



Sand Creek Business Area Urban Renewal Plan

Commerce City, Colorado

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Prepared for:

Commerce City Urban Renewal Authority
Commerce City Council

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Table of Contents

1.0	Introduction.....	3
1.1	Preface	3
1.2	Blight Findings	3
1.3	Urban Renewal Area Boundaries	4
1.4	Zoning Classifications	4
1.5	Future Land Use Designations	6
1.6	Statutory Compliance	6
2.0	Definitions.....	8
3.0	Plan Intentions.....	10
3.1	Purpose.....	11
3.2	Approach	11
3.3	Implementation	11
4.0	Blight Conditions.....	12
5.0	Plan Relationship to Community Documents	13
5.1	Consistency with the Comprehensive Plan	13
6.0	Authorized Authority Undertakings and Activities	16
6.1	Prepare and Modify Plans for the Area.....	16
6.2	Complete Public Improvements and Facilities	16
6.3	Acquire and Dispose of Property	18
6.4	Enter Into Agreements	18
6.5	Adopt Standards	19
6.6	Provide Relocation Assistance	19
6.7	Incur and Issue Debt	19
6.8	Create Tax Increment Areas	20
6.9	Share Tax Increment	20
7.0	Project Financing.....	20
7.1	Public Investment Objective	20
7.2	Financial Mechanisms	20
7.3	Incremental Revenues	21
7.4	Other Financing Mechanisms and Structures	22
7.5	Agricultural Land	22

7.6	Compliance with Section 31-25-107(9.5)(a) of the Act.....	23
8.0	Severability.....	23

Figure 1	Sand Creek Business Area Urban Renewal Plan Area Map	7
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Appendices

Appendix A:	Excerpts from the <u>2010 C3 Vision Comprehensive Plan</u> and <u>Commerce City 2045 Comprehensive Plan Update</u>
Appendix B:	Sand Creek Business Area Urban Renewal Area Legal Description

Sand Creek Business Area Urban Renewal Plan

City of Commerce City, Colorado

1.0 Introduction

1.1 Preface

This Sand Creek Business Area Urban Renewal Plan (herein referred to as the “**Plan**” or “**Urban Renewal Plan**”) has been prepared for the City of Commerce City (herein referred to as the “**City**”) and Commerce City Urban Renewal Authority (herein referred to as the “**Authority**” or “**CCURA**”), the latter being the entity which will lead its administration and implementation pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, 1973, as amended (herein referred to as the “**Act**” or “**Law**”).

1.2 Blight Findings

Under the **Act**, an urban renewal area is a blighted area, which has been designated as appropriate for an **Urban Renewal Project**. In order for the **Authority** to exercise its powers within the area, the municipality's board or council must find that the presence of blight, as defined by the **Act**, “constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities”.¹

The Sand Creek Business Area Conditions Survey (herein referred to as the “**Survey**”), prepared by Ricker Cunningham in September and October 2021, and presented to the **Authority** under separate cover, demonstrates that the Sand Creek Business Area Urban Renewal Plan Area (herein referred to as the “**Area**”, “**Urban Renewal Plan Area**” or “**Sand Creek Business Area**”), qualifies as a blighted area under the **Act**. Specifically, the **Survey** concluded that ten (10) of the 11 total possible factors are present at varying degrees of intensity, but all at levels considered significantly adverse. A list of statutory factors either observed or identified, along with a characterization of the same, is presented below in Section 4.0.

¹ CO Rev Stat § 31-25-102 (2017)

1.3 Urban Renewal Area Boundaries

The **Sand Creek Business Area**, as presented in Figure 1 and set forth in Appendix B, includes 2 legal parcels comprising approximately 65 acres, as well as adjacent rights-of-way, located within the municipal borders, bounded approximately by Forest Street on the west, East 48th Avenue on the south, and the Denver Rock Island Railroad track on the north and east.

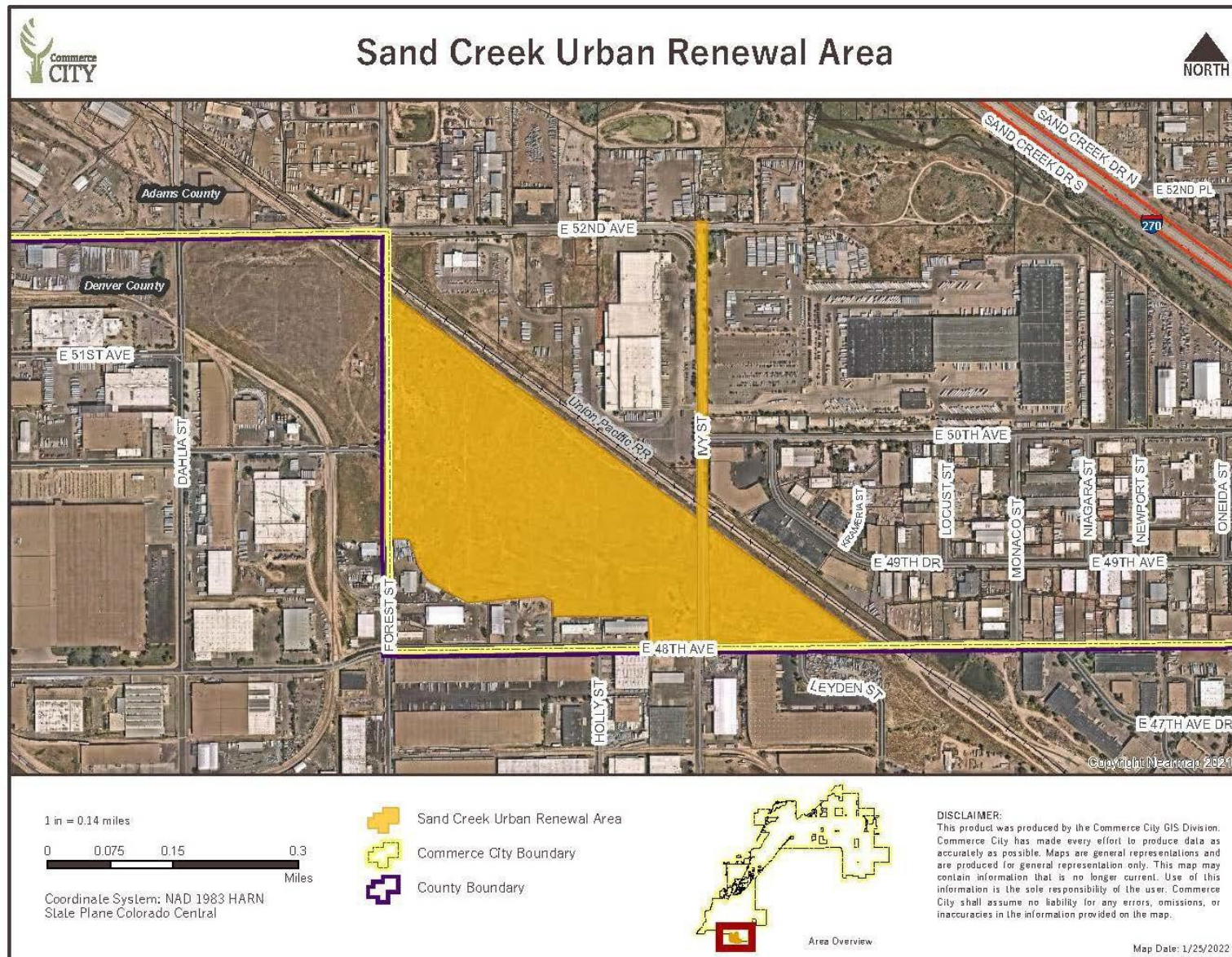
1.4 Zoning Classifications

The two properties in the Area are currently zoned [I-3 Heavy Intensity](#) and [AG Agricultural](#). Permitted uses within these zoning classifications are provided below as identified in Article IV. of the Commerce City Land Development Code.

[I-3 Heavy Intensity Industrial](#)

- Agricultural Services;
- Horticulture and Nurseries;
- Adult Businesses;
- Animal Services;
- Antennas;
- Building Materials and Services (Retail);
- Bar, Tavern, Night Club;
- Fuel Sales;
- Funeral and Internment Services;
- Courier Services;
- Instructional Services, Studios;
- Repair Services (not vehicles);
- Vehicle/Equipment Sales and Services;
- Office Flex;
- Contractor Operations;
- Manufacturing, Chemical;
- Manufacturing, Food;
- Manufacturing, Machinery;
- Manufacturing, Metal;
- Manufacturing, Non-Metallic Mineral;
- Manufacturing, Textile;
- Manufacturing, Wood Product;
- Marijuana Uses;
- Motion Picture and Video Industry;

Figure 1: Sand Creek Business Area Urban Renewal Area Map



- Outdoor Storage;
- Printing and Publishing;
- Research and Development Services;
- Truck/Transportation Services;
- Warehousing and Distribution;
- Wholesale Establishments;
- Ambulance Service;
- Clubs and Lodges;
- Community Services;
- Public Lands, Parks and Buildings;
- Parking Garage; and
- Public Utility Storage Yard.

AG Agricultural

- Agriculture;
- Agricultural Services;
- Horticulture and Nurseries;
- Animal Services;
- Building Materials and Services (Retail);
- Funeral and Internment Services;
- Visitor Accommodations;
- Contractor Operations;
- Manufacturing, Food;
- Outdoor Storage;
- Clubs and Lodges;
- Public Lands, Parks and Buildings;
- Group Living Facilities; and
- Household Living.

1.5 Future Land Use Designations

Future land use designations are reflected in the City's Comprehensive Plan and Future Land Use Map.² The purpose of that map is to illustrate where certain land uses are encouraged within Commerce City's Planning Area over the near- and

² The Future Land Use Map and accompanying land use category descriptions reflect the types of land uses and product types, as well as character of how the community would like to see the city grow over the next several years.

long-term, and where the City would support the development of land uses and product types consistent with those designations.

The single future land use category identified in the **Area** is General Industrial, which allows for a mix of medium- and heavy-industrial uses and production. These land uses are “appropriate in the southwest sections of the Historic City and in Irondale along I-76. General industry is generally accessed off collector or arterial streets or highways and may have railroad access. Primary uses include Medium intensive and heavy industrial uses. Secondary uses include Flex space, warehousing, outdoor storage, open space, and other public uses and facilities.”³

1.6 Statutory Compliance

In compliance with the **Act**, the public hearing notice at which this Plan was considered, including its time, date, location, purpose and a general description of the **Area** covered by the **Plan**, along with the general scope of proposed urban renewal projects and undertakings appeared in the Commerce City Sentinel, the community’s designated legal newspaper of general circulation. At that hearing, the **Commerce City City Council** (herein referred to as “**City Council**”) considered the findings of blight, documented in the **Survey**, and adoption of the **Plan**. In addition, a reasonable attempt was made to provide mailing notice of the hearing to all owners of **Private Property**, business interests and residents (N/A) located within the Area, at their last-known address of record.

More than 30 days prior to the public hearing, this **Plan** and a report describing any impacts resulting from new investment in the **Area**, was submitted to the Adams County Board of Commissioners, as well as the governing bodies of other taxing entities⁴ which assess a mill levy within the **Plan Area**. Further, representatives of **CCURA** and these taxing entities met and negotiated agreements governing the sharing of the subject incremental property tax revenue, in compliance with the **Act**.

Finally, official meetings required by the **Act**, in addition to the public hearing (XXXXXX), were scheduled, noticed, and conducted. Specifically, the **CCURA** considered the **Plan** on XXXXXXXX at a duly noticed meeting of the **Authority**, and the Planning Commission reviewed the **Plan** on May 3 and determined it to

³ C3 Vision Plan, Chapter 3, Page 30.

⁴ Adams County, City of Commerce City, Adams County School District 14, South Adams Fire District, South Adams Water and Sanitation District, Rangeview Library District, and Mile High Flood District.

be consistent with the 2010 C3 Comprehensive Plan.

2.0 Definitions

Capitalized and bolded terms shall have the meaning set forth herein. All capitalized and bolded terms used herein and not defined below shall have the same meaning as set forth in the **Act**.

Act – means the Urban Renewal **Law** of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended.

Authority – means the **Commerce City Urban Renewal Authority** (or **CCURA**).

Base Amount – means that portion of property taxes which are produced by the levy at the rate fixed each year by or for taxing entities upon the valuation for assessment of taxable property in a **Tax Increment Area** last certified prior to the effective date of approval of the **Plan**; and that portion of municipal sales taxes collected within the boundaries of the **Tax Increment Area** in the twelve-month period ending on the last day of the month prior to the effective date of approval of the **Plan**.

City – means the City of Commerce City.

City Council – means the **City Council** of the City of Commerce City.

Comprehensive Plan – means the 2010 C3 Vision Comprehensive Plan.

Intergovernmental Agreement – means any agreement between the **Authority** and the **City**, or any public body (the term “public body” being used in this **Plan** as defined by the **Act**) respecting action to be taken pursuant to any of the powers set forth in the **Act** or in any other provision of Colorado law, for the purpose of facilitating public undertakings deemed necessary or appropriate by the **Authority** under this **Plan**.

C.R.S. – means the Colorado Revised Statutes, as amended from time-to-time.

Sand Creek Business Area Tax Increment Area - means an area identified and depicted in Figure 1 as the “Sand Creek Business Area Tax Increment Area” and described in Appendix B, with boundaries concurrent with the Plan Area, which includes properties and portions of properties from which incremental property taxes in excess of the **Base Amount**, when collected, will be paid into the **Authority’s Special Fund** and used, in part, to finance the **Authority’s** activities and undertakings.

Eligible Costs – means those costs eligible to be paid or reimbursed from incremental revenues and other resources pursuant to the **Act**.

Impact Report(s) – means the Sand Creek Business Area Urban Renewal Plan – Taxing Entity Impact Reports prepared by Ricker | Cunningham, dated October, 2021 and presented to the governing bodies of other taxing entities assessing a mill levy within the **Plan Area** and **City Council** under separate cover.

Plan or Urban Renewal Plan – means this Sand Creek Business Area Urban Renewal Plan.

Plan Area or Urban Renewal Plan Area or Area – means the area identified and depicted as the “Sand Creek Business Area Urban Renewal Area” in Figure 1.

Private Property - as applied to real property, means only a fee ownership interest.

Project – (or **Urban Renewal Project**) means any and all undertakings and activities authorized in the **Plan** and the **Act** to eliminate blighted conditions and improvements including designing, developing and constructing the various public improvements and private improvements (which collectively, includes paying the costs of constructing such improvements and other costs to the extent such costs are **Eligible Costs** as allowed by the **Act**) necessary to serve the proposed **Urban Renewal Plan Area** which includes public improvements located within and outside the **Urban Renewal Plan Area**.

Redevelopment / Development Agreement – means one or more agreements between the **Authority** and developer or developers, and / or property owners or such other individuals or entities as may be determined by the **Authority**, to be necessary or desirable to carry out the purposes of this **Plan**.

Special Fund – means a fund supervised by the **Authority** and the resources of which include incremental ad valorem property and municipal sales tax revenue resulting from investment and reinvestment in the **Urban Renewal Area**.

Survey – means the Sand Creek Business Area Conditions Survey, prepared by Ricker | Cunningham, dated October, 2021 and presented to **City Council** under separate cover.

Survey Area – has the same boundary as the Sand Creek Business Area Urban Renewal Area Map, as illustrated in Figure 1.

Tax Increment – that portion of incremental revenues in excess of the **Base Amount** as set forth in Section 7.3.2 of this **Plan**, allocated to and when collected, paid into the **Special Fund**.

Tax Increment Area – means an area which includes properties and portions of properties from which incremental property taxes in excess of the **Base Amount**, when collected, will be paid into the **Authority's Special Fund**.

Tax Increment Finance (or Financing) (TIF) - means a financing mechanism which uses future incremental revenues resulting from private investment within an established area (**Tax Increment Area**), as well as other resources obtained by the **Authority**, to fund improvements for the public benefit.

Urban Renewal Law – means the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended. See the definition of the **Act**, above.

Urban Renewal Plan or Plan – means this Sand Creek Business Urban Renewal Plan.

Urban Renewal Plan Area or Plan Area – means the Sand Creek Business Area Urban Renewal Plan Area as depicted in **Figure 1**.

Urban Renewal Project – is defined by the **Act**, but generally means an improvement, public or private that addresses the findings of blight and advances the goals of the **Plan**. See the definition of **Project**, above.

3.0 Plan Intentions

With an urban renewal designation, the **Area** will be eligible for one or more urban renewal activities and undertakings authorized by the **Act**, and implemented by the **Authority**. To this end, it is the intention of **City Council** in adopting this **Urban Renewal Plan** that the **Authority** has available to it any and all powers authorized in the **Act**, and considered necessary and appropriate to accomplish the undertakings stated herein. Because powers conferred by the **Act** include facilitating the completion of improvements for which public money may be expended, the intentions of this **Plan** are considered to be in the public interest and a necessity, such finding being a matter of legislative determination by **City Council**.

3.1 Purpose

As explained in the **Act**, the principal objective of any and all urban renewal plans is to provide the municipality with a workable program for using available resources to eliminate and prevent the development or spread of blight, and to encourage needed rehabilitation of improvements within designated locations. In doing so, it is anticipated that community priorities expressed in adopted community plans and other policy documents, will be advanced.

For this reason, the purpose of this Sand Creek Business Area Urban Renewal Plan is to reduce and remove blighting conditions adversely impacting properties and businesses in the **Area** and described in the **Survey**. In addition, particularly as it relates to the **Plan Area**, it is the **Authority's** intention to finance, install, construct, reconstruct and cooperate with others to complete capital improvements to infrastructure and utilities, in an effort to further economic growth locally and regionally, as well as facilitate the orderly development of the community. To this end, its purpose is to advance objectives expressed in the **Comprehensive Plan** (herein referred to as the 2010 C3 Vision Comprehensive Plan.) References from this and any related resources which align with these goals are presented in Appendix A.

3.2 Approach

The approach to advancing these objectives is to complete and maintain public and private improvements and infrastructure in the **Area**, use financial resources available to the **Authority** for the express purpose of the same; and to actively promote private investment and job creation. With regard to local objectives, the **Authority** intends to identify specific priorities which will effectively leverage private investment in the **Area** and ensure alignment of this **Plan** with other accepted and adopted community documents.

3.3 Implementation

While the **Authority** will be the **Plan's** principal administrator, **City Council** will authorize and oversee its efforts. Therefore, the **Authority** will work in cooperation with elected and appointed officials to prioritize capital investments in the **Area** (roadways, open spaces, greenways), in order to ensure they provide a public benefit to property owners and business interests within its boundaries, as well as throughout the community. Any new development activity in the **Area** will conform to existing municipal codes and ordinances, along with any site-specific

regulations or policies in effect at the time. Finally, while the **Act** authorizes the **Authority** to regulate land uses, establish maximum or minimum densities, and institute other building requirements in an urban renewal area; for the purpose of this **Plan**, the **Authority** anticipates the responsibility for these activities will reside with the **City**, in partnership with the **Authority**.

4.0 Blight Conditions

Before an urban renewal plan can be adopted by a municipality, the proposed urban renewal area must be determined to be "blighted" as defined in Section 31-25-103(2) of the **Act** which provides that *"in its present condition and use and, by reason of the presence of at least four of the factors (see below) in section 31-25-103 (2) (a) (or five in cases where property will be acquired by eminent domain the use of eminent domain is anticipated) substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare."* Statutory factors include:

- (a) Slum, deteriorated, or deteriorating structures;
- (b) Predominance of defective or inadequate street layout;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Unusual topography or inadequate public improvements or utilities;
- (g) Defective or unusual conditions of title rendering the title nonmarketable;
- (h) The existence of conditions that endanger life or property by fire or other causes;
- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- (j) Environmental contamination of buildings or property;
- (k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements; or
- (l) If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of Section 31-25-103(2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing

accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

The general methodology used to prepare the **Survey** involved the following steps: (i) identification of parcels to be included in the **Survey Area**; (ii) collection of information about properties, infrastructure and other improvements in the **Survey Area** boundaries; (iii) investigation of conditions through field reconnaissance; (iv) review of aerial photography; (v) discussions with representatives of various public agencies and municipal departments; and (iv) recordation of identified and observed conditions listed in the **Act**.

Among the 11 qualifying factors listed above, the **Survey** showed the presence of ten (10) blight factors in the **Area** that is the subject of this **Plan**.

- (b) Predominance of defective or inadequate street layout;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Unusual topography or inadequate public improvements or utilities;
- (g) Defective or unusual conditions of title rendering the title nonmarketable;
- (h) Existence of conditions that endanger life or property by fire or other causes;
- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- (j) Environmental contamination of buildings or property; and
- (k5) Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.

5.0 Plan Relationship to Community Documents

5.1 Consistency with the Comprehensive Plan

Whereas this **Plan's** purpose is to facilitate investment in the **Area** consistent with stated community's objectives, development within its boundaries will need to reflect the vision and objectives expressed in the **Comprehensive Plan**. Specifically, future investment should advance the following vision statement, along with supporting guiding principles and other references (presented in Appendix A).

2010 C3 Vision Statement

Commerce City will have a robust economy, drawing on its strength as a business-friendly city. It will have a quality natural and built environment with great neighborhoods, parks, and places in which to live, work, and play safely. The community will celebrate its culture and history, and promote conservation and stewardship of resources for present and future generations.

Guiding Principles

The following set of Guiding Principles further supports and reinforces the vision, and sets the stage for each of these Plan Elements.

1 LAND USE AND GROWTH

Grow Commerce City in a balanced and compact pattern of neighborhoods and commerce centers, where residents have access to employment, services, and shopping. Promote infill and phase new growth to avoid inefficient and costly leapfrog development.

2 ECONOMIC DEVELOPMENT

Maintain a strong employment base; help create a jobs/housing balance; define appropriate locations for a range of industry and businesses (including green businesses); and be a home for major corporations.

3 FISCAL STABILITY Continue as a fiscally stable city by fortifying revenues, while efficiently maintaining and providing services and infrastructure.

5 REDEVELOPMENT/REINVESTMENT

Promote new centers, while maintaining the integrity of existing districts by continually renewing and reinvesting.

6 TRANSPORTATION Ensure a quality community by providing efficient, effective, and varied modes of transportation that integrate and connect neighborhoods, the community, and the region.

7 SAFETY AND WELLNESS

Increase the health and well-being of residents through healthy living, access to medical facilities, and public safety and hazard planning.

8 PARKS, OPEN SPACE/RECREATION

Provide ample and well-distributed parks and recreation facilities, and a connected system of trails and open space, to provide for outdoor recreation, relaxation, and rejuvenation and to protect views.

9 FACILITIES AND INFRASTRUCTURE

Ensure adequate and efficient public facilities and infrastructure for current and future residents and businesses.

10 APPEARANCE AND DESIGN

Enhance the positive image of the city at all gateways, along corridors, and in neighborhoods and commercial districts.

11 CULTURAL/TOURISM

Become a destination for tourism and visitors, drawing people and businesses to arts, history, culture, sports, commerce, and other attractions.

12 ENVIRONMENTAL CONSERVATION/STEWARDSHIP

Increase recycling, conservation, and the use of renewable energy sources, while reducing energy and resource use overall.

Future Land Use Plan Big Ideas

The Future Land Use chapter supports the vision and goals and policies throughout the *C3 Vision Plan*. It mainly promotes the following ideas:

- 1. Maintain a balanced mix of land uses** overall (i.e., residential, employment, and commercial uses) to maintain the city's high quality of life, economic prosperity, and fiscal stability.
- 2. Design new neighborhoods** so that they are compact, accessible to pedestrians, and transit-supportive.
- 3. Establish centers** as the primary locations for jobs, retail uses, and civic activity.
- 4. Retain lands for industry** so the city will continue to have jobs and a fiscally-balanced future.
- 5. Coordinate land use and transportation** to provide efficient and safe mobility and viable options for multiple modes of transportation.
- 6. Provide an overall connected recreational system** of parks, trails, and open space to enhance the livability of the community.
- 7. Phase growth in an orderly, compact manner** that is coordinated with the availability and funding for infrastructure and community services.

Additional intentions found in the **Comprehensive Plan** that influenced elements of this **Plan** are also presented in Appendix A. Note: While most are posed verbatim, others are reworded or paraphrased for clarification.

6.0 Authorized Authority Undertakings and Activities

Whereas the **Act** allows for a wide range of activities to be used in furtherance of an urban renewal plan, in this context, the **Authority** intends to complete public improvements and provide financial assistance in partnership with the **City**, to affected property owners and other parties with an interest in the **Area**. To this end, cooperative arrangements will be an essential element of the **Authority's** approach to eliminating and preventing the spread of blighting conditions within its boundaries, along with those powers described in the discussion that follows.

6.1 Prepare and Modify Plans for the Area

The **Authority** may work with public bodies, and retain consultants and other advisors, to assist with the planning of properties in connection with **Urban Renewal Projects** and other undertakings in the **Area**. In addition, the **Authority** may propose, and **City Council** may make, modifications to this **Plan**, provided they are consistent with adopted community plans and any subsequent updates, as well as compliant with the process set forth in the **Act**. The **Authority** may also, in specific cases, allow non-substantive variations from the provisions of this **Plan**, if it determines that a literal enforcement would constitute an unreasonable limitation beyond the intent and purpose stated therein.

6.2 Complete Public Improvements and Facilities

The **Authority** may, or may cooperate with others to, finance, install, construct and reconstruct public improvements considered **Eligible Costs** as per the **Act**, and necessary to promote the objectives of this **Plan**. Whereas public improvements should, whenever possible, stimulate desired private sector investment, it is the intent of this **Plan** that the combination of public and private investment that occurs in the **Area** will benefit properties within its boundaries, as well as those in the community at-large. Priority improvements identified as necessary include completion and expansion of infrastructure and utilities; as well as, vehicular and non-vehicular roadway enhancements.

As explained in Section 4.0, ten (10) of the 11 qualifying conditions of blight as defined in Section 31-25-103(2) of the **Act**, are evident in the **Area**. As the **Plan's**

administrator, the **Authority** will seek to most effectively leverage available resources in the furtherance of desired private investment, while also eliminating the spread of those blighting conditions described in the **Survey**. To this end, the **Authority** may assist in the financing and / or construction of certain improvements, to the extent authorized by the **Act** and required to accommodate development and redevelopment for the benefit of the public. Examples of these improvements include, but are not limited to, the following:

- (b) **Predominance of defective or inadequate street layout** – construction of new roadways and accommodations within existing roadways such as curbs, gutters, driveways, sidewalks, lighting, bicycle lanes, and others, in order to ensure safe vehicular and non-vehicular mobility within the **Area**;
- (c) **Faulty lot layout in relation to size, adequacy, accessibility, or usefulness** – completion of the infrastructure improvements identified under (b) above; and assistance with property assemblages where necessary, in an effort to improve property utilization in the **Area**;
- (d) **Unsanitary or unsafe conditions** – completion of improvements known to increase the safety of users of properties in the **Area**, including adequate fencing around industrial operations;
- (e) **Deterioration of site or other improvements** – assistance with site improvements within properties adversely impacted from neglect and a lack of proper maintenance;
- (f) **Unusual topography or inadequate public improvements or utilities** – completion of, or assist with, financing capital improvements in the **Area**, including those identified in **City**-adopted and accepted plans and reports deemed to limit the economic feasibility of desired investment;
- (g) **Defective or unusual conditions of title rendering the title nonmarketable** -- mitigation of impacts to property owners and business operations from easements and mineral extraction;
- (h) **Existence of conditions that endanger life or property by fire or other causes** –complete infrastructure intended to protect people and property including fire protection equipment, as well as water facilities to ensure adequate water flow and capacity for fire protection purposes;
- (i) **Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities** – extraordinary costs associated with development on landfill site;

- (j) **Environmental contamination of buildings or property** – make available resources to remove or mitigate contaminants from the ground and “ready” affected parcels for development; and
- (k5) **Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements** – assist with property assemblages, and development I redevelopment initiatives considered meritorious and consistent with the vision expressed herein.

In addition to completing improvements, the **Authority** may also participate in activities including building and site demolition when those activities are required by existing **Development** or **Intergovernmental Agreements**; or when they are required to eliminate unhealthy, unsanitary, and unsafe conditions, or obsolete uses deemed detrimental to the public welfare.

6.3 **Acquire and Dispose of Property**

The **Authority** may sell, lease or otherwise transfer real property or any interest therein acquired by it, as part of an **Urban Renewal Project**, in accordance with the **Plan**. The **Act** further allows for the acquisition of property or interest in property by condemnation in a manner provided by the laws of Colorado for the exercise of eminent domain by any other public body. While this **Plan** encourages properties to be acquired through arms-length transactions, it authorizes the use of eminent domain by the **Authority**.

Upon its acquisition, and prior to its disposal, the **Authority** may temporarily operate, manage and maintain property if deemed in the best interest of the **Urban Renewal Project** and **Plan**. It may also set aside, dedicate and transfer properties to public bodies for public uses in accordance with the **Plan**, with or without compensation.

6.4 **Enter Into Agreements**

The **Authority** may enter into **Redevelopment and Development Agreements**, and contracts, with developers, property owners, individuals and other entities determined to be necessary to carry out the purposes of the **Plan**. Such **Agreements**, or other contracts, may contain terms and provisions deemed necessary or appropriate for the purpose of undertaking contemplated activities, and remain in full force and effect, unless all parties to such **Agreements** agree otherwise.

In accordance with the **Act**, the **Authority** may also enter into one or more **Intergovernmental Agreements** with lawful entities for the purpose of financing, installing, constructing and/or reconstructing improvements considered eligible and necessary for implementation of the **Plan**. In addition, it may, but is not required to, contract with either the **City** or other organization, for administrative support of the **Authority** and its staff, including the distribution of financial resources.

6.5 Adopt Standards

The **Authority** may work with public bodies, and retain consultants and other advisors to assist with zoning and rezoning properties in the **Urban Renewal Area**. However, while the **Act** allows for the adoption of standards and other requirements applicable to projects undertaken in an urban renewal area, in the context of this **Plan**, it is the **Authority's** intention that these activities will be conducted in cooperation with the **City**. Further, it is also the intent of the **Authority** that all development in the **Area** meet or exceed applicable rules, regulations, policies, other requirements, and standards of the **City** and any other governmental entity with jurisdiction.

6.6 Provide Relocation Assistance

While this **Plan** does not anticipate individuals, families or business concerns will require relocation due to the acquisition of real property, if such a relocation becomes necessary, the **Authority** will adopt a relocation plan in conformance with the **Act**.

6.7 Incur and Issue Debt

This **Plan** authorizes the **Authority** to borrow money and apply for and accept advances, loans, grants and contributions from all lending sources, private and public, for purposes identified in the **Plan** and as authorized by the **Act**. The **Authority** may also loan or make monetary resources available to undertakings and activities deemed meritorious and consistent with the **Plan**. These resources may be derived through any and all methods authorized by the **Act**, including the issuance of bonds to finance activities and operations of the **Authority** as defined in 31-25-109 of the **Act**.

The **Authority** may assist a private developer or related entity or owner undertaking a loan with a pledge of any income, proceeds, revenues or funds of

the **Authority** derived in connection with its undertakings and activities including grants or contributions of funds.

6.8 Create Tax Increment Areas

As allowed for in Section 31-25-107 of the **Act**, this **Plan** allows for the collection of incremental property taxes otherwise designated to public bodies, levied on taxable property in the **Area**; and municipal sales taxes, both in excess of the **Base Amount** when collected and deposited in a **Special Fund** of the **Authority**, for a period not to exceed twenty-five (25) years after the effective date of the **Plan**, once approved, for the furtherance of its activities and undertakings.

6.9 Share Tax Increment

The **Authority** may enter into agreements with public bodies within the **Urban Renewal Area** for any purpose authorized or contemplated by the **Act**, including but not limited to an agreement to share **Tax Increment** derived from the levy of any public body that is a party to such agreement.

7.0 Project Financing

7.1 Public Investment Objective

A critical component of any urban renewal initiative is participation by both the public and private sectors since no one entity typically has sufficient resources to overcome the financial hurdles frequently resulting from inadequate infrastructure or adverse conditions. To this end, effective leveraging of funds from multiple sources will be essential to sustain initiatives to complete public improvements and attract job-generating developments in the **Area**; as will support in the form of policy, regulating, and design support from the **City** and other advocacy partners.

7.2 Financial Mechanisms

As explained above in Sections 6.7 and 6.8, the **Authority** may finance its undertakings pursuant to the **Plan** by any method authorized under the **Act**, or any other applicable law. In addition to incremental tax revenues, possible other financing vehicles include, without limitation, the issuance of notes, bonds, certificates of indebtedness, or other obligation lawfully created as defined in the **Act**. The **Authority** may also borrow funds, access federal and state loans or

grants, and earn interest income; as well as enter into reimbursement or annual appropriation agreements with public or private entities, or any other lawful source, the principal, interest, costs and fees of which are paid for with available funds of the **Authority**.

7.3 Incremental Revenues

It is the intent of **City Council** in approving this **Plan** that incremental property tax revenues will be the primary funding source for **Eligible Costs** and priority improvements in the **Area** by the **Authority**. As such, the **Authority** may irrevocably pledge these funds to pay the principal of, and interest on, any other premiums due in connection with the bonds, loans, or advances to, or indebtedness incurred (whether funded, refunded, assumed, or otherwise), by the **Authority**, for financing or refinancing in whole or in part, all undertakings and activities authorized by the **Act**, except:

- (a) Any offsets collected by the County Treasurer for return of overpayments or any funds reserved by the **Authority** for such purposes in accordance with Section 31-25-107(9)(a)(III) and (b), C.R.S.; or
- (b) Any reasonable (as determined by the **Authority**) set-asides or reserves of incremental taxes paid to the **Authority** for payment of expenses associated with administering the **Plan**.

Unless and until the total valuation for assessment of taxable property in the **Tax Increment Area** exceeds the base valuation, all taxes levied upon taxable property in the **Area** shall be paid into the funds of the respective public bodies. Also, when such bonds, loans, advances and indebtedness, including interest thereon and any premiums due in connection therewith have been paid, all remaining taxes upon the same taxable property shall be paid to the respective public bodies.

While this Sand Creek Business Area Urban Renewal Plan contemplates the use of incremental property tax revenues, **City Council** may also allocate municipal sales tax increments. As such, the use of incremental sales tax revenue is hereby authorized pursuant to Section 31-25-107 (9), C.R.S., which is by this reference incorporated herein as if set forth in its entirety; however, any such pledge of sales tax increment by the **Authority** in a **Development** or **Redevelopment Agreement** shall not be authorized until a separate **Intergovernmental Agreement** between the **Authority** and **City** setting forth the allocation of incremental sales taxes between the **City** and **Project** is established. The approval of such

Intergovernmental Agreement by the **City** and **Authority** will not constitute a substantial modification, nor will the addition of a new activity or undertaking. Finally, approval of such an **Intergovernmental Agreement** will not extend this **Plan** or the duration of a specific **Urban Renewal Project** in the **Area** which is presently twenty-five (25) years after the effective date of the **Plan's** adoption, which authorized and created the **Tax Increment Area**, regardless of when such **Intergovernmental Agreement** may be approved.

7.3.1 Sand Creek Business Area Tax Increment Area

As described in Section 6.8, the **Tax Increment Area** is the only tax increment area within the **Urban Renewal Area** as the boundaries of each are one and the same. In the event **City Council** desires to expand the **Tax Increment Area**, the **Urban Renewal Area** will also have to be expanded and the **Plan** must be amended pursuant to the **Act**.

7.4 Other Financing Mechanisms and Structures

As explained above, this Sand Creek Business Area Urban Renewal Plan intends to provide for the use of incremental revenues as a tool to facilitate investment and reinvestment in the **Area**. However, whereas the **Authority** is authorized to finance implementation of the **Plan** by any method authorized in the **Act**, it is committed to making a variety of strategies and mechanisms available, including those that may be used independently or in various combinations, as may be necessary to further stated objectives. Given the obvious and well-documented obstacles associated with development in this, and similar challenging environments, the **Authority** recognizes that it will be imperative that solutions and resources be put in place which are comprehensive, flexible and creative.

7.5 Agricultural Land

The **Area** includes **Agricultural Land**. In accordance with Section 31-25-107(c)(II)(D) of the **Act**, each public body that levies an ad valorem property tax on the **Agricultural Land** has agreed in writing to the inclusion of the **Agricultural Land** within the **Area**.

7.6 Compliance with Section 31-25-107(9.5) (a) of the Act

As required by Section 31-25-107(9.5)(a) of the **Act**, the **Authority** either waived or entered into an **Intergovernmental Agreement** with each taxing entity that levies ad valorem property taxes within the **Area**. The **Intergovernmental Agreements** set out the terms and conditions governing the sharing of incremental property tax revenue within the **Area** and address impacts, if any, on the services or revenues of any taxing entity associated solely with this **Plan**. The terms of the **Intergovernmental Agreements** are summarized in Table 1.

Table 1: Summary of Taxing Entity Intergovernmental Agreements

8.0 Severability

If any portion of this **Plan** is held to be invalid or unenforceable, such invalidity will not affect the remaining portions of the **Plan**. Further, if there is any conflict between the **Act** and this **Plan**, the provisions of the **Act** shall prevail, and the language in the **Plan** will automatically be deemed to conform to the statute.

Sand Creek Business Area Urban Renewal Plan

City of Commerce City, Colorado

Appendix A:

Excerpts from the 2020 C3 Vision Comprehensive Plan and the Commerce City 2045 Comprehensive Plan Update (currently in process)

2010 C3 Vision Comprehensive Plan

Components of the [2010 C3 Comprehensive Plan](#) that investment in the **Urban Renewal Area** will support and advance are as follows.

Section 4 – Land Use and Growth: Strategic Planning Areas

The C3 *Vision Plan* addresses Commerce City's physical structure and layout through five Strategic Planning Areas. These five areas include:

1. Historic City,
2. Irondale,
3. Northern Range,
4. E-470 Influence Area, and
5. DIA North.

The Plan includes the five Strategic Planning Areas, because of the expansive size of the city and different needs within each area, and to avoid a “one-size-fits all” approach to planning the city. The vastly diverse city contains it all: older established neighborhoods, heavy industrial areas, new residential neighborhoods, and vacant lands near DIA.

The **Urban Renewal Area** is located within the Historic City Strategic Planning Area. The Historic City is located in the southernmost part of the city and contains eight distinct focus areas. This part of the community is the oldest, in terms of growth and development, and also contains the greatest concentration of original industry and residences within the community. Its boundaries are from the South Platte River to the Wildlife Refuge and from approximately East 80th Avenue south to the border with Denver. The Southern Industrial Focus Area includes the **Urban Renewal Area**.

The Southern Industrial area is at the core of city's industry located south of I-270. The industrial operations here began in the 1930s with refining operations, but intensified when Stapleton Airport expanded after WWII. This area houses some of the city's heaviest industrial activities and most-recognized businesses and largest employers, including Suncor Refinery, Conoco Tank Farm, UPS, and Shamrock Foods. It also includes the Stapleton Industrial Park, developed in the late 1960s and early 1970s (including Sapp Bros Truck stop built in 1969). The award-winning Sand Creek Regional Greenway snakes through the area, connecting the South Platte River to Denver and Aurora.

This area faces several challenges. First, the lack of infrastructure (especially along East 56th Avenue) should be addressed. The area has poor connectivity, contributing to difficulty getting around (i.e., few roads connect and travel over I-270). In addition, several EPA superfund sites dot the area, many of which have been cleaned up, but other sites are potentially polluted.

Southern Industrial Area policy direction

- Retain the general industrial use of the area;
- Improve the image along I-270;
- Improve access and connectivity and infrastructure and roadways;
- Extend Holly Street across I-270 between East 52nd and 56th Avenues; and
- Encourage environmental cleanup of some properties.

Section 5 – Economic Development

Guiding Principle: Maintain a strong employment base; help create a jobs/housing balance; define appropriate locations for a range of industry and businesses (including green businesses); and be a home for major corporations.

Economic Development Goals

1. Economic diversification;
2. Retaining and increasing a strong employment base;
3. Reserving land for commercial development and employment; and
4. Attracting quality retailers.

Economic Development Policies**ED 1.2—Recruitment of Businesses**

The city will aggressively recruit businesses within identified targeted industries (as identified through the *Economic Development Strategic Plan*). They are currently identified as the following:

1. Advanced Manufacturing
2. Logistics and Distribution
3. Business and Professional Services
4. Retail/Hospitality/Leisure
5. DIA Technology

ED 2.3—Strengthen Employment Land Base

Retain and strengthen the industrial base in the Historic City and Irondale Areas.

ED 3.3—Ensure Availability of Industrial Land and Buildings

In accordance with the Future Land Use Plan, monitor and maintain the amount of land zoned for office/flex, technology, and industrial uses, and limit or restrict rezoning of industrial land to residential, to preserve these areas for existing or new business and industry.

Section 8 –Redevelopment and Reinvestment

Guiding Principle: Promote new centers while maintaining the integrity of existing districts by continually renewing and reinvesting in them.

Redevelopment and Reinvestment Goals

1. Increasing focus on infill and redevelopment;
2. Strengthening viability of targeted areas through redevelopment; and
3. Strengthening existing neighborhoods with renewal efforts.

Redevelopment and Reinvestment Policies

RR 1.1—Historic City and Irondale Infill

The city will promote high-quality infill through incentives and infrastructure improvements on vacant properties in the Historic City and Irondale.

RR 2.1—Historic City Industry Retained

Allow light industry, warehousing, flex, office, and community-serving retail; support but do not expand residential uses in existing industrial areas including:

- Historic City (Southern Industrial Focus Area, Tiffany, areas of Adams City, areas of Fairfax/Dupont, and Clermont).
- Irondale (Irondale Focus Area, with few exceptions, Industrial Enclave, and South Platte Valley).

RR 2a Urban Renewal Area (URA) Tools

- Expand application of Urban Renewal Areas (URAs) to achieve redevelopment goals, including existing URAs (Prairie Gateway, Derby, and US 85), and potential new URAs (e.g., FasTracks area).
- Explore creative funding applications for redevelopment, such as Tax Increment Financing, expanding on funding tools permitted through URAs. Consider establishing a separate URA board to oversee/develop additional policies, guidelines, and plans for each area.

RR 2b Quasi-Public Urban Renewal Entity

- Explore feasibility of a non-profit, quasi-public entity to oversee infill and redevelopment in neighborhoods that could purchase and rehabilitate structures, or consolidate and sell properties.

RR 2f Monitor Redevelopment Sites

- Monitor economic strength of redevelopment sites. Develop plans for public improvements needed to support each area. Prioritize investment (streets, sidewalks, lighting, signage, and infrastructure) for priority redevelopment sites.

Commerce City 2045 Comprehensive Plan Update

The City of Commerce City embarked on an update to the Comprehensive Plan in January 2021. While the planning process will not be completed until 2022, there are components of this Commerce City 2045 Comprehensive Plan Update that investment in the **Urban Renewal Area** could support and advance.

Citizen's Advisory Committee

The following are top issues and concerns within Commerce City discussed by CAC participants:

The City's Center

- There is a lack of vibrant, public community space within the downtown for people to gather, spend time, and frequent businesses.
- There is a concern for displacement in the core of Commerce City as people from surrounding communities look to buy out homes within the City. Relatedly, it was noted that urban sprawl, similar to what Denver experienced, should be prevented.
- There is a need for new cultural amenities, such as a theater, in the downtown that can be accessed by residents in both the north and south side of the City.

Balanced Growth and Investment

- As the north side has experienced residential growth, there is a need to balance that growth with commercial, industrial, and affordable residential development. Simultaneously, there is a need to improve infrastructure, such as increasing east-west routes, which currently are often hindered by retail traffic on the City's railroads. Accessibility both on the north and south side was noted as important for growth and to support new residents.
- As the south side contains older structures and is facing divestment, there is a need to increase investment in the area and connect it with the north. It was noted that new amenities, such as a quality community library, should be provided in the south. However, the concern was raised that new amenities have the potential to negatively affect existing residents and increase gentrification.

Staff Working Group

The following are top issues and concerns within Commerce City discussed by City Staff:

Growth

- There is a need for a balanced growth approach in the City between residential, industrial, commercial, and civic uses.
- There is a need to ensure infrastructure is improved to accommodate rapid growth, especially in the north. Transportation and sewer infrastructure was highlighted in particular.

- There is a need to partner with private developers to ensure they work towards the City's goals and can responsibly finance their projects.
- There is a desire to redefine future redevelopment in the City's core with attention to preventing gentrification. This includes determining how to encourage such from a high-level policy level down to the site-specific plan review process.

North vs. South

- There is concern over the divide between north and south Commerce City. The south was noted to be surrounded by industrial uses and has a lower-income income population than the north. It was also noted to have an antiquated housing stock and obsolete industrial uses in need of redevelopment.
- There is a concern over competing priorities with limited resources, including providing new improvements in the north while supporting redevelopment in the south. It was noted that the south side's projects tend to be more financially burdensome and that the City needs to ensure it can fund improvements over time in a fiscally sound manner.
- There is a need for a common vision for the City.

Technical Advisory Committee (TAC)

The following are top issues and concerns within Commerce City discussed by the TAC:

Growth

- There is concern over the amount and pace of growth that continues to occur within the City.
- There is a need to ensure the City's "community feel" is maintained with planned growth. This includes proper enforcement of the municipal code.
- There is concern over development to the west of Denver International Airport (DIA) regarding air traffic noise and pathway impacts.
- There is a need to address the regional forecast of declining growth rates and a changing demographic with an aging population.

Coordination & Partnerships

- There is an opportunity to improve coordination between the City and South Adams County Water and Sanitation District, which are separate governmental entities, such as through redevelopment projects.
- There is an opportunity to increase partnerships and collaboration with Adams County to address ongoing growth.

City Officials

The following are top issues and concerns within Commerce City discussed by City Officials:

Economic Development

- There is a desire to diversify Commerce City's industries without relying on the oil and gas industry, as well as to prepare the local economy for the future. At the same time, it was noted that the City must not deny its existing economic assets, such as its significant transportation and trucking industry. Opportunities to enhance its local industries for the future were discussed, such as educational opportunities to train the local workforce to work EV trucks.
- There is a desire to attract new retailers, while some noted that brick and mortar retail is rapidly changing so it should not be the City's only focus. It was noted that currently, potential businesses have a poorer perception of Commerce City compared to residents, and there is a need to change this perception to attract new businesses.
- There is a desire to develop the Core City as an attractive place that reflects all of Commerce City and draws large crowds to its restaurants, businesses, retail, art, culture. There was also discussion of developing a new "downtown" in the South to draw people to the area with retail options and attractions.
- There is a desire to increase business retention, such as by focusing on short term business growth strategies and examining which businesses are growing successfully in the community today.

PRG Board Meeting

What are the most important issues or concerns facing Commerce City?

1. Residential growth is impacting existing amenities / infrastructure – schools, parks, traffic
2. Disconnect between North and South
3. 120th Ave is busy – Walkable access to Bison Ridge is lacking right now
4. Commercial retail in the north part of the city is lacking
5. Lack of pedestrian and bike trails. – Connectivity to regional trails
6. School capacity is overwhelming
7. Property taxes are high and people are leaving town.
8. Transportation Projects. How can we improve them?
9. Hwy 85 – CDOT Projects – make sure to add pedestrian connectivity
10. How to communicate better with city residents? Particularly during public hearings
11. Ways to disseminate information in an easier and faster way.

Community Workshop Series

Economic Development

- Lack of retail (e.g., east side of Highway 85) Need to increase access to local goods and services
- The desire for dine-in restaurants
- Need for greater diversity in commercial businesses in the North o Many existing businesses are chain stores

- A desire for big-box/regional stores (e.g., shopping mall)
- Lack of mom-and-pop shops
- Need for more office development o Currently, the City relies heavily on industrial businesses while missing opportunities for office space
- Opportunity to provide matching fund grants to encourage local businesses in Core City to beautify their businesses
- Need to create a workforce development center for white-collar jobs
- Need to diversify and expand job opportunities
- Need to diversify the City's tax base (such as with additional commercial) to increase municipal funding
- Desire to reduce industrial uses and promote more retail, grocery, restaurants, and entertainment options
- Desire to develop a Downtown area with local shops and family-friendly public spaces for community events

Polling Question

The focus for economic development should be improving... (rank the following)



Sand Creek Business Area Urban Renewal Plan

City of Commerce City, Colorado

Appendix B:

Sand Creek Business Area Urban Renewal Area Legal Description

**PROPERTY DESCRIPTION
OF A PORTION OF THE FORMER 48TH AND HOLLY LANDFILL**

A PARCEL OF LAND BEING A PORTION OF THE NORTH ONE-HALF, OF THE SOUTHEAST ONE-QUARTER OF SECTION 18, THE SOUTHWEST ONE-QUARTER OF SECTION 17, AND THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, AND THE CITY AND COUNTY OF DENVER, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BASIS OF BEARING: ARE PER THE COMMERCE CITY CONTROL DIAGRAM HORIZONTAL AND VERTICAL CONTROL MONUMENTS, SHEET NOS. 1 - 7, DATED 8/4/1999. RECORDED AT ADAMS COUNTY SURVEY RECORDS BOOK 1, PAGE 3776. BEING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18 TOWNSHIP 3 SOUTH RANGE 67 WEST BEING MONUMENTED ON THE WEST BY A 3 1/4" ALUMINUM CAP – LS # 27011 AND LS # 17488; BEARING SOUTH 89° 15' 42" WEST 2647.20 FEET.

COMMENCING AT THE NORTHWEST CORNER OF EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 18 ALSO BEING THE BOUNDARY LINE BETWEEN THE CITY AND COUNTY OF DENVER AND THE CITY OF COMMERCE CITY;

THENCE SOUTHERLY ALONG THE WEST LINE OF THE EAST HALF OF SOUTHEAST ONE-QUARTER OF SOUTH 00° 12' 59" EAST A DISTANCE OF 388.60 FEET; TO A POINT 75.00 FEET SOUTHWEST FROM THE CENTERLINE OF THE COLORADO AND EASTERN RAILROAD; ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 00° 12' 59" EAST 960.46 FEET TO A POINT ON THE EAST LINE OF FOREST STREET ALSO BEING A POINT ON THE BOUNDARY BETWEEN THE CITY OF COMMERCE CITY AND THE CITY AND COUNTY OF DENVER AND THE NORTHEAST CORNER OF BURLINGTON INDUSTRIAL PARK CITY AND COUNTY OF DENVER CLERK AND RECORDERS OFFICE BOOK 27 PAGE 94;

THENCE SOUTH 89° 47' 27" WEST 30.00 FEET TO THE EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF FOREST STREET OF SAID PLAT;

THENCE SOUTH 00° 12' 59" EAST 593.24 FEET ALONG SAID LINE THAT IS PARALLEL WITH 30.00 FEET WEST OF THE EAST RIGHT-OF-WAY LINE TO A POINT ON SAID RIGHT-OF-WAY;

THENCE NORTH 89° 47' 27" EAST 30.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF FOREST STREET OF SAID PLAT AND A POINT ON THE CITY LIMITS OF COMMERCE CITY;

THENCE CONTINUING NORTH 89° 47' 27" EAST 30.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF FOREST STREET ALSO BEING THE NORTHWEST CORNER OF LOT 1, CHEVRON U.S.A. 3 SUBDIVISION ADAMS COUNTY CLERK AND RECORDERS OFFICE RECEPTION NO.

2019000068881;

THENCE CONTINUING ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING COURSES AND DISTANCES;

THENCE NORTH 89° 47' 27" EAST 99.37 FEET;

THENCE SOUTH 17° 37' 15" EAST 177.03 FEET;

THENCE SOUTH 34° 00' 09" EAST 120.04 FEET;

THENCE SOUTH 61° 17' 03" EAST 280.38 FEET;

THENCE NORTH 84° 27' 03" EAST 134.77 FEET;

TO THE NORTHWEST CORNER OF LOT 3 CHEVRON U.S.A. SUBDIVISION 2ND FILING ADAMS COUNTY CLERK AND RECORDERS OFFICE RECEPTION NO. B1260334;

THENCE ALONG THE BOUNDARY SAID SUBDIVISION NORTH 84° 27' 03" EAST 335.43 FEET;

THENCE SOUTH 63° 04' 51" EAST 81.44 FEET;

THENCE SOUTH 00° 39' 45" EAST 96.54 FEET;

THENCE DEPARTING THE EAST LINE OF SAID SUBDIVISION ALONG THE NORTH LINE OF A PARCEL OF LAND RECEPTION NO. 20200000002464, ALSO KNOWN AS 5505 EAST 48TH AVENUE NORTH 89° 15' 42" EAST 300.00 FEET TO THE NORTHWEST CORNER OF A PARCEL INSTRUMENT NO. 2015000048551 ALSO KNOWN AS 5607 E 48TH AVENUE;

THENCE NORTH 89° 28' 47" EAST 300.00 FEET ALONG THE NORTH LINE OF SAID PARCEL;

THENCE ALONG THE EAST LINE OF SAID PARCEL SOUTH 00° 31' 13" EAST 200.00 FEET TO THE SOUTH LINE OF SOUTH WEST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 67 WEST ALSO BEING A POINT ON THE CITY LIMIT LINE BETWEEN THE CITY AND COUNTY OF DENVER AND THE CITY OF COMMERCE CITY;

THENCE SOUTH 00° 31' 34" EAST 40.00 FEET TO THE SOUTH LINE OF EAST 48TH AVENUE PER CITY AND COUNTY OF DENVER BOOK 8952 PAGE 184-185;

THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF EAST 48TH AVENUE NORTH 89° 28' 27" EAST 1374.84 FEET TO A POINT;

THENCE NORTH 00° 31' 33" WEST 40.00 FEET TO THE BOUNDARY BETWEEN THE CITY OF COMMERCE CITY AND THE CITY AND COUNTY OF DENVER;

THENCE NORTH 00° 31' 33" WEST 30.00 FEET TO THE INTERSECTION OF THE UNION PACIFIC RAILROAD COMPANY PROPERTY DESCRIBED IN RECEPTION NO. 2004000919990 SAID POINT BEING 75.00 FEET SOUTHWEST OF FROM THE CENTERLINE OF THE COLORADO AND EASTERN RAILROAD;

THENCE ALONG SAID SOUTHWEST PROPERTY LINE NORTH 53° 59' 15" WEST 1239.71 FEET TO THE EAST RIGHT OF WAY EASEMENT LINE OF HOLLY STREET PER ADAMS COUNTY CLERK AND RECORDERS RECEPTION NO. 791201, BOOK 1308 PAGE 392;

THENCE NORTH 00° 15' 33" WEST 186.42 FEET TO THE NORTHEAST RIGHT OF WAY LINE OF UNION PACIFIC RAILROAD PROPERTY PER ADAMS COUNTY CLERK AND RECORDERS RECEPTION NO. 2004000919990; ALSO BEING THE SOUTHWEST CORNER OF LOT 42, BLOCK 1, STAPLETON FIELD INDUSTRIAL PARK RECEPTION NO. 636695 FILE 11 MAP 20;

THENCE NORTH 00° 15' 33" WEST 316.28 FEET ALONG THE EAST RIGHT OF WAY LINE OF IVY STREET BEING 30.00 FEET EAST OF THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER TO A POINT;

THENCE CONTINUING ALONG THE EXTENDED EAST RIGHT-OF-WAY-LINE OF IVY STREET NORTH 00° 15' 33" WEST 54.96 FEET THE NORTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER TO A POINT;

THENCE NORTH 89° 34' 32" EAST 8.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF IVY STREET EXTENDED FROM THE NORTH;

THENCE NORTH 00° 15' 33" WEST 49.88 TO A POINT 38.00 FEET EAST OF THE EAST LINE OF WEST ONE HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17 PER RIGHT-OF-WAY DEED BOOK 2440 PAGE 647;

THENCE NORTH 00° 15' 33" WEST 81.79 FEET TO A POINT ON THE SOUTH LINE OF LOT 1, BLOCK 1, DENADO SUBDIVISION FILING NO. 3 RECEPTION NO. 1987020786773 FILE 16 MAP 687;

THENCE SOUTH 89° 34' 33" WEST 3.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT TO THE EAST RIGHT-OF-WAY LINE OF IVY STREET SAID POINT BEING 35.00 FEET EAST OF THE EAST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 17;

THENCE NORTH 00° 15' 33" WEST 1121.92 FEET ALONG SAID EAST LINE EAST LINE OF SAID LOT;

THENCE ALONG THE WEST LINE OF IVY STREET RIGHT-OF-WAY EXTENDED TO THE EAST WEST CENTERLINE OF SECTION 17 TOWNSHIP 3 SOUTH RANGE 67 WEST NORTH 00° 15' 33" WEST 69.82 FEET;

THENCE CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF IVY ST EXTENDED TO THE NORTH RIGHT-OF-WAY LINE OF EAST 52ND AVENUE AND THE SOUTH LINE OF IVY PARK SUBDIVISION FILING NO. 2 RECEPTION NO. 2003031213049, FILE 18 MAP 954, NORTH 00° 15' 33" WEST 30.00 FEET;

THENCE ALONG THE NORTH LINE OF EAST 52ND AVENUE SOUTH 89° 25' 00" WEST 45.32 FEET;

THENCE NORTH 00° 15' 33" WEST 5.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF E 52ND AVENUE PER IVY PARK SUBDIVISION RECEPTION NO. B558191 FILE 16 MAP 226;

THENCE ALONG THE NORTH LINE OF EAST 52ND AVENUE SOUTH 89° 25' 00" WEST 23.95 FEET;

THENCE ALONG THE WEST LINE OF IVY STREET EXTENDED SOUTH 00° 15' 33" EAST 35.00 FEET TO THE NORTH LINE OF THE WEST ONE HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH RANGE 67 WEST;

THENCE CONTINUING ALONG THE EXTENDED WEST RIGHT-OF-WAY LINE OF IVY STREET SOUTH 00° 15' 33" EAST 200.17 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF IVY ST PER DEED RECEPTION NO. 2006000080270;
THENCE SOUTH 00° 15' 33" EAST 1122.23 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 17;
THENCE CONTINUING SOUTH 00° 15' 33" EAST 323.08 FEET ALONG THE WEST RIGHT-OF WAY LINE IVY STREET AND PER DEED BOOK 2026 PAGE 268 RECEPTION NO. SAID POINT BEING ON THE UNION PACIFIC RAILROAD PROPERTY BEING 75.00 FEET NORTHEAST OF THE CENTERLINE OF THE COLORADO AND EASTERN RAILROAD;
THENCE SOUTH 00° 15' 33" EAST 186.42 FEET TO THE SOUTHWEST LINE OF THE UNION PACIFIC RAILROAD PROPERTY;
THENCE ALONG THE NORTHEAST LINE OF THE UNION PACIFIC RAILROAD PROPERTY SOUTH 53° 59' 15" EAST 6.20 FEET
THENCE ALONG THE SOUTHWEST LINE OF THE UNION PACIFIC RAILROAD PROPERTY NORTH 53° 59' 15" WEST 2413.32 FEET TO THE POINT OF BEGINNING;
CONTAINING 3,104,786.28 SQUARE FEET OR 71.276 ACRES MORE OR LESS.