

ORDINANCE NO. 13.111, Series of 2023

TITLE: A BILL FOR AN ORDINANCE TO ORGANIZE THE DOWNTOWN PARKER BUSINESS IMPROVEMENT DISTRICT; TO PROVIDE FOR AN APPOINTED BOARD OF DIRECTORS OF THE DISTRICT AND APPOINT THE INITIAL DIRECTORS THERETO; AND APPROVE THE 2023-2024 OPERATING PLAN AND BUDGET FOR THE DISTRICT

WHEREAS, the Town Council (the “Town Council”) of the Town of Parker, Colorado (the “Town”), has received a petition for the organization of the Downtown Parker Business Improvement District within the Town (the “District”); and

WHEREAS, based upon the petition for organization (the “Petition”) and other evidence presented to the Town Council, the Petition has been signed in conformity with the Business Improvement District Act, Section 31-25-1201, *et seq.*, C.R.S. (the “Act”), the signatures on the Petition are genuine, and the signatures of the petitioners represent the persons who own real or personal property in the service area of the proposed District having a valuation for assessment of not less than fifty percent of the valuation for assessment of all real and personal property in the service area of the proposed District and who own at least fifty percent of the acreage in the proposed District; and

WHEREAS, the petitioners have also caused a copy of the District’s 2023-2024 Operating Plan and Budget (the “2023-2024 Operating Plan and Budget”) to be submitted at the same time as the Petition; and

WHEREAS, all non-commercial property within the boundaries of the District, if any, as required by Section 31-25-1208, C.R.S., are excluded; and

WHEREAS, the petitioners of the proposed District request that the Town designate the territory within the service area of the proposed District as a location for new business or commercial development under Section 31-25-1203(10), C.R.S.; and

WHEREAS, the Petition contains the items required by statute including, among other things:

(a) The name of the proposed District, which is to wit: “Downtown Parker Business Improvement District”;

(b) The proposed District boundaries and service area are generally located along Main Street east of Parker Road in the Town. The District boundaries are the territory of the commercial property, as defined in the Act, within the above service area, but specifically excluding any personal property therein;

(c) A general description of the types of services or improvements or both to be provided by the proposed District;

(d) The names of three persons to represent the petitioners and who have the power to enter into agreements relating to the organization of the District;

(e) A request that the Town Council provide for an appointed Board of Directors of the District and appoint the initial members of the Board of Directors pursuant to Section 31-25-1209(1)(b), C.R.S.;

(f) A request that the Town Council approve the 2023-2024 Operating Plan and Budget;

(g) A request that the Town Council approve the organization of the District; and

WHEREAS, the Town Council has determined that the allegations of the Petition are true; and

WHEREAS, the Petition provided that, upon the request of the Town Council, the petitioners for the proposed District will execute a bond or provide a cash deposit sufficient to cover all expenses anticipated to be incurred by the Town in connection with the proceedings in case the organization of the proposed District is not effected and such requirement, if any, has been met; and

WHEREAS, the service area of the proposed District is located entirely within the Town and is a location for new business or commercial development; and

WHEREAS, the Town Council has determined that the types of services or improvements to be provided by the proposed District are of the type which best satisfy the purposes of the Act; and

WHEREAS, the Town Council has held and concluded a public hearing on August 21, 2023 at 7:00 p.m. following due notice of such hearing as required by law.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

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

Section 2. Pursuant to its authority to organize business improvement districts under the Act, and specifically Section 31-25-1207(5), C.R.S., the Town Council, as the governing body of the Town, hereby adjudicates all questions of jurisdiction to find that jurisdiction is vested in the Town Council to organize the business improvement district described in the Petition submitted by the petitioners for the District.

Section 3. The District is hereby created, organized, and established for the purposes and shall have the powers set forth in the Act, except as otherwise modified in this ordinance. All services and improvements the District will provide shall be undertaken in accordance with the Act and the District's operating plan, as the same may be amended from time to time.

Section 4. The Town Council hereby declares the area within the District to be a location designated by the Town as a location for new business or commercial development. The District shall have the service area and boundaries set forth in the attached **Exhibit A**, which consist of all “commercial property” now or hereafter located therein, as that term is defined at Section 31-25-1203(2), C.R.S., but shall at all times specifically exclude all taxable personal property. The District may provide services and improvements inside and outside of its service area and boundaries as set forth in the District’s operating plan. A map of the service area and boundaries of the District is attached as **Exhibit B**. Inclusion and exclusion of property into or from the District shall be completed as provided in the Act.

Section 5. The District shall be a quasi-municipal corporation and political subdivision of the State of Colorado with all powers and responsibilities thereof. The District shall hereafter have the corporate name specified in the Petition: Downtown Parker Business Improvement District.

Section 6. Pursuant to Section 31-25-1209(1)(b), C.R.S., the Board of Directors of the District (the “Board”) shall consist of five (5) members appointed by the Town Council and serving at the pleasure of the Town Council, and each member of the Board shall be an elector of the District, as that term is defined at Section 31-25-1203(4)(a), C.R.S. The Town Council hereby appoints the following five initial members of the Board of Directors of the District to serve at the pleasure of the Town Council:

1. Tony Mango
2. Tony DeSimone
3. Bryan Zehnder
4. Omar Castillo
5. Denise Haack

All future appointments to the Board may be made by resolution of the Town Council and need not be made by ordinance.

Section 7. Each member of the Board, within thirty days after his or her appointment, except for good cause shown, shall appear before an officer or other person authorized to administer oaths and take an oath that he or she will faithfully perform the duties of his or her office as required by law and will support the constitution of the United States, the constitution of the state of Colorado, and the laws made pursuant thereto. The Board shall carry out the responsibilities required of such Board by the Act and other applicable law.

Section 8. In accordance with Section 31-25-1211, C.R.S., the 2023-2024 Operating Plan and Budget is hereby approved. Beginning in 2024 (for use in 2025) and each year thereafter, an annual operating plan and budget will be submitted to the Town Clerk on or before September 30 of each year for the approval of the Town Council, in accordance with Section 31-25-1211, C.R.S. The District is authorized to proceed with an election in November 2023.

Section 9. The actions of the Town Clerk in setting and providing public notice of the public hearing on the Petition, and in furtherance hereof are hereby ratified and confirmed.

Section 10. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed, except that this section shall not be construed so as to revive any act, order, resolution, or ordinance, or part thereof previously repealed.

Section 11. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 12. Severability. 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 application to other persons or circumstances.

Section 13. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this 7th day of Aug., 2023.



Jeff Toborg, Mayor

ATTEST:



Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this 21st day of Aug., 2023.




Jeff Toborg, Mayor

ATTEST:



Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:



Kristin Hoffmann, Town Attorney

EXHIBIT A**Legal Description of the Service Area and Boundaries of the
Downtown Parker Business Improvement District**

Owner Name	Street Address	Legal Description	Parcel No.
19420 MAIN LLC	19420 E MAINSTREET	LOT 1 PARKER GARAGE 0.22 AM/L	2233-221-18-001
20 MILE CENTRAL LLLP	19553 E MAINSTREET	LOT 2 BLK 1 PARKER CENTRAL AREA FLG 8 4TH AMD 0.908 AM/L	2233-221-03-019
20 MILE CENTRAL LLLP	19501 E MAINSTREET	LOT 1 BLK 1 PARKER CENTRAL AREA FLG 8 4TH AMD 0.387 AM/L	2233-221-03-018
ABDALLA I SULEIMAN	19550 E MAINSTREET	TR IN NE1/4 22-6-66 0.559 AM/L AKA PARCEL 3 TOWN OF PARKER 368-220	2233-221-00-032
ANDREW K CHANOS & MARILYN A CHANOS	19402 E MAINSTREET	TR IN SW1/4NE1/4 22-6-66 .534 AM/L TOWN OF PARKER (23261.04 SF)	2233-221-00-034
BONBECK PARKER LLC	11000 S PARKER RD 105	PT LOT 3 REPLAT OF PARKER CENTRAL AREA #5 0.954 AM/L	2233-221-06-008
BONBECK PARKER LLC	10970 S PARKER RD	MOST LOT 3 REPLAT OF PARKER CENTRAL AREA #5 7.715 AM/L	2233-221-06-007
CD PARKER LLC	No official address listed	PART TRACT IN W1/2NW1/4 23-6-66 24.173 AM/L RLTD\MTD R0619269 R0619271 & R0619276 (PT PINE CURVE PROPERTY)	2233-232-00-027
CD PARKER LLC	No official address listed	LOT 4 MAINSTREET & PINE MARKETPLACE 4TH AMD	2233-221-14-005
CD PARKER LLC	No official address listed	LOT 2B CIVIC CENTER 1 2ND AMD EXEMPTION	2233-221-15-004
CD PARKER LLC	No official address listed	LOT 2A CIVIC CENTER 1 2ND AMD EXEMPTION 1.418 AM/L	2233-221-15-003
CD PARKER LLC	19801 E MAINSTREET	LOT 1A1 PARKER CENTRAL AREA 1 AMD 2 0.911 AM/L	2233-221-20-001
CD PARKER LLC	19640 E MAINSTREET	LOT 1B MAINSTREET CENTER 1ST AMD 0.344 AM/L	2233-221-19-004
CD PARKER LLC	No official address listed	PART TRACT IN W1/2NW1/4 23-6-66 AKA PT UNBUILT ROW IN ROWLEY DOWNS 0.46 AM/L RLTD\MTD R0619269 R0619271 & R0619274 (PT PINE CURVE PROPERTY)	2233-232-00-029
FIRST NATIONAL BANK OF PARKER	10900 S PARKER RD	LOT 1 BLK 1 PARKER CENTRAL AREA #5 REPLAT 0.9158 AM/L	2233-221-06-001
H & A EDUCATIONAL ENTERPRISES LLC	10750 VICTORIAN DR	LOT 4 PARKER CENTRAL AREA 8 1ST AMD REPLAT OF LOT 3 1.00 AM/L	2233-221-03-006

Owner Name	Street Address	Legal Description	Parcel No.
JERRY R COOPER & BETTY L COOPER LIVING TRUST	19600 E MAINSTREET	LOT 1 PARKER MAINSTREET STUDIO 1 0.52 AM/L	2233-221-21-001
MCDONALDS USA LLC	10950 S PARKER RD	LOT 2 BLK 1 PARKER CENTRAL AREA #5 REPLAT 0.701 AM/L	2233-221-06-002
MOUNTAIN ELK RIDGE LLC, and CAIS FUTURES LLC	19751 E MAINSTREET	LOT 3 BLK 1 PARKER CENTRAL AREA FLG 8 4TH AMD 3.996 AM/L	2233-221-03-020
MOUNTAIN ELK RIDGE LLC, and CAIS FUTURES LLC	No official address listed	TR IN NE1/4 22-6-66. 0.072 AM/L TOWN OF PARKER	2233-221-00-011
PARKER ACQUISITION LLC	No official address listed	TRACT A-1 PARKER TOWN CENTER FIRST AMENDMENT EXEMPTION 3.055 AM/L	2233-221-07-010
PARKER MAINSTREET EXCHANGE LLC	19590 E MAINSTREET 110	2 TRACTS IN NE1/4 22-6-66 0.693 AM/L TOWN OF PARKER	2233-221-22-001
THOM COOK & ASSOCIATES LLC	19690 E MAINSTREET	LOT 2 MAINSTREET CENTER 0.226 AM/L	2233-221-19-002

