

ORDINANCE NO. 1952

INTRODUCED BY: AMADOR, BENSON, BULLOCK, CARSON, DOUGLAS,  
ELLIOTT, FORD, MCELLOWNEY, TETER

**AN ORDINANCE ESTABLISHING AND CREATING THE COMMERCE CITY  
E-470 COMMERCIAL AREA GENERAL IMPROVEMENT DISTRICT;  
MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATED  
THERE TO; AND WAIVING ALL REQUIREMENTS FOR NOTICE,  
PUBLICATION, PUBLIC HEARING, ELECTION AND FILING OF A BOND AS  
PERMITTED BY STATUTE**

WHEREAS, a Petition for the Organization of a General Improvement District in the City of Commerce City, Colorado, attached hereto (the "Petition"), has been filed in the office of the City Clerk; and

WHEREAS, the Petition has been reviewed by the City Clerk and forwarded to the City Council of the City of Commerce City (the "City") for findings and determinations as to the Petition's conformity with part 6 of Article 25, Title 31, Colorado Revised Statutes.

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

**SECTION 1.** Findings and Determinations.

a. The Council hereby finds as follows:

(1) In accordance with C.R.S. § 31-25-604(1), the total number of electors of the General Improvement District proposed in the Petition (the "District") is one (1), and the current total valuation for assessment of the real and personal property therein is five thousand three hundred ninety dollars (\$5,390.00);

(2) The signature on the Petition is genuine and in conformity with part 6 of Article 25, Title 31, C.R.S.;

(3) The Petition is signed by one hundred percent (100%) of the electors of the District who own tangible real or personal property in therein and by the owners of property within the District who own property therein having a valuation for assessment of not less than one-half (1/2) of the valuation for assessment of all the real and personal property in the District;

- b. The Council does hereby determine:
  - (1) The improvements and facilities to be constructed by the District (the “Improvements”) do not duplicate or interfere with any municipal improvement already constructed or planned to be constructed within the limits of the District;
  - (2) The creation of the District and the construction of the Improvements will confer a general benefit on the property within District;
  - (3) Taking into account the most recent sale price and total valuation for assessment of the real property within the District, the costs of the Improvements will not be excessive as compared with the value of the property in the District;
  - (4) The organization of the District will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the City and the District;
  - (5) The allegations in the Petition are true; and
  - (6) The District should be established.

**SECTION 2. Requests for Waivers Granted.**

The Petition contains requests for waiver of all requirements for notice, publication and a hearing set forth in C.R.S. §§ 31-25-606 & 607 and of the organizational bond set forth in C.R.S. § 31-25-605. Finding that the Petition is signed by one hundred percent (100%) of the electors of the District who own tangible real or personal property in therein and by the owners of property within the District who own property therein having a valuation for assessment of not less than one-half (½) of the valuation for assessment of all the real and personal property in the District, the City Council hereby grants such requests for waiver in accordance with C.R.S. § 31-25-604(3.5) and C.R.S. §§ 31-25-607(3.5) & 607(4)(c).

**SECTION 3. District Established.**

It appearing that the Petition has been duly signed and presented in conformity with Colorado law and that the allegations of the Petition are true, the City Council, by this ordinance, hereby:

- a. Finds and determines that the City Council has full jurisdiction under the law to adopt this ordinance;
- b. The District is hereby declared organized;

c. The District shall be known as the “Commerce City E-470 Commercial Area General Improvement District” (referred hereinafter to as the “ECAGID”), by which, in all proceedings, it shall hereafter be known;

d. The ECAGID shall be a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the limited proprietary powers set forth in Part 6, Article 25, Title 31, Colorado Revised Statutes.

e. Pursuant to SECTION 1 hereof and C.R.S. § 31-25-607(4)(c), the City Council hereby declares that no election to establish the ECAGID is required.

**SECTION 3. District Boundaries.**

The ECAGID is located entirely within the boundaries of the City and the legal description of the ECAGID boundaries is as follows:

SEE LEGAL DESCRIPTION ATTACHED TO PETITION  
AS EXHIBIT A

Also known as: Adams County Assessor’s Parcel No.  
172328400002

**SECTION 4. Improvements.**

A general description of the Improvements is as follows:

a. Water improvements, including but not limited to transmission and distribution lines, reservoirs, hydrants, meters, pumping stations, water taps, and all necessary, incidental and appurtenant properties and facilities;

b. Sewer improvements, including but not limited to, collection, and transmission lines, laterals, lift stations, sewer taps, and all necessary incidental and appurtenant properties and facilities;

c. Improvements consisting of roads, streets, sidewalks, ditches, bridges, storm sewers, utilities and related improvements and all necessary incidental and appurtenant properties and facilities; and

d. Recreation improvements including parks, trails, open space and recreation facilities.

**SECTION 5. Repealer.**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

**SECTION 6. 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 in no manner affect any remaining provisions of this ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 4<sup>TH</sup> DAY OF MARCH, 2013.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CITY OF COMMERCE CITY,  
COLORADO

\_\_\_\_\_  
Sean Ford, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, CMC, City Clerk