

RESOLUTION NO. 298-04

A RESOLUTION MAKING CERTAIN LEGISLATIVE FINDINGS AND  
APPROVING THE NORTH NEVADA AVENUE URBAN RENEWAL PLAN

WHEREAS, it is desirable and in the public interest that the Colorado Springs Urban Renewal Authority (the Authority) undertake the redevelopment described in the North Nevada Avenue Urban Renewal Plan (the Plan), attached hereto and incorporated herein as Exhibit 1; and

WHEREAS, the aforesaid Plan is a matter of public record in the custody of the City Clerk, and is available for public inspection during business hours of the City; and

WHEREAS, there was presented to the City Council for its review and consideration a document entitled the North Nevada Avenue Conditions Survey, dated September 2004, prepared by Leland Consulting Group, consisting of 34 pages which shows that the area described in the Plan qualifies as a "blighted area" as such term is defined in the Colorado Urban Renewal Law, Section 31-25-101, et seq., C.R.S. (the Act); and

WHEREAS, on December 14, 2004, the City Council conducted a public hearing and reviewed said Plan pursuant to the procedural and notice requirements of the City Charter and the Act; and

WHEREAS, notice of the public hearing on the Plan was published as required by Section 31-25-107(3), C.R.S., at least thirty days prior to the public hearing; and

WHEREAS, written notice of the public hearing was mailed to each property owner, business, and resident of the area included in the Plan informing them of the public hearing at least 30 days prior to the public hearing; and

WHEREAS, on October 7, 2004 the Colorado Springs Planning Commission found that the Plan is in conformance with the Colorado Springs Comprehensive Plan; and

WHEREAS, the City Council having considered the evidence presented in support of and in opposition to the Plan, the Conditions Survey, the Relocation Policy, the City's Comprehensive Plan, and staff recommendations and so having considered the legislative record and given appropriate weight to the evidence,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO, AS FOLLOWS:

Section 1. The Urban Renewal Area described in the Plan is found and declared to be a blighted area as defined in the Act. This is a legislative finding by the City Council based upon the Conditions Survey and other evidence presented to City Council.

Section 2. The boundaries of the Urban Renewal Area have been drawn as narrowly as the City Council determines feasible to accomplish the planning and development objectives of the Plan.

Section 3. The Plan has been submitted to the Board of County Commissioners of El Paso County, Colorado, together with the information required by Section 31-25-107(3.5) of the Act.

Section 4. School District 11 has been permitted to participate in an advisory capacity with respect to the inclusion in the Plan of the tax allocation provisions authorized by Section 31-25-107(9) of the Act.

Section 5. A feasible method exists within the Relocation Policy for the relocation of individuals and families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such individuals and families.

Section 6. A feasible method exists within the Relocation Policy for the relocation of business concerns in the urban renewal area or in other areas that are not generally less desirable with respect to public utilities and public and commercial facilities.

Section 7. The City Council has taken reasonable efforts to provide written notice of the public hearing prescribed by Section 31-25-107(3) of the Act to all property owners, residents and owners of business concerns in the proposed urban renewal area at their last known addresses at least thirty days prior to the public hearing on the Plan.

Section 8. Section 31-25-107(4)(d) of the Act does not apply because no more than 120 days have passed since the commencement of the only public hearing on the Plan.

Section 9. Section 31-25-107(4)(e) of the Act does not apply because the City Council did not fail to previously approve this Plan.

Section 10. The Plan conforms with the Colorado Springs Comprehensive Plan, which is the general plan for the development of the City of Colorado Springs as a whole.

Section 11. The Plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area described in the Plan by private enterprise.

Section 12. To the extent that the Urban Renewal Area described in the Plan may constitute open land within the meaning of Section 31-25-107(5) of the Act, it is found and determined that a shortage of housing of sound standards and design that is decent, safe, and sanitary exists in the City; the need for housing accommodations has been or will be increased as a result of the clearance of substandard and dilapidated housing in the City; the conditions of blight in the urban renewal area described in the Plan and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and, if necessary to carry out the Plan, the acquisition of the area for residential uses is an integral part of and essential to the program of the City.

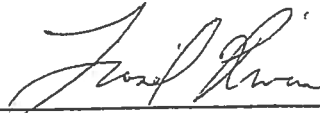
Section 13. To the extent that the Urban Renewal Area described in the Plan may constitute open land within the meaning of Section 31-25-107(6) of the Act, it is found and determined that the nonresidential uses under the Plan are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives and, if necessary to carry out the Plan, the contemplated acquisition of the area may require the exercise of governmental action, as provided in the Act, because of being a blighted area.

Section 14. The Plan has been duly reviewed and considered and is hereby approved. The Authority is hereby authorized to take any and all actions pursuant to the Act to carry out the Plan.

That the City Council of Colorado Springs accepts and puts into action the North Nevada Avenue Urban Renewal Plan.

DONE THIS 14<sup>TH</sup> day of December, 2004, at Colorado Springs, Colorado

CITY COUNCIL  
COLORADO SPRINGS, COLORADO

By:   
Lionel Rivera, Mayor

ATTEST:

ATTEST:

By:   
Kathryn M. Young  
Colorado Springs City Clerk

**NORTH NEVADA AVENUE CORRIDOR**  
**URBAN RENEWAL PLAN**

*Colorado Springs, Colorado*

**DECEMBER 2004**

*Prepared for: Colorado Springs Urban Renewal Authority and Colorado Springs City Council*

**NORTH NEVADA AVENUE CORRIDOR  
URBAN RENEWAL PLAN**

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**DECEMBER 2004**

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**EXHIBITS**

- Exhibit 1: North Nevada Avenue Corridor Conditions Survey
- Exhibit 2: Relocation Policy
- Exhibit 3: County Impact Report

## NORTH NEVADA AVENUE CORRIDOR

# URBAN RENEWAL PLAN

*Colorado Springs, Colorado*

**DECEMBER 2004**

*Prepared for: Colorado Springs Urban Renewal Authority and Colorado Springs City Council  
(Approved by the Colorado Springs Urban Renewal Authority on 23 September 2004 and City Planning  
Commission on 7 October 2004)*

### **1.0 PREFACE AND BACKGROUND**

#### 1.1 PREFACE

This North Nevada Corridor Avenue Urban Renewal Plan (referred to herein as the “Plan” or the “Urban Renewal Plan”) has been prepared for the Urban Renewal Authority of the City of Colorado Springs, (referred to herein as the “Authority”) pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, 1973, as amended (the “Act”). The administration of this project and the enforcement of this Plan, including the preparation and execution of any documents implementing it, shall be performed by the Authority.

#### 1.2 BACKGROUND

During the Summer of 2002, the City of Colorado Springs together with the University of Colorado at Colorado Springs (UCCS) completed a strategic planning process to ensure all improvements within the North Nevada Avenue corridor, from new construction to redevelopment, occur with aesthetic and functional design continuity. The *North Nevada Avenue Corridor Reinvestment Plan*, the result of that effort, was intended to be the first component of an approved corridor plan providing recommendations for improvements which could be implemented on an interim basis and at final build-out. The plan was designed to initiate the discussion, as well as promote (re) investment in growth centers – locations which are targeted for investment, contain an appropriate mix of land uses, and give greater emphasis to multiple forms of transit access.

Encouraging new investment to develop in an environment, which promotes access and creates a unique sense of place was identified as the central approach for the renaissance of the corridor. The *North Nevada Avenue Reinvestment Plan* provided the strategy and direction to move the corridor's stakeholder's vision towards reality and to ensure that redevelopment of the area be accomplished in a way that balances private investment objectives with community sustainability. However, it was only intended to be the first step knowing its recommendations would only be effective with completion of a final approved corridor plan which addressed strategies to address physical conditions, a discussion of transportation impacts and improvements and more specific design standards. Preparation of an urban renewal plan was identified as the most feasible method for addressing physical conditions in the corridor. Transportation impacts and preparation of design standards are being addressed in parallel efforts and summarized in separate documents. These documents will serve to guide future investments, both public and private within the Urban Renewal Area.

### 1.3 PURPOSE OF THE ANALYSIS

The purpose of the North Nevada Avenue Corridor Urban Renewal Plan is to reduce, eliminate and prevent the spread of blight within the Urban Renewal Area and to stimulate the growth and development in the corridor over the near- and long-term. In particular, this Urban Renewal Plan is intended to promote local objectives with respect to appropriate land uses, improved traffic, and other public improvements; provided that the delineation of such objectives shall not be construed to require that any particular project necessarily promote all such objectives. Specifically, the Plan provides for a mix of uses that further the goals and objectives of the revised 2002 Comprehensive Plan (Update), as amended, and leverages the community's investment in public improvement projects in the area.

### 1.4 PUBLIC PARTICIPATION

The Plan has been made available to Colorado Springs residents. Input was solicited of area residents, property owners and business owners and tenants prior to completion of the Plan during a series of open houses held during August 2004. Notification of the public hearing was provided to property owners and tenants within the study area

stating the following: time, date, place, and a description of the Urban Renewal Plan and its general scope.

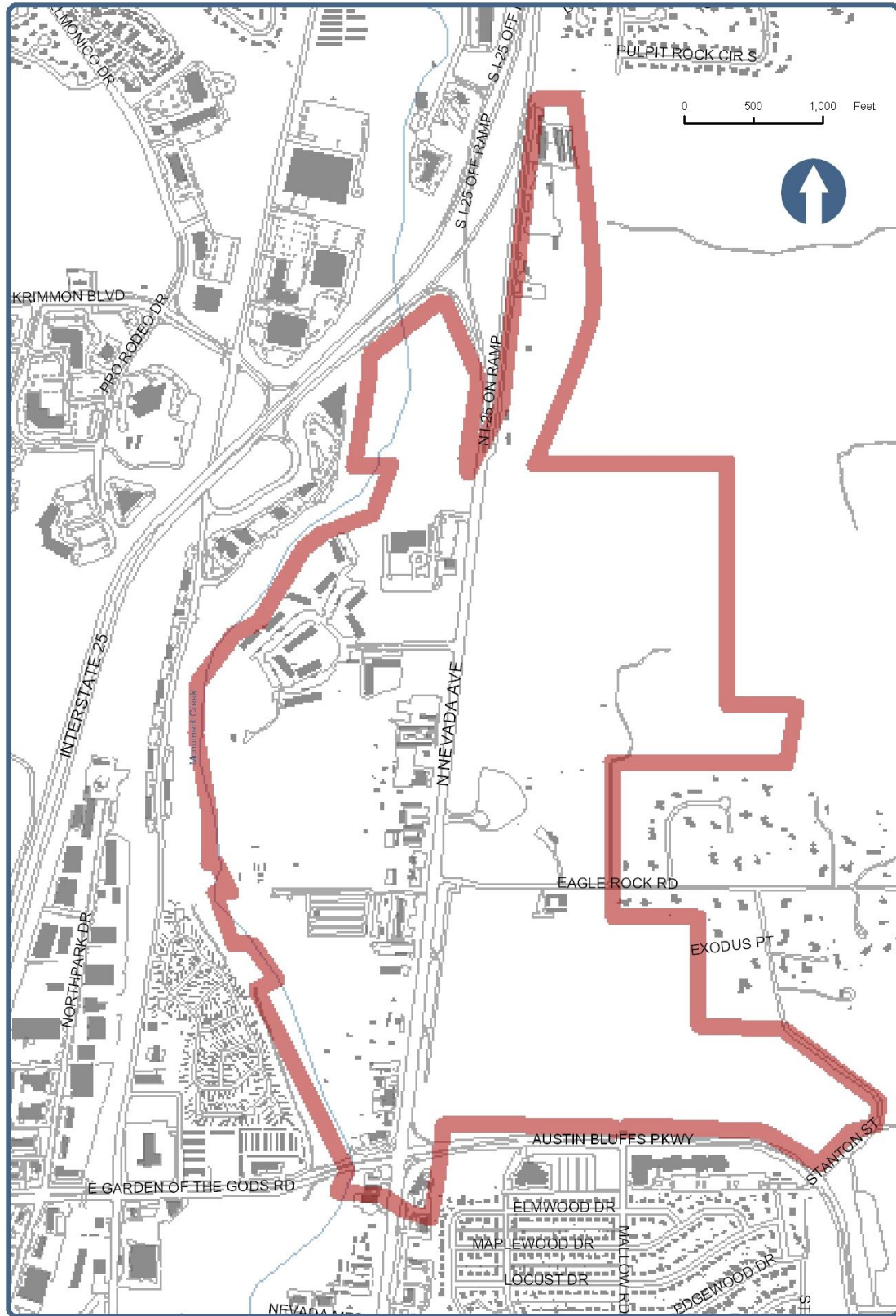
Meetings were held before the Planning Commission and City Council during the Fall of 2004 to receive comments and input on this Plan. To the extent provided in Colorado Public Records Act, Colo. Rev. Stat. Title 24, Article 72, Part 2 as the same may be amended from time to time, and pursuant to policies adopted by the Authority, project plans and proposals will be made available to the public.

#### 1.5 DESCRIPTION OF URBAN RENEWAL AREA

The boundaries of the North Nevada Avenue Corridor Springs Urban Renewal Plan are delineated on Figure No. 1, and are described below. The Study Area comprises 63 parcels and approximately 390 acres and is largely surrounded by Monument Creek to the west and the University of Colorado at Colorado Springs (UCCS) campus to the east. All efforts were made to draw the boundaries of the Urban Renewal Area as narrowly as was feasible to accomplish the planning and development objectives of the proposed Urban Renewal Plan.

The North Nevada Corridor Urban Renewal Area (referred to herein as “the Urban Renewal Area”) is located in central Colorado Springs in the northern segment of the North Nevada Avenue Corridor. The area is bounded by Monument Creek to the west and the I-25 – North Nevada Avenue interchange, including several commercial parcels located along the interstate frontage road, to the north. The Study Area’s eastern border is quite irregular, but generally includes a significant portion of the UCCS campus located along North Nevada Avenue including all properties contiguous to the corridor (to the east) and once removed. The intersection of Garden of the Gods and North Nevada Avenue, including properties in the southeast and southwest quadrants then form the southern boundary. The western boundary is generally formed by the Monument Creek corridor. A legal description for the Urban Renewal Area is presented in the following pages. The map on the following page illustrates the Urban Renewal Area. The figure controls the boundary description in case of any conflict with the description.

**Figure 1: Urban Renewal Area Boundary**



A parcel of land located in the Southwest One-Quarter of Section 18, most of Section 19 and the West One-Half of Section 19, all in Township 13 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, City of Colorado Springs, County of El Paso, State of Colorado, being more particularly described as follows:

BEGINNING at the intersection of the Southwesterly right-of-way line of Interstate Highway No. 25 and the Westerly right-of-way line of North Nevada Avenue (also known as U.S. Highway No. 85-87), thence Southeasterly and Southerly along the Westerly right-of-way line of said North Nevada Avenue to the Southerly line of said Section 18;

Thence along the Southerly line of said Section 18 to the Southwest Corner of MOBILE VILLA SUBDIVISION, said corner being on the Easterly right-of-way line of said North Nevada Avenue,

Thence Northerly along the Easterly right-of-way line of said North Nevada Avenue and Interstate Highway No. 25 to the Northwest Corner of the parcel of land described in the Warranty Deed recorded in Book 5569 at Page 1190;

Thence Easterly along the Northerly line of the parcel of land described in said Book 5569 at Page 1190 and the Northerly line of the parcel of land described in Book 6779 at Page 390;

Thence Southerly along the Easterly line of the parcel land described in said Book 6779 at Page 390 and the Easterly line of LACHENDRO SUBDIVISION and the Easterly line of the parcel of land described in the Warranty Deed recorded at Reception No. 98066394 and the Easterly line of the parcel of land described in Warranty Deed recorded in Book 6793 at Page 99 and the Easterly line of PIKES PEAK HARLEY SUBDIVISION and the Easterly line of PIKES PEAK HARLEY SUBDIVISION FILING NO. 2 to the Northerly line of the parcel of land described in the Warranty Deed recorded in Book 3086 at Page 22;

Thence Easterly and Southerly along the Northerly and Easterly lines of the parcel of land described in said 3086 at Page 22 to the Northeast Corner of EAGLE VISTA ESTATES;

Thence Westerly along the Northerly line of said EAGLE VISTA ESTATES and the Northerly line of CHARLES FISHER SUBDIVISION;

Thence Southerly along the Westerly line of said CHARLES FISHER SUBDIVISION and the Westerly line of SANDERS SUBDIVISION;

Thence Easterly along the Southerly line of said SANDERS SUBDIVISION and the Southerly line of NAGY SUBDIVISION and the Southerly line of L.I. GREEN SUBDIVISION to the Northwest Corner of HUNN SUBDIVISION;

Thence Southerly along the Westerly line of said HUNN SUBDIVISION and the Easterly of the parcel of land described in said Book 3086 at Page 22;

Thence Easterly, Southeasterly and Southwesterly along the Northerly, Northeasterly and Southeasterly lines of the parcel of land described in said Book 3086 at Page 22 to the Northerly right-of-way line of Austin Bluffs Parkway;

Thence Westerly along the Northerly right-of-way line of Austin Bluffs Parkway to the Easterly line of Santa Fe CENTER FILING NO. 1;

Thence Southerly to the Northeast Corner of Lot 1 of NORTH NEVADA BUSINESS PARK FILING NO. 3, said corner being on the Southerly right-of-way line of Austin Bluffs Parkway;

Thence Southerly along the Easterly line of said Lot 1 to the Southeast Corner thereof;

Thence Westerly along the Southerly line of said Lot 1 to the Southwest Corner thereof;

Thence Northwesterly to the Southeasterly Corner of NEVADA STARMART SUBDIVISION FILING NO. 1;

Thence Westerly and Northeasterly along the Southerly and Northwesterly lines of said NEVADA STARMART SUBDIVISION FILING NO. 1 to the Southerly right-of-way line Garden of the Gods Road;

Thence Northwesterly to the Southwesterly Corner of AMBUUL SUBDIVISION, said corner being on the Northerly right-of-way of Garden of the Gods Road and the Easterly line of Monument Creek;

Thence Northwesterly, Northerly and Northeasterly along the Easterly line of Monument Creek to the Southeasterly right-of-way line of Interstate Highway No. 25;

Thence Northwesterly along the Southeasterly right-of-way line of Interstate Highway No. 25 to the POINT OF BEGINNING.

**INCLUDING** within said tract of land the following properties:

1. Book 6779 at Page 390 (Assessor's Parcel No. 6318400023);
2. LACHENDRO SUBDIVISION (Assessor's Parcel No. 6318401026);
3. Reception No. 98066394 (Assessor's Parcel No. 6318400021)
4. Book 6793 at Page 99 (Assessor's Parcel No. 6318400025)
5. Lot 1 PIKES PEAK HARLEY SUBDIVISION (Assessor's Parcel No. 6318401022)
6. Lot 2 PIKES PEAK HARLEY SUBDIVISION (Assessor's Parcel No.6318401023)
7. Lot 3 PIKES PEAK HARLEY SUBDIVISION (Assessor's Parcel No.6318401024)
8. Lot 1 PIKES PEAK HARLEY SUBDIVISION FILING NO. 2 (Assessor's Parcel No. 6318400027)
9. Book 3086 at Page 22 (Assessor's Parcel No. 6319100001, 6319100002, 6319401004 & 6320000077)
10. Book 3404 at Page 449 (Assessor's Parcel No.6319401001)
11. Lot 1 NORTH NEVADA BUSINESS PARK FILING NO. 3 (Assessor's Parcel No. 6330102026)
12. Lot 2 OLD SANTE FE CENTER FILING NO. 1 (Assessor's Parcel No. 6319401007)

13. Book 3404 at Page 462 (Assessor's Parcel No. 6319101002)
14. Book 3484 at Page 151 (Assessor's Parcel No. 6319401003)
15. Lot 1 OLD SANTE FE CENTER FILING NO. 1 (Assessor's Parcel No. 6319404001)
16. Reception No. 201012900 (Assessor's Parcel No. 6319100004)
17. Reception No. 202125737 (Assessor's Parcel No. 6319100005)
18. Lot 2 PIKES PEAK HARLEY SUBDIVISION FILING NO. 2 (Assessor's Parcel No. 6318400028)
19. Lot 1 GOLDEN EAGLE SUBDIVISION (Assessor's Parcel No. 6318401019)
20. Lots 1 & 2 Block 1, CHRISTIANSON SUBDIVISION (Assessor's Parcel No. 6318401018)
21. Lot 1 Block 1, MURPHY'S SUBDIVISION (Assessor's Parcel No. 6318401025)
22. Book 5569 at Page 1190 (Assessor's Parcel No. 6318401001)
23. Book 6129 at Page 796 (Assessor's Parcel No. 6318400028)
24. Lots 1, 3 & 4 MONUMENT MEADOWS NO. (Assessor's Parcel No. 6319101044)
25. Lot 1 COMCOR FILING NO. 1 (Assessor's Parcel No. 6319101040)
26. Book 3947 at Page 1482 (Assessor's Parcel No. 6319101014)
27. Book 3348 at Page 636 (Assessor's Parcel No. 6319101011)
28. Lot 1 EVINRUDE SUBDIVISION (Assessor's Parcel No. 6319101045)
29. Reception No. 99080913 (Assessor's Parcel No. 6319100007)
30. Book 5837 at Page 362 (Assessor's Parcel No. 6319101007)
31. Reception No. 204080404 (Assessor's Parcel No. 6319101046)
32. Reception No. 200016972 (Assessor's Parcel No. 6319101047)
33. Book 3738 at Page 726 (Assessor's Parcel No. 6319402002)
34. Reception No. 96159330 (Assessor's Parcel No. 6319402001)
35. Book 6162 at Page 735 (Assessor's Parcel No. 6319402008)
36. Lot 1 ERICKSON SUBDIVISION (Assessor's Parcel No. 6319402044)
37. Lot 2 ERICKSON SUBDIVISION (Assessor's Parcel No. 6319402045)
38. Book 6738 at Page 728 (Assessor's Parcel No. 6319402010)
39. Lot 1 B N B MOTEL SUBDIVISION (Assessor's Parcel No. 6319402063)
40. Reception No. 99146691 (Assessor's Parcel No. 6319402013)
41. Book 5808 at Page 1501 (Assessor's Parcel No. 6319402015)
42. Lot 1 SHADOW MOUNTAIN SUBDIVISION (Assessor's Parcel No. 6319402065)
43. Lot 1 C & M SUBDIVISION FILING NO. 1 (Assessor's Parcel No. 6319402035)
44. Reception No. 203168651 (Assessor's Parcel No. 6319402020)
45. Portion of Lot 1 SCHUBERT SUBDIVISION (Assessor's Parcel No. 6319402062)
46. Lot 1, M & L SUBDIVISION FILING NO. 2 (Assessor's Parcel No. 6319402034)
47. Lot 1 Block 1, M & L SUBDIVISION and Lot 2, M & L SUBDIVISION FILING NO. 2 (Assessor's Parcel No. 6319402033)
48. Lot 1, WINNE SUBDIVISION (Assessor's Parcel No. 6319402046)
49. Lot 1, ROMANO SUBDIVISION (Assessor's Parcel No. 6319402031)
50. Lot 1, AMBUUL SUBDIVISION (Assessor's Parcel No. 6319402052)
51. Lot 1, NEVADA STARMART SUBDIVISION FILING NO. 1 (Assessor's Parcel No. 6319405001)
52. Lot 2, AMBUUL SUBDIVISION (Assessor's Parcel No. 6319402053)
53. Tract A SHADOW MOUNTAIN SUBDIVISION (Assessor's Parcel No. 6319402064)
54. Reception No. 99146691 (Assessor's Parcel No. 6319402059)
55. Book 6738 at Page 727 (Assessor's Parcel No. 6319402011)
56. Book 6738 at Page 729 (Assessor's Parcel No. 6319402005)

57. Reception No. 96117232 (Assessor's Parcel No. 6319402038)
58. Book 6738 at Page 729 (Assessor's Parcel No. 6319402003)
59. Book 5620 at Page 242 (Assessor's Parcel No. 63191010050)
60. Reception No. 202071185 (Assessor's Parcel No. 6319100006)
61. Lot 1, FELLOWSHIP BIBLE CHUCH FILING NO. 2 (Assessor's Parcel No. 6319101050)
62. Lot 2, FELLOWSHIP BIBLE CHUCH FILING NO. 2 (Assessor's Parcel No. 6319101051)
63. Lot 3, FELLOWSHIP BIBLE CHUCH FILING NO. 2 (Assessor's Parcel No. 6319101052)
64. Lot 4, FELLOWSHIP BIBLE CHUCH FILING NO. 2 (Assessor's Parcel No. 6319101053)

**SUBJECT TO** all covenants, rights, rights-of-way and easements of record.

#### 1.6 DEFINITIONS

In addition to terms previously defined in the text, the following terms are used in this Urban Renewal Plan:

*Cooperation Agreement* – means any agreement between the Authority and the City or any public body (the term “public body” being used in this Urban Renewal Plan as defined by the Act) respecting action to be taken pursuant to any of the powers set forth in the Act or in any other provision of Colorado law, for the purpose of facilitating public undertakings deemed necessary or appropriate by the Authority under this Urban Renewal Plan.

Any such *Cooperation Agreement* may include, without limitation, agreements respecting the planning or undertaking of this Urban Renewal Plan and its projects, as well as programs, public works operations, or activities which the Authority, the City or such other public body is otherwise empowered to undertake and including, without limitation, agreements respecting the financing, installation, construction and reconstruction of public improvements, utility line relocation, storm water detention, landscaping and/or other eligible improvements within the Urban Renewal Area.

*Redevelopment Agreement* – means an agreement between the Authority and developer(s) respecting the redevelopment or rehabilitation of property within the Urban Renewal Area.

**2.0 LEGISLATIVE FINDINGS**

**2.1 QUALIFYING CONDITIONS**

Based on the *North Nevada Avenue Corridor Conditions Survey* conducted by Leland Consulting Group under contract with the Authority in connection with the adoption and approval of the North Nevada Avenue Corridor Urban Renewal Plan, at least four qualifying conditions (or five conditions, in cases requiring the use of eminent domain), as defined in the Act, are present within the proposed Urban Renewal Area. These conditions represent symptoms of “blight” which serve to retard the health and welfare of properties within the Urban Renewal Area.

The legal term “blight” describes a wide array of urban problems, which can range from physical deterioration of buildings and the environment, to health, social and economic problems in a particular area. According to Colorado State Statutes (CRS 31-25-103) (2), a “blighted area” is defined as follows:

*“Blighted area” means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare;*

|       |   |
|-------|---|
| (a)   | <i>Slum, deteriorated, or deteriorating structures;</i>   |
| (b)   | <i>Predominance of defective or inadequate street layout;</i>   |
| (c)   | <i>Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;</i>   |
| (d)   | <i>Unsanitary or unsafe conditions;</i>   |
| (e)   | <i>Deterioration of site or other improvements;</i>   |
| (f)   | <i>Unusual topography or inadequate public improvements or utilities;</i>   |
| (g)   | <i>Defective or unusual conditions of title rendering the title non-marketable;</i>   |
| (h)   | <i>The existence of conditions that endanger life or property by fire or other causes;</i>  |
| (i)   | <i>Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;</i> |
| (j)   | <i>Environmental contamination of buildings or property;</i>  |
| (k.5) | <i>The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements;</i>                      |

|     |   |
|-----|---|
| (l) | <p><i>If there is no objection of such property owner or owners and the tenant or tenants of such owner or owners, if and, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.</i></p> |
|-----|---|

Source: Colorado Revised Statute 31-25-103(2).

It was the conclusion of the North Nevada Avenue Corridor Conditions Survey that within the Urban Renewal Area (Study Area), there is a presence of adverse physical conditions sufficient to meet criteria established in the state statute. The conclusion of the study was based on the following summary of qualifying conditions found in the Urban Renewal Area (Study Area) and described in the report.

*(a) and (i): Deteriorating or deteriorated structures and buildings identified as unsafe or unsanitary were evident within the Urban Renewal Area. Several buildings have secondary structure and exterior structure, as well as primary structure deterioration. Additionally, problems exist with the physical condition of older structures. Instances of blight, due in part to apparent neglect, were evident on several sites.*

*(b) and (c): Conditions of faulty street and lot layout existed throughout the Urban Renewal Area. The conditions that did exist concerning faulty street and lot layout included problems associated with poor vehicular access and faulty lot layout, shape and size.*

*(d) and (h): Unsanitary or unsafe conditions and endangerment were prevalent throughout the Urban Renewal Area. Conditions included poorly lit or unlit areas; fire safety problems; instances of trash/debris/weeds; and curb and gutter deterioration, unscreened trash and machinery, and elevated crime incidence.*

*(e): Deterioration of site or other improvements were prevalent throughout the Urban Renewal Area. Conditions included parking surface deterioration, neglect and site maintenance problems, with occasional instances of a lack of landscaping.*

*(f): Unusual topography and inadequate public improvements were evident throughout the Urban Renewal Area. Topography impacts were most obvious near the rear of parcels. Inadequate public improvement was universal within the Study Area due to street pavement (and shoulder) deterioration, lack of sidewalks, curb & gutter, and overhead utilities.*

(j) *Environmental contamination* is not known to exist within the Urban Renewal Area and was not investigated separately for this analysis.

(k.5): *High services demand or site underutilization* could be found at several sites throughout the Urban Renewal Area due to vacant land and buildings.

## 2.2 PLANNING COMMISSION APPROVAL AND RELATIONSHIP TO COMPREHENSIVE PLAN

A general plan for the City, known as the Colorado Springs Comprehensive Plan, was completed in 2002. This Urban Renewal Plan was submitted to the Planning Commission of the City for review and recommendation as to its conformity with the Colorado Springs Comprehensive Plan, and as such Planning Commission has submitted its written recommendations with respect to this Urban Renewal Plan to the City Council.

This Urban Renewal Plan is regarded as supportive to and in conformance with the goals of the existing Comprehensive Plan of the City of Colorado Springs, as well as the stated objectives of the updated plan. This Plan is consistent with goals and policies set forth in the Comprehensive Plan, specifically the following:

### LAND USE

- Objective LU 2:* Develop a Land Use Pattern That Preserves the City's Natural Environment, Livability, and Sense of Community
- Policy LU 202:* Make Natural and Scenic Areas and Greenways an Integral Part of the Land Use Pattern
- Policy LU 203:* Develop a Land Use Pattern That Is Mutually Supportive With the Intermodal Transportation System
- Objective: LU 3:* Develop a Mix of Interdependent, Compatible, and Mutually Supportive Land Uses
- Policy LU 301:* Promote a Mixed Land Use Pattern
- Policy LU 302:* Encourage Development of Mixed-Use Activity Centers
- Policy LU 303:* Promote a Pedestrian-Oriented and Transit-Oriented Development Pattern
- Policy LU 401:* Encourage Appropriate Uses and Designs for Redevelopment and Infill Projects

- Objective LU 5:* Meet the Housing Needs of All Segments of the Community
- Policy LU 601:* Assure Provision of Housing Choices
- Policy LU 602:* Integrate Housing With Other Supportive Land Uses
- Objective LU 7:* Develop Shopping and Service Areas to be Convenient to Use and Compatible With Their Surroundings
- Policy LU 701:* Plan and Develop New Commercial Areas as Activity Centers
- Policy LU 702:* Design Commercial Redevelopment and Infill Projects as Activity Centers
- Policy LU 703:* Develop Design Standards and Guidelines for Commercial Development in Activity Centers (subsequent step to Urban Renewal Plan)
- Objective LU 8:* Integrate Employment Centers Into the Wider City Land Use Pattern
- Policy LU 801:* Locate New Employment Activities Within Mixed-Use Centers

#### NEIGHBORHOODS

- Policy N 203:* Partner with the Development Industry to Create Functional and Attractive New and Developing Neighborhoods
- Objective N 3:* Vary Neighborhood Patterns
- Policy N 301:* Identify and Develop Mutually Supportive Mixed Uses
- Policy N 302:* Promote Development of Mixed-Use Neighborhoods
- Policy N 402:* Plan for Transportation Improvements to Enhance New Neighborhoods

#### COMMUNITY INFRASTRUCTURE AND SERVICES

- Policy CIS 102:* Use Master Plans and Strategic Planning for Making Infrastructure and Services Decisions
- Policy CIS 103:* New Development Will Pay Its Fair Share of the Cost of Additional Infrastructure and Services

#### NATURAL RESOURCES

- Policy NE 201:* Identify, Evaluate and Incorporate Significant Natural Features

COMMUNITY CHARACTER APPEARANCE

- Policy CCA 202: Improve Major Transportation Corridors
- Policy CCA 301: Foster the Character of Individual Areas and Elements Within the Community
- Objective CCA 4: Integrate Different Land Uses
- Policy CCA 401: Support Mixed Land Uses
- Policy CCA 501: Support Enhanced Civic Design
- Objective CCA 6: Fit New Development Into the Character of the Surrounding Area
- Policy CCA 601: New Development Will Be Compatible With the Surrounding Area

LAND USE MAP

- Policy LUM 102: Consistency Between Master Plans and Comprehensive Plan
- Policy LUM 206: Mature / Redevelopment Corridors (Designation)

In undertaking all projects pursuant to this Urban Renewal Plan, the Authority shall comply with all applicable building and zoning regulations, other applicable ordinances of the City. All Redevelopment Agreements entered into in connection with this Urban Renewal Plan shall be subject to all applicable building and zoning regulations and other applicable ordinances of the City.

2.3 PUBLIC HEARING

The City Council has held a public hearing on this Urban Renewal Plan after public notice thereof in compliance with law by publication in a newspaper having a general circulation in the City, describing the time, date, place and purpose of the hearing, generally identifying the Urban Renewal Area covered by this Urban Renewal Plan, and outlining the general scope of projects to be considered for implementation by the Authority and/or private interest pursuant to this Urban Renewal Plan.

2.4 OTHER FINDINGS

- 2.4.1 One or more of the projects may require the demolition and clearance, subject to other restrictions, of certain property within the Urban renewal Area as provided

in this Urban Renewal Plan. Such actions may be necessary to eliminate unhealthy, unsanitary, and unsafe conditions, eliminate obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of deterioration.

2.4.2 Other portions of the Urban Renewal Area may be conserved or rehabilitated through appropriate public action, as authorized or contemplated by the Act, and through the cooperation and voluntary action of the present or future owners and tenants of such property.

2.4.3 In order to eliminate or reduce the qualifying conditions currently existing within the Urban Renewal Area, as well as those qualifying conditions which may be reasonably anticipated to develop within the Urban Renewal Area in the absence of public action, it is the intent of the City Council in adopting this Urban Renewal Plan that the Authority exercise all powers authorized by the Authority under the Act and which are necessary, convenient or appropriate to accomplish the objectives of the Urban Renewal Plan. Acquisition of property or any interest in property by the Authority within the Urban Renewal Area may be undertaken by any means authorized by the Act, including condemnation, subject to approval by the Colorado Springs City Council.

2.4.4 The powers conferred by the Act are for public uses and purposed for which public money may be expended and the police powers exercised, and this Urban Renewal Plan is in the public interest and necessity, such finding being a matter of legislative determination by the Council.

2.4.5 The Authority may, in its discretion, issue bonds or other obligations, to the extent permitted by law.

### **3.0 LAND USE PLAN AND PLAN OBJECTIVES**

#### **3.1 GENERAL DESCRIPTION AND PURPOSE**

Approximately 390 acres are included within the Urban Renewal Area. Uses north of the Urban Renewal Area include a mix of commercial establishments, as well as public

improvements which form a major gateway into the City. Uses adjacent to the eastern portion of the area include public and private facilities including the UCCS campus, community ballfields, parking lots and various commercial and institutional uses. Uses south of the Urban Renewal Area and located contiguous to the corridor are primarily commercial and industrial uses including modular and mobile home sales operations, restaurants and motels. Uses west, beyond the Monument Creek corridor, are primarily commercial with residential enclaves beyond them.

The general purpose of this Urban Renewal Plan is to reduce, eliminate and prevent the spread of qualifying conditions within the Urban Renewal Area and to stimulate the growth and development of the northern segment of the North Nevada Avenue Corridor. In particular, this Urban Renewal Plan is intended to promote local objectives with respect to appropriate land uses, improved traffic, public transportation, public utilities, and other public improvements; provided that the delineation of such objectives shall not be construed to require that any particular project necessarily promote all such objectives. Specifically, the purpose of the Plan is to promote a mix of uses which leverage community and institutional investment in the corridor and creates linkages to surrounding natural amenities, neighborhoods and educational institutions in accordance with the *2002 Colorado Springs Comprehensive Plan* and *North Nevada Avenue Corridor Reinvestment Study*.

### 3.2 DEVELOPMENT OBJECTIVES

The proposed development character for the Urban Renewal Area includes a variety of land uses and densities that will distinguish one area from another yet create an identity for the whole. Proposed land uses within the Plan include mixed-use, community retail and lifestyle centers (including local and national retailers); business campus commercial; research and development campus(es); and, civic, cultural, arts and recreational facilities, together with select transportation and gateway improvements. Many uses that are present in the Urban Renewal Area today which fall within one of these categories, and which are in compliance with existing City codes including zoning, are considered compatible with uses in the Plan. However, the Authority may use its powers and resources to support those projects which further the development objectives of the Plan. Future land uses have been designated based not only on market needs and trends, but

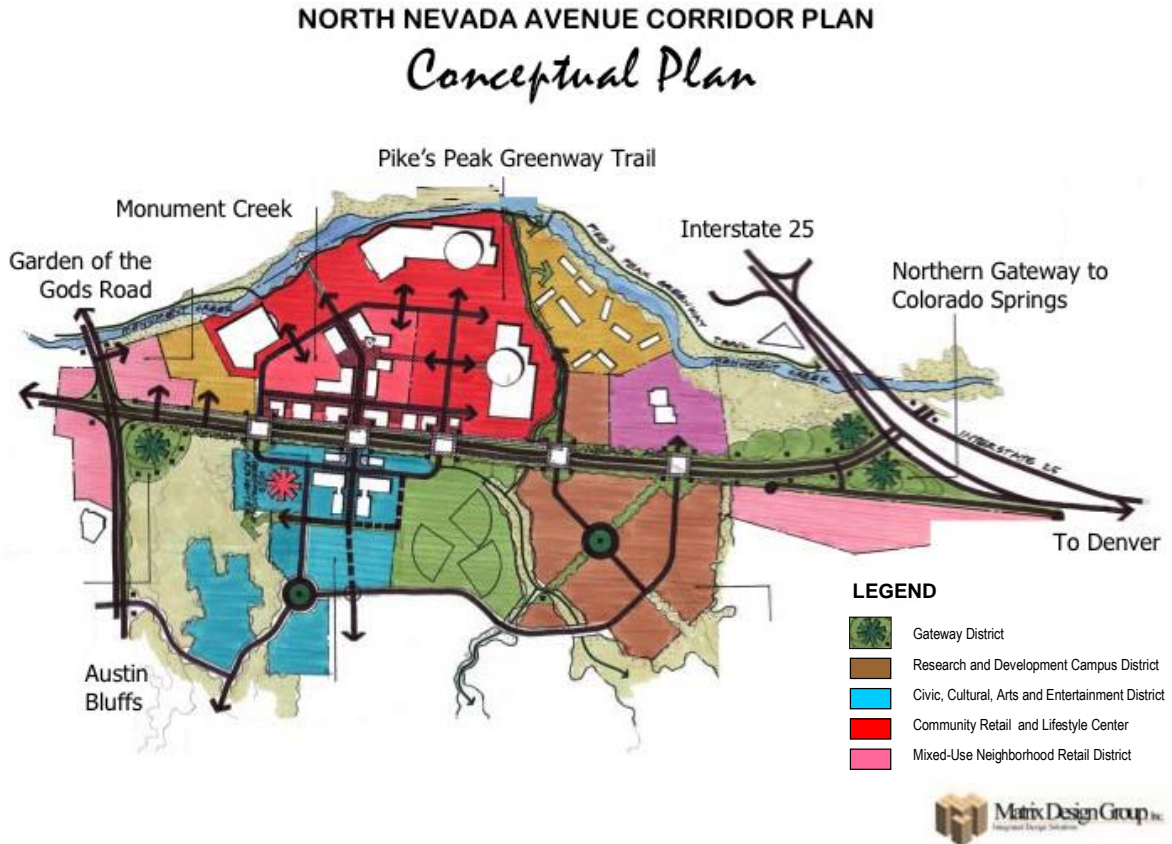
also on existing characteristics, uses and opportunities. As such, redevelopment of the Urban Renewal Area will provide for and promote a greater range and mix of land uses. Figure 2 below presents a graphic illustration of the concept plan for revitalization within the North Nevada Avenue Corridor. The concept plan graphic is intended to guide future investment relative to the type and location of certain land uses, yet allow for flexibility and a market responsive approach to redevelopment.

In order to better support the economic success of the Urban Renewal Area, the Plan promotes the integration of uses, enhanced linkages into and out of the Urban Renewal Area, improved pedestrian and vehicular circulation patterns, parking support, and a level of intensity beyond that which exists today.

Following are specific development objectives embodied in the Plan.

- a) Eliminate blight and prevent environmental deficiencies;
- b) Improve the relationship between this area and surrounding uses;
- c) Increase property values;
- d) Create a series of identifiable destinations;
- e) Provide a mix of land uses supportive of and complimentary to planned improvements in the area and along the corridor;
- f) Create housing opportunities currently lacking in the market;
- g) Provide ease of vehicular and pedestrian circulation east and west, as well as within districts in the Urban Renewal Area;
- h) Allow for a range of commercial retail products ;
- i) Provide well-designed parking sufficient to meet the needs of area uses (promote shared parking solutions);
- j) Encourage the continued presence of businesses within the Urban Renewal Area that are consistent with the Plan vision;
- k) Support the University's efforts to grow and diversify their campus;
- l) Advance the City's and UCCS's efforts to make the corridor a major employment center;
- m) Provide a range of financing mechanisms for private property re-investment;
- n) Mitigate the impacts to businesses from future transportation improvements;
- o) Work with corrections facility operators to find a location solution;
- p) Encourage public-private partnerships to implement the corridor plan;
- q) Pursue national, as well as local, restaurant and lodging operators;
- r) Encourage development of affordable housing equivalent to a minimum of 10% of all housing units in the Urban Renewal Area (Note: Affordability is assumed to address the housing needs of purchasers at or below 80% of the Urban Renewal Area median household income).

**Figure 2: Concept Plan Map**



Section 3.3 below describes each of the Urban Renewal Area's districts in terms of development objectives, urban design, character, intensity of uses, and the vision for redevelopment.

### 3.3 PLAN COMPONENTS

*Research and Development Campus (east of North Nevada Avenue and west of the UCCS campus)*

Designated an Employment Center<sup>1</sup> and given its relationship to the UCCS campus, this area has been designated for employment center uses including research and development. Opportunities would include a range of office, light industrial and

<sup>1</sup> As per comprehensive plan.

research and development products with supporting commercial space. Users would be targeted to those who desire access to an institutional anchor such as UCCS.

*Community Retail and Lifestyle Centers (west of North Nevada Avenue and centrally located within the corridor)*

Designated a Commercial Center<sup>1</sup>, this area's full development could include major region-serving commercial uses, connected to higher density residential products located in the corridor, as well as the existing trail system. While private interests will provide the framework for new development, an increase in density of uses would be compatible with existing adjacent uses to the south and west and continued development of the UCCS campus.

*Mixed Use Neighborhood Retail Centers – (west of North Nevada Avenue and North of Garden of the Gods Road)*

Designated a Community Activity Center<sup>1</sup>, this area will be promoted for a mix of office and commercial uses, retail, entertainment, lodging, parking facilities, and high-density residential complexes, consistent with the intensity and character of urbanized commercial corridors. While existing uses will influence the character of early redevelopment (and development) projects, opportunities to maximize building height and massing, provide architectural diversity, and deviate from historic themes are perhaps greatest here. Physical, visual and pedestrian linkages from the corridor to Monument Creek and other open areas will help establish this area as the southern "gateway" of the Urban Renewal Area.

*Civic, Cultural, Arts and Recreational Facilities – (north of the intersection of Austin Bluffs Parkway and east of North Nevada Avenue)*

Adjacent to the UCCS campus and existing region-serving recreation facilities and supportive parking, this area of the Urban Renewal Plan offers the greatest opportunity for public recreation, open space, public art, public buildings and urban spaces, and pedestrian linkages to City trail systems. Note: Existing recreational facilities could remain or be replaced to accommodate this redevelopment scenario.

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<sup>1</sup> As per comprehensive plan.

*Business Campus Commercial – (north of the Research and Development campus with access via I-25)*

Adjacent to the I-25 corridor and Research and Development campus, this area of the Urban Renewal Plan offers the significant opportunities for commercial development. This area will likely experience gradual redevelopment and as such, will benefit from standards constraints in terms of architectural style – establishing the corridor’s image and theme within a gateway setting. Features will include “gateway” signage, professional office and business uses, lodging, community and campus services-oriented uses, urban treatment scale and character.

### 3.4 DESIGN STANDARD OBJECTIVES

While the Urban Renewal Plan is designed to be flexible, adapting to prevailing market conditions, and promoting architectural character and treatment reflective of appropriate resources and physical conditions, there are common design objectives which will be present throughout the Urban Renewal Area. These goals include:

- a) Mix of land uses that promotes vitality and livability in each of the districts;
- b) Variety of land use densities to address housing affordability, market demand, and enhance developer participation;
- c) Higher design standard among all land uses;
- d) Attractive entryways (“gateways”) to the corridor and downtown beyond;
- e) Off-site parking opportunities without negatively impacting convenient access to area businesses;
- f) Transportation improvements designed to enhance access into and out of the area;
- g) Minimal pedestrian/vehicular conflict;
- h) Pedestrian-friendly landscaped streetscape which unifies uses and Plan components;
- i) Public improvements consistent with design objectives for entire area;
- j) Lighting and signage standards which are flexible, yet exhibit a unified theme and complement existing and proposed structures.

These design goals or objectives are intended to provide a framework for more detail design standards which are being prepared in a parallel effort. Upon completion, these standards will be adopted by the Authority and used to guide future investment in the Urban Renewal Area.

#### 4.0 PROJECT IMPLEMENTATION

##### 4.1 PROPERTY ACQUISITION AND LAND ASSEMBLAGE

It is the principal intent of this Plan that property for projects in the Urban Renewal Area be acquired by private individuals and entities. While the Authority is authorized to acquire real property or any interest in real property by purchase, gift, donation, lease or other conveyance, this principle intent is the foundation upon which this Plan has been developed. If necessary, the Authority is authorized to acquire property, with the approval of Council, or interest in property by condemnation as provided in Article 1 and Article 7 of Title 38 of the Colorado Revised Statutes and will do so in accordance with the requirements of Section 31-25-105.5, C.R.S. All redevelopment plan submittals and proposals to enter into a redevelopment agreement with the Authority shall identify all real property which is to be part of the project, not then owned by, controlled by or, under contract to be acquired by the proponent or with the consent of the Owner (the "Non-owned Property"). As to such Non-owned Property, the proponent shall submit evidence that the owner of said Non-owned Property has been advised in writing of the proponent's intent to include said Non-owned Property in its proposal, and shall set forth a plan for the acquisition of said Non-owned Property. In the event the Authority adopts a redevelopment proposal which encompasses Non-owned Property, the Authority shall notify the owners of such Non-owned Property in writing of the possibility of acquisition of their property by condemnation. Upon presentation of evidence by the selected developer that good faith negotiations with the owner(s) of the Non-owned property have not resulted in purchase agreements, use of condemnation may be authorized by the Authority subject to approval by the Colorado Springs City Council. The Authority reserves the right, in the Authority's absolute discretion, to consider or reject proposals from the owner of the Non-owned Property for the redevelopment of said Non-owned Property, amend the adopted redevelopment plan and/or redevelopment agreement as to the Non-owned Property, and enter into a redevelopment plan and redevelopment agreement with the owner of the Non-owned Property for the redevelopment of said Non-owned Property. This will not, however, preclude private sector acquisition of property during this period.

#### 4.2 RELOCATION ASSISTANCE AND PAYMENTS

As stated in Section 4.1, it is the intent of the Authority that property for projects within the Urban Renewal Area be acquired by private individuals and entities and that compensation for relocation and moving expenses will be reflected in the purchase price with no additional relocation benefits paid by the Authority. Should it be necessary for the Authority to directly acquire property, and in the event it is necessary to relocate or displace any residential, business or other commercial establishments as a result of this property acquisition, the Authority is authorized to provide payment of eligible relocation expenses as outlined in the Relocation Policy. Such expenses might include moving expenses, actual direct losses of property for business concerns, and goodwill and lost profits that are reasonably related to relocation of the business, resulting from their displacement for which reimbursement or compensation is not otherwise made.

Notwithstanding the foregoing, if the Authority acquires property by eminent domain, it will first comply with the requirements of the Colorado Urban Renewal Law, including Section 31-25-105.5, C.R.S.

A description of the Relocation Policy objectives is presented in 6.0 below. The detailed Relocation Policy is attached as Exhibit 2 of this Urban Renewal Plan.

#### 4.3 DEMOLITION, CLEARANCE AND SITE PREPARATION

With respect to property acquired by the Authority, it may demolish and clear, or contract to demolish and clear, those buildings, structures and other improvements from property pursuant to this Urban Renewal Plan if in the judgment of the Authority such building, structures and other improvements are not to be rehabilitated in accordance with this Urban Renewal Plan.

#### 4.4 PUBLIC IMPROVEMENT AND FACILITIES

The Authority may undertake certain actions which would make the Urban Renewal Area more attractive for private investment. The Authority may, or cause others to, install, construct, and reconstruct any public improvements in the Urban Renewal Area, which may include, without limitation, sidewalks, underground utility and service

facilities, streetscapes, pedestrian corridors, and parking facilities. The Authority may also, or cause others to, install, construct and reconstruct any other authorized improvements in the Urban Renewal Area, which may include, without limitation, other authorized undertakings or improvements for the purpose of promoting the objectives of this Urban Renewal Plan and the Act.

Public projects are intended to stimulate private sector investment in and around the Urban Renewal Area. As such, the Authority intends to direct revenue generated from the Urban Renewal Area to those areas which are most likely to further the objectives of the Plan, as well as those areas where private investment is most imminent. The combination of public and private investment will assist in the reinvestment and conversion of the Urban Renewal Area into a compatible and viable urban neighborhood.

#### 4.5 PROPERTY DISPOSITION

The Authority may sell, lease, or otherwise transfer real property or any interest in real property subject to covenants, conditions and restrictions, including architectural and design controls, time restrictions on development and building requirements in addition to zoning and building code regulations. Real property or interests in real property may be sold, leased or otherwise transferred for uses in accordance with this Urban Renewal Plan.

#### 4.6 REDEVELOPMENT AND REHABILITATION ACTIONS

Redevelopment and rehabilitation actions within the Urban Renewal Area may include such undertakings and activities as are in accordance with this Urban Renewal Plan and the Act, including without limitation: demolition and removal of buildings and improvements as set forth herein; installation, construction and reconstruction of public improvements as set forth herein; elimination of unhealthful, unsanitary or unsafe conditions; elimination of obsolete or other uses detrimental to the public welfare; prevention of the spread of deterioration; and provision of land for needed public facilities.

#### 4.7 REDEVELOPMENT AGREEMENTS

The Authority is authorized to enter into one or more Redevelopment Agreements with developer(s) and such other individuals or entities as are determined by the Authority to be necessary or desirable by the Authority to carry out the purposes of this Urban Renewal Plan. Such Redevelopment Agreements may contain such terms and provisions as shall be deemed necessary or appropriate by the Authority for the purpose of undertaking the activities contemplated by this Urban Renewal Plan or the Act, and may further provide for such undertakings by the Authority, including financial assistance, as may be necessary for the achievement of the objectives of this Urban Renewal Plan or as may otherwise be authorized by the Act.

### 5.0 FINANCING STRATEGY

#### 5.1 PUBLIC INVESTMENT OBJECTIVE

Historically, the planning, financing and implementation of projects in the market were the primary responsibility of public sector entities. The City was understood to have the largest and longest-term interest and responsibility for redevelopment, making it the obvious lead in any revitalization or investment effort. It was also understood to be the logical conduit for local, regional, state and federal funding sources. As reflected in this Plan, it is the intent of the Authority that the public sector continues to play a significant role in revitalization efforts as a strategic partner. Experience has proven that a critical component to the success of any revitalization strategy is participation by both the public and private sectors. Leveraging of resources is key, as no one entity, either public or private, has sufficient resources alone to sustain a long-term improvement effort. The Authority and City are committed to providing public investments in various forms deemed necessary. Typical public infrastructure investments may include any or all of the following: unifying streetscape elements, access and circulation improvements, parking, utilities, and creation of special districts.

#### 5.2 PROJECT REVENUES

##### *Tax Increment Financing*

The Urban Renewal Plan contemplates that a primary method of financing this project shall be the use of municipal sales (exclusive of the Trails, Open Space and Parks portion

and the portion of the Public Safety Sales Tax Fund) and property tax increment. The City Council will consider the authorization of a sales tax increment when the Colorado Springs Urban Renewal Authority submits a plan of finance outlining the proposed amounts and purpose for which the municipal sales tax increments are to be used. Upon City Council approval, the municipal sales tax increment will be distributed in accordance with the tax increment financing provisions of Section 31-25-107 (9), C.R.S. which is by this reference incorporated herein as if set forth in its entirety. If there is any conflict between the Act and this Urban Renewal Plan, the provisions of the Act shall control, and the language in the Plan will be automatically deemed to conform to the statute.

All property and sales taxes collected within the Tax Increment Area, by or for the benefit of any public body, shall be divided for a period not to exceed 25 years as follows:

- a) That portion of the taxes that are produced by the levy at the rate fixed each year by or for each such public body upon the valuation for assessment of taxable property in the Urban Renewal Area last certified prior to the effective date of approval of this Plan or that portion of municipal sales taxes equal to the amount collected within the boundaries of the Urban Renewal Area in the twelve-month period ending on the last day of the month prior to the effective date of the approval of this Plan or both such portions shall be paid into the funds of each such public body as are all other taxes collected by or for such public body.
- b) Except as the Authority may legally provide otherwise under the Act, the portion of such property and municipal sales taxes in excess of the amounts described in paragraph a), above shall be allocated to and, when collected, paid into a special fund of the Authority to fund the Authority's obligations with respect to the Urban Renewal Project described in this Plan, including payment of the principal of, the interest on, and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by (whether funded, refunded, assumed, or otherwise) the Authority for financing or refinancing, in whole or in part, the Urban Renewal Project described in this Plan.

- c) When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, but in no event later than 25 years following the adoption of this Urban Renewal Plan for the construction of the project's improvements, any excess property and municipal sales taxes collections not allocated pursuant to this paragraph or any Cooperation Agreement between the Authority and City or other taxing jurisdiction, shall be paid into the funds of said jurisdiction or public body. Unless and until the total property and municipal sales taxes collections in the Urban Renewal Area exceed the base year property and municipal sales taxes collections in the Urban Renewal Area, as provided in paragraph a) above, all such property and municipal sales taxes collections shall be paid into the funds of the appropriate public body. Note: The Authority reserves the right to enter into Cooperation Agreements with select taxing jurisdictions relative to allocation of incremental tax revenues.
  
- d) The adoption of this Urban Renewal Plan shall be deemed an adoption of a provision that taxes, if any, levied after the effective date of the approval of this Plan upon taxable property in the Tax Increment Area, shall be divided among the Authority and various taxing entities for a period of 25 years thereafter or such lesser period as provided in Section 31-25-107 (9) of the Act or in any Cooperation Agreement between the Authority and the County, City or Special District(s).
  
- e) The Authority and the City may, by Cooperation Agreement or other agreement, provide for the method by which municipal sales tax increments shall be allocated and paid to the Authority pursuant to the provisions of this Urban Renewal Plan and the Act. Such agreements, and similar agreements between the Authority and other public bodies, may provide for additional assistance by the City and cooperation between the Authority and the City in support of the projects as may be more fully set forth in the provisions of such Cooperation Agreement or other agreement.

### 5.3 FINANCING MECHANISMS/STRUCTURES

The Authority recognizes that tax increment financing is one tool which can be made available to attract investment and that others are needed. The Authority is committed to making a variety of strategies and mechanisms available which are financial, physical,

market and organizational in nature. It is the intent of this Plan that the tools may be used either independently or in various combinations. Given the obstacles associated with downtown development, the Authority recognizes that it is imperative that solutions and resources be put in place which are comprehensive, flexible and creative. Among those deemed reasonable for the Urban Renewal Area are – improvement district(s) and overlay district.

*Improvement Districts* – district that includes “all organized local entities other than counties, municipalities, townships, or school district” that provide only one or a limited number of designated functions and that have sufficient administrative and fiscal autonomy to qualify as separate governments”.

*Overlay Districts* – designated area superimposed on one or more existing zoning districts; designed to protect or enhance an area’s special qualities; governmental review of all developments, with the power to approve design according to standards contained in the ordinance or in a district plan or design guidelines; program elements include “bonuses” and “requirement adjustments.”

#### 5.4 AUTHORITY PARTICIPATING INTEREST IN PRIVATE DEVELOPMENT PROJECTS

The Authority may require a participating interest in private development projects in which it provides financial support. The philosophy behind this is that public support is frequently needed for projects of this nature, in order to fill a gap in available traditional financing. In the event the project(s) produces revenues in excess of a market rate of return, the public sector might become a partner and share in the success of the project. In this event, the Authority may also require an excess profits provision. The terms of the participating interest and excess profits provisions will be negotiated in the Redevelopment Agreement(s).

#### 6.0 RELOCATION POLICY

The “Relocation Policy” has been prepared by the Authority pursuant to the Urban Renewal Law, Sections 31-25-105 (1) (i) (IV) and (j), C.R.S., and as part of the North Nevada Corridor Urban Renewal Plan. The purpose of the Relocation Policy is to provide an assistance program offering a broad range of services to all individuals and businesses that might be

displaced as a result of implementation of the Urban Renewal Plan and acquisition of their property by the Authority.

## 6.1 OBJECTIVES

The Authority recognizes that the successful relocation of individuals and businesses is an important part of any redevelopment program. Therefore, the Authority has adopted the following relocation program objectives which will apply to eligible businesses and individuals:

6.1.1 Development of a relocation program designed to minimize the inconvenience and expense of individuals and business establishments expected to be relocated.

6.1.2 Preparation of an information program to keep any affected persons or entities advised of relocation activities on a continuing basis and to encourage all such persons and entities to keep the Authority informed of their needs and requirements.

6.1.3 Assistance to businesses displaced from the urban renewal area to maximize relocation within the City of Colorado Springs and El Paso County. In meeting this objective, the Authority, in cooperation with the City, will extend advice, information and resources to assist the business concerns in the following areas:

- a. Selection of new quarters in areas of their choice (whenever possible) with a minimum of hardship;
- b. Assistance in locating sources of financial assistance to supplement those provided for by the Authority through the urban renewal process;
- c. Applying for payment of eligible relocation expenses;
- d. Assistance in working with other agencies to minimize cost and time in obtaining replacement licenses and certifications which may be required at new location (e.g., Building Department, Health Department, etc.); and
- e. Assistance with quantifying moving expenses and locating alternative business locations.

6.1.4 Provision of eligible relocation expenses which minimize the hardship of existing businesses in the Urban Renewal Area. It is the intention of the Authority that determinations regarding eligibility for and the amount of relocation payments made pursuant to this Relocation Policy shall be a matter of discretion of the Authority.

The Urban Renewal Authority of the City of Colorado Springs will adopt a Relocation Policy that will apply to properties purchased by the Authority within the North Nevada Avenue Corridor Urban Renewal Plan.

## **7.0 CHANGES AND MINOR VARIATIONS FROM ADOPTED PLAN**

### **7.1 CHANGES IN THE APPROVED URBAN RENEWAL PLAN**

This Urban Renewal Plan may be modified pursuant to the provisions of the Act governing such modification, including Section 31-25-107 thereof, as the same may be amended from time to time.

### **7.2 MINOR VARIATIONS**

In specific cases, where a literal enforcement of the provisions contained in the Urban Renewal Plan constitutes an unreasonable elimination beyond the intent and purpose of these provisions, the Authority may allow minor variances from these provisions. In such cases, the Authority shall notify the City.

### **7.3 INTER-AGENCY COOPERATION**

For the purpose of this Plan, the Authority may enter into one or more Cooperation Agreements with the City or other public bodies pursuant to the Act. The City and Authority recognize the need to cooperate in the implementation of this Urban Renewal Plan for, but not limited to, such items as project financing and administering the construction of public improvements. This paragraph shall not be construed to require any particular form of cooperation.