



**TOWN OF CASTLE ROCK
FESTIVAL PARK COMMONS
GENERAL IMPROVEMENT DISTRICT**

Board of Directors:

Jason Gray, Chair
Jason Bower, Co-Chair
Jess Loban
George Teal
James Townsend
Kevin Bracken
Caryn Johnson

AGENDA

**6:00 pm
Tuesday, September 17, 2019**

**100 N. Wilcox Street
Castle Rock, CO**

- 1. Call to Order and Roll Call**
- 2. Minutes:** Approval of the September 3, 2019 Minutes
- 3. Ordinance 2019-001 – Second Reading:** Ordinance Accepting a Petition for the Inclusion of Certain Real Property into the Town of Castle Rock Festival Park Commons General Improvement District; Declaring the Necessity of Including the Property into the District and Providing Other Details Relating Thereto (*Approved 7-0 on September 3, 2019*)
- 4. Adjourn**



**TOWN OF CASTLE ROCK
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GENERAL IMPROVEMENT DISTRICT**

Board of Directors:

Jason Gray, Chair
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MINUTES

**6:00 P.M.
Tuesday, September 3, 2019**

**100 N. Wilcox Street
Castle Rock, CO**

1. Call to Order and Roll Call

Chair Gray called the meeting to order at 6:35 pm.
All Board Members were present.

2. Minutes: Approval of the September 4, 2018 Minutes

*Moved by Bower, seconded by Loban to Approve the Minutes.
Vote: 7-0*

3. Resolution 2019-001: Providing for Posting of Public Notices and Adoption of Ordinances

Bob Slentz, District Counsel, summarized the Resolution stating that meeting notices for the General Improvement District will be posted on our website and compliant with the open meetings law.

No public comment.

*Moved by Teal, seconded by Bower to Approve Resolution 2019-001 Providing for Posting of Public Notices and Adoption of Ordinances.
Vote: 7-0*

4. Ordinance 2019-001 – First Reading: Ordinance Accepting a Petition for the Inclusion of Certain Real Property into the Town of Castle Rock Festival Park Commons General Improvement District; Declaring the Necessity of Including the Property into the District and Providing Other Details Relating Thereto

Bob Slentz, District Counsel, stated that CD-Festival Commons, LLC submitted a petition to include the third parcel into the District which was not under their ownership at the time of the creation of the District. This inclusion must be approved by Ordinance with two readings; and the

purpose is to accept the petition to include the remaining property in the district which will increase the tax base.

No public comment.

Moved by Teal, seconded by Bower to Approve Ordinance 2019-001 Accepting a Petition for the Inclusion of Certain Real Property into the Town of Castle Rock Festival Park Commons General Improvement District; Declaring the Necessity of Including the Property into the District and Providing Other Details Relating Thereto.

Vote: 7-0

5. **Resolution 2019-002:** Resolution Approving the Encore CR Downtown Redevelopment and Financing Agreement and Authorizing its Execution by Representatives of the District

Bob Slentz, District Counsel, stated this Resolution is for the GID Board to approve the agreement and authorize the proper officials to sign the agreement.

No public comment.

Moved by Teal, seconded by Bower to Approve Resolution 2019-002 Approving the Encore CR Downtown Redevelopment and Financing Agreement and Authorizing its Execution by Representatives of the District.

Vote: 7-0

6. **Resolution 2019-003:** Resolution Calling a Special Election in the Town of Castle Rock Festival Park Commons General Improvement District; and Providing Other Details Relating Thereto

Bob Slentz, District Counsel, stated this Resolution calls a Special Election for the GID on November 5, 2019. Voters are the property owners in the District who designate a representative to vote. The ballot question will increase the mill levy from 30 to 45 mills. If this does not pass, the Town can obtain lost revenue from other means.

Moved by Teal, seconded by Bower to Approve Resolution 2019-003 Calling a Special Election in the Town of Castle Rock Festival Park Commons General Improvement District; and Providing Other Details Relating Thereto.

Vote: 7-0

7. **Adjourn**

Chair Gray adjourned the meeting at 6:47 pm.

Submitted by:

Lisa Anderson, District Secretary



**TOWN OF CASTLE ROCK FESTIVAL PARK COMMONS
GENERAL IMPROVEMENT DISTRICT**

AGENDA MEMO

Meeting Date: September 17, 2019

TO: Board of Directors

FROM: Robert J. Slentz, District Counsel

RE: **Ordinance No. 2019-001: Ordinance Accepting a Petition for the Inclusion of Certain Real Property into the Town of Castle Rock Festival Park Commons General Improvement District; Declaring the Necessity of Including the Property into the District and Providing Other Details Relating Thereto**

Approved on September 3, 2019 on first reading by a vote of 7-0.

The Town has been involved in discussions with CD Festival Commons LLC (Developer) regarding development in downtown Castle Rock of a mixed-use project including residential, retail, office space, and parking. The Town, at the request of the Developer approved the creation of the Town of Castle Rock Festival Park Commons General Improvement District (District) in order to provide financing for a portion of the cost of construction and ongoing operation and maintenance of the parking garage.

At the time, the Developer had not yet acquired one of the parcels planned to be included in the District. The Developer has since acquired the property and filed a Petition to include that property in the District. The Petition was signed by 100% of the owners of the taxable real property as required per CRS 31-25-618.

**TOWN OF CASTLE ROCK FESTIVAL PARK COMMONS
GENERAL IMPROVEMENT DISTRICT**

ORDINANCE NO. 2019-001

**ORDINANCE ACCEPTING A PETITION FOR THE INCLUSION OF
CERTAIN REAL PROPERTY INTO THE TOWN OF CASTLE ROCK
FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT;
DECLARING THE NECESSITY OF INCLUDING THE PROPERTY INTO
THE DISTRICT AND PROVIDING OTHER DETAILS RELATING
THERE TO**

WHEREAS, the Town of Castle Rock, in the County of Douglas and State of Colorado (the “Town”) is a municipal corporation duly organized and existing under the laws of the State of Colorado and in particular under the provisions of Article XX of the Constitution of the State of Colorado and the Town’s Home Rule Charter (the “Charter”); and

WHEREAS, the members of the Town Council (the “Council”) have been duly elected or appointed and qualified; and

WHEREAS, the Town has been involved in discussions with CD Festival Commons LLC (the “Developer”) with respect to the development of mixed-use development project within the Town expected to include residential units, retail and office space, and parking for approximately 601 vehicles, approximately 308 of which are expected to be owned by the Town for public use (the “Project”); and

WHEREAS, the Town, at the request of the Developer, by Ordinance No. 2018-028, created the Town of Castle Rock Festival Park Commons General Improvement District; and

WHEREAS, the District was formed in order to provide financing for a portion of the cost of the construction and ongoing operation and maintenance of the parking garage facility; and

WHEREAS, the Council serves ex officio as the Board of Directors of the District (the “Board”); and

WHEREAS, the Developer is the owner of certain real property locate within the Town and adjacent to the Project; and

WHEREAS, the Developer has filed a Petition (the “Petition”) with the Town Clerk, acting ex officio as the Secretary of the District (the “Secretary”), on August 5, 2019 for inclusion into the District real property described as Lots 7 & 8 Block 32 Town of Castle Rock; and

WHEREAS, the Petition has been reviewed by the Secretary; and

WHEREAS, the Petition has been signed by the Developer, who is the owner of one hundred percent of the taxable real property to be included in the District, and contains a request, pursuant to Section 31-25-618, Colorado Revised Statutes, for such inclusion.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE TOWN OF CASTLE ROCK FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT:

Section 1. Findings and Determinations. The Board hereby accepts the Petition for inclusion of real property in to the District (the “Petition”). The Board hereby finds that the signatures on the Petition are genuine, that the Petition is signed by one hundred percent of the owners of taxable real property of the property to be included within the District, and that the Petition contains a request for inclusion.

The Secretary caused notice of the Petition to be given and published, which notice stated that the Petition was filed, the names of the petitioners, a description of the property to be included, and the request of the petitioner for inclusion and the hearing on the petition before the Board on September 3, 2019, pursuant to Section 31-25-618(1), Colorado Revised Statutes.

Such notice notified all persons having objections to appear at the office of the Board on this date at the time stated, and to show cause why the Petition should not be granted.

The Board of Directors held a public hearing on whether the Petition should be granted was held and no objections were presented.

Section 2. Inclusion into the District. The Board hereby finds and determines that the request for inclusion be granted for the real property described as Lots 7 & 8 Block 32 Town of Castle Rock hereto shall be included within the boundaries of the District.

Section 3. Filing of Ordinance. Within thirty days after Board action on this ordinance, the Town Clerk shall transmit to the County Clerk and Recorder of Douglas County a copy of this ordinance, pursuant to Section 31-25-618(2), Colorado Revised Statutes.

Section 4. Ordinance Conclusive. This ordinance shall finally and conclusively establish the inclusion of the real property into the District against all persons unless an action attacking the validity of such inclusion is commenced in a court of competent jurisdiction within thirty days after the adoption of this ordinance. Thereafter, any such action shall be perpetually barred.

Section 5. Repealer Clause. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 6. Severability Clause. If any section, 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, paragraph, clause or provision shall in no manner affect any remaining provisions of this ordinance.

Section 7. Charter Controls. Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this ordinance and such statutes. Any such inconsistency or conflict is intended by the Board and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

Section 8. Effective Date. Pursuant to Section 7-3 of the Charter and 2.02.100 of the Municipal Code of the Town, this ordinance is effective thirty (30) days following its adoption on second reading.

Section 9. Safety Clause. The Board finds and declares that this Ordinance is promulgated and adopted for the public peace, health or safety and this Ordinance bears a rational relation to the legislative object sought to be obtained.

Section 10. Disposition of Ordinance. This Ordinance, as adopted by the Board, shall be numbered and recorded by the Secretary in the official records of the District. The adoption and publication shall be authenticated by the signatures of the Mayor, acting as the Chairman of the Board of Directors of the District, and Town Clerk, acting as the Secretary of the Board, and by the certificate of publication.

APPROVED ON FIRST READING this 3rd day of September, 2019 by a vote of 7 for and 0 against, after publication once by title and summary (with notice that the entire text of the proposed ordinance is available for public inspection at the Office of the Town Clerk.)

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 17th day of September, 2019, by the Town of Castle Rock Festival Park Commons General Improvement District by a vote of ____ for and ____ against and ordered published once by title and summary (with notice that the entire text of the proposed ordinance is available for public inspection at the Office of the Town Clerk.)

ATTEST:

**TOWN OF CASTLE ROCK
FESTIVAL PARK COMMONS
GENERAL IMPROVEMENT DISTRICT**

Lisa Anderson
Secretary to the Board

Jason Gray
Chair of the Board of Directors

Approved as to form:

Robert J. Slentz
District Counsel