

FIRST READING: May 2, 2017

SECOND READING: May 16, 2017

ORDINANCE NO. 6115

AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, the City of Loveland ("City") is a home rule city pursuant to the City of Loveland Charter ("Charter") adopted by the citizens of Loveland on May 21, 1996, and pursuant to the provisions of Article XX of the Colorado Constitution with all powers authorized therein and flowing therefrom: and

WHEREAS, Section 2-4 of the Charter generally provides for all the powers of local self-government and home rule and all power possible for the City under the Colorado Constitution, including without limitation powers authorized by Colorado state statutes, and all powers authorized under Article XX of the Colorado Constitution: and

WHEREAS, pursuant to Colorado Revised Statutes §31-25-801, *et seq.* (the "DDA Statute"), City Council adopted Ordinance No. 5906 on December 2, 2014, which called for a February 10, 2015 special election concerning the establishment of the Loveland Downtown Development Authority ("DDA") at which election qualified electors of the proposed DDA approved the establishment of the DDA: and

WHEREAS, on April 7, 2015, City Council adopted Ordinance No. 5927 creating and establishing the DDA in the City, and on September 1, 2015 adopted Ordinance No. 5957 to modify the DDA to exclude three properties because only a portion of each property was within the DDA, creating a conflict between taxing districts: and

WHEREAS, City Council desires to exclude certain additional property generally depicted in **Exhibit "A"** and legally described in **Exhibit "B"** attached hereto and incorporated by reference (the "Property") from the DDA boundaries, pursuant to its powers granted under the Charter, Article XX of the Colorado Constitution, and the provisions of the DDA Statute: and

WHEREAS, the DDA Statute provides broad authority for the City to accomplish the goals of downtown development by determining, finding and declaring that "because of a number of atypical factors and special conditions concerning downtown development unique to each locality, the rule of strict construction shall have no application to this Part 8, but it shall be liberally construed to effect the purposes and object for which it is intended": and

WHEREAS, City Council finds that exclusion of the Property from the DDA boundaries is reasonable and furthers the goals of downtown development because: (i) the Property is not currently included in the DDA's long-range plan of development for downtown and, therefore,

does not have a natural nexus to the contemplated activities of the DDA; (ii) portions of the Property are separated from the core downtown area by physical impediments such as major roadways and railroad lines and, therefore, do not substantially contribute to or benefit from the activities of the DDA; and (iii) the Property is comprised of distinct neighborhoods that are not integrated into the DDA and do not provide the same degree of contiguity to the commercial areas of the DDA as those residential areas that are not the subject of this Ordinance; and

WHEREAS, City Council further finds that the DDA currently has no debt issued or outstanding or other obligations financial or non-financial; and

WHEREAS, an owner of any property who would be excluded from the boundaries of the DDA pursuant to this Ordinance may petition for inclusion at any time pursuant to the provisions of C.R.S. § 31-25-822 of the DDA statute.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That above recitals, including City Council findings and conclusions of fact set forth above, are incorporated by reference.

Section 2. That, pursuant to the powers granted to City Council under the City Charter, Article XX of the Colorado Constitution, and the provisions of the DDA Statute, the Property be and hereby is excluded from the boundaries of the DDA.

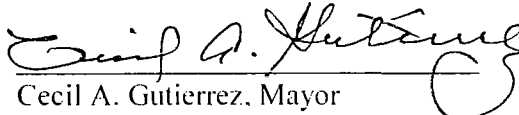
Section 3. That the boundaries of the DDA shall remain as described in Ordinance No. 5927, subject to those exclusions by and through Ordinance No. 5957 and this Ordinance.

Section 4. That in the event of any conflict identifying the Property based upon the depiction in **Exhibit "A"** and the legal description in **Exhibit "B"**, the controlling document shall be **Exhibit "B"**.

Section 5. That City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare bears a rational relation to the legislative objective sought.

Section 6. That as provided in Section 4-9(a)(7) of the Charter, this Ordinance shall be published by title only by the City Clerk upon adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten (10) days after publication following final adoption, as provided in Section 4-8(b) of the Charter.

ADOPTED this 16th day of May, 2017.


Cecil A. Gutierrez, Mayor

And,

Less the following area: Beginning at the point of intersection of the north ROW line of W. 10th Street and the west ROW line of the Burlington Northern/Santa Fe Railroad; thence northerly along said west ROW to its point of intersection the south line of Little Barnes Ditch; thence continuing northerly to the point of intersection of the north line of said Ditch and the west ROW line of the Burlington Northern/Santa Fe Railroad; thence northerly along said west ROW line to its point of intersection with the south ROW line of E. 11th Street; thence continuing northerly to the point of intersection of the west ROW line of said Railroad and the north ROW line of W. 11th Street; thence northeasterly to the point of intersection of the east ROW line of N. Railroad Avenue and the north ROW line of E. 11th Street; thence easterly along said north ROW line to its point of intersection with the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue and the north ROW line of E. 11th Street; thence easterly along said north ROW line to its point of intersection with the east ROW line of the said ally; thence southeasterly across E. 11th Street to the point on the south ROW line of E. 11th Street, 75 feet west of the west ROW line of N. Cleveland Avenue; thence southerly along a line located 75 feet west of the west ROW line of N. Cleveland Avenue to its intersection with the north ROW line of the Little Barnes Ditch; thence northeasterly along said north ROW line of the Little Barnes Ditch to its intersection with the west ROW line of N. Cleveland Avenue; thence southerly along the west ROW of N. Cleveland Avenue to a point of intersection of the west ROW line of N. Cleveland Avenue and the northwest ROW line of the Great Western Railway spur; thence southwesterly along the northwest ROW line of the Great Western Railway spur to the point of intersection of the north ROW line of E. 10th Street to the intersection of the northwest ROW line of the Great Western Railway spur; thence westerly along the north ROW line of E. 10th Street to the point of intersection of the east ROW line of Bartholf Court and the north ROW line of E. 10th Street; thence westerly along the north ROW line of E. 10th Street to the point of intersection of the east ROW line of the Burlington Northern/Santa Fe Railroad and the north ROW line of E. 10th Street; thence southwesterly to the point of intersection of the north ROW line of W. 10th Street and the west ROW line of the Burlington Northern/Santa Fe Railroad, which is the point of beginning.

And,

Less the following area: Beginning at the point of intersection of east ROW line of the alley between Jackson Avenue and N. Cleveland Avenue and the south ROW line of E. 16th Street; thence northerly along said east ROW of the alley to its point of intersection with the north ROW line of E. 16th Street; thence continuing northerly along said east ROW of the alley to its point of intersection with the southern property line of the Loveland Burial Park Cemetery; thence easterly along said southern property line to its point of intersection with the west ROW line of N. Cleveland Avenue; thence southeasterly diagonally across N. Cleveland Avenue to the point of intersection with the east ROW line of N. Cleveland Avenue and the north boundary of lot 6 of the Cleveland of North End Addition; thence easterly along the north boundary of said Lot 6 to its point of intersection the west ROW line of the alley between N. Cleveland Avenue and N. Lincoln Avenue; thence southerly along said west ROW line of the alley to its intersection with the north ROW line of E. 16th Street; thence southerly across E. 16th Street to the point of intersection of west ROW line of the alley between N. Cleveland Avenue and N. Lincoln Avenue and the south ROW line of E. 16th Street; thence southerly along said west ROW line of the alley between N. Cleveland Avenue and N. Lincoln Avenue to its point of intersection with the north ROW line of E. 15th Street; thence westerly along said north ROW line of E. 15th street to its point of intersection with the east ROW line of N. Cleveland Avenue, thence westerly across N. Cleveland Avenue along the north ROW line of E. 15th Street to its intersection with the west ROW line of N. Cleveland Avenue; thence northerly along said west ROW line of N. Cleveland Avenue to its point of intersection with the north boundary of Lot 9 of the Capitol Hill Addition; thence westerly along said north boundary of Lot 9

Legal Descriptions of Property to be Excluded from the Downtown Development Authority

Less the following area: Beginning at a point of intersection of the south ROW line of E. 1st Street and the east ROW line of S. Washington Avenue; thence southerly along said east ROW line its point of intersection with the north ROW line of the alley between E. 1st Street and 2nd Street S.E.; thence continuing southerly to the point of intersection of the south ROW line of said alley and the east ROW line of S. Washington Avenue; thence continuing southerly along said east ROW line its point of intersection with the north ROW line of 2nd Street S.E.; thence continuing southerly to the point of intersection of the south ROW line of 2nd Street S.E. and the east ROW line of S. Washington Avenue; thence continuing southerly along said east ROW line to its point of intersection with the south ROW line extended of 3rd Street S.E.; thence westerly along said extended line to the point of intersection of the west ROW line of S. Washington Avenue and the south ROW line of 3rd Street S.E.; thence continuing westerly along said south ROW line of 3rd Street S.E. to its point of intersection with the east ROW line of South Jefferson Avenue; thence northerly along said east ROW line of South Jefferson Avenue to its point of intersection with the south ROW line of E. 1st Street; thence easterly along said south ROW line of E. 1st Street to its point of intersection with the west ROW line of South Washington Avenue; thence easterly across S. Washington Avenue to a the point of intersection of the south ROW line of E. 1st Street and the east ROW line of S. Washington Avenue, which is the point of beginning.

And,

Less the following area: Beginning at the point of intersection of the west ROW line of N. Garfield Avenue and the south ROW line of W. 8th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 8th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 10th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 10th Street and the west ROW line of N. Garfield Avenue; thence easterly to the point of intersection of the east ROW line of N. Garfield Avenue and the north ROW line of W. 10th Street; thence easterly along said north ROW line to its point of intersection with the west ROW line of the Burlington Northern/Santa Fe Railroad; thence southwestery across W. 10th Street to a point of intersection of the south ROW line of W. 10th Street and the west ROW line of the Burlington Northern/Santa Fe Railroad; thence southwestery along said west ROW line of the Burlington Northern/Santa Fe Railroad to a point of intersection with the southeast corner of lot 16 of Block 5 of Amended Plat of Lakeside Addition; thence westerly along the south boundary line of lot 16 of Block 5 of the Amended Plat of Lakeside Addition to the northeast corner of Lakeside 9th Subdivision; thence southwestery along the east boundary line of the Lakeside 9th Subdivision to its point of intersection with the southeast corner of the Lakeside 9th Subdivision; thence westerly along the south boundary line of Lakeside 9th Subdivision to a point along the east boundary of the Amended Plat of Lakeside Addition, located 50 feet north of the south lot line of lot 17 of the Amended Plat of Lakeside Addition; thence southwestery to the southeast corner of lot 19 of block 5 of the Amended Plat of Lakeside Addition; thence westerly along the south boundary of lot 19 block 5 to the northeast corner of lot 10 block of Block 3 of the original Loveland town plat; thence southerly along the east boundary of 10 block of Block 3 of the original Loveland town plat to its intersection with the north ROW line of E. 8th Street; thence westerly along said north ROW line of E. 8th Street to its point of intersection with the east ROW line of N. Garfield Avenue; thence westerly along the north ROW line extended of E. 8th Street, across N. Garfield Avenue, to its point of intersection with the west ROW line of N. Garfield Avenue; thence northerly to the point of intersection of the west ROW line of N. Garfield Avenue and the south ROW line of W. 8th Street, which is the point of beginning.

Exhibit B

to its point of intersection with the east ROW line of the alley between Jackson Avenue and N. Cleveland Avenue; thence northerly to the point of intersection of east ROW line of the alley between Jackson Avenue and N. Cleveland Avenue and the south ROW line of E. 16th Street, which is the point of beginning.

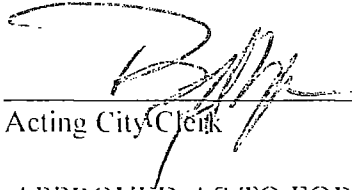
And,

Less the following area: Beginning at the point of intersection of the south ROW line of E. 16th Street and the east ROW line of N. Jefferson Avenue; thence westerly along said south ROW line of E. 16th Street to its intersection with the west ROW line of N. Jefferson Avenue; thence westerly along said south ROW line of E. 16th Street to its point of intersection with the east ROW line of the alley between N. Jefferson Avenue and N. Lincoln Avenue; thence southerly along the east ROW line of said alley to a point at the intersection of the Turney Briggs 2nd Subdivision and the east ROW line of the alley between N. Jefferson Avenue and N. Lincoln Avenue; thence easterly along the north boundary of Turney Briggs 2nd Subdivision to the intersection of the northeast corner of the Turney Briggs 2nd Subdivision and the west ROW line of N. Jefferson Avenue; thence easterly across N. Jefferson Avenue to the intersection of the east ROW line of N. Jefferson Avenue and the southwest corner of Lot 29, Block 3 of Turney Briggs Addition; thence northerly along the east ROW line of N. Jefferson Avenue to the point of intersection of the south ROW line of E. 16th Street and the east ROW line of N. Jefferson Avenue, which is the point of beginning.

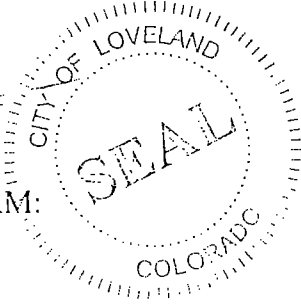
And,

Less the following area: Beginning at the point of intersection of the north ROW line of E. 5th Street and the east ROW line of N. Washington Avenue; thence easterly along said north ROW line to its point of intersection with the west ROW line of N. Adams Avenue; thence continuing easterly to the point of intersection of the north ROW line of E. 5th Street and the east ROW line of N. Adams Avenue; thence southerly to the point of intersection of the south ROW line of E. 5th Street and the east ROW line of N. Adams Avenue; thence southerly along said east ROW line to its point of intersection with the north ROW line of E. 4th Street; thence continuing southerly to the point of intersection of the east ROW line of N. Adams Avenue and the south ROW line of E. 4th Street; thence westerly to the point of intersection of the west ROW line of N. Adams Avenue and the south ROW line of E. 4th Street; thence continuing westerly along said south ROW line to the intersection with the east ROW line of N. Washington Avenue and the south ROW line of E. 4th Street; thence northeasterly across E. 4th Street to the southwest corner of Lot 2 of Block 1 of Everett's Eighth Subdivision; thence northerly along the west boundary of said Lot 2 to the northwest corner of Lot 2 of Block 1 of Everett's Eighth Subdivision; thence westerly along the north boundary of Lot 2 to the northeast corner of Lot 2 of Block 1 of Everett's Eighth Subdivision; thence northerly to a point along the south ROW line of the alley between E. 5th Street and E. 4th Street at 100 feet west of the N. Washington ROW; thence northwesterly across said alley to the intersection of east boundary of Harris Subdivision to the north ROW line of the alley between E. 5th Street and E. 4th Street; thence northerly along the west boundary of the Harris Subdivision to the intersection of the south ROW line of E. 5th Street and the northeast corner of Harris Subdivision; thence northwesterly across E. 5th Street to the point of intersection of the north ROW line of E. 5th Street and the east ROW line of N. Washington Avenue, which is the point of beginning.


ATTEST:



Acting City Clerk



APPROVED AS TO FORM:



Assistant City Attorney

THE OFFICIAL PUBLICATION OF THE CITY OF LOVELAND, COLORADO, IS THE LOVELAND DAILY REPORTER-HERALD, PUBLISHED DAILY EXCEPT ON SUNDAYS AND HOLIDAYS.

Ordinance # 6115

I, Beverly A. Walker, Acting City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on May 2, 2017 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on May 6, 2017 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on May 20, 2017.



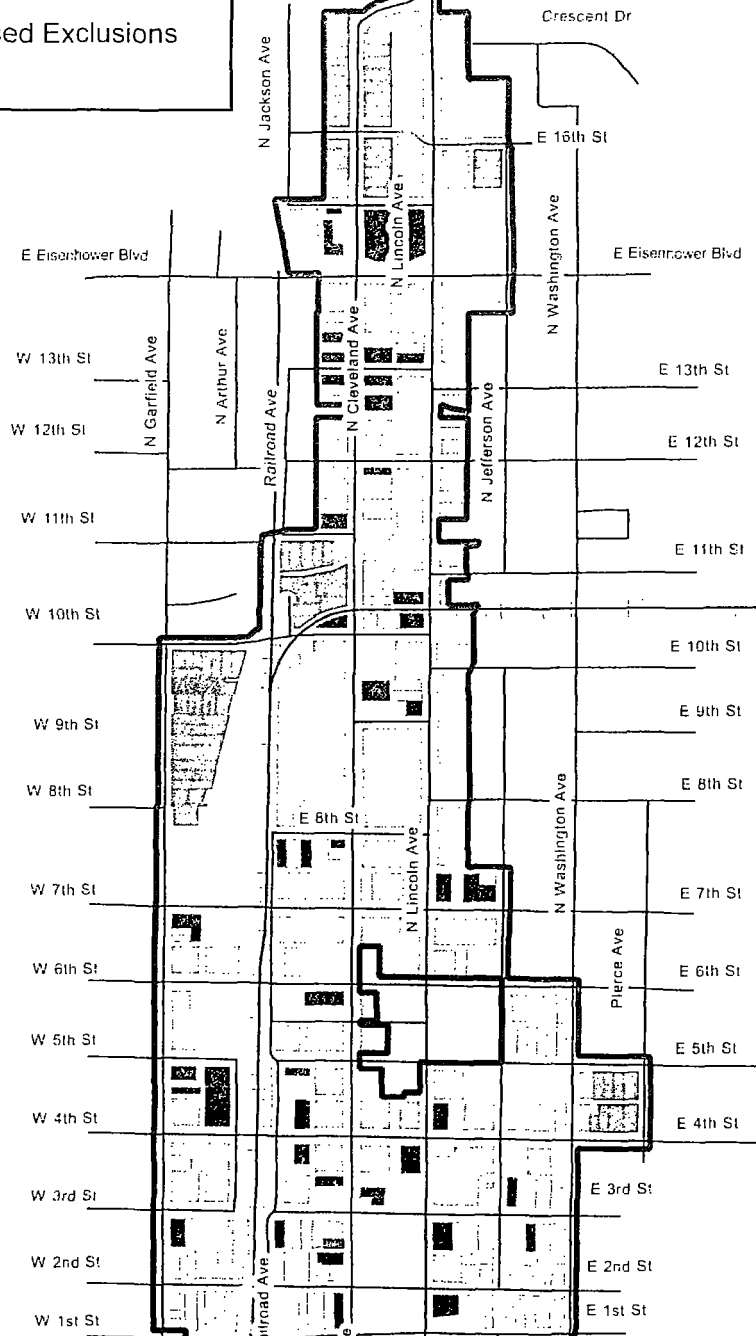
Acting City Clerk

Effective Date: May 30, 2017

**Loveland Downtown
Development Authority**

2017 Proposed Exclusions

Exhibit A
to the Ordinance



Depiction prepared by Loveland DDA-April 24, 2017(Not Official)

Legend

- 2017 Proposed Exclusions
- Commercial
- Residential
- Multi-unit
- Exempt
- Block 41 Finleys URP
- DDA Boundary
- Railroad