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Karen Long, Adams County, CO

ORDINANCE NO. 1744

RECORDED AS RECEIVED

INTRODUCED BY: BENSON, DROTAR, JAQUITH, JOHNSON, LEWIS, MCELDOWNEY, NATALE, SNYDER, TETER

AN ORDINANCE MAKING LEGISLATIVE FINDINGS AND APPROVING THE DERBY BUSINESS DISTRICT URBAN RENEWAL PLAN.

WHEREAS, it is desirable and in the public interest that the Commerce City Urban Renewal Authority (the Authority) undertake the redevelopment described in the Urban Renewal Plan for the Derby Business District (the Plan), attached hereto and incorporated herein by this reference; and

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WHEREAS, the aforesaid Plan is a matter of public record in the custody of the Department of Finance, and is available for public inspection during business hours of the City; and

WHEREAS, there was presented to the City Council for its review and consideration a document entitled Derby Study Area Property Inventory and Preliminary Evaluation of Urban Renewal Factors, dated November 1, 2005, and revised by Revised Report dated August 12, 2008 (Collectively referred to as the "Report") which Report shows that the area described in the Plan qualifies as a blighted area as such term is defined in the Colorado Urban Renewal Law, Sections 31-25-101, et seq., C.R.S. (the Law); and

WHEREAS, on January 5, 2009, the City Council conducted a public hearing and reviewed said Plan pursuant to the procedural and notice requirements of the Law; and

WHEREAS, notice of the public hearing on the Plan was published as required by Section 31-25-107(3), C.R.S., at least thirty days prior to the public hearing; and

WHEREAS, written notice of the public hearing was mailed to each property owner, business, and resident of the area included in the Plan informing them of the public hearing at least 30 days prior to the public hearing; and

WHEREAS, the Commerce City Planning Commission has found that the Plan is in conformance with the 1985-2010 Comprehensive Plan, as amended (the Comprehensive Plan); and

WHEREAS, the City Council having considered the evidence presented in support of and in opposition to the Plan, the Report, the Comprehensive Plan, and staff recommendations and having so considered the legislative record and given appropriate weight to the evidence,

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

Section 1. The Urban Renewal Area described in the Plan is found, determined, and declared to be a blighted area as defined in the Law. This is a legislative finding by the City Council based

Commerce City Clerk's Office
7887 E. 60th Ave
Commerce City, CO 80022

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upon the Report, the Comprehensive Plan and other evidence presented to City Council.

Section 2. The boundaries of the Urban Renewal Area have been drawn as narrowly as the City Council determines feasible to accomplish the planning and development objectives of the Plan.

Section 3. The Plan has been submitted to the Board of County Commissioners of Adams County, Colorado, together with the information required by Section 31-25-107(3.5) of the Law.

Section 4. Adams County School District 14 has been permitted to participate in an advisory capacity with respect to the inclusion in the Plan of the tax allocation provisions authorized by Section 31-25-107(9) of the Law.

Section 5. It is not expected that any relocation of individuals and families will be required in connection with the Plan, but to the extent that any such relocation may be required, a feasible method exists for the relocation of individuals and families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such individuals and families.

Section 6. It is not expected that any relocation of business concerns will be required in connection with the Plan, but to the extent that any such relocation may be required, a feasible method exists for the relocation of such business concerns in the urban renewal area or in other areas that are not generally less desirable with respect to public utilities and public and commercial facilities.

Section 7. The City Council has taken reasonable efforts to provide written notice of the public hearing prescribed by Section 31-25-107(3) of the Law to all property owners, residents and owners of business concerns in the proposed urban renewal area at their last known addresses at least thirty days prior to the public hearing on the Plan.

Section 8. Section 31-25-107(4)(d) of the Law does not apply because no more than 120 days have passed since the commencement of the only public hearing on the Plan.

Section 9. Section 31-25-107(4)(e) of the Law does not apply because the City Council did not fail to previously approve this Plan.

Section 10. The Plan conforms with the Comprehensive Plan, which is the general plan for the development of the City of Commerce City as a whole.

Section 11. The Plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area described in the Plan by private enterprise.

Section 12. Section 31-25-107(5) of the Law does not apply because the urban renewal area described in the Plan will not be developed for residential purposes.

Section 13. To the extent that the urban renewal area described in the Plan may constitute open land within the meaning of Section 31-25-107(6) of the Law, it is found and determined that the nonresidential uses under the Plan are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives and, if necessary to carry out the Plan, the contemplated acquisition of the area may require the exercise of governmental action, as provided in the Law, because of being a blighted area.

Section 14. The Plan has been duly reviewed and considered and is hereby approved. The Authority is hereby authorized to take any and all actions pursuant to the Law to carry out the Plan.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 5TH DAY OF JANUARY, 2009.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 2ND DAY OF FEBRUARY, 2009.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Paul Natale, Mayor

ATTEST:

_____
Laura J. Bauer, CMC, City Clerk

CITY OF COMMERCE CITY
SEAL
STATE OF COLORADO

DERBY BUSINESS DISTRICT URBAN RENEWAL PLAN

A. PREFACE

This Urban Renewal Plan (the "Plan") is designed to implement the provisions of the Colorado Urban Renewal Law, Part 1 of Article 25, Title 31, C.R.S., as amended (the "Act"). The Act requires that the Plan afford maximum opportunity, consistent with the sound needs of the City, for the rehabilitation or redevelopment of the area by private enterprise. The Urban Renewal Project (the "Project") described in the Plan has been prepared by the Commerce City Urban Renewal Authority (the "Authority"), the Commerce City Community Development Department and the Economic Development Division pursuant to the Act. The Plan conforms to the 1985 Commerce City Comprehensive Plan ("Comprehensive Plan") and the 2007 Planned Unit Development ("Derby PUD") and Design Guidelines ("Design Guidelines") adopted for the Derby Area. The location of the Derby Business District Urban Renewal Area within the City is shown in Exhibit 1 attached hereto and incorporated by reference. The administration of this Project and the enforcement of this Plan shall be performed by the Commerce City Urban Renewal Authority.

B. PROJECT PURPOSES AND GOALS

To the maximum extent possible, the Authority will encourage and/or partner with private enterprise and Derby business groups to meet the purposes and goals of the Plan. A major goal of the Plan is to encourage commercial and residential development and investment in the Commerce City neighborhood, known as Derby.

As authorized by the Act, the Plan has been developed to achieve the following purposes and goals within the Urban Renewal Area as stated in the Act:

1. TO ELIMINATE the existing blight conditions in their various forms within the Urban Renewal Area (the "Area"), which conditions are declared by the Act to substantially impair the sound growth of both the Derby Business District and the City; retard the provision of housing accommodations; constitute economic and social liabilities for the City; and are a menace to the public health, safety, morals, or welfare.

2. TO PROVIDE for the commercial redevelopment and rehabilitation of the Area in a manner which is compatible with and complementary to existing development and uses in the general area, and to provide an improvements framework, which encourages economic redevelopment of the Area.

3. TO PROVIDE for the commercial redevelopment and rehabilitation of the Area by both the public and private sectors in a manner that balances resources, services, and capital improvements.

4. TO SERVE as a long-range guide for evaluating proposals, assuring compliance with City requirements or other design standards as may be adopted in the future, making recommendations, establishing improvement project priorities, and scheduling improvements within the Area.

5. TO REINFORCE the Comprehensive Plan, the Derby PUD and Guidelines adopted by the City of Commerce City by refurbishing and expanding existing commercial areas.

6. TO PROVIDE a funding mechanism to the City to achieve the goals of this Plan.

The Plan addresses the following policies from the Comprehensive Plan:

Land Use:

Policy 1.2: Encourage the development of a variety of residential types or densities thereby expanding the opportunity of choice in housing types while minimizing public investment in capital expenditures for infrastructure.

Policy 1.4: The development of specific commercial uses including additional food service businesses and entertainment facilities should be encouraged.

Policy 4.2: Neighborhood commercial centers should be maintained and developed in existing residential neighborhoods.

Transportation:

Policy 2.3: Improve all major intersections and railroad crossings to increase safety.

Policy 2.6: Street lighting should be installed in areas of need.

Housing:

Policy 1.2: Encourage the development of residential environments which are sensitive to noise, traffic, and established public facilities, and which will complement the area's terrain, vegetation, and other natural resources.

Policy 1.4: Reduce the amount of substandard housing through the elimination of blight-causing influences, the enforcement of building codes, the preservation of sound residential areas, and the encouragement of rehabilitation where decay has begun.

Policy 1.10: Enhance the visual aesthetics of the community.

Policy 1.12: Ensure that adequate community facilities are provided in established neighborhoods as an incentive to persons who might otherwise move to new areas.

Policy 4.4: Encourage the development of a variety of residential types and densities thereby expanding the opportunity of choice in housing types while minimizing public investment in capital expenditures for infrastructure.

Policy 5.1: Encourage renovation and rehabilitation as a means to preserve neighborhood identity and upgrade property values.

Policy 7.1: Implement an increased effort to remove and secure abandoned buildings that are health and safety hazards.

Economic Development:

Policy 1.1: Refurbish and expand the Derby shopping area at 72nd Avenue and Highway 2 by providing incentives for area rehabilitation, uniform façade design standards, competitive marketing techniques, and image enhancement.

Policy 2.1: Maintain active contact within the Commerce City business community to identify potential concerns and opportunities for future development, such as street conditions, access, area appearance, and City regulations.

The Plan addresses the allowable land uses from the Derby PUD and the following goals from the Design Guidelines:

1. Respond to the needs and findings of the *Derby Sub-Area* community and the City of Commerce City as expressed in numerous meetings with businesses and landowners, the *Derby* Community in general, the *Derby Sub-Area* Plan, and in the 2006 Community Needs Survey.

2. Re-establish Derby as a destination through:
   - Economic diversity
   - Providing and encouraging healthy daytime and night time activities
   - A friendlier and safer pedestrian environment
   - Elegant and cohesive landscaping, appealing to all the senses.

3. Enhance Derby's visibility and identity through:
   - Strengthening community and infrastructural elements.
   - Entrance icons
   - Defined edge conditions
   - Creating a core that serves as the focus for events (markets, fairs, stages etc.).
   - Keeping existing mature trees within the *Derby Core*

- Adopting consistent and *Compatible* signage, lighting and landscaping

4. Revitalize Derby through:
   - Re-establishing its social, economic and environmental well-being
   - Increasing building density
   - Increasing *Building Heights*
   - Incorporating a greater variety of land use options
   - Stimulating the business market 24/7
   - Sustainable planning and design solutions that will incite environmental awareness
   - Multi-functional spaces that ensure a variety of uses at different times
   - Support and promotion of existing business and property owners.

5. Use the 1950s era as a unifying architectural foundation for greater identity while still encouraging buildings to be an expression of their individual time, use and function.

6. Become an environmental model through:
   - Enhancing *Derby*'s current ecological, economic, and cultural systems at all *Scales*
   - Creating more flow, dynamism, connections, variety, and opportunities for cross-pollination throughout
   - Environmental design, such as renewable energy, to allow long-term benefits and economic efficiencies

7. Transform Derby into a healthy and multi-modal traffic environment, while continuing to support the necessity of the automobile through:
   - Elegant and cohesive landscaping, lighting, and way-finding signage
   - Wider sidewalks near buildings
   - Pedestrian connection *Improvements* to community assets (such as Library, Rancho Liborio, Prairie Gateway, Hanson Elementary School and future schools, Derby Resource Center, daytime employment, Highway #2 traffic from Northern Range)
   - *Human Scale Facades* directed toward the street
   - Street furniture
   - Comfortable places to sit and meet
   - Traffic calming
   - Improved access to public transportation
   - Bike lanes and pedestrian ways to promote regular physical activity

8. Develop models to establish patterns for long-term evolution in the *Derby Sub-Area.*

C. URBAN RENEWAL AREA BOUNDARIES

The Urban Renewal Area consists of approximately seven blocks and the boundaries are depicted in Exhibit 1. The Area lies north of 72nd Avenue, south of Highway 2, and west of Magnolia Street. Also included are four properties east of the northern end of Magnolia Street nearing Highway 2. The entire Urban Renewal Area is zoned by the Derby PUD.

The legal description for the area depicted in Exhibit 1 is:

"Beginning at the intersection of the east right of way line of Magnolia Street and the south right of way line of East 72nd Avenue; thence west along said south right of way line to its intersection with the northwesterly right of way line of State Highway No. 2; thence northeasterly along said northwesterly right of way line to its intersection with the northerly extension of the east right of way line of Magnolia Street; thence south along said northerly extension and along the east right of way line of Magnolia Street to its intersection with the north right of way line of East 74th Avenue; thence east along said north right of way line to its intersection with the northerly extension of the east line of Assessor Parcel Nos. 01712132414016 and 01712132414017; thence southerly along said northerly extension and along said east line to its intersection with the northerly line of Assessor Parcel No. 01712132400003; thence east along said northerly line to the northeast corner of said Assessor Parcel No. 01712132400003; thence southerly along the east line and the southerly extension of said east line of said parcel, to its intersection with the south right of way line of East 73rd Place; thence west along said south right of way line to its intersection with the east right of way line of Magnolia Street; thence south along said east right of way line to the point of beginning.

All in City of Commerce City; County of Adams; State of Colorado."

D. GENERAL AREA DESCRIPTION AND ELIGIBILITY

Under Colorado State Law, the term "blight" describes a wide array of urban problems, which can range from physical deterioration of buildings and the environment, to the health and social and economic problems of a particular area. Before remedial action can be taken by a public agency, however, Section 31-25-107 *et seq.* Colorado Revised Statutes requires the governing body to determine such area to be a slum, blighted area, or a combination thereof. To aid in deciding whether this requirement has

been met, a study of the area was performed. Section 31-26-107 also requires that a notice be mailed to all owners of property within the Area advising them of the study; such notices were mailed April 16, 2008.

A finding of blight is a cumulative conclusion attributable to several physical, environmental, social and economic factors. No single factor can be authoritatively cited as a cause of blight. Section 31-25-103(2) C.R.S., defines "blighted area" and the factors which contribute to it. "Blighted area" means an area that, in its present condition and use and, by reason of the presence of at least four of the cited factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

Consultants to Commerce City surveyed the Derby Study Area, which includes properties in addition to the proposed Urban Renewal Area, and prepared a report ("Report") entitled, "Derby Study Area Property Inventory and Preliminary Evaluation of Urban Renewal Factors", dated November 1, 2005. This Report was updated by a new study in April, 2008 ("Study"), which included information from inspection reports of Commerce City Neighborhood Services Department conducted during 2006 and 2008.

Among the purposes of the updated study was to establish whether conditions of blight, as defined in the Act, exist in the project area. The survey evaluated nine of the twelve urban renewal or blight factors for each property in the Area. These factors are:

- slum, deteriorated, or deteriorating structures;
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- unsanitary or unsafe conditions;
- deterioration of site or other improvements;
- unusual topography or inadequate public improvements or utilities;
- the existence of conditions that endanger life or property by fire or other causes;
- buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- environmental contamination of buildings or property;
- health, safety, or welfare factors requiring high levels of municipal services; and
- substantial physical underutilization or vacancy of sites, buildings, or other improvements.

The Revised Report consists of two volumes and includes photos and descriptions of commercial properties within the Derby Study Area, evidence of blight, and maps. The Revised Report, dated August 12, 2008, is incorporated herein by reference.

The Derby Study Area is divided into 13 numbered blocks for this Revised Report. The proposed Urban Renewal Area ("Area") consists only of blocks 1-3, 6-10, and a portion of block 11. Within each block, properties are assigned parcel numbers. A summary of blight findings within the surveyed Area is organized by block and parcel numbers and is attached as Exhibit 2.

The Study determined that not every property within the Area exhibited blight conditions; however the Study found that multiple properties within each Study block exhibited one or more blight factors.

E. LAND USE REGULATIONS AND BUILDING REQUIREMENTS

The Plan will provide a comprehensive and unified plan to promote and encourage high quality development of the Urban Renewal Area. The land use and building requirements contained in the applicable City Codes and Ordinances and the provisions of the Plan will be enforceable by the Authority as well as the City. The Authority is authorized to adopt by resolution any City ordinances, rules and regulations, codes, standards, guidelines or policies which exist or which may be adopted by the City in the future, including, the PUD and Design Guidelines.

The Plan will implement the provisions of Section 31-25-107(8) of the Act, which provides that, upon approval of the Plan by City Council, the provisions of the Plan shall be controlling with respect to land area, land use, building requirements, and timing or procedure applicable to the property covered by the Plan.

F. PLAN REVIEW PROCESS

The purposes of the Plan are to eliminate and prevent blight in the Area and to achieve development of the highest quality in the Area. To assure that those purposes are accomplished, the Department of Community Development shall review all proposals/plans for conformance with the PUD and Design Guidelines, City policies and/or URA guidelines and shall notify the applicant as to conformance with City policies and/or URA guidelines. No building permit shall be issued unless the proposal complies with applicable City and URA requirements.

1. Site Development Plan

Each plan or proposal shall be accompanied by a site development plan. The site development plan shall be submitted to and approved by the Department of Community Development or the Authority, as applicable, for compliance with the standards listed below.

2. Review Process

The decision shall be based on whether a site development plan proposal meets the following standards:

a) The proposal should be consistent with the purposes and goals of this Plan.
b) The proposal should identify and specify factors that mitigate any potential negative impacts on nearby properties.
c) The proposal should identify and specify factors that maximize potential positive impacts on nearby properties.
d) The proposal should include adequate facilities for pedestrians, transit, bicyclists, and motorists.
e) The land uses within the proposal should be compatible with one another.
f) The proposal should include any common areas serving the site, and contain adequate provisions for ownership and maintenance of such areas.
g) The proposal should include adequate public improvements (both on and off site) to be provided in a timely fashion.

G. PROJECT ACTIVITIES

1. Land Acquisition

To carry out this Plan, the Authority will encourage the assembly of redevelopment sites by private enterprise. The Authority may assist in such assembly through the acquisition of any interest in property as it becomes publicly available. If necessary land acquisition is not accomplished voluntarily, the Authority may exercise its statutory rights of eminent domain to acquire any such interest in property upon the approval of the City Council and the Board of Commissioners of the Authority.

2. Relocation

If acquisition of property displaces any person, family, or business, the Authority may assist such party in finding another location, and may, but is not obligated to, make relocation payments to eligible residents and businesses in such amounts and under such terms and conditions as it may determine.

3. Demolition, Clearance, and Site Preparation

The Authority may demolish and clear those buildings, structures, and other improvements from property it acquires pursuant to this Plan if such buildings, structures, and other improvements are not to be rehabilitated in accordance with the Plan. The Authority may also (but is not obligated to) enter into agreements to reimburse private enterprise for such actions as the Authority determines are consistent with the purposes and

goals of the Plan. The Authority may provide rough and finished site grading and other site preparation services as part of a comprehensive redevelopment program.

4. Property Management

During such time as any property is owned by the Authority, such property shall be under the management and control of the Authority and may be rented or leased by it pending disposition for redevelopment or rehabilitation.

5. Public Improvements

Problems that may be addressed include but are not limited to: streets, streetscape, building obsolescence, traffic signals, traffic patterns, safety, lighting, utility, configuration, vagrancy, graffiti, parks, and drainage problems in the Urban Renewal Area as well as other elements deemed necessary by the Authority to eliminate and prevent conditions of blight and to carry out the provisions of the Act and the Plan. The design, construction and installation of public improvements may be accomplished through private redevelopment activities and/or development of specific financing packages, including appropriate public financing.

6. Land Disposition, Redevelopment, and Rehabilitation

The Authority may dispose of property it acquires by means of a reasonable competitive bidding procedure it establishes or other disposition method (where special circumstances of a disposition will assure greater benefit to the Plan and Authority) in accordance with the Act and pursuant to redevelopment agreements between the Authority and such purchasers.

The Authority may also enter into voluntary owner participation agreements with property owners in the Urban Renewal Area for the development, redevelopment, or rehabilitation of their property. Such agreements will provide for such participation and assistance as the Authority may elect to provide to such owners or purchasers. As of 2008, the City has implemented an incentive program to assist property owners in development and rehabilitation efforts.

All such redevelopment, owner participation, and other agreements shall contain, at a minimum, provisions requiring:

a. compliance with the Plan and City Codes and Ordinances, including the PUD and Design Guidelines;
b. covenants to begin and complete developments, construction, or rehabilitation of both public and private improvements within a period of time deemed to be reasonable by the Authority;
c. the financial commitments of each party (but nothing herein shall obligate the Authority to make any such financial commitment to any party or transaction).

7. Cooperation Agreements

For the purposes of planning and carrying out this Plan, the Authority may enter into one or more cooperation agreements with the City or other public bodies. Without limitation, such agreements may include project financing and implementation; design, location and construction of public improvements and any other matters required to carry out this Project. It is recognized that cooperation with the City, other public and private bodies may be required to coordinate such issues as the design, construction and timing of public and private improvements within and outside of the Urban Renewal Area to properly and efficiently carry out the goals and objectives of this Plan. Cooperation agreements addressing such issues are deemed necessary to the planning and execution of the Project.

8. Other Project Undertakings and Activities

Other Project undertakings and activities deemed necessary by the Authority to carry out the Plan may be undertaken and performed by the Authority or pursuant to agreements with other parties or public bodies in accordance with the authorization of the Act and any and all applicable laws.

H. PROJECT FINANCING

The Authority is authorized to finance the Project by any method authorized by the Act or any other applicable law, including without limitation, appropriations, loans or advances from the City; federal loans and grants; state loans and grants; interest income; pay as you go arrangements; annual appropriation agreements; agreements with public and private parties or entities; sale of securities; sales and property tax increments; and loans, advances and grants from any other available sources.

Any and all financing methods legally available to the City, the Authority, any private developer, redeveloper, or owner may be used to finance in whole or in part any and all costs, including without limitation, the cost of public improvements, described or anticipated in the Plan or in any manner related or incidental to the development and redevelopment of the Urban Renewal Area.

Such methods may be combined to finance all or any part of the project. Any financing method authorized by the Plan or by any applicable law, including without limitation, the Act, may be used to pay the principal of and interest on and to establish reserves for indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Authority or the City to finance the Project in whole or in part.

The Authority is authorized to issue notes, bonds, or any other financing instruments or documents in amounts sufficient to finance all or part of the Project subject to the requirements of applicable law. The Authority is authorized to borrow funds and to create indebtedness in carrying out this Plan. The principal, interest, and any premiums due on or in connection with such indebtedness may be paid from sales and property tax increments or any other funds available to the Authority.

The Project may be financed by the Authority under municipal sales tax allocation financing provisions of the Act. Under the municipal sales tax allocation method of financing the Project, all or a portion of municipal sales taxes collected within the Urban Renewal Area shall be divided for a period not to exceed twenty-five (25) years after the effective date of the adoption of this tax allocation provision, as follows: ↳ February 2009

1. Base Amount

Subject to the City Council approval, an amount equal to that portion of municipal sales taxes collected within the boundaries of the Urban Renewal Area in the twelve-month period ending on the last day of the month prior to the effective date of the approval of the Plan shall be paid into the funds of the City as are all other municipal sales taxes collected by or for the City. Unless and until all or the relevant part of the municipal sales tax collections in the Urban Renewal Area exceed the amount of the base year municipal sales tax collected in the Urban Renewal Area, all such sales tax revenues shall be paid into the funds of the City.

Base Period
Feb 2008/Jan 2009

2. Increment Amount

Current Periods
2009 (Feb 09 - Jan 10)
2010 (Feb 10 - Jan 11)
2011 (Feb 11 - Jan 12)
2012 (Feb 12 - Jan 13)

Subject to City Council approval, that portion of said municipal sales taxes in excess of such base amount shall be allocated to and, when collected, paid into a special fund of the Authority to pay for improvements associated with the project or to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by (whether funded, refunded, assumed or otherwise) the Authority for financing or refinancing, in whole or in part, the Project.

When such bonds, loans, advances and indebtedness, including interest thereon and premiums due in connection therewith, have been paid, all such municipal sales tax collections in the Urban Renewal Area shall be paid into the funds of the City.

The increment portion of the taxes, as described in subparagraph 2, may be irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with such bonds, loans, advances and indebtedness incurred by the Authority to finance the Project subject to the terms of any loan or bond trust indenture.

J. MINOR VARIATIONS

The Authority may in specific cases allow minor variations from the provisions of the Plan if it determines that a literal enforcement of the provisions of the Plan would constitute an unreasonable limitation beyond the intent and purpose of the Plan.

EXHIBIT 1

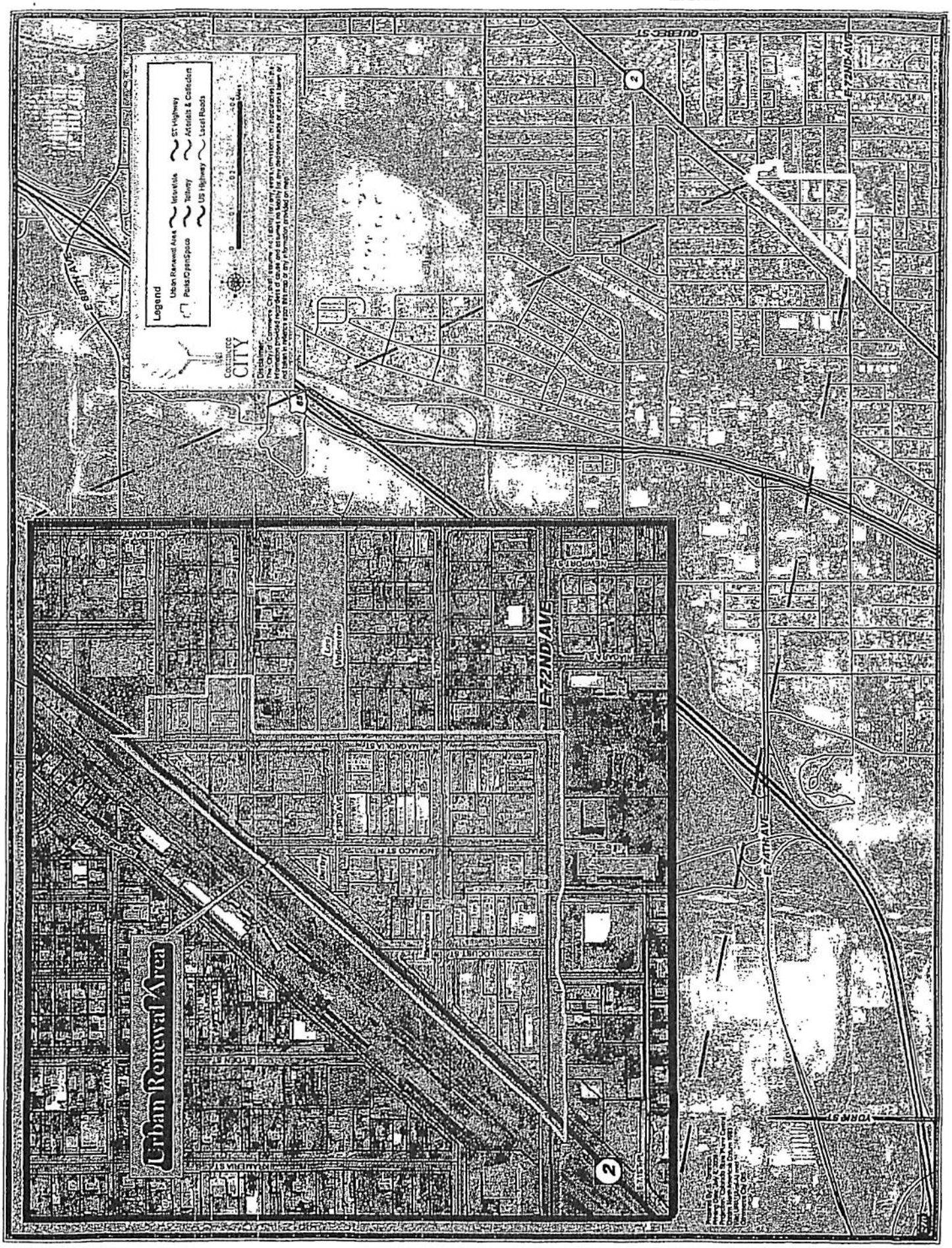
Urban Renewal Area
Legend
Urban Renewal Area
Parks/OpenSpace
Interstate
Tollway
US Highway
ST Highway
Arterials & Collectors
Local Roads
Commerce CITY
E 72ND AVE
E 74TH AVE
QUEBEC ST
YORK ST
E 88TH AVE
ONEIDA ST
NEWPORT ST
MAGNOLIA ST
NOTACO ST
LOCUST ST
Los Valientes

EXHIBIT 2

SUMMARY OF BLIGHT FINDINGS

The Derby study area is divided into 13 blocks, 11 of which are fully or partially included in the Proposed Derby Urban Renewal Area. The blocks are identified on the attached Figure A.

Block 1

- Parcel Number: 0172132312001
  - General: Tire Sales and Service Store. Property is very visible to Derby visitors due to its location and is unattractive due to outdoor tire storage and maintenance activities.
  - Shed attached to main building is a dilapidated and deteriorating plywood structure; inside of main building needs updating and is very crowded.
  - Corner lot creates difficulty for traffic entering and leaving the site; traffic flow of the business and the adjacent streets are impeded by onsite activities.
  - Traffic flow is a dangerous condition and may endanger lives and property.
  - Onsite pavement is cracked and in a state of disrepair.
  - Inadequate driveway access; serious space constraints making this property unusable in a safe manner.
  - Both the main building and attached structure exhibit building code violations.
  - Soil and/or groundwater contamination from leaking underground tanks from adjacent gas station. Property is subject to monitoring requirements by Colorado Department of Labor Oil and Public Safety Division.

- Parcel Number: 0172132312002
  - General: Former fast food restaurant that is now vacant. Building needs renovation or restoration. AC unit sits on blocks near the front door. Wires hang from the building.
  - Building's roof is in disrepair and some windows are boarded up. The structure shows definite signs of deterioration.
  - This building is impossible to access by car without disrupting the flow of traffic on Highway 2; no parking except in the unpaved dirt alley behind the building, accessed by driving down narrow alleys on each side of the building.
  - Alley is unpaved and full of depressions collecting storm water; parking lot is in general state of disrepair.
  - Building code violations
  - Soil and/or groundwater contamination from leaking underground tanks from adjacent gas station.

- Parcel Number: 0172132312003

- General: Gas Station. Old building and structures.
- Building roof in poor condition.
- Pavement near gas station is in disrepair; fencing around site is dilapidated.
- Vacant lot to the east is roughly graded and filled with weeds; has old utility pipes protruding from the ground.
- Property has soil and groundwater contamination and has been subject to cleanup and monitoring by the Colorado Department of Labor Oil and Public Safety Division.

- Parcel Number: 0172132312004
  - General: Storage/Lumber Yard. Fenced dirt lot with unsightly storage of pipe, lumber, and other building materials.
  - No structure on this parcel, only outdoor storage.
  - Site has poor access; used simply for storage of unorganized piles of old building materials.
  - Unpaved lot.
  - Underutilized site: storage of building materials in the center of a commercial area; some materials do not appear to be merchandise that is actively being sold.

- Parcel Number: 0172132312005
  - General: Lumber and Hardware Store. Lot and interior of building are overcrowded with merchandise.
  - Main warehouse is deteriorating and roof is undulating.
  - Barbed wire fence around the perimeter is prohibited.
  - Crowding of both the lumberyard and hardware store drastically impacts usefulness of the space.
  - Accessibility and parking are challenging; cars turning into the parking area must stop prior to completing the turn.
  - Site is unpaved.
  - Lumber warehouse made entirely of wood and overfilled, presenting a fire hazard.

Block 2

- Parcel Number: 0172132314001
  - General: Music and video store, beauty salon, check cashing and convenience. Strip mall, brick building with three small stores and minimal parking. Shop owners have covered their show windows with posters and advertisements, a code violation.
  - Minimal angle parking available.

- Parcel Number: 0172132314002
  - General: Butcher Shop (Carniceria). Excessive overhead wires,

dumpster stored near the front of the store due to storage space problems. Dumpster is odor and health issue.
  - Very limited parking.
  - Building has no storefront; entrance is through a door in brick wall.
  - Windows are covered with unsightly signage.

- Parcel Number: 0172132314003
  - General: Currently for lease. Both buildings in good condition and have been well maintained.
  - Limited parking.

- Parcel Number: 0172132314005
  - General: Dry Cleaners. Building is in good physical shape inside and out.
  - Limited parking.
  - Ventilation system should be checked due to the chemicals involved in running the business; interior should be checked for code violations.
  - Environmental issues subject to order of Colorado Department of Public Health and Environment..

- Parcel Number: 0172132314006
  - General: Office space, jewelry store, convenience store.
  - Numerous potholes in front parking area.

- Parcel Number: 0172132424001
  - General: Retail clothing store. Unattractive signage; cluttered store.
  - Building signs need painting; interior needs maintenance.
  - Limited parking; parking lot needs repaving.
  - Building is very long and has only one entrance and exit, a safety concern.
  - Storage container on west side of building is code violation.

- Parcel Number: 0172132424002
  - General: Vitamin and natural food store. Bars on windows and windows covered with flyers.
  - Limited parking; difficult access from 72nd Avenue.
  - Vacant lot north of the building is unpaved, not graded, and covered with weeds.

- Parcel Number: 0172132424003
  - General: Convenience store and beauty salon. Signs need updating and painting.
  - Limited parking; difficult access from 72nd Avenue.
  - Market is extremely cramped in the limited space it occupies.

- Parcel Number: 0172132424004
  - General: Vacant, under renovation. Building may need interior updating and a new roof; extensive damage to front of building is boarded up.

- Limited parking; numerous potholes.
- Code violations.

- Parcel Number: 0172132424005
  - General: Restaurant. Sign is painted on window; blank sign above; building is deteriorated.
  - Building trim needs paint; signs need paint or removal.
  - Limited parking.
  - Run down tables in front of building.

- Parcel Number: 0172132424006
  - General: Retail and church. Front landscaping needs renovation; appears run down.
  - Building trim needs paint; signs need paint or removal.
  - Limited parking.
  - Potholes in alley adjacent to property.
  - Clothing store is very crowded.

- Parcel Number: 0172132424007
  - General: Vacant; formerly billiards club and before that nightclub and restaurant, with numerous violations.
  - Signs need updating or repair.
  - Parking lot pavement is in disrepair.
  - Numerous citizen complaints and reported criminal activity with former nightclub.

Block 3

- Parcel Number: 0172132425003
  - General: Church. Building requires some repair.
  - Old wood building needs paint and minor maintenance.
  - Very limited parking for a church.
  - Vacant lot to the west is unpaved and filled with weeds.

- Parcel Number: 0172132425004
  - General: Residence. Well maintained home and landscaping. Moving van in front of driveway appears to be permanent.
  - Backing out of driveway onto 72nd Avenue is difficult and dangerous.
  - Used oil containers in driveway when inspected.

- Parcel Number: 0172132425005
  - General: Boat, RV, and car storage. Ugly vacant lot filled with stored items and old junk.
  - Code violations.
  - No structures except dilapidated sheds; resident in shed.
  - Property is used to store junk.

- Possible unsanitary conditions in sheds or other stored vehicles.
- Site has no pavement; just covered with dirt and debris.
- Site is underused-stores vehicles but does not have a business use.

- Parcel Number: 0172132425006
  - General: Residence. From the front, house looks nice; driveway is unpaved; backyard has some junk.

- Parcel Number: 0172132425010
  - General: Tire store and service shop. Building in good shape; truck parked in front appears to be permanent.
  - Northeast corner of the lot is unpaved.
  - Vegetation partially blocks sidewalk.
  - Outdoor storage of tires is code violation.
  - Excessive overhead power lines are defective utility design, a slum condition.
  - Service of large trucks is code violation.

- Parcel Number: 0172132425011
  - General: Residence. House in good shape; backyard is full of junk; yard needs attention.
  - Backyard filled with old toppers and other junk; yard has become a deteriorated dirt lot.

Block 6

- Parcel Number: 0172132421005
  - General: Vacant store. Broken windows; cluttered mess inside; outdated sign.
  - Broken windows, building needs paint; windows covered by paper or wood.
  - Back yard is full of junk, unsafe condition.
  - Alley has dangerous conditions, dirt piles and junk.
  - Code violations.
  - Currently unused and deteriorating as vacant retail space.

- Parcel Number: 0172132421008
  - General: Residence. House and yard both well maintained.
  - Driveway is unpaved.
  - Motorhome in driveway.

- Parcel Number: 0172132421009
  - General: Residence. House is in disrepair; yard is full of weeds, brush, and junk; trash containers are improperly located.
  - House needs repair; unused items fill the yard; garage is deteriorating.
  - Makeshift houses in backyard attached to garage appear to be unsafe.

- Yard is full of junk; garage and makeshift houses are severely deteriorated and are a likely fire hazard; dangerous conditions and code violations.
- Camper in back of property, reportedly used occasionally as residence.

- Parcel Number: 0172132421010
  - General: Hi-Lo Grocery parking lot. Recently paved; parking lot has good street access.

- Parcel Number: 0172132421011
  - General: Mortuary. Building is in good condition.
  - Very limited parking during funerals; patrons park along Magnolia or in Bank parking lot.
  - Excessive overhead power lines are defective utility design, a slum condition.

- Parcel Number: 0172132421012
  - General: Delivery and storage area for Hi-Lo Grocery.
  - Space constraints for delivery operations often block the street.
  - Space constraints cause danger around large delivery trucks with customers walking to the store.
  - Outdoor storage without screening is a code violation.
  - Excessive overhead power lines are defective utility design, a slum condition.

- Parcel Number: 0172132421013
  - General: Day labor store. Appears to be in good condition; but deteriorating signage.
  - Complaints of loitering and public urination.
  - Reported criminal activity in former music store.
  - Cracked asphalt and weeds on south side; trash and uncut grass.

- Parcel Number: 0172132421014
  - General: Furniture store.
  - Graffiti, weeds, trash and junk in back alley.
  - Unlawful signs.
  - Deteriorating façade.

- Parcel Number: 0172132421015
  - General: Jewelry store in good condition, except façade.
  - Grocery storage containers in back a code violation.

Block 7

- Parcel Number: 0172132310004
  - General: Vacant..
  - Limited parking; difficult and dangerous turn off of Highway 2.

- Former code violations.
- Excessive overhead power lines are defective utility design, a slum condition.

- Parcel Number: 0172132310005
  - General: Vacant.
  - Structure evaluated above in Parcel Number 0172132310004.
  - Limited parking for retail.
  - When inspected, graffiti on front wall only partially covered.

- Parcel Number: 0172132310007
  - General: Tasty Donuts/Roybal's Barber Shop. Sign needs paint.
  - Building needs a new awning and sign needs paint.
  - Limited parking; parking encroaches onto sidewalk.
  - Some historic graffiti.

- Parcel Number: 0172132310010
  - General: Restaurant (El Jardin). Updated; well maintained.
  - Potholes in asphalt at back entrance when inspected.

- Parcel Number: 0172132423004
  - General: Convenience store/former bowling alley. Run-down structures and store fronts.
  - Excessive signage in convenience store a code violation.
  - Bowling alley has been vacant for several years; run down interior.
  - Building needs paint; store fronts need updating; all signs need painting.
  - Parking lots need repaving.

Block 8

- Parcel Number: 0172132311005
  - General: Liquor store/pawn shop only lot on this block.
  - Exterior of structures in decent condition; interiors are in deteriorated condition.
  - Access off of Highway 2 is poor and dangerous; inadequate parking.
  - Traffic flow is dangerous.
  - Potholes at liquor store.
  - Window signage is a code violation.
  - Unscreened outdoor storage.

Block 9

- Parcel Number: 0172132422001
  - General: Park is only lot on this block
  - Lot is too small and too close to Highway 2 to be an effective park.
  - Underutilized due to location.

Block 10

- Parcel Number: 0172132415001
  - General: Former auto repair shop, now vacant. When inspected, property covered with cars and clutter.
  - Trash and weeds in front lot.
  - Oil stains on pavement.
  - Building needs paint and renovation.
  - Poor and dangerous access off of Highway 2; no space to park cars for repair; lot is overfilled.
  - Dangerous traffic issues.
  - Site is overutilized and is configuration is difficult for commercial use.

- Parcel Number: 0172132415002
  - General: Tire and auto repair shop.
  - Outdoor storage violations.
  - Outdoor junk car storage when inspected.
  - Open used oil storage and spills to asphalt.
  - Graffiti on north side when inspected.
  - Parking lot needs repaving.

- Parcel Number: 0172132415003
  - General: Parking lot with brown aluminum can recycling machine in NE corner.
  - Parking lot inadequately lit.
  - Lot is not fully paved on north; NW corner weeds.
  - Two shipping containers on NE side are code violation.

- Parcel Number: 0172132415005
  - General: Post Office and parking.
  - Parking is too limited for customer traffic.
  - Have been accidents at parking entrance.
  - Graffiti on back of building when inspected.
  - Parking lot asphalt in poor condition.

- Parcel Number: 0172132415006
  - General: Bar/tavern. Unattractive white building with no windows.
  - Building is deteriorating; stucco on east side is falling off; needs new roof and paint.
  - No landscaping, bare dirt.
  - Poor access off of Highway 2; inadequate parking.
  - Parking lot is full of potholes; very poor pavement condition.

Block 11

- Parcel Number: 01712132414016
  - General: Auto Repair shop.
  - Code violations: outdoor storage.
  - Crowded lot with too many autos.
  - South side of parking area is unpaved.

- Parcel Number: 01712132414017
  - General: Spiritual center.
  - Poor property maintenance.
  - Junk, weeds and trash in back.
  - Graffiti when inspected.

- Parcel Number: 01712132400002
  - General: Small self-serve laundry business.
  - Weeds, junk in yard.

- Parcel Number: 01712132400003
  - General: Parking lot.
  - Vacant lot with badly deteriorated asphalt with weeds growing.
  - Lot has been vacant for several years.

Commerce CITY

RECORDED AS RECEIVED

CERTIFICATION

I, Laura J. Bauer, City Clerk, for the City of Commerce City, County of Adams, State of Colorado, do hereby certify that the attached is a true and correct copy of Ordinance 1744, an ordinance of the city council, City of Commerce City, Colorado making legislative findings and approving the Derby Business District Urban Renewal Plan, on file in the city clerk's office, City of Commerce City, Colorado:

Laura J Bauer, City Clerk

CITY OF COMMERCE CITY
SEAL
STATE OF COLORADO