

1 **CITY OF LITTLETON, COLORADO**
2 **ORDINANCE NO. 03**
3 **Series 2016**

4
5 **INTRODUCED BY COUNCILMEMBERS: CLARK & BRINKMAN**

6
7 **AN ORDINANCE OF THE CITY OF LITTLETON,**
8 **COLORADO, ABOLISHING THE LITTLETON INVESTS**
9 **FOR TOMORROW URBAN RENEWAL AUTHORITY**
10 **PURSUANT TO C.R.S. § 31-25-115(2)**
11

12 **WHEREAS**, the Littleton Invests For Tomorrow Urban Renewal Authority is a body
13 corporate and was duly organized, established and authorized by the City of Littleton to transact
14 business and exercise its powers as an urban renewal authority, under and pursuant to the
15 Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31, C.R.S. (the "Urban Renewal
16 Law");
17

18 **WHEREAS**, on November 4, 2014, upon the recommendation of the Littleton Invests
19 For Tomorrow Urban Renewal Authority, and following review of the City of Littleton Planning
20 Board for conformance with the general plan for the development of the City of Littleton, and
21 after public hearings, the City Council for the City of Littleton determined that blight, as defined
22 by C.R.S. § 31-25-103(2), exists in the Columbine Square Urban Renewal Plan Area and the
23 Santa Fe Urban Renewal Plan Area and that such areas are appropriate for an urban renewal
24 project pursuant to the Urban Renewal Law;
25

26 **WHEREAS**, on December 2, 2014, upon the recommendations of the Littleton Invests
27 For Tomorrow Urban Renewal Authority, and following review of the City of Littleton Planning
28 Board for conformance with the general plan for the development of the City of Littleton, and
29 after public hearings, the City Council for the City of Littleton determined that blight, as defined
30 by C.R.S. § 31-25-103(2), exists in the North Broadway Urban Renewal Plan Area and the
31 Littleton Boulevard Urban Renewal Plan Area and that such areas are appropriate for an urban
32 renewal project pursuant to the Urban Renewal Law;
33

34 **WHEREAS**, in March 2015, the citizens of Littleton approved Ballot Question 300, a
35 citizen initiative that added a new section 64.5 to the City Charter, which states: "Any Council
36 action approving or modifying an urban renewal plan pursuant to part 1 of the Colorado urban
37 renewal law must be ratified by the registered electors of the City of Littleton if the approval or
38 modification of the urban renewal plan proposes the use of or change to eminent domain,
39 condemnation, tax increment financing, revenue sharing, or cost sharing.";
40

41 **WHEREAS**, the Littleton Invests For Tomorrow Urban Renewal Authority has been in
42 the process of identifying the specific undertakings and activities that it desires to implement as
43 part of the project to accomplish the purposes of the Urban Renewal Law in each of the urban
44 renewal areas, but has not yet undertaken to implement specific development proposals in the
45 urban renewal areas;
46

47 **WHEREAS**, notwithstanding the determinations made by the City Council that the urban
48 renewal areas are appropriate for urban renewal projects, the establishment of such areas as
49 blighted under the Urban Renewal Law and the implementation of the activities and

1 undertakings as contemplated under the Urban Renewal Law, including the tax increment
2 financing authorized to facilitate and accomplish such activities and undertakings, such
3 determinations have become increasingly divisive and political for the City and its citizens;
4

5 **WHEREAS**, in June, 2016, the court issued its order in Littleton v. Sakdol, which
6 resulted in the removal of land classified as agricultural from the Santa Fe Urban Renewal Plan
7 Area, including the property commonly known as the "Ensor Property;"
8

9 **WHEREAS**, C.R.S. § 31-25-115(2) of the Urban Renewal Law provides that the
10 governing body of a municipality may by ordinance provide for the abolishment of an urban
11 renewal authority, provided adequate arrangements have been made for payment of any
12 outstanding indebtedness and other obligations of the authority;
13

14 **WHEREAS**, as of the date of this Ordinance, the only financial obligation of the
15 Littleton Invests For Tomorrow Urban Renewal Authority is the principal amount of \$150,000,
16 together with any interest, owed to the City pursuant to a Cooperation and Loan Agreement
17 dated December 16, 2014 (the "Loan Agreement"); and
18

19 **WHEREAS**, the City Council of the City of Littleton has determined to repeal the urban
20 renewal plans for each of the urban renewal areas approved by the City Council, and therefore
21 desires to abolish the Littleton Invests For Tomorrow Urban Renewal Authority pursuant to and
22 in conformance with the requirements of the Urban Renewal Law.
23

24 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**
25 **CITY OF LITTLETON, COLORADO, THAT:**
26

27 **Section 1:** The Littleton Invests For Tomorrow Urban Renewal Authority is hereby
28 abolished in its entirety, pursuant to C.R.S. § 31-25-115(2) of the Urban Renewal Law, effective
29 as of the date set forth in Section 8 below.
30

31 **Section 2:** The City Council of the City of Littleton hereby finds and determines that
32 adequate arrangements have been made for payment of any outstanding indebtedness and other
33 obligations of the Littleton Invests For Tomorrow Urban Renewal Authority as follows:
34

35 (a) The City Council directs that the Littleton Invests For Tomorrow Urban
36 Renewal Authority pay any and all amounts due under the Loan Agreement as follows:
37

38 (i) That the portion of municipal sales tax paid or to be paid into the "special
39 fund of the authority" pursuant to C.R.S. § 31-25-107(9)(a)(II) and any
40 fund balance remaining in said special fund from the proceeds of the Loan
41 Agreement be used to repay said Loan Agreement to the City;
42

43 (ii) That all property tax increment generated pursuant to C.R.S. § 31-25-
44 107(9)(a)(II) "be repaid to each taxing body based on the pro rata share of
45 the prior year's property tax increment attributable to each taxing body's
46 current mill levy," the intent being that the taxing bodies be repaid for all
47 property tax increment previously collected and deposited into the special

fund; and

(iii) In the event the municipal sales tax paid into the special fund of the authority and any fund balance remaining in said special fund is insufficient to repay said Loan Agreement to the City, any remaining indebtedness shall be paid from the property tax increment attributable to the City's current mill levy.

(b) The Littleton Invests For Tomorrow Urban Renewal Authority has no other outstanding indebtedness or other obligations.

Section 3: As of the date of abolishment of the Littleton Invests For Tomorrow Urban Renewal Authority, the urban renewal plan known as the "Columbine Square Urban Renewal Plan" approved by City Council Resolution No. 136, Series 2014, as amended, has been repealed in its entirety.

Section 4: As of the date of abolishment of the Littleton Invests For Tomorrow Urban Renewal Authority, the urban renewal plan known as the "Santa Fe Urban Renewal Plan" approved by City Council Resolution No. 137, Series 2014, as amended, has been repealed in its entirety.

Section 5: As of the date of abolishment of the Littleton Invests For Tomorrow Urban Renewal Authority, the urban renewal plan known as the "North Broadway Urban Renewal Plan" approved by City Council Resolution No. 142, Series 2014, has been repealed in its entirety.

Section 6: As of the date of abolishment of the Littleton Invests For Tomorrow Urban Renewal Authority, the urban renewal plan known as the "Littleton Boulevard Urban Renewal Plan" approved by City Council Resolution No. 143, Series 2014, has been repealed in its entirety.

Section 7: As of the date of abolishment of the Littleton Invests For Tomorrow Urban Renewal Authority, any other urban renewal plans that may be deemed to be in effect are hereby repealed in their entirety.

Section 8: The abolishment of the Littleton Invests For Tomorrow Urban Renewal Authority shall be effective as of the date that is six (6) months after the effective date of this ordinance.

Section 9: The Littleton Invests For Tomorrow Urban Renewal Authority is directed to take such actions as are necessary to implement the provisions of this ordinance, and to the extent authorized by law, in the absence of any action by the Board of Commissioners of the Littleton Invests For Tomorrow Urban Renewal Authority, City Council directs that the City staff implement the provisions of this Ordinance pursuant to the Cooperation Agreement between the City and Littleton Invests For Tomorrow Urban Renewal Authority Littleton Invests For Tomorrow Urban Renewal Authority, dated December 16, 2014.

1 **Section10:** Severability. If any part, section, subsection, sentence, clause or phrase of
2 this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of
3 the remaining sections of this ordinance. The City Council hereby declares that it would have
4 passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof,
5 irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases
6 may be declared invalid.

7
8 **Section 11:** Repealer. All ordinances or resolutions, or parts thereof, in conflict with
9 this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
10 clauses of such ordinance nor revive any ordinance thereby.

11
12 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the
13 City of Littleton on the 4th day of October, 2016, passed on first reading by a vote of 7 FOR and
14 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal
15 Courthouse and on the City of Littleton Website.

16 PUBLIC HEARING on the Ordinance to take place on the 6th day of December, 2016, in
17 the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the
18 hour of 6:30 p.m., or as soon thereafter as it may be heard.

19 PASSED on second and final reading, following public hearing, by a vote of ____ FOR
20 and ____ AGAINST on the 6th day of December, 2016 and ordered published by posting at
21 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

22
23 ATTEST:

24 _____
25 Wendy Heffner
26 CITY CLERK

Bruce O. Beckman
MAYOR

27
28 APPROVED AS TO FORM:

29 _____
30
31 Ken Fellman
32 CITY ATTORNEY