

ORDINANCE NO. 2017-002

**AN ORDINANCE APPROVING A PUBLIC FINANCE AGREEMENT
BETWEEN THE TOWN OF CASTLE ROCK, CITADEL DEVELOPMENT, LLC,
THE MILLER'S LANDING BUSINESS IMPROVEMENT DISTRICT AND THE CASTLE
ROCK URBAN RENEWAL AUTHORITY**

WHEREAS, Citadel Development, LLC ("Citadel") has under contract and intends to acquire approximately 65 acres within the Miller's Landing and Castle Meadows IOPDs and develop a mixed-use commercial project to include office, retail, restaurant, bar, hospitality and accessory uses (the "Project"),

WHEREAS, the Town administrative staff and consultants have completed an in-depth examination of the cost of environmental contamination of existing conditions of the subject property, the development economics of the Project, including the projected development cost of infrastructure and improvements for the Project, and the projected sales tax and other municipal revenues the Project will generate,

WHEREAS, based on this financial analysis, the Town Council has concluded that it is unlikely the development of the Project will be feasible without making available certain financial incentives and assistance to the Project through the Miller's Landing Business Improvement District ("District"), on the terms, conditions and limitations of the Public Finance Agreement approved by this Ordinance ("Agreement"),

WHEREAS, the Project is projected to draw a full service hotel with conference facilities as well as significant office development both of which are key economic development targets,

WHEREAS, to assure that the Project in fact achieves these targeted economic development goals, it is necessary and advisable to place mutually acceptable restrictions on the Project and the financial incentives for the Project, and

WHEREAS, under the Agreement, District and Citadel will realize the financial assistance under the Agreement from the generation of retail sales at the Project and a District mill levy, but not directly from any Town financial sources, and consequently the development and financial risk of the Project remains with Citadel in development of the Project infrastructure and improvements.

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

Section 1. Approval. The Public Finance Agreement in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are authorized to execute the Agreement by and on behalf of the Town of Castle Rock, Colorado. Pursuant to Section 31 of the Agreement, minor

changes to the Agreement may be made with concurrence of the Town Manager and Town Attorney.

Section 2. 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 3. 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 21st day of February 2017 by a vote of - 4 - for and - 1 - 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 18th of April, 2017 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

Jennifer Green, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney

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