

FIRST READING: August 18, 2015

SECOND READING: September 1, 2015

ORDINANCE NO. 5957

**AN ORDINANCE EXCLUDING THREE RESIDENTIAL PROPERTIES
FROM THE BOUNDARIES OF THE LOVELAND
DOWNTOWN DEVELOPMENT AUTHORITY (THE "DDA")**

WHEREAS, by Ordinance No. 5906 and Resolution No. #R-82-2014 of the City of Loveland, Colorado ("City") and pursuant to Section 31-25-804, C.R.S, the City Council of the City ("City Council") called a special election of the qualified electors of the proposed DDA for the consideration of the ballot question concerning the establishment of the DDA; and

WHEREAS, on February 10, 2015, qualified electors of the DDA, as defined in Title 31, Article 25, Part 8, C.R.S. ("DDA Act") approved the ballot question creating the Loveland Downtown Development Authority and establishing the DDA boundaries; and

WHEREAS, a portion of each of three different residential properties, was included in the DDA boundaries, with the remainder of each of such properties inadvertently being left outside the DDA boundaries; and

WHEREAS, the Larimer County Assessor has advised the City that it cannot assign more than one tax district to a single property; and

WHEREAS, the City Council desires to exclude from the DDA boundaries those portions of such properties presently included therein.

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

Section 1. That pursuant to the authority granted in the DDA Act, City Council hereby excludes the following three parcels of real property in Loveland, Colorado, from the DDA boundaries:

Parcel Number: 95132-09-009

Legal: N 1/2 OF LOT 8, ALL OF LOTS 9 & 10 & S 75 FT OF LOTS 20 & 21,
BLK 5, LOVELAND HTS, LOV

Parcel Number: 95132-12-007

Legal: COM AT A PT 185 FT N OF SW COR OF BLK 1, MCKEE, LOV; TH E
140 FT TO ALLEY; TH N ALG ALLEY TO N BANK OF BIG LATERAL
DITCH; TH NWRLY ALG N BANK OF DITCH TO W LN OF BLK S 65.2 FT
M/L TO BEG, ALSO E 20 FT OF LOT 6, BLK 1, MCKEE ADDN, LOV, EXC S
5 FT THEREOF

Parcel Number: 95132-21-013
Legal: LOTS 13 THRU 17 & 5 FT OF VAC ALLEY ADJ SD LOTS 14 & 15 ON
S, BLK 2, MCKEE, LOV

Section 2. That the amended boundaries of the DDA, after the exclusion authorized in Section 1 above, are set forth on Exhibit A attached hereto and incorporated herein by this reference.

Section 3. That the Plan of Development is hereby amended by the City Council to delete the legal description of the boundaries of the DDA set forth therein, and to substitute therefor the legal description referred to in Section 2 above of this Ordinance.

Section 4. That the exclusion of the above-referenced properties from the DDA boundaries is determined to be a minor modification to the DDA Plan of Development for the following reasons:

- (i) The City has not received any petitions for inclusion of the omitted portions of the three residential properties into the DDA;
- (ii) The City has not incurred any debt on behalf of the DDA; and
- (iii) The exclusion of portions of three residential properties from the DDA boundaries will have a de minimus effect on the financial condition and operation of the DDA.

Section 5. Severability. That 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 the remaining provisions of this Ordinance.

Section 6. Safety Clause. That the City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Resolution bears a rational relation to the legislative object sought to be obtained.

Section 7. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after 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 its final publication as provided in the City Charter Section 4-8(b).

ADOPTED this 1st day of September, 2015.


Cecil A. Gutierrez, Mayor

ATTEST:

Teresa G. Andrews
City Clerk



APPROVED AS TO FORM:

Tami Yalter
City Attorney

Ordinance # 5957

I, Teresa G. Andrews, 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 August 18, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on August 22, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on September 5, 2015.

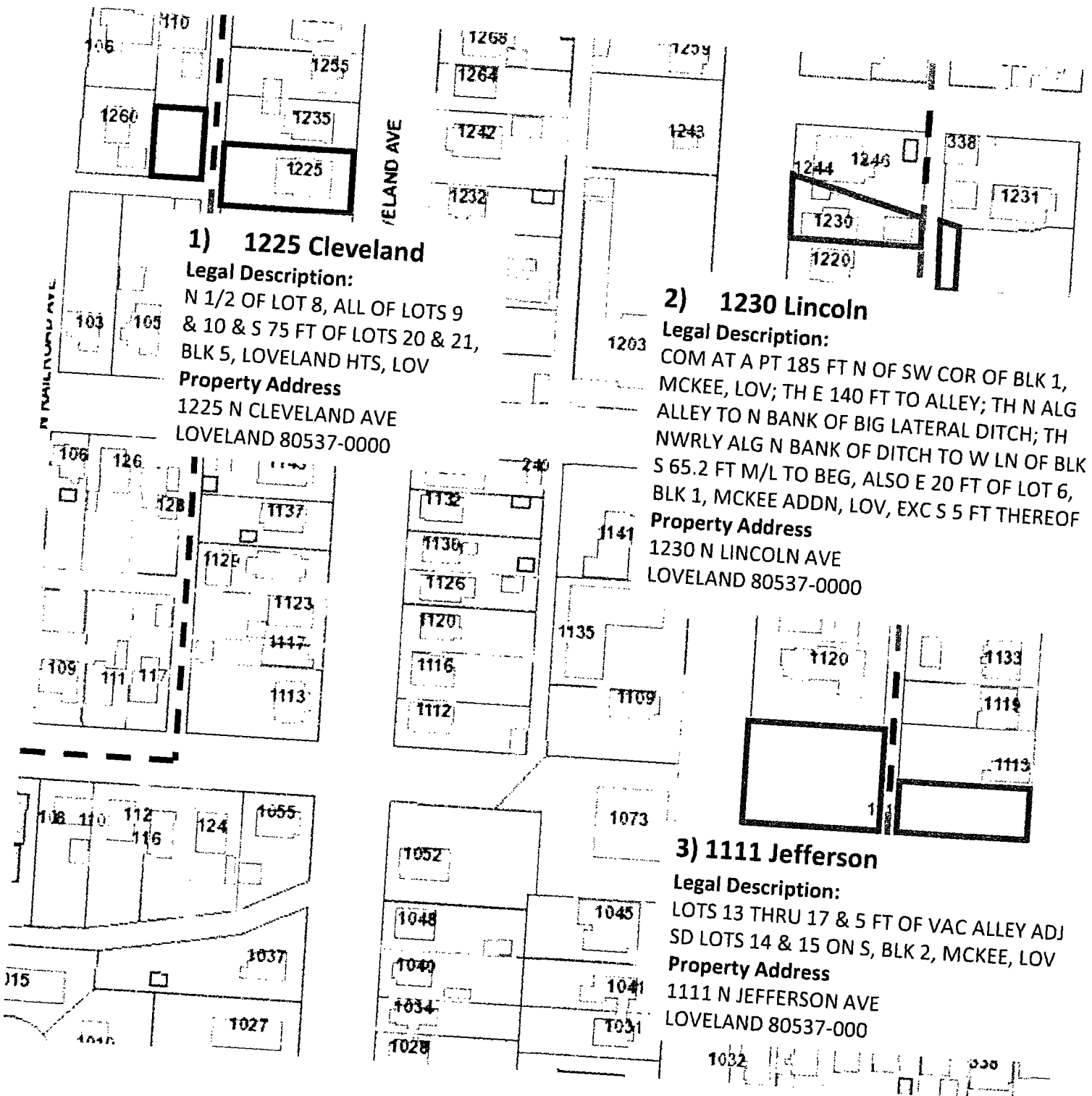
Teresa G. Andrews
City Clerk

Effective Date: September 15, 2015

Exhibit A

1. 2. 3.

**Exhibit A. Map of Three Parcels
 "Split" by the legal description of the
 Loveland Downtown Development Authority Boundary**



1) 1225 Cleveland
Legal Description:
 N 1/2 OF LOT 8, ALL OF LOTS 9
 & 10 & S 75 FT OF LOTS 20 & 21,
 BLK 5, LOVELAND HTS, LOV
Property Address
 1225 N CLEVELAND AVE
 LOVELAND 80537-0000

2) 1230 Lincoln
Legal Description:
 COM AT A PT 185 FT N OF SW COR OF BLK 1,
 MCKEE, LOV; TH E 140 FT TO ALLEY; TH N ALG
 ALLEY TO N BANK OF BIG LATERAL DITCH; TH
 NWRLY ALG N BANK OF DITCH TO W LN OF BLK
 S 65.2 FT M/L TO BEG, ALSO E 20 FT OF LOT 6,
 BLK 1, MCKEE ADDN, LOV, EXC S 5 FT THEREOF
Property Address
 1230 N LINCOLN AVE
 LOVELAND 80537-0000

3) 1111 Jefferson
Legal Description:
 LOTS 13 THRU 17 & 5 FT OF VAC ALLEY ADJ
 SD LOTS 14 & 15 ON S, BLK 2, MCKEE, LOV
Property Address
 1111 N JEFFERSON AVE
 LOVELAND 80537-000