



Legal Notice

Date: 09/07/2023

Subject: An ordinance of the City of Littleton, Colorado, organizing the Mineral Business Improvement District; Providing for an election of the Board of Directors; and approving the 2023-2024 operating plan and budget for the district

Passed/Failed: Passed on first reading

CITY OF LITTLETON, COLORADO

**ORDINANCE 19
SERIES 2023**

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CITY OF LITTLETON, COLORADO

ORDINANCE NO.19
Series, 2023

**AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO,
ORGANIZING THE MINERAL BUSINESS IMPROVEMENT DISTRICT;
PROVIDING FOR AN ELECTION OF THE BOARD OF DIRECTORS;
AND APPROVING THE 2023-2024 OPERATING PLAN AND BUDGET
FOR THE DISTRICT**

WHEREAS, the City Council (the “City Council”) of the City of Littleton, Colorado (the “City”), has received a petition for the organization of the Mineral Business Improvement District within the City (the “District”); and

WHEREAS, based upon the petition for organization (the “Petition”) and other evidence presented to the City Council, the Petition has been signed in conformity with the Business Improvement District Act, C.R.S. § 31-25-1201, *et seq.*, (the “Act”), the signatures on the Petition are genuine, and the signatures of the petitioners represent the persons who own real or personal property in the service area of the proposed District having a valuation for assessment of not less than fifty percent of the valuation for assessment of all real and personal property in the service area of the proposed District and who own at least fifty percent of the acreage in the proposed District; and

WHEREAS, the petitioners have also caused a copy of the District’s 2023 - 2024 Operating Plan and Budget (the “Operating Plan”) to be submitted at the same time as the Petition; and

WHEREAS, all non-commercial property within the boundaries of the District, if any, as required by C.R.S. § 31-25-1208, are excluded; and

WHEREAS, the petitioners of the proposed District request that the City designate the territory within the service area of the proposed District as a location for new business or commercial development under C.R.S. § 31-25-1203(10); and

WHEREAS, the Petition contains the items required by statute including, among other things:

(a) The name of the proposed District, which is to wit: “Mineral Business Improvement District”;

(b) The proposed District boundaries and service area are generally located at the location of 700 W. Mineral Avenue, in the City of Littleton, Arapahoe County, Colorado. The

46 District boundaries are the territory of the commercial property, as defined in the Business
47 Improvement District Act, within the above service area;

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49 (c) A general description of the types of services or improvements or both to be
50 provided by the proposed District;

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52 (d) The names of three persons to represent the petitioners and who have the power to
53 enter into agreements relating to the organization of the District;

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55 (e) A request that the City Council appoint the initial members of the Board of
56 Directors and provide for election of subsequent members of the Board of Directors of the District
57 pursuant to C.R.S. § 31-25-1209(1)(d);

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59 (f) A request that the City Council approve the Operating Plan;

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61 (g) A request that the City Council approve the organization of the District; and

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63 **WHEREAS**, the City Council has determined that the allegations of the Petition are true;
64 and

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66 **WHEREAS**, the Petition provided that, upon the request of the City Council, the
67 petitioners for the proposed District will execute a bond or provide a cash deposit sufficient to
68 cover all expenses anticipated to be incurred by the City in connection with the proceedings in
69 case the organization of the proposed District is not affected and such requirement, if any, has been
70 met; and

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72 **WHEREAS**, the service area of the proposed District is located entirely within the City
73 and is a location for business or commercial development; and

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75 **WHEREAS**, the City Council has determined that the types of services or improvements
76 to be provided by the proposed District are of the type which best satisfy the purposes of the Act;
77 and

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79 **WHEREAS**, the City Council has held and concluded a public hearing on September 5,
80 2023 at 6:30 p.m. following due notice of such hearing as required by law.

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

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85 Section 1. The foregoing recitals are incorporated herein by reference and adopted as
86 findings and determinations of the City Council.

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88 Section 2. Pursuant to its authority to organize business improvement districts under
89 the Act, and specifically C.R.S. § 31-25-1207(5), the City Council, as the governing body of the

90 City, hereby adjudicates all questions of jurisdiction to find that jurisdiction is vested in the City
91 Council to organize the business improvement district described in the Petition submitted by the
92 petitioners for the District.

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94 Section 3. The District is hereby created, organized, and established for the purposes
95 and shall have the powers set forth in the Act, except as otherwise modified in this ordinance. All
96 services and improvements the District will provide shall be undertaken in accordance with the
97 Act and the District's operating plan, as the same may be amended from time to time.

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99 Section 4. The City Council hereby declares the area within the District to be a location
100 designated by the City as a location for business or commercial development, which shall have the
101 service area and boundaries set forth in the attached **Exhibit**. The District may provide services
102 and improvements inside and outside of its service area and boundaries as set forth in the District's
103 operating plan. Inclusion and exclusion of property into or from the District shall be completed as
104 provided in the Act.

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106 Section 5. The District shall be a quasi-municipal corporation and political subdivision
107 of the State of Colorado with all powers and responsibilities thereof. The District shall hereafter
108 have the corporate name specified in the Petition: Chambers Commercial Center Business
109 Improvement District.

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111 Section 6. Pursuant to C.R.S. § 31-25-1209(1)(d), the City Council may provide by
112 ordinance that the members of the Board of Directors of the District (the "Board") shall be elected
113 by the electors of the District after the initial appointment of the Board by the City Council. The
114 initial five (5) members of the Board of the District are hereby appointed and will be:

- 115
116 1) Grant Nelson
117 2) Kien Arnold
118 3) Michael Gunter
119 4) Andy Buettner
120 5) Wes Stites

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122 Subsequent members of the Board will be elected pursuant to C.R.S. § 31-25-1209(1)(d),
123 and thereafter at regular elections pursuant to the laws of the State of Colorado and the Operating
124 Plan. The Board members shall be electors of the District, as that term is defined at C.R.S. §
125 Section 31-25-1203(4)(a). The term of office for the members shall be four (4) years and as
126 otherwise provided pursuant to Article 1 of Title 32, C.R.S.

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128 Section 7. Each member of the Board, within thirty days after his or her election or
129 appointment to fill a vacancy, except for good cause shown, shall appear before an officer or other
130 person authorized to administer oaths and take an oath that he or she will faithfully perform the
131 duties of his or her office as required by law and will support the constitution of the United States,
132 the constitution of the state of Colorado, and the laws made pursuant thereto. The Board shall carry
133 out the responsibilities required of such Board by the Act and other applicable law.

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Section 8. In accordance with C.R.S. § 31-25-1211, C.R.S., the 2023 - 2024 Operating Plan and Budget is hereby approved. Beginning in 2024 (for use in 2025) and each year thereafter, an annual operating plan and budget will be submitted to the City Clerk on or before September 30 of each year for the approval of the City Council, in accordance with C.R.S. § 31-25-1211, C.R.S. The District is authorized to proceed with an election in November 2023.

Section 9. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 10. This Ordinance shall become effective seven (7) days after final publication.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 5th day of September, 2023, passed on first reading by a vote of 6 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 19th day of September, 2023, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of _____ FOR and _____ AGAINST on the 19th day of September, 2023 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Colleen L. Norton
CITY CLERK

Kyle Schlachter
MAYOR

165 _____
166 Reid Betzing
167 CITY ATTORNEY



EXHIBIT "A"
LEGAL DESCRIPTION
PROPERTY DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THAT PROPERTY DESCRIBED AT WARRANTY DEED, RECORDED AT RECEPTION NO. 092823 (BOOK 7604, PAGE 270) OF THE ARAPAHOE COUNTY CLERK AND RECORDER OFFICE AND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 34 AND SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LITTLETON, ARAPAHOE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT B, OF GATES SUBDIVISION, RECORDED AT REC. NO. 1146182 AND IS CONSIDERED TO BEAR N89°52'08"E, WITH ALL BEARINGS HEREIN RELATIVE THERETO.

BEGINING AT THE NORTHEAST CORNER OF TRACT A, SAID GATES SUBDIVISION, AND BEING THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF WEST MINERAL AVENUE AND THE WEST RIGHT-OF-WAY LINE OF SOUTHPARK TERRACE STREET, AND BEING THE EAST LINE OF SAID TRACT A;

THENCE WITH SAID WEST RIGHT-OF-WAY LINE, ALSO BEING THE EAST LINE OF SAID WARRANTY DEED, S 00°06'25" E, A DISTANCE OF 884.76 FEET TO A POINT ON SAID WEST LINE; THENCE WITH THE SOUTH LINE OF SAID WARRANTY DEED, N 90°00'00" W, A DISTANCE OF 280.09 FEET TO A POINT OF CURVATURE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 10°20'55", HAVING A RADIUS OF 285.00 FEET, AN ARC LENGTH OF 51.48 FEET, WITH A CHORD BEARING OF S 84°49'32" W AND A CHORD DISTANCE OF 51.41 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG SAID REVERSE CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°20'55", HAVING A RADIUS OF 315.00 FEET, AN ARC LENGTH OF 56.89 FEET, WITH A CHORD BEARING OF S 84°49'32" W AND A CHORD DISTANCE OF 56.82 FEET;

THENCE CONTINUING ON SAID SOUTH LINE, N 90°00'00" W, A DISTANCE OF 516.83 FEET;

THENCE S00°00'00"E, A DISTANCE OF 221.70 FEET;

THENCE N 90°00'00" W, A DISTANCE OF 558.90 FEET;

THENCE N 00°08'12" W, A DISTANCE OF 146.08 FEET;

THENCE S 89°52'04" W, A DISTANCE OF 273.49 FEET;

THENCE N 02°32'08" W, A DISTANCE OF 112.37 FEET;

THENCE S 89°31'56" E, A DISTANCE OF 30.14 FEET;

THENCE N 03°35'17" W, A DISTANCE OF 12.45 FEET;

2 of 3

THENCE S 89°36'43" W, A DISTANCE OF 185.41 FEET TO THE SOUTHWEST CORNER OF SAID WARRANTY DEED;

THENCE WITH THE SOUTH RIGHT OF WAY LINE OF SAID WEST MINERAL AVENUE, N 00°09'15" W, A DISTANCE OF 867.07 FEET TO THE NORTHWEST CORNER OF SAID WARRANTY DEED, AND BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WEST MINERAL AVENUE;

THENCE WITH THE NORTH LINE OF SAID WARRANTY DEED, N 89°50'51" E, A DISTANCE OF 948.20 FEET;

THENCE, N 89°53'25" E, A DISTANCE OF 1082.70 FEET TO THE NORTHEAST CORNER OF SAID WARRANTY DEED, AND BEING THE **POINT OF BEGINNING**;

THE ABOVE DESCRIPTION CONTAINS 1,984,499 SQUARE FEET OR 45.558 ACRES.

ALL LINEAL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.

BRIAN J. DENNIS, PLS 38069

PROJECT NO. RIG00008.10

PREPARED FOR AND ON BEHALF OF GALLOWAY & COMPANY, INC

1155 KELLY JOHNSON BLVD, SUITE #305

COLORADO SPRINGS, COLORADO 80920

06/20/2023