

***Corrected and re-executed to reflect Council amendment to Section 7(c)**

RESOLUTION NO. 23-26

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO
CREATING THE CASTLE PINES URBAN RENEWAL AUTHORITY, DESIGNATING
THE CITY COUNCIL AS THE AUTHORITY, AND PROVIDING FOR THE
APPOINTMENT OF ADDITIONAL COMMISSIONERS BY AFFECTED TAXING
ENTITIES AND THE MAYOR OF THE CITY OF CASTLE PINES**

WHEREAS, a petition with the signatures of at least twenty five (25) registered electors within the City of Castle Pines (“City”) was filed with the City Clerk setting forth that there is a need for an urban renewal authority to function in the City; and

WHEREAS, Part 1 of Article 25 of Title 31, Colorado Revised Statutes (the “Urban Renewal Law”) provides for the creation and operation of an urban renewal authority to function in the City; and

WHEREAS, during the hearing before City Council on May 9, 2023, City Council was presented with a document entitled Castle Pines West Commercial District Conditions Survey (January 2023) prepared by Ricker Cunningham LLC and incorporated herein by this reference (the “Conditions Survey”), which Conditions Survey shows that more than four of the conditions of blight set forth in Section 31-25-103(3) of the Urban Renewal Law exist within the City; and

WHEREAS, during the hearing before City Council on May 9, 2023, a full opportunity to be heard was granted to all residents and taxpayers of the City and to all other interested persons at a public hearing held before the City Council on the issue of whether the City Council should find that one or more slum or blighted areas exist in the City, and that the acquisition, clearance, rehabilitation, conservation, development, or redevelopment, or a combination thereof of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City, and whether the City Council should declare it to be in the public interest that an urban renewal authority for the City be created; and

WHEREAS, pursuant to Section 31-25-104(l)(a) of the Urban Renewal Law, on April 27, 2023, notice of a hearing to consider the creation of an urban renewal authority in the City was duly published in *The Douglas County News-Press*, a newspaper having a general circulation in the City, which publication occurred at least ten days preceding the date of the hearing, and a copy of the proof of publication of the notice is attached hereto as **Exhibit A** and incorporated herein; and

WHEREAS, in accordance with Section 31-25-104(2.5) and Section 31-25-115(1) of the Urban Renewal Law, the City Council is desirous of creating an urban renewal authority to be named the Castle Pines Urban Renewal Authority (the “Authority”) and designating the City Council, including the Mayor, such authority; and

WHEREAS, the Board of County Commissioners of Douglas County (the “County”), the Douglas County School District RE-1 (the “School District”), and those special districts levying a mill levy within the boundaries of the Authority (the “Special Districts”) have been notified of their rights to appoint additional commissioners to the Authority; and

WHEREAS, the Mayor has been notified of her right to appoint an additional commissioner to the Authority, subject to the approval of such appointment by the City Council; and

WHEREAS, during the hearing of City Council on May 9, 2023, the Mayor communicated to City Council that she designated herself as the chairperson of the Authority for the first year of the Authority in accordance with Section 31-25-104(2)(a)(I) of the Urban Renewal Law; and

WHEREAS, by passage of this Resolution the City Council desires to approve the Mayor’s designation of herself as the initial chairperson of the Authority in accordance with Section 31-25-104(2)(a)(IV) of the Urban Renewal Law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. The foregoing recitals are incorporated herein by reference.

Section 2. Pursuant to Sections 31-25-104(1)(b) of the Urban Renewal Law and based upon evidence presented at the public hearing of May 9, 2023, the City Council hereby declares it to be in the public interest that an urban renewal authority for the City be created, and such urban renewal authority is hereby created to exercise the powers provided in the Urban Renewal Law.

Section 3. In particular, based on the Conditions Survey and other evidence and testimony presented to City Council at the May 9th, 2023 public hearing, City Council finds and declares that there are one or more blighted areas (the “Blighted Area”), as such term is defined in the Urban Renewal Law, existing within the boundaries of the City.

Section 4. The City Council finds that the acquisition, clearance, rehabilitation, conservation, development, or redevelopment, or a combination thereof, of the Blighted Area is necessary to protect the public health, safety, morals, or welfare of the residents of the City.

Section 5. The urban renewal authority for the City shall be known as the Castle Pines Urban Renewal Authority and shall have all the powers necessary and convenient to carry out and effectuate the provisions of the Urban Renewal Law.

Section 6. In accordance with Section 31-25-104(1)(b) of the Urban Renewal Law, the boundaries of the Authority shall be coterminous with those of the City.

Section 7. The Authority shall consist of eleven (11) commissioners, as follows:

- (a) Pursuant to Section 31-25-104(2.5) and Section 31-25-115(1) of the Urban Renewal Law, the City Council hereby appoints itself as the Authority. The terms of office of each member of City Council serving as a commissioner, including the Mayor, shall be coterminous with their terms as a member of City Council.
- (b) One additional commissioner of the Authority shall be appointed *by each* of the School District, the Special Districts, and the County in accordance with Sections 31-25-104(2), 31-25-104(2.5), and 31-25-115(1.5) of the Urban Renewal Law. Per said Sections, the commissioner representing the School District and the commissioner representing the Special Districts shall be an elected member of the board of education of the School District and a board member of one of the Special Districts, respectively. The terms of office of the commissioners appointed by the School District, the Special Districts, and the County shall continue until such commissioners are replaced by their respective appointing parties or until such commissioners become ineligible to serve under the Urban Renewal Law. If a vacancy occurs on any of these three (3) seats, it shall be filled in accordance with the Urban Renewal Law.
- (c) Pursuant to Section 31-25-104(2.5) of the Urban Renewal Law, the Mayor has appointed Greg Anderson to serve as a commissioner on the Authority. By adoption of this Resolution, the City Council approves this appointment in accordance with Section 31-25-104(2)(a)(IV) of the Urban Renewal Law. The term of office of this commissioner and his successors shall be five (5) years in accordance with Section 31-25-104(2)(b) of the Urban Renewal Law; Mr. Anderson's term shall commence on the date of the filing of the certificate described in Section 10 of this Resolution.

Section 8. Notice is hereby given to the Mayor of the enactment of this Resolution in compliance with Section 31-25-104(1)(b) of the Urban Renewal Law.

Section 9. Pursuant to Section 31-25-104(2)(a)(IV) of the Urban Renewal Law, City Council hereby approves the Mayor's designation of herself as the chairperson of the Authority for the first year, commencing on the date of filing of the certificate described in Section 10 of this Resolution.

Section 10. A certified copy of this Resolution shall be filed in the records of the City. A copy of this Resolution along with the certificate attached hereto as **Exhibit B** shall be filed with the Colorado Division of Local Government in the Department of Local Affairs pursuant to Section 31-25-104(1)(b) of the Urban Renewal Law. Upon the filing of such certificate, the commissioners and their successors are constituted as the Castle Pines Urban Renewal Authority, which shall be an urban renewal authority pursuant to the Urban Renewal Law and a body corporate and politic.

Section 11. The officers, employees, and agents of the City are hereby directed to perform, or cause to be performed, such other actions as required or contemplated by the Urban

Renewal Law, including presentation of urban renewal plan(s) to Planning Commission and City Council pursuant to Section 31-25-107 of the Urban Renewal Law for the Authority to consider undertaking future urban renewal projects.

Section 12. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 13. All actions taken by the City's officers, employees, and agents in furtherance of the creation of the Authority are hereby ratified and confirmed.

Section 14. All prior resolutions or any parts thereof, to the extent they are inconsistent with this Resolution, are hereby rescinded.

Section 15. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the City Council.

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES BY A VOTE OF 6 IN FAVOR AND 0 AGAINST THIS 9th DAY OF MAY, 2023.



ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Tracy Engerman
Tracy Engerman (Jan 26, 2024 13:50 MST)
Tracy Engerman, Mayor

APPROVED AS TO FORM:

Linda C Michow
Linda C. Michow, City Attorney

**EXHIBIT A
PROOF OF PUBLICATION**

(See attached.)

Public Notice

**CITY OF CASTLE PINES
NOTICE OF PUBLIC HEARING TO
CONSIDER FORMATION OF AN
URBAN RENEWAL AUTHORITY**

In accordance with the Part 1, Article 25, Title 31 of the Colorado Revised Statutes (the "Urban Renewal Law"), notice is given pursuant to Section 31-25-104(1)(a), C.R.S., that a petition has been filed by the required number of registered electors of the City of Castle Pines stating that there is a need for an urban renewal authority to function within the City of Castle Pines. The City Council will conduct a public hearing pursuant to Section 31-25-104(1)(b), C.R.S., on **May 9, 2023, at 6:30 P.M. at 360 Village Square Lane, Event Hall, Castle Pines, CO 80108**. All residents, taxpayers, and other interested persons will be provided a full opportunity to be heard on the issues contemplated by the Urban Renewal Law, including whether slum or blighted areas, or both, exist within the City and whether an urban renewal authority should be formed. Following the public hearing, if the City Council determines that the findings and declarations required by Section 31-25-104(1)(b), C.R.S. may be made, the Mayor and City Council will consider a proposed resolution creating an urban renewal authority to be known as the City of Castle Pines Urban Renewal Authority.

Legal Notice No. 945392
First Publication: April 27, 2023
Last Publication: April 27, 2023
Publisher: Douglas County News-Press

EXHIBIT B

**CERTIFICATE OF
THE COMMISSIONERS OF THE
CASTLE PINES URBAN RENEWAL AUTHORITY
OF THE CITY OF CASTLE PINES, COLORADO**

(See attached.)

**CERTIFICATE OF
THE COMMISSIONERS OF THE
CASTLE PINES URBAN RENEWAL AUTHORITY
OF THE CITY OF CASTLE PINES, COLORADO**

We, the undersigned commissioners of the Castle Pines Urban Renewal Authority (the "Authority"), hereby state and certify the following:

1. Pursuant to Part 1 of Article 25 of Title 31 of the Colorado Revised Statutes (the "Urban Renewal Law"), on the 9th day of May, 2023, following a duly noticed public hearing during which a full opportunity to be heard was granted to all residents and taxpayers of the City of Castle Pines, Colorado (the "City") and all other interested persons, the City Council of the City ("City Council") adopted Resolution No. 23-26 finding that one or more slum or blighted areas exist in the municipality, and that the acquisition, clearance, rehabilitation, conservation, development, or redevelopment, or a combination thereof of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality, and declaring it to be in the public interest that the Authority be created and exercise the powers provided in the Urban Renewal Law.

2. Pursuant to Resolution No. 23-26 and in accordance with Sections 31-25-104(2.5) and 31-25-115(1) of the Urban Renewal Law, the City Council designated itself as the Authority.

3. Pursuant to Resolution No. 23-26 and in accordance with Sections 31-25-31-25-104(2.5) and 31-25-115(1.5) of the Urban Renewal Law, the Authority includes an additional seat for a commissioner appointed by the Board of County Commissioners of Douglas County, an additional seat for a commissioner who will be a board member of a special district selected by agreement of the special districts levying a mill levy within the boundaries of the Castle Pines Urban Renewal Authority area, and an additional seat for a commissioner who will be an elected member of Douglas County School District RE-1.

4. Pursuant to Resolution No. 23-26 and in accordance with Section 31-25-104(2.5) of the Urban Renewal Law, the Authority includes an additional seat for a commissioner appointed by the Mayor of the City.

5. Pursuant to Section 31-25-104(1)(b) of the Urban Renewal, upon the filing of this certificate with the Division of Local Government in the Colorado Department of Local Affairs, we the undersigned and our successors are constituted the Castle Pines Urban Renewal Authority, a body corporate and politic.

(Signatures Follow)

Executed this ___ day of May, 2023.

Tracy Engerman, Mayor

Printed Name: _____
Douglas County Board of County
Commissioner Appointee

Ben Price, Mayor Pro Tem

Printed Name: _____
Special Districts' Appointee

Deborah Mulvey, Council Member

Printed Name: _____
Douglas County School District RE-1
Appointee

Chris Eubanks, Council Member

Printed Name: _____
Mayoral Appointee

Kevin Rants, Council Member

Roger Hudson, Council Member

Geoff Blue, Council Member