

ORDINANCE NO. 2016-

AN ORDINANCE AUTHORIZING THE ORGANIZATION OF THE MILLER'S LANDING BUSINESS IMPROVEMENT DISTRICT, DESIGNATING THE SERVICE AREA OF THE DISTRICT AS A LOCATION FOR NEW BUSINESS OR COMMERCIAL DEVELOPMENT, APPOINTING THE BOARD OF DIRECTORS, AND PLACING CERTAIN RESTRICTIONS AND LIMITATIONS ON THE EXERCISE OF DISTRICT POWERS PRIOR TO APPROVAL OF AN OPERATING PLAN AND BUDGET FOR THE DISTRICT

WHEREAS, on August 8, 2016, a "Petition for the Organization of the Miller's Landing Business Improvement District" (the "Petition"), attached as ***Exhibit 1*** was filed in the office of the Town Clerk pursuant to the Business Improvement District Act, C.R.S., §31-25-1201, *et seq.* (the "Act"),

WHEREAS, the Petition seeks formation of a business improvement district pursuant to the Act with a corporate boundary and service area described in the attached ***Exhibit 2*** (the "Service Area"),

WHEREAS, by Resolution 2016-076 the Town Council accepted the Petition and set a public hearing on September 6, 2016 to consider the approval and adoption of an enabling ordinance for formation of the Miller's Landing Business Improvement District (the "District").

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Finding of Petition Sufficiency. The Town Council finds and determines:

A. The Petition is in the proper form and contains the information as required under §31-25-1205 of the Act.

B. The Petitioners own (i) more than 50% of the acreage within the proposed District Service Area and (ii) the property owned by the Petitioners comprises more than 50% of the total valuation of all property within the Service Area based the most recent real property assessment.

C. The allegations of the Petition are true.

D. The Petitioners have furnished a sufficient cash deposit to meet the requirements of §31-25-1205(3) of the Act.

E. The properties comprising the proposed District are contained entirely within the corporate limits of the Town of Castle Rock and no property within the proposed District is currently situated within a Business Improvement District.

Section 2. Notice and Hearing. A hearing on the formation of the District was held in compliance with the Act on September 6, 2016. Notice of such hearing was made in accordance with §31-25-106. Notice of the first reading of this Ordinance 2016-__ was given in accordance with the Charter and ordinances of the Town of Castle Rock. Consequently, the Town Council has jurisdiction to adjudicate all matters addressed in this Ordinance.

Section 3. Designation of New Business or Commercial Development. The Service Area in its entirety is designated a “location for new business or commercial development” under §31-25-1203 of the Act and in support thereto, the Town Council finds and determines:

A. The properties with in the Service Area are unimproved and are not in active commercial use.

B. Based on the 2020 Comprehensive Plan and current zoning and land use entitlements of the properties within the Service Area, the Service Area will develop as predominately commercial and light industrial use.

C. The Service Area is subject to the Citadel Station – Castle Meadows Urban Renewal Plan.

Section 4. Requirements and Conditions Met. The Petitioners have met all requirements and conditions imposed by the Act to enable the Town Council to approve formation of the Miller’s Landing Business Improvement District. The type of services and improvements to be provided by the District best satisfy the purposes of a Business Improvement District under the Act.

Section 5. Approval of District Organization. The Town Council approves organization of the “Miller’s Landing Business Improvement District” as a quasi-municipal corporation and political subdivision of the State of Colorado. The District shall have all powers and authority granted under the Business Improvement District Act, subject to the terms, conditions and restrictions on such power and authority imposed by this Ordinance 2016-___. The boundaries and Service Area of the District are as described in the Petition and in the attached ***Exhibit 2*** to this Ordinance.

Section 6. Board of Directors. The Board of Directors shall be constituted of five electors of the District appointed by the Town Council to serve at the pleasure of the Town Council. The provisions of §31-25-1209 shall be fully applicable to the Board of Directors. The following qualified electors of the District are appointed to the Board of Directors:

Hampton Barclay
John “Duke” Saeman
Cheryl Temple
Shawn Temple
Tracy Wilkes

Section 7. Limitation on District Powers. The District shall not issue bonds, levy taxes, fees or assessments, undertake development of improvements or provide services until (i) the Town Council has approved an operating plan and budget for the District in compliance with the Act, (ii) the Town has granted necessary rezoning approvals for the proposed Miller's Landing commercial project, and (iii) the Castle Rock Urban Renewal Authority has approved a Public Finance Agreement for such project. However irrespective of the foregoing limitation, the Board of Directors may take all necessary action to obtain electorate approval on November 8, 2016 for authorization of debt issuance, imposition of property tax and other matters pursuant to and in compliance with Article X, Section 20 of the Colorado Constitution (TABOR) and §31-25-1222 of the Act.

Section 8. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 9. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ____ day of _____, 2016 by a vote of ____ for and ____ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ of _____, 2016 by the Town Council of the Town of Castle Rock, Colorado, by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney