

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE CITY,
COLORADO MAKING CERTAIN LEGISLATIVE FINDINGS AND APPROVING THE
FIRST AMENDMENT TO THE MILE HIGH GREYHOUND PARK URBAN
RENEWAL PLAN**

NO. 2023-086

WHEREAS, the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31 (the “Act”) provides for urban renewal of blighted areas;

WHEREAS, the Urban Renewal Authority of the City of Commerce City (the “Authority”) has undertaken to eliminate and prevent blight and to prevent injury to the public health, safety, morals, and welfare of the residents of the City of Commerce City, Colorado (the “City”);

WHEREAS, in Resolution #2016-130, the City Council (“City Council”) determined, based on the Mile High Greyhound Park Conditions Survey dated December 2016, that the Mile High Greyhound Park Urban Renewal Area (the “Area”) is a blighted area;

WHEREAS, after following the Act’s statutory notice and hearing process, City Council in Resolution #2018-03 approved the Mile High Greyhound Park Urban Renewal Plan (the “Plan”), which included a legal description of the Area and a legal description of the Phase I Tax Increment Area (the initial tax increment area as further defined in the Plan);

WHEREAS, the Plan contemplates that it could be amended to include subsequent Tax Increment Areas (as defined in the Plan) as designated by City Council, so long as such areas were within the Area in the Plan;

WHEREAS, the Plan contemplates that such an amendment would be a substantial modification to the Plan under C.R.S. § 31-25-107(7) of the Act, and require public notice, public hearing, and action by the City Council;

WHEREAS, prior to City Council’s approval of the Plan in 2018, the Authority negotiated intergovernmental agreements or waivers with all other taxing bodies levying a mill levy within the boundaries of the Area regarding the sharing of incremental property tax revenue, and within these agreements or waivers, said taxing bodies expressly waived any requirement for the Authority to meet and negotiate (or renegotiate) an agreement governing the sharing of incremental property tax revenue pursuant to the Act which would otherwise be triggered by a substantial modification of the Plan because the initial negotiations already accounted for all potential impacts to said taxing bodies related to the Area as a whole, and that the City shall provide each of the taxing bodies with courtesy notice of the public hearing on the amendment of the Plan;

WHEREAS, the First Amendment to the Mile High Greyhound Park Urban Renewal Plan (the “First Amendment”), which includes a legal description of the Phase II Tax Increment Area, has been submitted for review by the City Council, a copy of which is attached hereto as Exhibit A and incorporated herein;

WHEREAS, on July 6, 2023, the Planning Commission of the City approved Findings and a Motion for Pres. #23-427 which found the First Amendment to be in conformity with the City Comprehensive Plan, which is the general plan for the development of the City as a whole;

WHEREAS, on July 10, 2023, the Authority approved Res. No. 2023-11, directing that the First Amendment be presented to City Council for consideration of approval under the Act and recommending that City Council adopt the First Amendment to the Plan;

WHEREAS, notice of the public hearing on the First Amendment was published in a newspaper of general circulation as required by C.R.S. § 31-25-107(3) at least thirty days prior to the City Council public hearing;

WHEREAS, courtesy written notice of the public hearing on the First Amendment was provided to all other taxing bodies levying a mill levy within the boundaries of the Area at least thirty days prior to the City Council public hearing as required by C.R.S. § 31-25-107(4)(c) and the respective intergovernmental agreements;

WHEREAS, the real property that makes up the Phase II Tax Increment Area (located within the Area) is owned by Commerce City Extended Stay Hotel, LLC, and it was provide with written notice of the public hearing on the First Amendment as required by C.R.S. § 31-25-107(3) at least thirty days prior to the City Council public hearing;

WHEREAS, the First Amendment is a matter of public record in the custody of the City Clerk and has been available for public inspection during business hours of the City at least thirty days prior to the City Council public hearing; and

WHEREAS, on July 17, 2023, pursuant to the procedural and notice requirements of the Act, the City Council conducted a public hearing on the First Amendment, considered the evidence presented, staff's recommendation, Planning Commission's motion, the Authority's Resolution and the First Amendment, and so have considered the legislative record and given appropriate weight to the evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

Section 1. The City Council hereby makes and adopts the determinations, findings and limitations contained in the Recitals set forth above.

Section 2. The City Council finds that the blight findings made in City Council Resolution #2016-130 and set forth in the 2016 Condition Study and the Plan remain applicable under the Act.

Section 3. The boundaries of the original Plan Area (which included the First Amendment Phase II Tax Increment Area) were drawn as narrowly as is feasible to accomplish the planning and development objectives of the Plan.

Section 4. The First Amendment meets the requirements of the Act and furthers the

public purposes of facilitating redevelopment of the Area, eliminating blight, and preventing injury to the public health, safety, morals, and welfare of the residents of the City Council.

Section 5. The First Amendment does not contain land area which is “agricultural land” as defined in C.R.S. § 31-25-103(1).

Section 6. The Plan contains a legal description of the Area, and the First Amendment includes a legal description of the Phase II Tax Increment Area.

Section 7. It is not expected or intended that the First Amendment will displace or need to relocate any individuals or families in connection with its implementation, but to the extent that any such relocation may be required, a feasible method exists for the relocation of individuals and families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such individuals and families.

Section 8. It is not expected or intended that the First Amendment will displace or need to relocate any business concerns in connection with its implementation, but to the extent that any such relocation may be required, a feasible method exists for the relocation of such business concerns in the Area or in other areas that are not generally less desirable with respect to public utilities and public and commercial facilities.

Section 9. The City undertook reasonable efforts to provide written notice of the public hearing on the First Amendment as prescribed by C.R.S. § 31-25-107(3).

Section 10. No more than one hundred twenty days have passed since the commencement of the first public hearing on the First Amendment.

Section 11. Section 31-25-107(4)(e), C.R.S., does not apply because the City Council did not fail to previously approve the Plan or this First Amendment.

Section 12. Prior to the City Council public hearing, the Planning Commission off the City made a finding that the First Amendment is in conformity with the Comprehensive Plan, which is the general plan for development of the City as a whole.

Section 13. The First Amendment will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the Area described in the First Amendment by private enterprise.

Section 14. The First Amendment will adequately finance, or agreements are in place to finance, any additional county infrastructure and services required to serve development within the Area for the period in which all or a portion of the property taxes described in C.R.S. § 31-25-107(9)(a)(II), and levied by the county are paid to the Authority.

Section 15. The Phase II Tax Increment Area described in the First Amendment does not constitute open land which is to be redeveloped for residential uses within the meaning of C.R.S. § 31-25-107(5) of the Act, so making findings related thereto are unnecessary and

inapplicable.

Section 16. To the extent that the Phase II Tax Increment Area described in the First Amendment may constitute open land which is to be redeveloped for nonresidential uses within the meaning of C.R.S. § 31-25-107(6), the City Council shall find and determine that the nonresidential uses under the First Amendment are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.

Section 17. The City Council hereby finds that a public hearing has been held on the First Amendment and that the principal public purpose for adoption of the First Amendment is to facilitate redevelopment in order to eliminate or prevent the spread of physically blighted or slum areas.

Section 18. The City Council has duly considered and hereby approves the First Amendment and authorizes the Authority to take any and all actions pursuant to the Act to execute the First Amendment and the Plan.

Section 19. That the City Clerk, in coordination with Authority staff, is hereby directed to promptly deliver a certified copy of this Resolution with attached exhibits to the Adams County Assessor as required by C.R.S. § 31-25-107(10).

RESOLVED AND PASSED THIS 24TH DAY OF JULY 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A

First Amendment to Mile High Greyhound Park Urban Renewal Plan