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Court ruling confirms decision by Arapahoe County Assessor

Assessor correctly applied state law when contesting City of Littleton's designation of agricultural land within the Santa Fe Urban Renewal Area

LITTLETON, CO --- On June 7, the Arapahoe County District Court ruled in favor of Assessor Corbin Sakdol, who was sued by the City of Littleton, after the City disagreed with the Assessor's determination that Littleton improperly included agricultural land within its Santa Fe Urban Renewal Plan.

In his capacity as Arapahoe County Assessor, Sakdol is responsible for reviewing all urban renewal plans within Arapahoe County that contain a provision to utilize Tax Increment Financing, or TIF, and may exclude any agricultural property that does not meet the strict requirements set by Colorado Law.

In 2010, the Colorado Legislature passed House Bill 1107, modifying a Colorado law to prohibit the inclusion of agricultural land unless certain specific conditions apply. These conditions are outlined in Colorado Revised Statute 31-25-107 (1)(c)(II), as well as C.R.S 31-25-107 (1)(c)(III).

In 2014, the City of Littleton approved four urban renewal plans, one of which was the Santa Fe Urban Renewal Plan. Littleton contended that the Santa Fe Urban Renewal Plan could include agricultural land because at least one-half of the urban renewal area consists of parcels containing "urban-level development" that constitutes a slum or blighted area, and at least two-thirds of the perimeter of the urban renewal area borders urban-level development. Sakdol determined that the City did not meet this or any other of the conditions in C.R.S 31-25-107 (1)(c)(II) in order to include the agricultural land.

The court ruling agreed with Sakdol's assessment that less than half of the Santa Fe Urban Renewal area contained urban-level development, and the agricultural land should be excluded.

"As Assessor, it is my responsibility to review each and every urban renewal plan that contains the provision to utilize Tax Increment Financing and to exclude agricultural property that does not meet the strict requirements as our Legislators have directed us to do," said Corbin Sakdol, a licensed certified general appraiser, who has served as Arapahoe County Assessor since 2007 and has been in the Assessor's Office for 26 years. "I am pleased the court reaffirmed my decision."

In January, the Assessor won a lawsuit filed by the City of Aurora and Aurora Urban Renewal Authority, which disagreed with the Assessor's interpretation of State Law that the start date of TIF for urban renewal projects begins when the plan containing the TIF provision is adopted. Aurora recently appealed this lawsuit to the Colorado Court of Appeals.

Tax Increment Financing is a tool municipal governments can use to finance the redevelopment of blighted property. TIF is structured so that development is financed with the incremental property tax increase that is

added to the pre-redevelopment tax base. In order to revitalize a blighted area, cities can divert the incremental property taxes that would have been collected by counties, school districts and special districts for up to 25 years to help pay bonds or other financing associated with urban renewal. Currently, there are 34 TIF areas within Arapahoe County. In 2015, 14 of the 34 TIF areas incurred incremental value resulting in approximately \$1.6 million of incremental property tax revenue being diverted from Arapahoe County to the associated municipality.

Copies of the January and June 2016 court rulings are available on the County's website at www.arapahoe.gov.

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