ORDINANCE NO. 6
Series 2021

June 15, 2021: Introduced as Council Bill 6, Series 2021 by Councilor Al Blum, seconded by Councilor Afshin Safavi and considered in full text on first reading. Passed by a vote of 4 yes and 0 no.

July 20, 2021: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO
MAKING FINDINGS AND DETERMINATIONS WITH RESPECT TO A PETITION
CONCERNING THE ORGANIZATION OF THE PROPOSED "CHERRY HILLS VILLAGE
SOUTHMOOR CIRCLE AND HUDSON PARKWAY GENERAL IMPROVEMENT DISTRICT"
PURSUANT TO § 31-25-601, *ET SEQ.*, C.R.S., AND PROVIDING FOR THE QUESTION OF
THE ORGANIZATION OF SUCH DISTRICT TO BE REFERRED TO THE ELECTORS
THEREOF ALONG WITH ADDITIONAL BALLOT ISSUES AUTHORIZING THE ISSUANCE
OF BONDED INDEBTEDNESS AND IMPOSITION OF GENERAL PROPERTY TAXES TO
ACCOMPLISH THE PURPOSES OF SAID DISTRICT**

WHEREAS, a Petition Regarding Approval (the "Petition") of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District, City of Cherry Hills Village (the "District") has been filed in the office of the City Clerk of the City of Cherry Hills Village, Colorado (the "City"); and

WHEREAS, the property to be included within proposed District, which is more fully described on **Attachment A** attached hereto and incorporated herein by reference, lies wholly within the boundaries of the City; and

WHEREAS, pursuant to and in accordance with § 31-25-606(1), C.R.S., notice of the public hearing on the sufficiency of the Petition was duly published and mailed to each elector of the District; and

WHEREAS, the City Council of the City (the "City Council") conducted a public hearing on the sufficiency of the Petition as required by § 31-25-607, C.R.S., on Tuesday, June 15, 2021 at 6:30 p.m., with said public hearing held at City Hall, and afforded all interested persons an opportunity to be heard concerning matters relevant to the Petition; and

WHEREAS, the City Council desires to make certain findings and determinations with respect to the Petition, and to refer to the electors of the proposed District, a ballot question relating to the organization of the District and a ballot issue regarding the issuance of bonded indebtedness by the District, and the imposition of general property taxes by the District.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

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

Section 2.   The City Council hereby finds that it has jurisdiction to consider the Petition, and further finds as follows:

    a.   According to the tax rolls of the Arapahoe County Assessor and the last official voter registration list of the Arapahoe County Clerk and Recorder, and based upon additional relevant and competent evidence adduced at the public hearing, the total number of electors of the District is 30, and the total valuation for assessment of all taxable real and personal property in the District is $1,111,115.00.

    b.   The Petition has been duly signed by at least thirty percent (30%) of electors of the District and such signatures are genuine;

    c.   The Petition is in conformity with the provisions of § 31-25-601, et seq., C.R.S.; and

    d.   The allegations set forth in the Petition are true.

Section 3.   Pursuant to the provisions of § 31-25-601, *et seq.* and Section 20 of Article X of the Colorado Constitution ("TABOR"), the City Council hereby determines and orders that

an election to be held pursuant to the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S., for the organization of the District, the issuance of bonded indebtedness and the imposition of property taxes by the District, and any other matters for which voter approval is required under TABOR. The election shall be conducted on November 2, 2021 (the "Election"), which Election shall be held on the same date as the City special municipal election and conducted as a mail ballot election coordinated with Arapahoe County. The City Council hereby appoints the City Clerk as the Designated Election Official for purposes of the Election (the "DEO"), and hereby directs and authorizes the DEO to perform all of the functions and exercise all of the powers of the City in connection with such election as provided by state law, except as expressly reserved to City Council in Section 4 below.

Section 4. The City Council hereby refers and approves the following ballot question and ballot issue for submission to the electors of the District on the November 2, 2021 ballot:

Ballot question _____:

SHALL CHERRY HILLS VILLAGE SOUTHMOOR CIRCLE AND HUDSON PARKWAY GENERAL IMPROVEMENT DISTRICT, AS MORE PARTICULARLY DESCRIBED IN CITY ORDINANCE NO. 6, SERIES OF 2021, BE ORGANIZED IN THE CITY OF CHERRY HILLS VILLAGE, COLORADO?
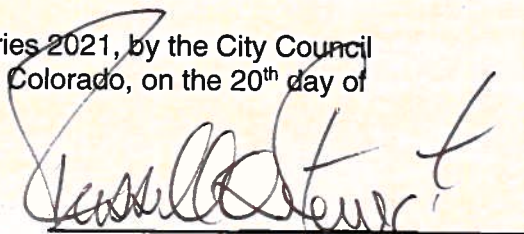
Ballot issue _____:

SHALL CHERRY HILLS VILLAGE SOUTHMOOR CIRCLE AND HUDSON PARKWAY GENERAL IMPROVEMENT DISTRICT DEBT BE INCREASED NOT TO EXCEED $150,000 WITH A REPAYMENT COST NOT TO EXCEED $375,000 (PRINCIPAL AND INTEREST), AND SHALL THE DISTRICT'S TAXES BE INCREASED NOT TO EXCEED $25,000 ANNUALLY, TO PROVIDE FOR IMPROVEMENTS INCLUDING THE UNDERGROUNDING OF OVERHEAD UTILITIES IN THE DISTRICT AND THE REMOVAL OF UTILITY POLES, BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OR OTHER OBLIGATIONS BEARING INTEREST AT A NET EFFECTIVE INTEREST RATE NOT TO EXCEED 6.00%, TO BE PAID FROM PROPERTY TAXES, WITHOUT REDUCTION, AT A RATE AND IN AN AMOUNT SUFFICENT TO PAY SUCH OBLIGATIONS OR ANY REFUNDINGS THEREOF, AND IN CONNECTION THEREWITH SHALL THE DISTRICT'S PROPERTY TAXES ALSO BE INCREASED NOT TO EXCEED $1,000 ANNUALLY TO PROVIDE FOR THE COST OF ADMINISTRATION OF THE DISTRICT AND THE OPERATION, MAINTENANCE AND REPAIR OF SUCH IMPROVEMENTS, ALL OF SUCH TAXES AND OTHER FUNDS, AND INVESTMENT EARNINGS THEREON, TO BE COLLECTED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO ANY LIMITS THAT WOULD OTHERWISE APPLY?

Section 5. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.
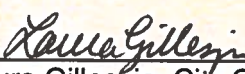
Adopted as Ordinance No. 6, Series 2021, by the City Council of the City of Cherry Hills Village, Colorado, on the 20th day of July, 2021.

Russell O. Stewart, Mayor

ATTEST:

Laura Gillespie, City Clerk

APPROVED AS TO FORM:

Kathie B. Guckenberger, City Attorney

Published in the Villager
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legal # 10334

Attachment A
Map and Legal Description of Boundaries of Cherry Hills Village
Southmoor Circle and Hudson Parkway General Improvement District

Legal Description:

LOTS 1 THROUGH 3 OF BLOCK 1 CHERRY HILLS EAST 1ST FILING;
LOT 2 UNICORN MEADOWS;
LOT 7 OF BLOCK 3 CHERRY HILLS EAST 3RD FILING; AND
LOT 1 AND LOTS 14 THROUGH 18 OF BLOCK 6 SOUTHMOOR VISTA
CITY OF CHERRY HILLS VILLAGE,
COUNTY OF ARAPAHOE,
STATE OF COLORADO

Map of the GID Boundaries: