

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 24

Series of 2000

INTRODUCED BY COUNCILMEMBERS: Jurgensen and Cronenberger

**AN ORDINANCE OF THE CITY OF LITTLETON,
COLORADO, ORGANIZING THE ASPEN GROVE
BUSINESS IMPROVEMENT DISTRICT WITHIN THE
CITY OF LITTLETON, COLORADO.**

WHEREAS, the City Council (the "Council") of the City of Littleton, Colorado, received a Petition for Organization of the Aspen Grove Business Improvement District within the City of Littleton, (the "District"); and

WHEREAS, the Council following notice as required by Section 31-25-1201, et seq., Colorado Revised Statutes (C.R.S.) Held and conducted a public hearing at 7:30 p.m. on Tuesday, August 15, 2000, (which date is not less than 20 days nor more than 40 days after the Petition for Organization was filed with the City Clerk), at the City Hall in Littleton, at which proponents and opponents of the District had the opportunity to be heard; and

WHEREAS, the Council has found from the tax rolls of Arapahoe County, in which the proposed District is located entirely, that the total valuation for assessment of the taxable real and personal property within the boundaries of the District is \$650.00, all of which is classified as agricultural; and

WHEREAS, the Council has also found that all the real and personal property located within the District is owned by one entity which has irrevocably waived its' right to have said real and personal property excluded from the District and, further, that the entity has voluntarily requested that said real and personal property be included within the boundaries of the District; and

WHEREAS, based upon the Petition for Organization and other evidence presented to the Council in the aforementioned public hearing, the Council has found and does hereby find that the Petition has been signed in conformity with Part 12 of Article 25 of Title 31, C.R.S., that the signature on the Petition is genuine, and that the signature of the Petitioner represents the entity which owns real or personal property within the boundaries of the proposed District having a valuation for assessment of not less than 50% of the valuation for assessment of all real and personal property within the boundaries of the proposed District (the actual percentage being 100%) and who own at least 50% of the acreage in the proposed District (the actual percentage being 100%); and

WHEREAS, in accordance with the District's operating plan and budget for the balance of 2000 and for 2001, the District shall have no authority to incur or issue any debt or certify a mill levy until such time as 100% of all real and personal property located within the District's boundaries is classified for assessment as commercial; and

WHEREAS, the Council finds it to be in the best interest of the District not to exclude any property from the District; and

WHEREAS, the Petition sets forth:

(a) the name of the proposed District which shall include a descriptive name and the words "Business Improvement District" to wit: "Aspen Grove Business Improvement District";

(b) a general description of the boundaries and service area of the proposed District, which are one and the same;

(c) a general description of the types of services or improvements or both to be provided by the proposed District, which improvements satisfy the purposes of Section 31-25-1201 et seq., C.R.S.;

(d) the names of three persons to represent the Petitions, who have the power to enter into agreements relating to the organization of the Districts;

(e) a request for the organization of the District and the appointment of a Board of Directors therefore at the appropriate time.

WHEREAS, the allegations for the Petition for Organization are true; and

WHEREAS, as requested by the City of Littleton, sufficient security approved by the Council has been submitted as provided in Section 31-25-1205(3), C.R.S.; and

WHEREAS, the boundaries of the proposed District are entirely within the City of Littleton, the Petition contains the items required by statute, sufficient security approved by the Council has been submitted, a sufficient genuine signature exists on the Petition from a person who is qualified to sign such Petition, and the Council has held and conducted a public hearing on the matter following due notice of such hearing as required by law, therefore the Council is vested with jurisdiction to make the within findings and to organize the District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: Pursuant to Part 12 of Article 25 of Title 31, C.R.S. and specifically Section 31-25-1207(5), C.R.S., the City Council (the "Council") as the governing body of the City of Littleton, hereby adjudicates all questions of jurisdiction to find that jurisdiction is vested in the Council to organize the Business Improvement District described in

the Petition for Organization of the Aspen Grove Business Improvement District within the City of Littleton.

Section 2: The Council hereby declares the organization of the Aspen Grove Business Improvement District ("District") which shall have the boundaries (and service area which shall be one and the same) described in Exhibit A attached hereto and made a part hereof by this reference.

Section 3: The District shall be a quasi-municipal corporation and political subdivision of the State with all powers and responsibilities thereof. The District shall hereafter have the corporate name specified in the Petition: Aspen Grove Business Improvement District.

Section 4: Pursuant to Section 31-25-1209(1)(b), C.R.S., the Council hereby provides for a five-member Board of Directors to be appointed by and serve at the pleasure of the Council. The initial Board of Directors shall consist of the following five individuals: Richard M. Davis, Jr.; George Beardsley; Pam Beardsley; Scott Beasley; Ronald S. Loser.

Section 5: The operating plan and budget for the District for the balance of 2000 and for all of 2001 is hereby approved. Thereafter the Board of directors of the District shall file its Operating Plan and Budget annually with the City Clerk of Littleton for approval of the Council as provided in Section 31-25-1211, C.R.S.

Section 6: The initial mill levy of the District shall be determined by the Board of Directors as limited by the authorization provided by a duly held election of the District, and the approved Operating Plan and Budget, but shall not exceed 70 mills. Under no circumstances shall any debt be issued or other financial obligation incurred by the District or any mill levy certified by the District until such time as all of the real and personal property located within the District is classified for assessment as commercial.

Section 7: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 8: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
of the City of Littleton on the 18th day of July, 2000, passed on first reading by a vote of 7 FOR

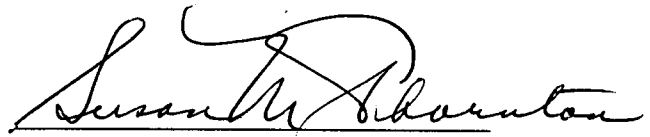
and 0 AGAINST; and ordered published in full in the Littleton Independent on July 20, 2000.

PUBLIC HEARING on the Ordinance to take place on the 15th day of August, 2000, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 7:00 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of 7 FOR and 0 AGAINST on the 15th day of August, 2000, and ordered published in full in the Littleton Independent on the 17th day of August, 2000, and October 19, 2000.

ATTEST:


CITY CLERK


PRESIDENT OF CITY COUNCIL

APPROVED AS TO FORM:


CITY ATTORNEY

EXHIBIT A

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PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN; COUNTY OF ARAPAHOE, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING ASSUMED TO BEAR S 00°08'23" W.

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE S 00°08'23" W, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 29, A DISTANCE OF 71.66 FEET TO THE POINT OF BEGINNING;

THENCE S 00°08'23" W, CONTINUING ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 29, A DISTANCE OF 352.07 FEET;

THENCE S 89°51'37" E, A DISTANCE OF 711.13 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THE SOUTH SANTA FE DRIVE RIGHT OF WAY;

THENCE ALONG SAID WESTERLY BOUNDARY OF THE SOUTH SANTA FE DRIVE RIGHT OF WAY THE FOLLOWING SEVEN (7) COURSES:

1. S 07°27'21" W, A DISTANCE OF 54.18 FEET;
 2. S 10°22'08" W, A DISTANCE OF 100.36 FEET;
 3. S 07°28'44" W, A DISTANCE OF 236.36 FEET;
 4. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 08°38'45", A RADIUS OF 5634.58 FEET, AND AN ARC LENGTH OF 850.25 FEET, THE CHORD OF WHICH BEARS S 11°48'35" W, A DISTANCE OF 849.44 FEET;
 5. S 45°05'43" E, A DISTANCE OF 39.17 FEET;
 6. S 19°53'40" W, A DISTANCE OF 546.82 FEET;
 7. S 32°59'15" W, A DISTANCE OF 85.18 FEET;
- THENCE N 69°02'19" W, A DISTANCE OF 1100.36 FEET;
- THENCE N 01°27'15" E, A DISTANCE OF 230.69 FEET;
- THENCE N 07°01'58" E, A DISTANCE OF 321.13 FEET;
- THENCE N 61°12'11" E, A DISTANCE OF 87.12 FEET;
- THENCE N 28°47'49" W, A DISTANCE OF 100.00 FEET;
- THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07°52'59", A RADIUS OF 400.00 FEET, AND AN ARC LENGTH OF 55.03 FEET;
- THENCE N 00°30'33" W, A DISTANCE OF 754.10 FEET;
- THENCE N 45°18'50" E, A DISTANCE OF 445.64 FEET;
- THENCE S 89°51'37" E, A DISTANCE OF 397.94 FEET TO THE POINT OF BEGINNING.
- CONTAINING 53.242 ACRES, MORE OR LESS.