

AGENDA

**CITY OF WESTMINSTER DOWNTOWN
GENERAL IMPROVEMENT DISTRICT
MEETING**

MONDAY, DECEMBER 28, 2015

AT 7:00 P.M.

- 1. Roll Call**
- 2. Consideration of Minutes of Preceding Meetings** (October 26 and November 23, 2015)
- 3. Public Hearings and Other New Business**
 - A. Public Hearing on Petition for Inclusion of Property into the Downtown General Improvement District
 - B. Councillor's Bill No. 60 to Include Certain Westminster Economic Development Authority-owned Property into the Downtown General Improvement District
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE DOWNTOWN
GENERAL IMPROVEMENT DISTRICT MEETING
MONDAY, OCTOBER 26, 2015, AT 10:16 P.M.

ROLL CALL

Present at roll call were Chairperson Atchison, Vice Chairperson Briggs, and Board Members Baker, De Cambra, Garcia, Pinter, and Seitz. Also present were Donald M. Tripp, Executive Director, David Frankel, Attorney, and Linda Yeager, Secretary.

CONSIDERATION OF MINUTES

It was moved by Vice Chairperson Briggs, seconded by Board Member Seitz, to approve the minutes of the August 24, 2015, meeting as presented. The motion carried.

RESOLUTION NO. 2 RE CONTRACT AND ADMINISTRATIVE AUTHORITY

It was moved by Board Member Garcia, seconded by Board Member Pinter, to adopt Resolution No. 2 outlining the Executive Director's authority to enter into contracts and make purchases on behalf of the City of Westminster Downtown General Improvement District and to delegate these activities to appointed City of Westminster Staff in a manner consistent with practices established for the City under the Westminster Municipal Code, as it may be amended from time to time, and all current and future administrative memoranda. On roll call vote, the motion carried by a 6:1 vote with Board Member Baker voting no.

INTERGOVERNMENTAL COOPERATION AGREEMENT WITH CITY/WEDA/DISTRICT

Board Member Seitz moved, seconded by Board Member De Cambra, to authorize the Mayor, as the Presiding Officer of the City of Westminster Downtown General Improvement District, to execute an Intergovernmental Cooperation Agreement between the City of Westminster, the Westminster Economic Development Authority, and the City of Westminster Downtown General Improvement District, in substantially the same form as attached, providing for reimbursement to the City by either WEDA and/or the GID of certain costs incurred by the City within the boundaries of the Westminster Center Urban Reinvestment Plan Area. The motion passed unanimously.

INTERGOVERNMENTAL SERVICE AGREEMENT WITH CITY

It was moved by Vice Chairperson Briggs, seconded by Board Member Pinter, to authorize the Executive Director to execute an Intergovernmental Service Agreement with the City of Westminster in substantially the same form as the attached agreement regarding the payment of a service fee to the City. The motion passed unanimously.

ADJOURNMENT

There was no further business and the meeting adjourned at 10:19 p.m.

Chairperson

ATTEST:

Secretary

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE DOWNTOWN
GENERAL IMPROVEMENT DISTRICT MEETING
MONDAY, NOVEMBER 23, 2015, AT 8:30 P.M.

ROLL CALL

Present at roll call were Chairperson Atchison, Vice Chairperson Garcia, and Board Members Baker, Bird, Pinter, and Seitz. Board Member De Cambra was absent. Also present were Donald M. Tripp, Executive Director, David Frankel, Attorney, and Linda Yeager, Secretary.

PETITION FOR INCLUSION OF CERTAIN WEDA-OWNED PROPERTY INTO THE GID

It was moved by Board Member Seitz, seconded by Board Member Baker, to Schedule a public hearing on the Petition for Inclusion filed on behalf of WEDA and direct the Clerk to publish all required notices for said hearing. The motion passed unanimously.

ADJOURNMENT

There was no further business and the meeting adjourned at 8:31 p.m.

Chairperson

ATTEST:

Secretary

Downtown GID Agenda Item 3 A-B

Agenda Memorandum

City of Westminster Downtown General Improvement District Meeting
December 28, 2015



SUBJECT: Councillor's Bill No. 60 re Petition for Inclusion of certain WEDA-owned Property into the City of Westminster Downtown General Improvement District

Prepared By: David Frankel, City Attorney

Recommended Board Action

1. Conduct a Public Hearing.
2. Pass Councillor's Bill No. 60 on first reading to approve the inclusion of Westminster Economic Development Authority land into the Downtown General Improvement District.

Summary Statement

- General Improvement Districts (GIDs) are a financing tool utilized to help fund improvements and operational costs within certain developments to ensure financial sustainability.
- Under a GID structure, a property tax mill levy is assessed on owners within the GID boundaries as they are the primary beneficiaries of public improvements, such as streets, lights, parks, parking improvements, etc. to be built and maintained for the benefit of the users.
- The City of Westminster Downtown GID was established on August 24, 2015, and a mill levy not to exceed 50 mills was approved at the November 3, 2015 election.
- Including the WEDA-owned property at the Downtown Westminster site into the GID would facilitate funding of improvements and services for the new Downtown.
- The GID received a Petition for Inclusion of the WEDA-owned land at the Downtown Westminster site on November 23, 2015.
- The Clerk to the GID has published the required notices for tonight's hearing and the next procedural step is for the GID to approve on first reading an ordinance including the WEDA land.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the GID Board grant the Petition for Inclusion and approve on first reading the proposed Inclusion ordinance?

Alternatives

1. Do not grant the Petition for Inclusion. This is not recommended for the following reasons:
 - a. The Petition for Inclusion would place WEDA's property into a GID - a revenue generating district, which will defray City capital improvement and operational costs associated with public infrastructure within the Downtown Westminster boundaries.
 - b. Property owners within the boundaries of the proposed GID directly benefit from the City's investment of public improvements and the GID is a prudent financing tool to ensure the owners are paying for the capital and maintenance costs of public improvements within the district.

Background Information

The City currently has seven GIDs, such as the Mandalay Gardens and 144th Avenue GIDs, which provide a stable revenue stream to fund public infrastructure costs within specific development boundaries. The revenue derived from the GIDs offsets the expenses associated with constructing and maintaining public improvements. The mill levy level assessed on the property owners within the district was derived on market research of comparable developments as a means to provide competitive overlapping tax level so as not to overburden the owners with a high level of taxes.

The GID mill levy for Downtown Westminster has been set to not exceed 50 mills. This levy, when fully implemented, will produce an overall millage of approximately 130 mills for property owners, which is a little above the current average of 123 mills of comparable GIDs researched by Staff. It should be noted that the current mill levy applied in Downtown Westminster is the lowest level on the survey and the proposed 50 mill GID rate results in a total rate well below the highest rate in the survey applied at Broomfield's Arista development. The Arista mill levy is just over 173 mills.

The 50 mill assessment rate for the Downtown GID is based on the estimated annual cost to provide operations and maintenance on the proposed improvements, which Staff estimates at build out will exceed \$3 million annually. At build-out, the total estimated commercial and residential assessed value is approximately \$113 million resulting in projected revenues of \$5.88 million to provide funding for both capital expenditure and annual operation and maintenance costs. Phase I of the project will produce revenues in the neighborhood of \$500,000. It should be noted that this estimate is subject to change given the dynamics of the uncertainty of the development timeline and final property composition; however, it is a reasonable estimate based on the long-term vision and master plan of Downtown Westminster.

The action requested in this agenda memorandum relates to the City's Strategic Plan goal of Visionary Leadership, Effective Governance and Proactive Regional Collaboration and to a Financially Sustainable

SUBJECT: Councillor's Bill to Include WEDA-owned property into Downtown GID

Page 3

Government Providing Excellence in City Services by creating a governmental entity to oversee the ongoing needs to fund a financially sustainable Downtown Westminster development.

Respectfully submitted,

Donald M. Tripp
Executive Director

Attachments: Petition for Inclusion
Councillor's Bill

PETITION

FOR THE INCLUSION OF PROPERTY WITHIN THE
CITY OF WESTMINSTER DOWNTOWN
GENERAL IMPROVEMENT DISTRICT

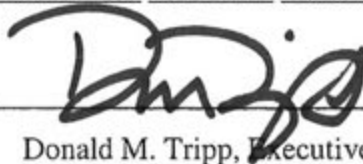
I, the undersigned, am the authorized representative of the Westminster Economic Development Authority ("WEDA"), the owner of the property described in Exhibit A attached hereto (the "Property"), hereby petition the City Council of the City of Westminster, Colorado, (the "City") as the ex officio Board of Directors (the "Board") of the City of Westminster Downtown General Improvement District (the "District") for the inclusion of the Property within the boundaries of the District, pursuant to section 31-25-618, Colorado Revised Statutes. In support of this petition, I state as follows:

1. The undersigned petitioner for the inclusion of the Property within the boundaries of the District is the authorized representative of WEDA, the fee title owner of the Property.
2. The legal description of the Property has been verified by the City Clerk ex officio Secretary of the Board.
3. The undersigned petitioner has accompanied this Petition with a deposit of moneys sufficient to pay all costs of the inclusion proceedings.

WHEREFORE, I ask the Board to take all steps and procedures required by law for the inclusion of the Property within the boundaries of the District, including the publication of notice of the filing of this petition and the mailing of such notice to each elector of the District, and the adoption of an ordinance including the Property within the boundaries of the District.

Name of Fee Title Owner: Westminster Economic Development Authority

By: _____



Donald M. Tripp, Executive Director

STATE OF COLORADO)
) SS.
COUNTY OF ADAMS)

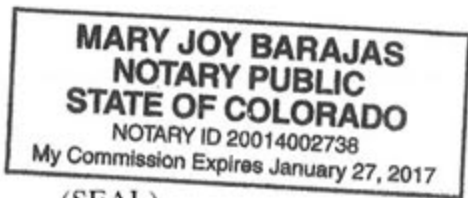
I, Donald M. Tripp, being first duly sworn on oath verifies that the facts set forth in this Petition are true to the best of my knowledge, information and belief.



Donald M. Tripp

Subscribed and sworn to before me this 23rd day of November, 2015.

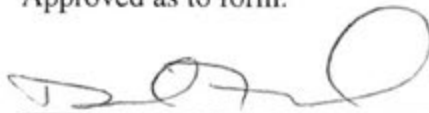
My commission expires: January 27, 2017.





Notary Public

Approved as to form:



Attorney for WEDA

EXHIBIT A

Verified Legal Description for Property to be Included
Within the Boundaries of the City of Westminster
Downtown General Improvement District

**LEGAL DESCRIPTION OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
OWNERSHIP AT THE DOWNTOWN WESTMINSTER SITE**

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N44°34'47"W A DISTANCE OF 105.18 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SAID EASTERLY LINE THE FOLLOWING EIGHT (8) CONSECUTIVE COURSES;

- 1.) 128.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 73°44'29" AND A CHORD WHICH BEARS N36°09'44"W A DISTANCE OF 120.00 FEET;
- 2.) THENCE N00°42'30"E A DISTANCE OF 252.68 FEET;
- 3.) THENCE 104.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 103.53 FEET;
- 4.) THENCE N29°17'30"W A DISTANCE OF 253.49 FEET;
- 5.) THENCE 52.36 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 51.76 FEET;
- 6.) THENCE N00°42'30"E A DISTANCE OF 1022.79 FEET;
- 7.) THENCE 241.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 360.00 FEET, A CENTRAL ANGLE OF 38°30'06" AND A CHORD WHICH BEARS N19°57'33"E A DISTANCE OF 237.39 FEET;
- 8.) THENCE N39°12'36"E A DISTANCE OF 216.41 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET AND THE SOUTHERLY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F0832987; THENCE ALONG THE SAID EASTERLY LINE AND SOUTHERLY LINE OF WEST 92ND AVENUE THE FOLLOWING FOURTEEN (14) CONSECUTIVE COURSES;
 - 1.) S50°48'48"E A DISTANCE OF 20.34 FEET;
 - 2.) THENCE N39°11'12"E A DISTANCE OF 55.78 FEET;
 - 3.) THENCE 26.01 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 16.50 FEET, A CENTRAL ANGLE OF 90°18'15" AND A CHORD WHICH BEARS N05°39'40"W A DISTANCE OF 23.40 FEET TO A POINT OF REVERSE CURVATURE;
 - 4.) THENCE 208.95 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 393.50 FEET, A CENTRAL ANGLE OF 30°25'28" AND A CHORD WHICH BEARS N24°16'43"E A DISTANCE OF 206.50 FEET;
 - 5.) THENCE N09°03'59"E A DISTANCE OF 16.12 FEET;
 - 6.) THENCE 33.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 500.50 FEET, A CENTRAL ANGLE OF 03°47'05" AND A CHORD WHICH BEARS N07°10'20"E A DISTANCE OF 33.05 FEET TO A POINT OF REVERSE CURVATURE;
 - 7.) THENCE 38.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 48.50 FEET, A CENTRAL ANGLE OF 45°13'15" AND A CHORD WHICH BEARS N27°53'25"E A DISTANCE OF 37.29 FEET;
 - 8.) THENCE S89°13'00"E A DISTANCE OF 100.73 FEET;

- 9.) THENCE S89°12'30"E A DISTANCE OF 16.89 FEET;
- 10.) THENCE 51.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1036.00 FEET, A CENTRAL ANGLE OF 02°50'33" AND A CHORD WHICH BEARS S87°47'44"E A DISTANCE OF 51.39 FEET;
- 11.) THENCE S86°22'27"E A DISTANCE OF 303.71 FEET;
- 12.) THENCE 69.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1260.31 FEET, A CENTRAL ANGLE OF 03°08'13" AND A CHORD WHICH BEARS S87°56'42"E A DISTANCE OF 68.99 FEET TO A POINT OF COMPOUND CURVATURE;
- 13.) THENCE 8.73 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1259.00 FEET, A CENTRAL ANGLE OF 00°23'51" AND A CHORD WHICH BEARS S89°42'48"E A DISTANCE OF 8.73 FEET;
- 14.) THENCE S89°54'43"E A DISTANCE OF 162.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F1097396; THENCE ALONG SAID SOUTHERLY LINE S89°55'03"E A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F083987; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;
- 1.) S00°45'31"W A DISTANCE OF 9.26 FEET;
- 2.) THENCE S89°16'45"E A DISTANCE OF 495.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG THE SAID WESTERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;
- 1.) S45°07'17"E A DISTANCE OF 143.20 FEET;
- 2.) THENCE S15°22'31"E A DISTANCE OF 102.65 FEET TO THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 1, LAKE ARBOR COMMERCIAL OFFICE PARK FILING NO. 1; THENCE ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY LINE OF SAID LOT 1 THE FOLLOWING THREE (3) CONSECUTIVE COURSES;
- 1.) N89°17'30"W A DISTANCE OF 175.87 FEET;
- 2.) THENCE S00°42'30"W A DISTANCE OF 160.00 FEET;
- 3.) THENCE S89°17'30"E A DISTANCE OF 222.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG SAID WESTERLY LINE S15°22'31"E A DISTANCE OF 1207.45 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 901; THENCE ALONG SAID WESTERLY LINE S00°05'03"W A DISTANCE OF 904.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88TH AVENUE; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;
- 1.) 23.73 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°37'27" AND A CHORD WHICH BEARS S45°23'47"W A DISTANCE OF 21.33 FEET;
- 2.) THENCE N89°17'30"W A DISTANCE OF 1682.39 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88TH AVENUE RECORDED AT RECEPTION NO. 89053018; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES;
- 1.) N00°39'31"E A DISTANCE OF 2.10 FEET;
- 2.) THENCE N88°29'13"W A DISTANCE OF 135.26 FEET;
- 3.) THENCE N89°17'30"W A DISTANCE OF 74.75 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM LOT 1, BLOCK 1, BRUNSWICK CENTER AND A PARCEL OF LAND RECORDED AT RECEPTION NO. 85121731 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N06°32'50"E A DISTANCE OF 1909.92 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND RECORDED AT RECEPTION NO. 85121731 AND THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY AND NORTHERLY LINE OF SAID PARCEL THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) N00°42'30"E A DISTANCE OF 350.00 FEET;

2.) THENCE S89°17'30"E A DISTANCE OF 120.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1, BRUNSWICK CENTER; THENCE ALONG THE NORTHERLY, EASTERLY AND SOUTHERLY LINE OF SAID LOT 1 THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

1.) S89°17'30"E A DISTANCE OF 280.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;

2.) THENCE S00°42'30"W A DISTANCE OF 350.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;

3.) THENCE N89°17'30"W A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND THE SOUTHEAST CORNER OF SAID PARCEL OF LAND RECORDED AT RECEPTION 85121731; THENCE ALONG SOUTHERLY LINE OF SAID PARCEL OF LAND N89°17'30"W A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM A 10' BY 20' PARCEL OF LAND WITHIN A PORTION OF BLOCK A-2 OF WESTMINSTER CENTER SUBDIVISION, FILING NO. 1 AS RECORDED AT RECEPTION NUMBER 2015002087, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN; CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 24; THENCE S89°17'30"E A DISTANCE OF 334.92 FEET ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 24; THENCE DEPARTING SAID SOUTHERLY LINE, N00°42'30"E A DISTANCE OF 746.02 FEET TO THE EASTERLY MOST CORNER OF SAID BLOCK A-2 BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK A-2, S58°10'03"W A DISTANCE OF 20.00 FEET; THENCE N31°49'57"W A DISTANCE OF 10.00 FEET, THENCE, N58°10'03"E A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID BLOCK A-2; THENCE ALONG SAID NORTHEASTERLY LINE S31°49'57"E A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 100.098 ACRES (4,360,280 SQ. FT.), MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARING S89°17'30"E AND BEING MONUMENTED BY A FOUND 3" ALUMINUM CAP PLS #17488 AT THE SOUTH QUARTER CORNER AND A FOUND 3-1/4" ALUMINUM CAP PLS #13155 AT THE SOUTHEAST CORNER.

EXCLUSION

EXCLUDED FROM THIS LEGAL DESCRIPTION ARE THE TENANT IMPROVEMENTS, BUILDING AND PERSONAL PROPERTY OWNED BY JC PENNEY LOCATED AT 5453 W. 88TH AVE, WESTMINSTER CO 80031. SAID TENANT IMPROVEMENTS, BUILDING AND PERSONAL PROPERTY WOULD NEED TO BE INCLUDED BY A FUTURE PETITION FILED BY JC PENNEY WHICH IS CURRENTLY A TENANT OF WEDA.

EXCLUDED FROM THIS LEGAL DESCRIPTION ARE THE TENANT IMPROVEMENTS AND PERSONAL PROPERTY OF OLIVE GARDEN, LOCATED AT 5551 W. 88TH AVE, WESTMINSTER CO 80031 AND U.S. BANK, LOCATED AT 5971 W. 88TH AVE, WESTMINSTER, CO 80031. SAID TENANT IMPROVEMENTS AND PERSONAL PROPERTY WOULD NEED TO BE INCLUDED BY FUTURE PETITIONS FILED BY THEIR OWNERS WHICH ARE CURRENTLY TENANTS OF WEDA.

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **60**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCLUDING PROPERTY WITHIN THE
CITY OF WESTMINSTER DOWNTOWN GENERAL
IMPROVEMENT DISTRICT

WHEREAS, a Petition for the Inclusion of Property within the City of Westminster Downtown General Improvement District (the "Petition") has been filed with the City Council of the City of Westminster (the "City"), sitting ex officio as the Board of Directors (the "Board") of the City of Westminster Downtown General Improvement District (the "District"); and

WHEREAS, the Petition states that it has been signed by the authorized representative fee title owners of the property which the petitioner seeks to have included within the boundaries of the District; and

WHEREAS, the Petition has been reviewed by the City Clerk and the City Attorney; and

WHEREAS, notice of filing of the Petition has been given and published pursuant to Section 31-25-618, Colorado Revised Statutes; and

WHEREAS, the Board has heretofore conducted a hearing at which all persons having objections to the Petition were given an opportunity to appear and show cause why the Petition should not be granted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO, AS THE EX OFFICIO BOARD OF DIRECTORS OF THE CITY OF WESTMINSTER DOWNTOWN GENERAL IMPROVEMENT DISTRICT:

Section 1. Findings and Determinations. The Board hereby finds and determines as follows:

a. In accordance with C.R.S. section 31-25-618, the owners of the property described in Exhibit A to this ordinance (the "Property") have filed the Petition with the Board requesting that the Property be included within the boundaries of the District.

b. The Petition accurately describes the Property and such legal description has been verified by the City Clerk ex officio Secretary of the Board.

c. A deposit of moneys sufficient to pay all costs of the inclusion proceedings accompanied the filing of the Petition.

d. The City Clerk, as secretary of the Board (the "Secretary") has caused a notice of the filing of such Petition to be given and published, according to the requirements of the pertinent provisions of C.R.S. Title 31, Article 25, Part 6, including the mailing of such notice to each elector of the District.

e. The notice states the filing of such Petition, the names of the petitioners, descriptions of the Property sought to be included, and the request of said petitioners. The notice notifies all persons having objections to appear at the office of the Board at the time stated in the notice and show cause why the Petition should not be granted.

f. The Board, at the time and place stated in the notice, has heard the Petition and all objections presented by any person showing cause why said Petition should not be granted and overrules any such objections.

g. The Board has determined to grant the Petition.

Section 2. Inclusion of Property. The Board hereby grants the Petition.

Section 3. Filing of Ordinance. Within ten days after final publication of this ordinance, the City Clerk ex officio Secretary of the Board shall file a certified copy of this ordinance with the County Clerk and Recorder of Jefferson County. Thereupon the Property shall be included within the boundaries of the District.

Section 4. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this ordinance, the intent being that the same are severable.

Section 5. Repealer. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency.

Section 6. Effective Date. This ordinance shall take effect upon its passage after second reading.

Section 7. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of December, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of January, 2016.

CITY OF WESTMINSTER DOWNTOWN
GENERAL IMPROVEMENT DISTRICT

Mayor ex officio President

ATTEST:

City Clerk ex officio Secretary

Approved as to form:

Attorney for District

STATE OF COLORADO)
)
 COUNTY OF JEFFERSON) SS.
)
 CITY OF WESTMINSTER DOWNTOWN)
 GENERAL IMPROVEMENT DISTRICT)

I, Linda Yeager, City Clerk of the City of Westminster, Colorado (the "City") and ex officio Secretary of the City of Westminster Downtown General Improvement District (the "District"), do hereby certify:

Section 1. The foregoing is a true and correct copy of an ordinance (the "Ordinance") introduced and passed on first reading at the regular meeting of the Board of Directors of the District (the "Board") on December 28, 2015, and passed and adopted on second reading by the Board at the regular meeting of the Board on January 11, 2016. A quorum of the Board was in attendance at each meeting.

Section 2. The members of the Board voted on passage and adoption of the Ordinance on first reading on December 28, 2015, as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

Section 3. The adoption of the Ordinance was duly moved and seconded and the Ordinance was adopted on second reading by an affirmative vote of a majority of the members of the Board at the regular meeting of the Board on January 11, 2016, as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

Section 4. The Ordinance was approved and authenticated by the signature of the Mayor as ex officio President of the District, attested by the Clerk as ex officio Secretary of the District and recorded in the minutes of the Board.

Section 5. Attached hereto as Exhibit B are affidavits of publication by title and in full of the Ordinance in the Westminster Window on January 7, 2016, and on January 21, 2016.

Section 6. Attached hereto as Exhibit C are copies of the notices of the meetings of December 28, 2015, and January 11, 2016, each of which were posted at the City Hall not less than 24 hours in advance of the meeting.

Section 7. On _____, 201__ I filed a certified copy of the Ordinance with the Jefferson County Clerk and Recorder.

Section 8. On _____, 201__, I caused to be filed with the Board of County Commissioners of Jefferson County, the Jefferson County Assessor, and the Division of Local Government of the State of Colorado, a Notice of Inclusion, a true and correct copy of which is attached here to as Exhibit D.

IN WITNESS WHEREOF, I have hereto set my hand and the seal of the City this ____ day of _____, 201__.

City Clerk ex officio Secretary of the Board

EXHIBIT A

(Attach Verified Legal Description for Property
to be included within the Boundaries of the
City of Westminster Downtown General Improvement District)

**LEGAL DESCRIPTION OF THE WESTMINSTER ECONOMIC DEVELOPMENT
AUTHORITY OWNERSHIP AT THE DOWNTOWN WESTMINSTER SITE**

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N44°34'47"W A DISTANCE OF 105.18 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SAID EASTERLY LINE THE FOLLOWING EIGHT (8) CONSECUTIVE COURSES;

- 1.) 128.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 73°44'29" AND A CHORD WHICH BEARS N36°09'44"W A DISTANCE OF 120.00 FEET;
- 2.) THENCE N00°42'30"E A DISTANCE OF 252.68 FEET;
- 3.) THENCE 104.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 103.53 FEET;
- 4.) THENCE N29°17'30"W A DISTANCE OF 253.49 FEET;
- 5.) THENCE 52.36 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 51.76 FEET;
- 6.) THENCE N00°42'30"E A DISTANCE OF 1022.79 FEET;
- 7.) THENCE 241.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 360.00 FEET, A CENTRAL ANGLE OF 38°30'06" AND A CHORD WHICH BEARS N19°57'33"E A DISTANCE OF 237.39 FEET;
- 8.) THENCE N39°12'36"E A DISTANCE OF 216.41 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET AND THE SOUTHERLY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F0832987; THENCE ALONG THE SAID EASTERLY LINE AND SOUTHERLY LINE OF WEST 92ND AVENUE THE FOLLOWING FOURTEEN (14) CONSECUTIVE COURSES;
 - 1.) S50°48'48"E A DISTANCE OF 20.34 FEET;
 - 2.) THENCE N39°11'12"E A DISTANCE OF 55.78 FEET;
 - 3.) THENCE 26.01 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 16.50 FEET, A CENTRAL ANGLE OF 90°18'15" AND A CHORD WHICH BEARS N05°39'40"W A DISTANCE OF 23.40 FEET TO A POINT OF REVERSE CURVATURE;
 - 4.) THENCE 208.95 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 393.50 FEET, A CENTRAL ANGLE OF 30°25'28" AND A CHORD WHICH BEARS N24°16'43"E A DISTANCE OF 206.50 FEET;
 - 5.) THENCE N09°03'59"E A DISTANCE OF 16.12 FEET;

6.) THENCE 33.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 500.50 FEET, A CENTRAL ANGLE OF 03°47'05" AND A CHORD WHICH BEARS N07°10'20"E A DISTANCE OF 33.05 FEET TO A POINT OF REVERSE CURVATURE;

7.) THENCE 38.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 48.50 FEET, A CENTRAL ANGLE OF 45°13'15" AND A CHORD WHICH BEARS N27°53'25"E A DISTANCE OF 37.29 FEET;

8.) THENCE S89°13'00"E A DISTANCE OF 100.73 FEET;

9.) THENCE S89°12'30"E A DISTANCE OF 16.89 FEET;

10.) THENCE 51.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1036.00 FEET, A CENTRAL ANGLE OF 02°50'33" AND A CHORD WHICH BEARS S87°47'44"E A DISTANCE OF 51.39 FEET;

11.) THENCE S86°22'27"E A DISTANCE OF 303.71 FEET;

12.) THENCE 69.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1260.31 FEET, A CENTRAL ANGLE OF 03°08'13" AND A CHORD WHICH BEARS S87°56'42"E A DISTANCE OF 68.99 FEET TO A POINT OF COMPOUND CURVATURE;

13.) THENCE 8.73 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1259.00 FEET, A CENTRAL ANGLE OF 00°23'51" AND A CHORD WHICH BEARS S89°42'48"E A DISTANCE OF 8.73 FEET;

14.) THENCE S89°54'43"E A DISTANCE OF 162.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F1097396; THENCE ALONG SAID SOUTHERLY LINE S89°55'03"E A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F083987; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S00°45'31"W A DISTANCE OF 9.26 FEET;

2.) THENCE S89°16'45"E A DISTANCE OF 495.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG THE SAID WESTERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S45°07'17"E A DISTANCE OF 143.20 FEET;

2.) THENCE S15°22'31"E A DISTANCE OF 102.65 FEET TO THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 1, LAKE ARBOR COMMERCIAL OFFICE PARK FILING NO. 1; THENCE ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY LINE OF SAID LOT 1 THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

1.) N89°17'30"W A DISTANCE OF 175.87 FEET;

2.) THENCE S00°42'30"W A DISTANCE OF 160.00 FEET;

3.) THENCE S89°17'30"E A DISTANCE OF 222.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG SAID WESTERLY LINE S15°22'31"E A DISTANCE OF 1207.45 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 901; THENCE ALONG SAID WESTERLY LINE S00°05'03"W A DISTANCE OF 904.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88TH AVENUE; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) 23.73 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°37'27" AND A CHORD WHICH BEARS S45°23'47"W A DISTANCE OF 21.33 FEET;

2.) THENCE N89°17'30"W A DISTANCE OF 1682.39 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88TH AVENUE RECORDED AT RECEPTION NO. 89053018; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

- 1.) N00°39'31"E A DISTANCE OF 2.10 FEET;
- 2.) THENCE N88°29'13"W A DISTANCE OF 135.26 FEET;
- 3.) THENCE N89°17'30"W A DISTANCE OF 74.75 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM LOT 1, BLOCK 1, BRUNSWICK CENTER AND A PARCEL OF LAND RECORDED AT RECEPTION NO. 85121731 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N06°32'50"E A DISTANCE OF 1909.92 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND RECORDED AT RECEPTION NO. 85121731 AND THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY AND NORTHERLY LINE OF SAID PARCEL THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

- 1.) N00°42'30"E A DISTANCE OF 350.00 FEET;
- 2.) THENCE S89°17'30"E A DISTANCE OF 120.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1, BRUNSWICK CENTER; THENCE ALONG THE NORTHERLY, EASTERLY AND SOUTHERLY LINE OF SAID LOT 1 THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

- 1.) S89°17'30"E A DISTANCE OF 280.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
- 2.) THENCE S00°42'30"W A DISTANCE OF 350.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
- 3.) THENCE N89°17'30"W A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND THE SOUTHEAST CORNER OF SAID PARCEL OF LAND RECORDED AT RECEPTION 85121731; THENCE ALONG SOUTHERLY LINE OF SAID PARCEL OF LAND N89°17'30"W A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM A 10' BY 20' PARCEL OF LAND WITHIN A PORTION OF BLOCK A-2 OF WESTMINSTER CENTER SUBDIVISION, FILING NO. 1 AS RECORDED AT RECEPTION NUMBER 2015002087, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN; CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 24; THENCE S89°17'30"E A DISTANCE OF 334.92 FEET ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 24; THENCE DEPARTING SAID SOUTHERLY LINE, N00°42'30"E A DISTANCE OF 746.02 FEET TO THE EASTERLY MOST CORNER OF SAID BLOCK A-2 BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK A-2, S58°10'03"W A DISTANCE OF 20.00 FEET; THENCE N31°49'57"W A DISTANCE OF 10.00 FEET, THENCE, N58°10'03"E A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID

BLOCK A-2; THENCE ALONG SAID NORTHEASTERLY LINE S31°49'57"E A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 100.098 ACRES (4,360,280 SQ. FT.), MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARING S89°17'30"E AND BEING MONUMENTED BY A FOUND 3" ALUMINUM CAP PLS #17488 AT THE SOUTH QUARTER CORNER AND A FOUND 3-1/4" ALUMINUM CAP PLS #13155 AT THE SOUTHEAST CORNER.

EXCLUSION

EXCLUDED FROM THIS LEGAL DESCRIPTION ARE THE TENANT IMPROVEMENTS, BUILDING AND PERSONAL PROPERTY OWNED BY JC PENNEY LOCATED AT 5453 W. 88TH AVE, WESTMINSTER CO 80031. SAID TENANT IMPROVEMENTS, BUILDING AND PERSONAL PROPERTY WOULD NEED TO BE INCLUDED BY A FUTURE PETITION FILED BY JC PENNEY WHICH IS CURRENTLY A TENANT OF WEDA.

EXCLUDED FROM THIS LEGAL DESCRIPTION ARE THE TENANT IMPROVEMENTS AND PERSONAL PROPERTY OF OLIVE GARDEN, LOCATED AT 5551 W. 88TH AVE, WESTMINSTER CO 80031 AND U.S. BANK, LOCATED AT 5971 W. 88TH AVE, WESTMINSTER, CO 80031. SAID TENANT IMPROVEMENTS AND PERSONAL PROPERTY WOULD NEED TO BE INCLUDED BY FUTURE PETITIONS FILED BY THEIR OWNERS WHICH ARE CURRENTLY TENANTS OF WEDA.

EXHIBIT B

(Attach Affidavits of Ordinance publication by title and in full)

EXHIBIT C

(Attach Notices of Meetings on December 28, 2015, and January 11, 2016)

EXHIBIT D

(Attach Notice of Inclusion of Property within the
City of Westminster Downtown General Improvement District)