Within thirty days after his/her appointment, except for good cause shown, each member shall appear before an officer authorized to administer oaths and take an oath that he/she will faithfully perform the duties of his/her office as required by law and will support the constitution of the United States, the state constitution, and laws made pursuant thereto. A majority of the members shall constitute a quorum of the board. The board shall elect one of its members as presiding officer, one of its members as secretary and one of its members as treasurer. The office of both secretary and treasurer may be filled by one person.

Section 6. Notice of District. The District shall record a copy of this Ordinance in the real property records of the Jefferson County Clerk and Recorder.

Section 7. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the City, the members of the Council, City staff, and the petition representatives consistent with the provisions of this Ordinance and relating to the formation of the District are hereby ratified, approved, and confirmed.

Section 8. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 9. Repealer. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency.

Section 10. Ordinance Conclusive. This Ordinance shall finally and conclusively establish the regular organization of the District against all persons unless an action attacking the validity of the organization is commenced in a court of competent jurisdiction within sixty days after the effective date of this Ordinance. Thereafter, any such action shall be perpetually barred.

Section 11. Recording and Authentication. Immediately on its passage this Ordinance shall be recorded in a book kept for that purpose, authenticated by the signatures of the Mayor or Mayor Pro Tem and City Clerk, and shall be published in accordance with the Charter.

INTRODUCED, READ AND ORDERED PUBLISHED this 2nd day of June, 2014.

PASSED, ADOPTED AND APPROVED this 16th day of June, 2014.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Christopher K. Daly, City Attorney

Publication Dates: June 5, 2014
June 19, 2014

Exhibit "A"

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Olde Town Business Improvement District "2014" – Arvada, Colorado

(All Books, Pages, and Reception Nos. cited herein refer to the records of the Jefferson County Clerk and Recorder)

A parcel situated in the Southeast One-Quarter of the Southwest One-Quarter (SE $\frac{1}{4}$, SW $\frac{1}{4}$) and the Southwest One-Quarter of the Southeast One-Quarter (SW $\frac{1}{4}$, SE $\frac{1}{4}$) of Section 11 and the Northeast One-Quarter of the Northwest One-Quarter (NE $\frac{1}{4}$, NW $\frac{1}{4}$) of Section 14, Township 3 South, Range 69 West, of the Sixth Principal Meridian, in the City of Arvada, County of Jefferson, State of Colorado, more particularly described as follows:

BEGINNING at the northwest corner of said SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 11;

Thence easterly along the north line of said SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 11 to the northeast corner of parcel described at Reception No. 1902160114;

Thence southerly along the east line of said parcel described at Reception No. 1902160114 to the southwest corner of parcel described at Reception No. 1947427693;

Thence easterly along the south line of said parcel described at Reception No. 1947427693 and the easterly extension thereof to the centerline of Teller Street;

Thence southerly along said centerline of Teller Street and the southerly extension thereof to the southerly line of the Gold Line Corridor as described at Reception No. 2010028793;

Thence westerly and southwesterly along said southerly line of parcel described at Reception No. 2010028793 to the easternmost corner of parcel described at Reception No. F0895864;

Thence northwesterly to the northernmost corner of said parcel described at Reception No. F0895864;

Thence southwesterly along the northerly line of said parcel described at Reception No. F0895864 to the east line of said SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 11;

Thence southerly along the east line of said SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 11 to the southerly line of the Gold Line Corridor as described at Reception No. 2010028793;

Thence southwesterly along the southerly line of said parcel described at Reception No. 2010028793 to the extended centerline of the 12-foot wide public alley in Bonners Addition Second Filing, as recorded at Reception No. 11087139;

Thence northerly along the centerline of said 12-foot alley and the northerly and southerly extensions thereof to a point on the north line of said NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 14;

Thence westerly along the north line of said NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 14 to the extended centerline of Yarrow Street;

Thence northerly along said centerline of Yarrow Street and the southerly extension thereof to the westerly extension of the north line of the parcel described at Reception No. F1263361;

Thence easterly along the north line of said parcel described at Reception No. F1263361 and the westerly and easterly extensions thereof to the extended centerline of the 16-foot wide public alley in Block 2, Reno Park Subdivision, as recorded at Reception No. 22562;

Exhibit "A"

(Page 2 of 3)

Thence northerly along the centerline of said 16-foot alley and the northerly and southerly extensions thereof to the centerline of West 57th Avenue, also being a point on the extended centerline of the 16-foot wide public alley in Block 7, First Addition to Reno Park Subdivision, as recorded at Reception No. 25664;

Thence northerly along the centerline of said 16-foot alley and the northerly and southerly extensions thereof to the north line of said SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 11;

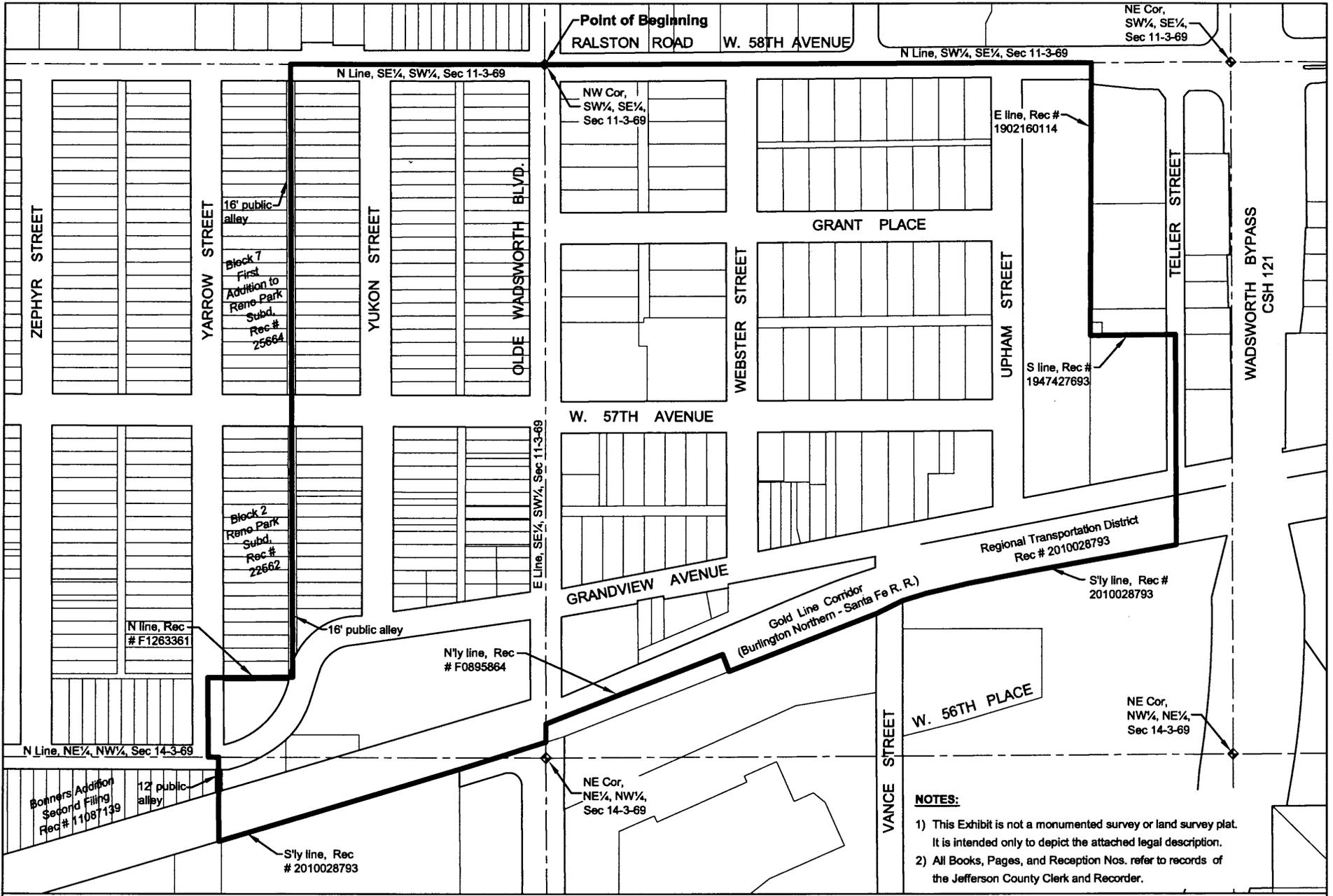
Thence easterly along the north line of said SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 11 to the **POINT OF BEGINNING**.

The parcel described above contains a total area of 44.3 acres, more or less.

Prepared by: Wilhelm J. Dougherty, PLS 23496
City of Arvada
P.O. Box 8101
Arvada, CO 80001-8101

Date: April 8, 2014

F:\DWG\ENGR\Annexations, Zonings, etc\Olde Town BID 2014



**Olde Town Business Improvement
District "2014" - Arvada, Colorado
(44.3 Acres)**

NOTES:

- 1) This Exhibit is not a monumented survey or land survey plat. It is intended only to depict the attached legal description.
- 2) All Books, Pages, and Reception Nos. refer to records of the Jefferson County Clerk and Recorder.

Exhibit "A"
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City of Arvada
P.O. Box 8101
Arvada, CO 80001-8101