

RESOLUTION No. 133-01

**A RESOLUTION FOR THE APPROVAL OF THE SOUTHWEST
DOWNTOWN URBAN RENEWAL PLAN**

WHEREAS, the City of Colorado Springs Planning Commission has adopted the Colorado Springs Comprehensive Plan and,

WHEREAS, the City of Colorado Springs City Council has adopted the Colorado Springs Comprehensive Plan and,

WHEREAS, the City of Colorado Springs Planning Commission has considered the public testimony received and the staff report and has found that the Southwest Downtown Urban Renewal Plan is in conformance with the Colorado Springs Comprehensive Plan; and,

WHEREAS, the Colorado Springs Comprehensive Plan contains numerous goals and policies relevant to the Southwest Downtown Urban Renewal Plan, which goals and policies are noted in the Southwest Downtown Urban Renewal Plan; and,

WHEREAS, Southwest Downtown Urban Renewal Plan conforms to the Colorado Springs Comprehensive Plan and affords maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; and,

WHEREAS, the Colorado Springs City Council has reviewed the Southwest Downtown Colorado Springs Relocation Policy; and,

WHEREAS, the Colorado Springs City Council considered the Southwest Downtown Urban Renewal Plan at a public hearing on August 14, 2001, pursuant to notice published in the Gazette, on July 13, 14, 2001 and mailed to all known property owners and tenants within the project boundary on July 12, 2001; and,

WHEREAS, the Board of County Commissioners of El Paso County has received a copy of the Southwest Downtown Colorado Springs Blight Study and the Southwest Downtown Urban Renewal Plan and has received notification of the estimated duration of the urban renewal project, the estimated annual property tax increment, and any other estimated impacts of the urban renewal project on county services or revenues and,

WHEREAS, the Colorado Springs City Council has considered the Southwest Downtown Colorado Springs Blight Study, dated November 2000, prepared by Leland Consulting Group; and,

WHEREAS, the Colorado Springs City Council has considered the public testimony and the recommendations of the Colorado Springs Urban Renewal Authority and of staff.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE City of Colorado Springs

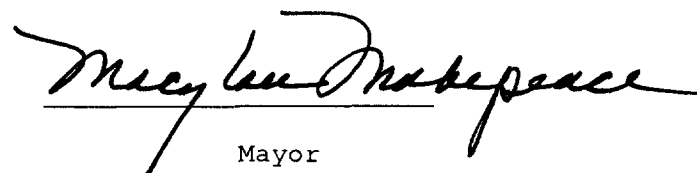
SECTION 1. The City Council of the City of Colorado Springs finds that conditions of blight exist in the Southwest Downtown Study Area as documented in the Southwest Downtown Colorado Springs Blight Study.

SECTION 2. The City Council of the City of Colorado Springs finds that the Southwest Downtown Urban Renewal Plan is in conformity with the Colorado Springs Comprehensive Plan and affords maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation and redevelopment of the Southwest Downtown Study Area by private enterprise.

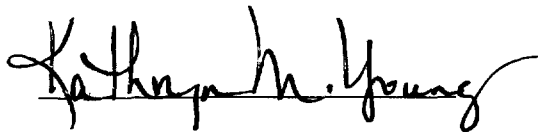
SECTION 3. The City Council of the City of Colorado Springs finds that a feasible method exists for the relocation of individuals, families and businesses displaced as a result of the direct acquisition of property by the Colorado Springs Urban Renewal Authority in the Southwest Downtown Study Area as more fully detailed in the Southwest Downtown Colorado Springs Urban Relocation Policy and hereby directs the Colorado Springs Urban Renewal Authority to provide relocation assistance to any individuals, families, and businesses relocated as a result of implementation of the Southwest Downtown Urban Renewal Plan in substantial conformance with the Southwest Downtown Colorado Springs Urban Relocation Policy.

SECTION 4. The Mayor and City Clerk are hereby authorized and directed to affix their signatures on this Resolution and on the Southwest Downtown Urban Renewal Plan as evidence of the same by this City Council.

Dated at Colorado Springs, Colorado, this 14th Day of August, 2001.


Mayor

ATTEST:


City Clerk

At the May 17, 2001 regularly scheduled meeting of the Colorado Springs Urban Renewal Authority Board of Commissioners, the Board unanimously approved the following (bold faced) addition to Section 4.1. of the proposed Southwest Downtown Urban Renewal Plan. This addition should be included with previously distributed copies of the proposed plan and together represent the plan that is submitted by the Authority to City Council for approval

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 or interest in property by condemnation as provided in Article 1 and Article 7 of Title 38 of the Colorado Revised Statutes. 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. The Authority shall not initiate condemnation proceedings on such Non-owned Property less than thirty-six (36) months from the date of said written notice from the Authority (Moratorium Period"). **Should the Authority determine that the use of the power of eminent domain is warranted for the acquisition of the Non-owned Property, the Authority will request approval to condemn said Non-owned Property from the Colorado Springs City Council at a regularly scheduled Formal City Council meeting.** 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.

MARCH 2001

SOUTHWEST DOWNTOWN
URBAN RENEWAL PLAN

PREPARED FOR:

COLORADO SPRINGS
URBAN RENEWAL AUTHORITY

PREPARED BY:



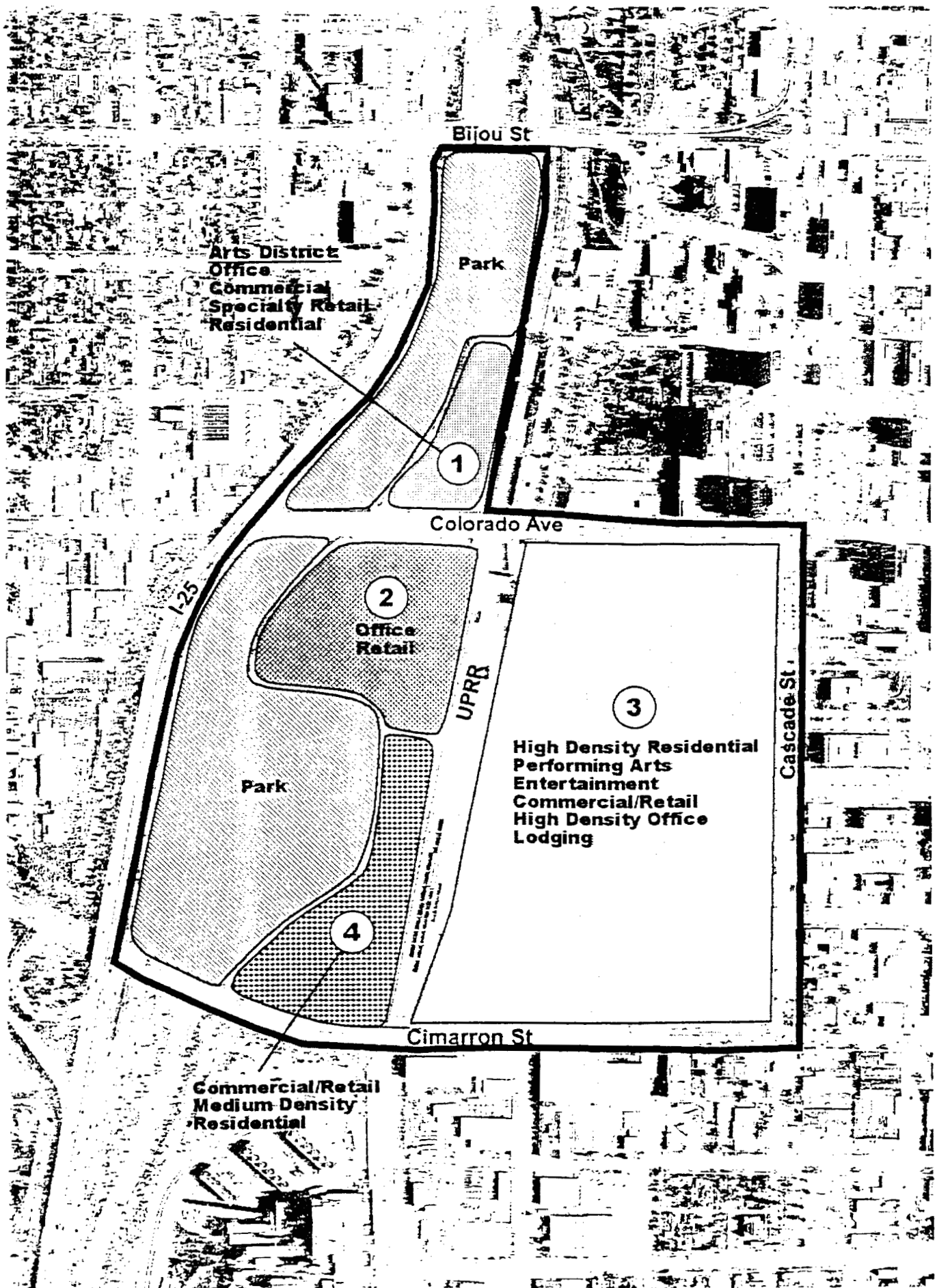
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URBAN RENEWAL LAND USE PLAN

Southwest Downtown Urban Renewal Plan



URBAN RENEWAL PLAN

SOUTHWEST DOWNTOWN

URBAN RENEWAL PLAN

COLORADO SPRINGS, COLORADO

15 FEBRUARY 2001

Prepared for: Urban Renewal Authority of the City of Colorado Springs

- i. Resolution Approving Plan (copy)
- ii. Map of Study Area (reflecting intended uses)

SECTION I: SOUTHWEST DOWNTOWN COLORADO SPRINGS URBAN RENEWAL PLAN (APPROVED BY THE COLORADO SPRINGS URBAN RENEWAL AUTHORITY ON 15 FEBRUARY 2001)

1.0 PREFACE AND BACKGROUND

1.1 PREFACE

This Southwest Downtown 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

A *Downtown Development Strategy* was completed for Downtown Colorado Springs in the summer of 1999. The *Downtown Development Strategy* was initiated in an effort to continue the City's work on the *Downtown Action Plan* which began during the early part of the decade. The purpose of the *Downtown Action Plan* was to establish a physical framework for the downtown influence area, a vision for its role in the community, a theme or sense of character consistent with its history and environment, and public investment initiatives necessary to implement the plan. The purpose of the *Downtown Development Strategy* was to reassess downtown's role in the community (if different than that of 1992), identify investment opportunities available to the market in the short- and mid-term, and recommend organizational changes necessary for implementing priority projects, programs and policy changes which would create an environment where public and private investment could succeed. The goals of the *Downtown Development Strategy* were also consistent with the City of Colorado Springs's Strategic Plan which identifies priorities for investment in the downtown core.

During completion of the *Downtown Development Strategy*, several analyses were completed and work products prepared. Among them, a refined vision and related policy statements; summary of existing conditions and barriers to future investment assessment; detailed analysis of prevailing market conditions; district identification and assessment; strategy for future marketing and investment and "guiding principles"; identification of priority projects which would further the vision; summation of incentive projects and

programs; and, an organizational framework for the City and Downtown Partnership which would facilitate implementation of the strategy. While each analysis provided specific observations about the downtown neighborhood, the overall conclusion which was drawn was that the health of downtown is critical to the overall welfare of the community and that its continued success depends on strategic investment and public-private solutions.

The final vision statement (or statement of purpose) included in the *Downtown Development Strategy* and adopted by City Council as the foundation for all future efforts in Downtown was as follows, "... a vision for the future which establishes the downtown as the center of commerce and cultural activities in the community, recognizes its unique environmental setting and historic precedence in the area, incorporates the residential and business characteristics of individual districts within the area, preserves the integrity of adjacent neighborhoods, and improves the livability of the area for all citizens." The cornerstone of this vision being – economic health and livability.

In an effort to ensure the continued economic health of downtown and improve its livability, a plan was proposed to develop a "great park" which would serve as an amenity to downtown neighborhoods and a destination for residents and visitors. During the spring of 1999, a bond issue passed within the City to assist with funding "Confluence Park." In June a team of landscape architects, planners and engineers was retained to prepare a design concept for the park and peripheral properties. The park design-related work will be initiated during the Summer of 2001. Efforts to promote investment on peripheral properties to the park, as well establish strong linkages between the park and central business district, were the impetus for creation of the Southwest Downtown Urban Renewal Plan.

1.3 PURPOSE OF THE ANALYSIS

A key component of the *Downtown Development Strategy* for downtown Colorado Springs was implementation of a process that keeps multiple projects moving forward simultaneously. The definition of "project" in this application was broad – public, private or public-private physical projects, social programs, educational programs, public relations and goodwill-building programs, etc. What was most important, strategically, was to maintain a number and variety of these project and/or programs that were constantly being introduced and implemented. Within the context of the *Downtown Development Strategy* work effort, several "priority projects" were identified for public and private pursuit. While many projects were identified as important to the continued health and diversification of the downtown neighborhood, eight stood out in their ability to meet the following criteria: address a market opportunity (short- or long-term); link opportunities to strengthen and link existing downtown districts; leverage public investment; and illustrate ownership patterns/character of projects favorable for investment – criteria consistent with the overall guiding principles of the strategy.

Among the projects identified as vital to the evolution of downtown into an urban neighborhood were development of Confluence Park, redevelopment of adjacent properties and completion of public/private linkages between districts. In an effort to follow the directives of the *Downtown Development Strategy* and assist with implementing the priority projects, the Authority initiated a study process which focused on the redevelopment potential of properties located between the proposed park project and central business district. The results of this effort are presented in the Southwest

Downtown Urban Renewal Plan, Southwest Downtown Colorado Springs Blight Study, and Southwest Downtown Colorado Springs Market Study.

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 between May and October 2000. Notification of the public hearing was provided to property owners, tenants, and residents 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 in the Winter of 2000/2001 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 STUDY AREA

The boundaries of the Southwest Downtown Colorado Springs Urban Renewal Plan are delineated on Figure No. 1, and are described as follows. All efforts have been 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.

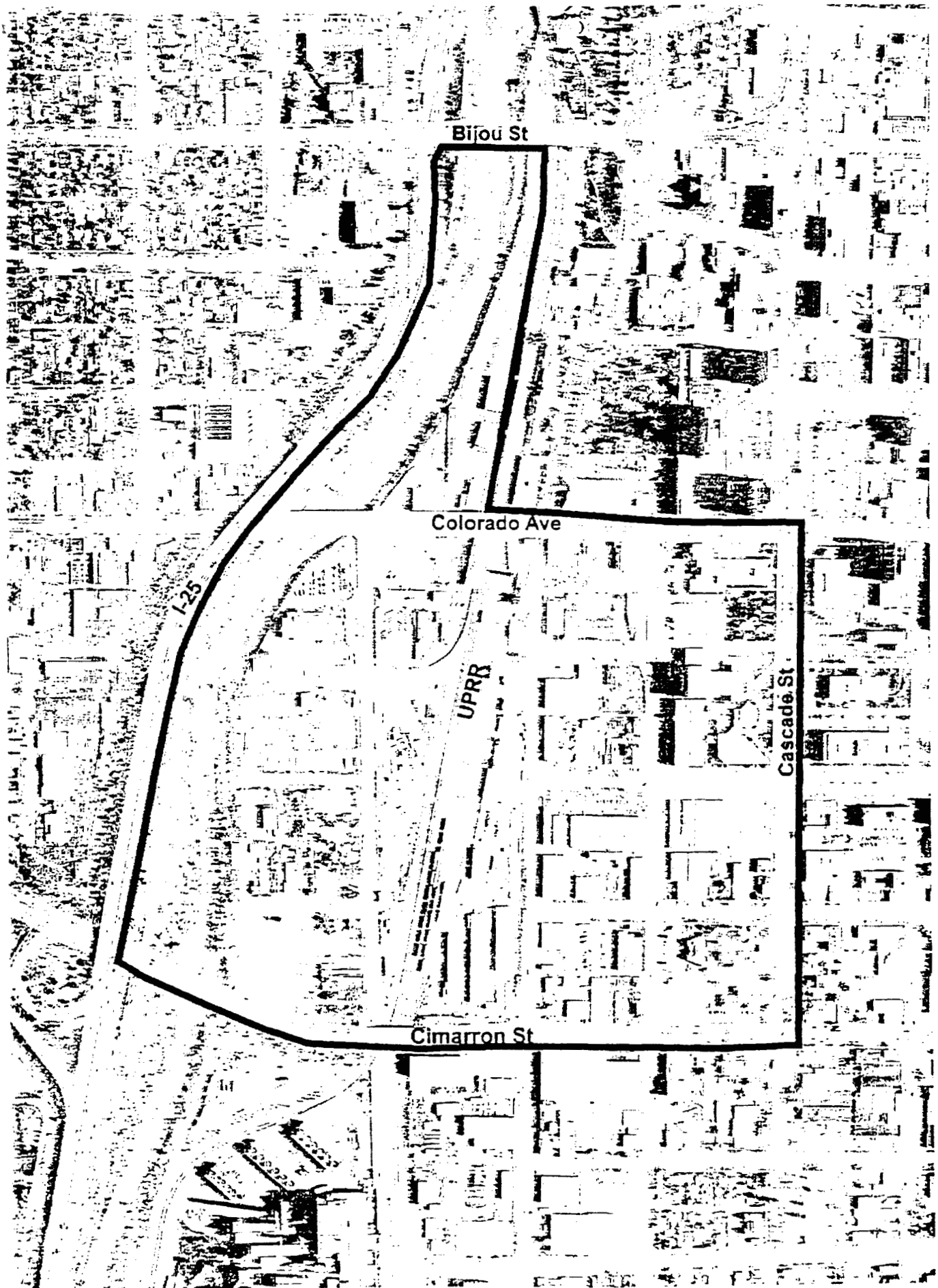
The Southwest Downtown Urban Renewal Area (referred to herein as “the Urban Renewal Area” or the “Tax Increment Area”) is located southwest of the central business core in downtown Colorado Springs. The area is generally bounded by Interstate 25 on the west and Bijou Street on the north to the Union Pacific railroad lines. The rail lines then form the eastern boundary from Bijou Street to Colorado Avenue. Colorado Avenue then serves as a northern boundary from the rail lines east to Cascade. South of Colorado Avenue, Cascade forms the eastern boundary to Cimarron which serves as the southern boundary of the Urban Renewal Area. The figure controls the boundary description in case of any conflict with the description.

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.

Figure 1
Southwest Downtown Urban Renewal Area



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.

Tax Increment Area – means the Urban Renewal Area from which tax increments will be derived for the financing described in the Plan.

2.0 LEGISLATIVE FINDINGS

2.1 QUALIFYING CONDITIONS

Based on the *Southwest Downtown Colorado Springs Blight Study* conducted by Leland Consulting Group under contract with the Authority connection with the adoption and approval of the Southwest Downtown Urban Renewal Plan, at least four qualifying conditions, 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) *Slum, deteriorated, or deteriorating structures;*
- (b) *Predominance of defective or inadequate street layout;*
- (c) *Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- (d) *Unsanitary or unsafe conditions;*
- (e) *Deterioration of site or other improvements;*
- (f) *Unusual topography;*
- (g) *Defective or unusual conditions of title rendering the title nonmarketable; or*
- (h) *The existence of conditions that endanger life or property by fire and other causes;*
- (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;*
- (j) *Environmental contamination of buildings or property;*
- (k) *Inadequate public improvements or utilities; or*

- (l) *If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, 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) 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.*

2.2 PLANNING COMMISSION APPROVAL AND RELATIONSHIP TO COMPREHENSIVE PLAN

A general plan for the City, known as the Colorado Springs Comprehensive Plan, is currently being completed. This Urban Renewal Plan was submitted to the Planning Commission of the City for review and recommendation as to its conformity with the new 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:

Goal 2.3

Develop a coordinated approach to urban development within the City's Potential Urban Growth area, as defined by City Council.

Goal 2.4

Plan and guide development within the City in a manner which encourages optimal efficiency and cost-effectiveness in the delivery of infrastructure and City services.

Goal 3.1

Infill to achieve an efficient utilization of City resources.

Goal 4.1

Encourage a land use balance within the City and its Potential Urban Growth Area in order to promote the efficient provision of City services, generation of revenues which cover the costs of those services, and a mix of employment and housing opportunities which is consistent with the sub-community concept.

Policy 4.1.2

Where appropriate, encourage land use relationships which reduce reliance on the automobile and encourage compact development which promotes pedestrian movement.

Goal 4.2

Provide adequate residential land uses to achieve diversity in location and type throughout the City.

Policy 5.1.2

In developed areas and where appropriate, prepare master plans with the assistance of residents and property owners. The actual use of land and the existing zoning should be considered in the preparation of master plans for fully developed areas.

Goal 7.2

Plan and develop new neighborhoods which are integral elements of new sub-communities.

Policy 7.2.1

Promote the unique identity of new neighborhoods through the use of focal points, parks and open spaces, preservation of significant natural features, and the compatible location and design of mixed uses.

Policy 7.2.2

Encourage the interrelation of nonresidential uses which are compatible with and supportive of residential uses and which promotes pedestrian movement.

Policy 11.1.5

Pursue development of facilities, which can directly contribute to the strengthening of the City's competitive position with other communities. Examples of such facilities are expansion of the Colorado Springs Airport, development of a multipurpose center, provision of parks and recreational facilities, and enhancement of artistic and cultural opportunities.

Goal 12.1.2000

Promote, reinforce and maintain downtown Colorado Springs as the heart of the City and as the regional center for business, government, culture, arts, and special community events.

Policy 12.1.1

Strengthen and augment downtown as the major City activity center with a broad, mutually reinforcing mix of high intensity uses.

Policy 12.1.4

Encourage the establishment of entertainment, dining and retail activities that extend the use of downtown beyond normal day-time business hours.

Policy 12.1.6

Encourage the development in the downtown area of a multi-purpose facility capable of accommodating major activities such as conventions, conferences, exhibitions or sporting events.

Goal 12.2

Create, foster and maintain a unique downtown environment that invites pedestrian activity, exhibits visual and physical quality in design, attracts visitors and local residents, and supports economic vitality.

Goal 12.2.2

Establish a unified design theme for public improvements in downtown and the major Downtown entrances.

Goal 12.2.5

Encourage the development of downtown Colorado Springs in a compact, concentrated form that respects the human scale and character of existing districts, provides extensive pedestrian spaced, and balances high-rise and infill development within the overall context of existing structures.

Policy 12.3.3

Encourage both the development of additional housing opportunities within the downtown area and the preservation and enhancement of existing housing in downtown neighborhoods.

Policy 12.3.4

Maintain and upgrade all elements of the public infrastructure both above and belowground to support future development of downtown.

Policy 12.3.5

Coordinate public and private development strategies to encourage and enable the development of public improvements and amenities in downtown.

Policy 14.1.5

Place a high priority on those programs and projects which generate and attract private sector employment, improvements or investments that are consistent with policies of the Comprehensive Plan.

Policy 15.1.9

Develop partnership approaches with various governmental entities and, where appropriate the private sector, to plan and construct major physical improvements which provide community and/or regional benefit.

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 and the Confluence Park Master Plan. 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. All Redevelopment Agreements entered into in connection with this Urban Renewal Plan shall supercede any and all existing Redevelopment Agreements on properties within the Urban Renewal Area. In addition, all such existing Redevelopment Agreements on properties within the Urban Renewal Area will be rendered null and void upon adoption of this Urban Renewal Plan.

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 to be exercised 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.

2.4.4 The powers conferred by the Act are for public uses and purposes 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 100 acres are included within the Urban Renewal Area. Uses north of the Urban Renewal Area include a mix of commercial and institutional establishments, as well as public improvements which form one of two gateways into downtown. Uses adjacent to the eastern portion of the area include public and private facilities including the Antlers Adams Mark Hotel, commercial office and retail uses, public parking facilities and government offices. Uses south of the Urban Renewal Area are located along the south side of Cimarron, downtown's other significant gateway, are predominantly industrial with residential 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 Southwest Downtown Area. 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 create an urban neighborhood which leverages the community's investment in Confluence Park and creates linkages to the downtown core and which is in accordance with the *Downtown Action Plan* and *Downtown Development Strategy*.

3.2 DEVELOPMENT OBJECTIVES

The proposed development character for the Urban Renewal Area includes a variety of existing land uses and densities that will distinguish one area from another. Proposed land uses within the Plan include office, commercial, specialty retail, entertainment, hotel, hotel/convention center, performing arts, parks, a variety of residential uses, parking facilities, and lodging. 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 will only 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. In order to better support the economic success of the Urban Renewal Area as an urban neighborhood, 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) Promote the downtown's 24 hour / 7-day live/work/play environment
- b) Eliminate blight and prevent environmental deficiencies
- c) Improve the relationship between this area and downtown core
- d) Improve property values
- e) Provide an attractive entry to downtown
- f) Provide a mix of land uses supportive of and complimentary to planned improvements in the Urban Renewal Area, as well as existing downtown core
- g) Provide densities and intensities of land uses appropriate to an urban neighborhood
- h) Create urban housing opportunities currently lacking in the market
- i) Provide ease of vehicular and pedestrian circulation
- j) Provide well-designed parking sufficient to meet the needs generated by the projects
- k) Provide improvements which link Confluence Park to the downtown core
- l) Encourage the continued presence of businesses within the Urban Renewal Area that are consistent with a traditional urban neighborhood
- m) 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)

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 DISTRICTS

Mixed Use District 1 – Artisan Center (South of Bijou, west of the UP Railroad)

Given the existing style and character, its location adjacent to the railroad, limited vehicular access, riverfront locale, and historic and industrial structures, this area has been designated for office, commercial, specialty retail and residential land uses. Residential opportunities would include medium to higher density loft-type apartments and live/work studio housing. Office and retail uses would be targeted to the arts and culinary community to the best extent feasible.

Mixed Use District 2 – Confluence Park (south of Colorado, west of UP Railroad)

Designated for office and retail uses, this area's full development could include major parking facilities to serve adjacent park needs as well as new on-site development. While the two existing office structures will provide the framework for new development, an increase in density of uses would be compatible with existing adjacent uses to the east and the development of the new Confluence Park and residential development to the south.

Mixed Use District 3 – (east of UP RR)

This area will be promoted for high-density office, commercial, parking facilities, retail, entertainment, lodging, and high-density residential complexes, consistent with the intensity and character of the adjacent Central Business District urban uses. While some

historic architectural elements within this area will influence new development, opportunities to maximize building height and massing, provide architectural diversity, and deviate from historic architectural themes are perhaps greatest here. Physical, visual and pedestrian linkages from the Central Business District, as well as other redevelopment areas to Confluence Park will help establish this area as the “gateway” of the Urban Renewal Area. Pedestrian linkages to other portions of the Urban Renewal Area and the Central Business District will help ensure and enhance the human scale, while structured parking will enable a more intense “urban” buildout. An urban entertainment complex, destination in character, could be accommodated in this location, as well as a Hotel or Hotel/Convention Center.

Mixed Use District 4 – Confluence Park (north of Cimarron, west of the UP RR)

Adjacent to the proposed Confluence Park, this area of the Urban Renewal Plan offers the greatest opportunity for medium density residential and related commercial and retail land use. As an existing industrial site, this area is programmed for total redevelopment and as such, will have no constraints in terms of architectural style and character. New development here can reflect and relate directly to the significant amenity in the form of Confluence Park, and provide the 24 hour/7 day environment that will help enhance the downtown as a viable live/work/play environment.

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 historic resources and neighborhood conditions, there are common design/development goals which will be present throughout the Urban Renewal Area. These goals include:

- a) Pedestrian-oriented development with a “human” scale
- b) Mix of land uses that help ensure vitality and livability in each of the districts within the Urban Renewal Area, while complimenting the existing businesses within the Central Business District
- c) Variety of land use densities to address housing affordability, market demand, and enhance developer participation
- d) Urban design treatment that is “people-friendly, increases public open space and use, and helps “energize” day and night time enjoyment in the downtown area
- e) Off-street parking opportunities maximized without negatively impacting vehicular and pedestrian circulation, visual quality and compatibility, and convenient access to the Central Business District
- f) Disbursed vehicular traffic patterns designed to enhance access into and out of the Urban Renewal Area
- g) Safe, convenient pedestrian linkages between the Urban Renewal Area and Central Business District, as well as within districts of the Urban Renewal Area
- h) Minimal pedestrian/vehicular conflicts
 - i) Pedestrian-friendly streetscape which unifies area
 - j) Buildings in scale with existing adjacent land uses and Confluence Park improvements
- k) Design and construction of public improvements consistent with design objectives for entire area
- l) Lighting standards and signage which exhibit a unified theme and which complement existing and proposed structures

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 or interest in property by condemnation as provided in Article 1 and Article 7 of Title 38 of the Colorado Revised Statutes. 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. The Authority shall not initiate condemnation proceedings on such Non-owned Property less than thirty-six (36) months from the date of said written notice from the Authority (Moratorium Period"). 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

In the event it is necessary to relocate or displace any business or other commercial establishments as a result of any property acquisition, the Authority is authorized to adopt relocation policies for payment of actual relocation expenses. 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.

A description of the Relocation Plan objectives is presented in 6.0 below. The detailed Relocation Plan is presented in Section II 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 contributing increased property and sales taxes to the City of Colorado Springs, El Paso County Schools and El Paso County.

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 either 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 downtown market were the primary responsibility of public sector entities. The City was understood to have the largest and longest term interest and responsibility for downtown, 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 continue 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 downtown 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 sales and property tax increment. Tax increment financing under the tax increment financing provisions of Section 31-25-107 (9), C.R.S. which, as it may be amended, 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. All property and sales taxes collected within the Tax Increment Area, by or for the benefit of any public body, shall be divided as follows:

- a) That portion of property and 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 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 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 Area, 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 reinvestment projects.
- 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 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 sales taxes collections in the Urban Renewal Area exceed the base year property and sales taxes collections in the Urban Renewal Area, as provided in paragraph a) above, all such property and 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 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;” in downtown environments are typically used to provide services related to health and safety, however can be expanded to address issues related to marketing and management.

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 Southwest Downtown 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.

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:

- 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 the Southwest Downtown Colorado Springs 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.

RELOCATION POLICY

SOUTHWEST DOWNTOWN

URBAN RENEWAL PLAN

COLORADO SPRINGS, COLORADO

1 MARCH 2001

SECTION II: SOUTHWEST DOWNTOWN COLORADO SPRINGS URBAN RELOCATION POLICY (APPROVED BY THE COLORADO SPRINGS URBAN RENEWAL AUTHORITY ON 1 MARCH 2001)

1.0 PURPOSE

The Urban Renewal Authority of the City of Colorado Springs (the "Authority") adopts this Relocation Policy (the "Policy") which describes the requirements governing the provision of relocation payments and other relocation assistance to businesses displaced as a result of acquisition of property by the Urban Renewal Authority pursuant to the Southwest Downtown Urban Renewal Plan (the "Plan" or the "Urban Renewal Plan"), approved by the Colorado Springs City Council on XX, as it may be amended from time to time.

2.0 SCOPE

2.1 RELOCATION POLICY

This Policy is derived from and is an extension of the relocation provisions of the Plan. The specific provisions of this Policy shall govern and control over the general provisions of the Plan in the event of conflicts between the documents.

2.2 NATURE OF PAYMENTS

The Authority recognizes that relocation payments, absent this Relocation Policy, are not required by law. Therefore, it is the intention of the Authority that it not be bound by any federal, state or local policies but that it does instead hereby adopt the following Relocation Policy, which is incorporated into and forms a part of the Authority's Urban Renewal Plan by this reference. By adopting such Relocation Policy, the Authority shall pay the benefits and shall provide the services described herein to the parties entitled thereto on the terms and conditions set forth herein.

2.3 NO CONTRACT

Nothing in this Policy shall be construed as a written contract with any present or future Owner or Business within the Urban Renewal Area. All payments made pursuant to this Policy shall be pursuant to the criteria set forth below.

3.0 DEFINITIONS

The following definitions shall be used in interpreting the payments and benefits available under this Policy:

Action by the Authority – any lawful activity undertaken by the Authority, its agents or assigns, or one operating on the Authority's behalf 03/02/01 pursuant to a contract with the Authority.

Business – any lawful activity that is conducted primarily for the purchase, sale, lease or

rental of personal or real property; or for the manufacture, processing or marketing of products, commodities, or any other personal property; or is conducted primarily for the sale of services to the public. *This definition shall not include: 1) outdoor advertising displays which are intended to be acquired as part of the real property purchased by the Authority; and 2) public utilities such as cable, electric, gas and telephone lines and related service facilities.*

Comparable Replacement Property – means a property which is:

(1) Functionally equivalent to the displacement property. The term functionally equivalent means that it performs the same function, provides the same utility, and is capable of comparable business activities. While a comparable replacement property may not possess every feature of the displacement property, the principal features must be present. Generally, functional property equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a property may be used;

(2) Similar in size to the existing facilities;

(3) In an area not subject to unreasonable adverse environmental conditions;

(4) In a location generally not less desirable than the location of the displaced business with respect to public utilities and commercial and public facilities, and reasonably accessible to the business's customers and business needs;

(5) On a site that is similar and appropriate in size for relocation of the business with site improvements required by law, including customary landscaping;

(6) Currently available on the private market.

Development Agreement – agreement between the Authority and a developer selected to redevelop within the Project Area.

Displaced Business – any business that moves its personal property from real property which is acquired as a result of action by the Authority for projects within the Project Area, if such business has occupied such real property 90 days prior to the date of the “Notice of Intent to Acquire” from the Authority.

Displaced Resident – any resident who moves his/her personal property from a dwelling which is acquired as a result of the Action by the Authority for projects within the Project Area, if such resident has occupied such dwelling 90 days prior to the “Notice of Intent to Acquire” from the Authority.

Dwelling – place of permanent or customary and usual residence of a person including a single-family house or a single-family unit in a multifamily structure.

Good Will – advantage gained by a business arising from an established course of commercial activity.

Lost Profits – profits, which a business fails to realize as a result of relocation arising from inability to conduct business, or to conduct business at the same level of productivity during the relocation of the business.

Notice of Intent to Acquire – notice by the Authority to the Owner of that real property which will be acquired by the Authority issued pursuant to Colorado Revised Statutes § 38-1-121.

Notice to Relocate – written notice from the Authority to an Owner or Business that it must

move from its current location in the Project Area. A Notice to Relocate and negotiations concerning relocation may occur at any time.

Owner – any person who owns fee simple title or a life estate in real property to be acquired for the Project or who holds any other interest which warrants consideration as ownership.

Personal Property – tangible property which is classified as personalty under Colorado law, is located on real property in the Project Area, and is not purchased by the Authority in the acquisition of such real property.

Plan – Southwest Urban Renewal Plan which was approved and adopted by the City Council for the City of Colorado Springs on XX, as the same may be amended by such City Council from time to time.

Project – any urban renewal or redevelopment project in the Project Area as described in the Urban Renewal Plan.

Project Area – area designated for revitalization activities in the Plan.

Real Property – property which is classified as realty under Colorado law, for example, fixtures which cannot be moved at a reasonable cost. Relocation expenses shall not be reimbursed for fixtures and other items of real property which have been purchased by the Authority in connection with its acquisition of the realty from which a Displaced Business is moving.

4.0 RELOCATION ASSISTANCE ADVISORY SERVICES

4.1 GENERAL

The Authority will provide a relocation assistance advisory program which offers the services described below. The purpose of the advisory services program is to minimize inconvenience to persons who must be relocated and to provide an information program to advise these persons of relocation activities and benefits on a continuing basis.

4.2 SERVICES TO BE PROVIDED

The Authority, through its staff, will provide the following services: (1) assistance with identifying real estate brokers and others who may help locate replacement business locations; (2) assistance in identifying services for moving, packing, storage and insurance; and, (3) assistance with the Authority's relocation benefits procedures and submittals for relocation benefits.

4.3 NOTIFICATION

As soon as the Authority issues either an RFQ or RFP for a specific project, potentially affected property owners will receive information related to relocation services, benefits and procedures to be provided by the Authority. Upon approval of a Development Agreement, the Authority shall advise each Business in the Project Area affected by said Development Agreement regarding: (1) whether or not their property may be acquired; and, (2) the anticipated schedule for the Project including the expected date for the completion of all Business moves.

5.0 GENERAL RELOCATION ASSISTANCE POLICIES

5.1 NO DUPLICATION OF PAYMENTS

No Displaced Business shall receive any compensation for relocation which would substantially duplicate the compensation which was received or which a Displaced Business would be eligible to receive under the state law of eminent domain or under any other law or regulation. Under no circumstances will there be a duplication of payments for acquisition or for relocation.

5.2 LEAST COST APPROACH

The amount of payments for an eligible relocation expense shall not exceed the least costly method of accomplishing the objective of the payment without causing undue hardship to the Displaced Business.

5.2 DETERMINATION OF ELIGIBILITY

The Authority will designate a person as Relocation Coordinator who shall have primary responsibility for establishing eligibility for and the amount of relocation payments claimed in accordance with this Policy. Appeals from the decisions made by the Relocation Coordinator shall be determined in accordance with Section 9.0, hereof.

5.3 DOCUMENTATION

If requested, any claim for relocation payment shall be submitted to the Authority on the appropriate form and supported by such documentation as may reasonably be required by the Authority to establish accurate expenses incurred, such as bills, statements, certified prices, appraisals, or other evidence of such expenses.

5.4 SET OFF FOR CLAIMS

The Authority may withhold any part or all of a relocation payment to a Displaced Business to satisfy an obligation of the Displaced Business to the Authority or the City of Colorado Springs.

5.5 BURDEN OF PROOF

Claimants shall have the burden of proof to establish eligibility for and amount of any relocation payment claimed hereunder.

5.6 TIME FOR MOVING

All claimants must complete any relocation from their current sites by the date specified in the settlement agreement with the Authority or if no settlement is achieved, within **90 days** of receiving written notification from the Authority to relocate, or such time as a court may require a claimant to vacate the property, whichever is later, or within such additional time as the Authority may determine and specify in writing.

5.7 OWNER'S OBLIGATION TO NOTIFY NEW TENANTS

No Owner within the Urban Renewal Area shall lease premises to a tenant after the owner's receipt of Notice of Intent to Acquire, without giving prior written notice to such tenant that the property is being acquired by the Authority and that such tenant shall not be eligible for relocation benefits from the Authority. A copy of the Owner's notice to the tenant shall be delivered to the Authority.

5.8 TIME LIMIT FOR SUBMISSION OF CLAIMS

All claims and documentation must be submitted to the Relocation Coordinator within six

(6) months of the date on which the Displaced Business completes his/her move, except for such claims which by their nature cannot be ascertained by that time, including but not limited to claims for lost profits and business goodwill pursuant to section 6.7 and replacement property payments pursuant to section 7.6.

5.9 INELIGIBLE DISPLACED BUSINESSES AND RESIDENTS

The following Displaced Businesses and Residents shall not be eligible for relocation assistance:

- a) Any business or resident which has not occupied real property in the Project Area prior to the Authority's Notice of Intent to Acquire.
- b) A subtenant of a tenant, unless such subtenant demonstrates that it is a separate legal entity from the tenant and otherwise satisfies the eligibility requirements of this Policy.
- c) Any business or resident which had prior plans to relocate for reasons independent of the project for which the Authority is acquiring the property.
- d) Multiple lease agreements for different leasehold areas shall not be considered multiple tenancies if the areas are operated as a single Business.
- e) Any business or resident which is operating in violation of applicable law, including businesses operating without required licenses or in violation of applicable land use laws and regulations.
- f) Any Business whom the Authority made a good faith offer to retain as a tenant or owner in a Project and which Business declined such offer.

6.0 ELIGIBLE EXPENSES – BUSINESS RELOCATIONS

6.1 PROFESSIONAL SERVICES, INSURANCE AND TRANSPORTATION

A Displaced Business shall receive a sum equal to actual moving costs, based on competitive bids received, to cover any expenses incurred in the following categories:

- (a) Professional services, including, but not limited to, architects, brokers, planners, attorneys, engineers, and consultants hired for such activities such as finding a new location, negotiating a new lease or purchase of the new location, and planning the move of the personal property. Professional fees incurred in connection with representing the Displaced Business in preparing a relocation claim or in contacts or proceedings before the Authority, including grievance procedures or other administrative or legal proceedings or suit, shall not be eligible for reimbursement.
- (b) Liability or casualty insurance in connection with the move and any temporary storage.
- (c) Transportation expenses in connection with relocation.

6.2 MOVING

Packing, crating, moving, unpacking, and uncrating personal property, based on moving industry customary and standard rates are eligible.

6.3 TEMPORARY STORAGE

Storage of personal property if necessary, based on customary and standard rates are eligible. The period of storage shall not exceed 12 months.

6.4 REINSTALLATIONS

Disconnecting, dismantling, removing, reassembling, and installing relocated and any substitute machinery, equipment and other personal property, based on customary and standard costs are eligible. This includes connection to utilities available at the new site and modification necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property. A Displaced Business shall be eligible for payment of this expense only if it provides a list of property that is to be disconnected and reinstalled at the replacement location to the Authority by the date set for submission of the list by the Authority.

6.5 LICENSES, PRINTING AND ADVERTISING

License, permit or certification required by the Displaced Business at the replacement location based on customary and standard costs are eligible. Also, advertising, relettering signs and printing materials such as trucks, signs, stationery and business cards made obsolete as a result of the move are eligible.

6.6 SUBSTITUTE PERSONAL PROPERTY

Purchase of substitute personal property which is used as part of the Business and is not moved, but is promptly replaced with a comparable substitute item at the replacement site. The Business is entitled to payment of the lesser of: (1) the cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade in of the replaced item, if any; or, the estimated cost of moving the replaced item, based on an acceptable bid or estimate by the Authority for eligible moving and related expenses, but with no allowance for storage; or (2) personal property which has no or minimal value shall not be covered by this section.

6.7 GOODWILL AND LOST PROFITS

Displaced Businesses shall be eligible for a sum for lost profits and impaired Good Will if requested by a Business and documented with verified evidence of such losses. Calculation of the amount of reimbursement for Lost Profits shall be based upon the average monthly profit for the previous 12 months as reflected on the audited financial statements, and shall be for a maximum of nine (9) months. The Authority shall also make a payment for impaired Good Will if requested by a Business and documented with verified evidence of the nature of any reason for impairment of Good Will.

6.8 REAL PROPERTY FIXTURES

Fixtures shall be included as part of the real estate and shall be included in the purchase proceeds or the condemnation award.

6.9 NOTIFICATION TO THE AUTHORITY AND INSPECTION

To be eligible for payment under this section, the Displaced Business shall: (1) permit the Authority to make reasonable and timely inspections of the personal property at the displacement and replacement sites; and, (2) provide an inventory of all personal property expected to be moved within thirty days after receiving a Notice to Relocate from the Authority.

6.10 CESSATION OF BUSINESS, UNSPECIFIED RELOCATION SITE AND MOVING OUT OF THE AREA

If a Displaced Business decides to cease doing business or delays a decision on a relocation site, the Authority will assume that the business is moving within El Paso County and pay moving costs pursuant to this Policy based on such assumption. If a Displaced Business chooses to relocate to a site that requires a move in excess of 50 miles from the current business location, the Authority will pay moving costs pursuant to this Policy based on the assumption that the Business is moving within El Paso County.

6.11 SELF-MOVES

A Displaced Business that elects to make a self-move and not submit documentation in support of the costs incurred may do so as long as the amount of the claim does not exceed an acceptable low bid obtained by the City. The displaced business may carry out the move by using its own employees and equipment or engage a mover or contractor to handle all or part of the move.

7.0 RELOCATION SETTLEMENTS

7.1 TOTAL SETTLEMENT

It is the intent of the Authority to arrive at negotiated total lump-sum settlements with all Displaced Businesses. Those settlements will compensate all of the eligible expenses contained herein. Claimants will receive one-half of the payment amounts following approval of the Business's settlement agreement with the Authority. The remaining one-half will be paid no later than thirty days following proof the claimant has vacated the property. If a settlement is not reached by negotiation, payments shall be made as outlined in Section 9.0, Appeals below.

7.2 RENT SUBSIDIES

In consideration of the potential difference between the rent paid by a Displaced Business at the time it is required to relocate and the higher rent charged for comparable space elsewhere, the Authority shall pay a rent subsidy based on the differential between the rent paid prior to relocation and the higher rent paid for comparable space at the new location for a maximum of 12 months. Other eligible costs associated with an increase in the cost of operation at the new location may include personal or real property taxes, insurance premiums, and utility charges.

7.3 SECURITY DEPOSITS

If a tenant has paid a security deposit to a landlord or property manager for a lease on

property to which the Authority is taking title or possession, the Authority shall require the holder of the security deposit to refund the deposit to the tenant or to turn over the deposit to the Authority for refund to the tenant.

7.4 LOANS

Upon request, the Authority will review any loan programs offered by lending institutions for the purpose of assisting Displaced Businesses and will consider supporting such program, for example, by buying down an interest rate.

7.5 RENT PAYMENT AND ABATEMENT

For properties acquired by the Authority, upon settlement, the Authority may assume all payments due under the lease from the date the tenant vacates the premises until the Authority takes possession of or title to the property and such payments are no longer due to the landowner or its agent. If the Authority has possession of or title to the property, a tenant may elect to have its rent abated from the date of execution of a settlement agreement with the Authority until the tenant's agreed-upon date of vacating the premises. If the tenant fails to move out by the agreed-upon date, the tenant shall resume paying rent to the Authority. If rent is abated while the tenant continues to occupy the property, an amount equal to the abated rent shall be deducted from any rent subsidy to be paid to the tenant by the Authority. Any unpaid rent owed by the tenant to the Authority shall be deducted by the Authority from the final settlement payment to the tenant.

7.6 REPLACEMENT PROPERTY PAYMENT

If a Displaced Business is occupying the property prior to the execution of the Development Agreement and has occupied and owned the property 90 days prior to receiving a Notice of Intent to Acquire, or has occupied the property prior to such dates, and is a related person or entity to the owner of the property, and the Displaced Business or a related person or entity purchases a comparable replacement property for purposes of conducting the business within 36 months from receipt of Notice of Intent to Acquire, he/she will be eligible for a replacement property payment, which shall be the sum of 1) the amount by which the cost of a comparable replacement property exceeds the acquisition cost of the displacement property; 2) the increased interest costs and other debt service costs which are incurred in connection with the mortgage(s) on the replacement property; and, 3) the reasonable expenses incidental to the purchase of the replacement property.

8.0 INELIGIBLE MOVING AND RELATED EXPENSES

A Displaced Business is not entitled to payment for:

- (a) Cost of moving any structure or other real property improvement in which a Displaced Business reserved ownership.
- (b) Interest on a loan to cover moving or storage expense.
- (c) Loss of trained employees.
- (d) Personal injury.
- (e) Any legal fee or other cost for preparing a claim for a relocation payment or for representing claimant before the Authority or any other body or court.
- (f) Taxes
- (g) Any expense or payment for which the Business received reimbursement or compensation from another source or pursuant to any other law, rule or regulation.

9.0 APPEALS

9.1 DISPUTE RESOLUTION

It is the intent of the Authority to provide an efficient, fair process for settlement of eligible relocation expenses. The Authority prefers a negotiated settlement that is mutually fair and beneficial to both the Authority and Displaced Business. In order to achieve this result, the Authority prefers that impasse in negotiation be resolved through mediation and will arrange for a mediation process at anytime at the request of a Displaced Business. Mediation shall be a prerequisite to filing an appeal under this Section.

9.2 SELECTION OF MEDIATOR

If the Authority determines that a settlement of eligible relocation expenses with a Displaced Business cannot be reached due to an impasse in negotiations, the Authority shall schedule a session with a mediator within thirty (30) days of a written notice to the Business that an impasse exists, or within such time period as the Authority and Business may mutually agree. The mediator shall be selected by mutual consent of the Authority and the Business. If the Business refuses to participate in the selection of a mediator or unreasonably withholds consent in the selection of a mediator, the Authority shall make a final determination of benefits, which shall be payable upon the Business's completion of a move from the Project Area.

9.3 UNSUCCESSFUL MEDIATION

If the mediation fails to result in a settlement agreement between the Authority and the Displaced Business, the Authority shall make a final determination of benefits, and shall pay one-half of such determination immediately. The final payment shall be made at the conclusion of the appeal period if no appeal is filed or upon conclusion of the appeal if one is filed.

9.4 SCOPE AND TIMING OF APPEAL

If mediation is unsuccessful, the Authority shall request the mediator to provide a dated notice that the dispute could not be resolved to both the Authority and the Displaced Business. The Business shall have thirty (30) days from the date that notice to file an appeal with the Authority. The appeal shall be limited to a determination regarding eligibility for or the amount of payments set forth in this Policy and pursuant to any further resolutions or actions of the Authority establishing eligible expenses.

9.5 INITIATION OF APPEAL

An appeal is instituted by a written request for review by the claimant, which may include any documentation deemed relevant by the claimant. If a hearing is requested in the request for review, it shall be scheduled within thirty (30) days from the date the appeal is initiated before a hearing officer who shall be selected by mutual consent of the Authority and the Business. If the Business refuses to participate in the selection of the officer or unreasonably withholds consent in the selection of an officer, the officer shall make a final determination of benefits, which shall be payable upon the Business's completion of a move from the Project Area. If no hearing is desired, the officer shall decide the appeal based on the documentation provided with the request for review. In either case, the officer's decisions shall be subject to review and revision by the Authority. All supporting documentation shall be filed with the Authority at least seven (7) days prior to the hearing. Information submitted thereafter need not be considered by

the officer.

9.6 RIGHT TO REPRESENTATION

A claimant may be represented by legal counsel in connection with the appeal, but solely at its own expense.

9.7 REVIEW OF FILES BY CLAIMANT

The Authority will permit a claimant to inspect and copy all files and records pertinent to such appeal pursuant to the Open Records Act, including the limitations continued therein, and at the expense of the claimant.

9.8 SCOPE OF REVIEW

In deciding the appeal, the hearing officer shall consider: (1) all applicable rules and regulations; (2) all pertinent justification and written materials submitted by the claimant; and, (3) all material upon which the Authority staff based the determination being appealed and any other available information that is needed to assure a fair and full review of the appeal.

9.9 DETERMINATION AND NOTIFICATION AFTER WRITTEN APPEAL

The hearing officer shall make a written determination within thirty (30) days of the hearing, or if no hearing is requested, within thirty (30) days of the receipt of the request for review, and shall furnish the claimant with a copy. The written determination will include, but need not be limited to: (1) the factual and legal basis upon which the decision was based, including any pertinent explanation; and, (2) if any payment or other relief to the claimant is granted, a statement of how this will be provided.

9.10 APPEAL

Determinations on appeals made by the hearing officer and the Authority shall be deemed final agency action and may be appealed by the claimant the El Paso County District Court or any other court of competent jurisdiction for a *de novo* determination of the claimant's entitlement to relocation benefits pursuant to this Policy.

10.0 GENERAL PROVISIONS

10.1 TIME

Any deadline or time period in this Policy may be modified in a written agreement signed by the Authority and a Displaced Business.

10.2 PAYMENTS

In its sole discretion, the Authority may agree to a payment schedule in variance from this Policy upon a showing of necessity by the Displaced Business.

DNVR1:60155722.03

APPENDIX

The appendix materials (market study and blight study) are included in the copies of the plans previously provided to the City Council and City Manager

INTEROFFICE MEMORANDUM



CITY OF COLORADO SPRINGS

DATE: August 7, 2001

TO: James H. Mullen, City Manager *[Signature]*

FROM: Quinn Peitz, City Planning Group Support Manager
James W. Rees, Acting Urban Projects Unit Manager *[Signature]*

SUBJECT: Southwest Downtown Urban Renewal Plan Reconsideration

Summary: A majority of the property owners within the proposed Southwest Downtown Urban Renewal Area have requested that the City Council approve the plan with certain changes as outlined below. The property owners will voluntarily consent to inclusion in the urban renewal area if the changes are included.

- 1) 3 – Year Moratorium The 36 month Moratorium period for Non-Owned Property provided for in Section 4.1 of the Plan shall commence upon the Colorado Springs City Council giving final approval of the use of condemnation to acquire the Non-Owned Property involved.
- 2) Relocation Policy. In Section 3.0 of the Relocation Policy, the second sentence in the definition of "Business" (containing certain exclusions) shall be deleted.
- 3) Voluntary Participation Only those properties within the Southwest Downtown Urban Renewal Area which request to be part of the Plan will be included. Properties that are within this Area but are not initially included may subsequently request to be included in the Plan.

Previous Council Action: The Colorado Springs Urban Renewal Authority presented an urban renewal plan for the southwest downtown to City Council for consideration on June 12, 2001. The City Council disapproved the plan as presented at that time. On July 10, 2001 Council voted to reconsider the item at the August 14, 2001 City Council meeting.

Background: The attached May 21, 2001 memo from the City Development Group Support Manager to the City Manager outlines the process that was undertaken by the Colorado Springs Urban Renewal Authority in formulating the Plan. The City Attorney has addressed several Council questions regarding the plan including the conditions for approval of a plan that has been developed with "voluntary consent." Council must find that one of the factors of blight set forth in 31-25-103(2)(a-k), C.R.S. exist and one of the following additional factors exist:

- ◇ The area substantially impairs or arrests the sound growth of the municipality, OR
- ◇ Retards the provision of housing accommodations, OR
- ◇ Constitutes an economic or social liability,

AND must find that the area is a menace to the public health, safety, morals, or welfare. 31-25-103(1), C.R.S.

Financial Implications: The plan provides that funding for public infrastructure, acquisition, relocation and related administrative costs will be provided through the use of tax increment financing. The use of special districts such as business improvement districts, general improvement districts or enterprise zones will be utilized in the implementation of the plan.

Board/Commission Recommendations: The Plan has been approved by the Colorado Springs Urban Renewal Authority Board of Commissioners and the City Planning Commission.

Stakeholder Process: In addition to the process described in the previous Council memo (5/21/01), notification of the property owners was conducted 30 days prior to the reconsideration of this item by City Council on August 14, 2001 and a public notice was published in the newspaper.

Recommendation: The Urban Renewal Authority and the City Administration recommend approval of the Plan.

Proposed Motion: A motion to approve the Southwest Downtown Urban Renewal Plan and Relocation Policy and adoption of the resolution approving the Plan.



INTEROFFICE MEMORANDUM

CITY OF COLORADO SPRINGS
JUN 5 AM 10:58

CITY OF COLORADO SPRINGS

DATE: May 21, 2001
TO: James H. Mullen – City Manager
FROM: Chuck Miller – City Development Group Support Manager
SUBJECT: Southwest Downtown Urban Renewal Plan

CPM

SUMMARY

The Colorado Springs Urban Renewal Authority (“ the Authority”) has prepared an urban renewal plan (“the Plan”) for the southwest downtown area, to implement the redevelopment recommendations of the Downtown Action Plan and the Downtown Development Strategy. Sufficient conditions of blight, as defined by state statute, have been documented in the project area. The Plan is in conformance with the City’s Comprehensive Plan and Strategic Plan and defines public and private uses recommended by the Downtown Action Plan. A market analysis was conducted, confirming the viability of the Plan. Rather than assuming a traditional urban renewal authority role as active public agency implementers, the Authority will facilitate private sector development, using the administrative, regulatory and financing tools at its disposal. As a result, the Plan minimizes the acquisition and resale of property by the Authority, whether through negotiation or the use of eminent domain powers, and assures equitable relocation benefits to those displaced as a result of Authority actions. Any use of eminent domain powers by the Authority to acquire properties must be approved by City Council, on a case by case basis. Provisions for the use of tax-increment funds are included. The Plan includes the Confluence Park project, the public portion of which will continue to be implemented by City staff. The Authority anticipates managing the private redevelopment in the park, on the City’s behalf. The City Development staff recommends approval of the Plan.

PREVIOUS COUNCIL ACTION

The preparation of a redevelopment plan for this part of the downtown planning area is a necessary first step in implementing the recommendations of the Downtown Action Plan, approved by City Council in 1992, and the Downtown Development Strategy, approved by City Council in 1999, for this area.

BACKGROUND

The Downtown Development Strategy identifies the subject area as a Priority Implementation Project for downtown and recommends the use of urban renewal and its tax-increment funding abilities as a logical implementation strategy for private redevelopment. Based on that recommendation, the Authority, in 1999, began examining the viability of private development in the area and the appropriateness of urban renewal as the redevelopment approach. To proceed, the Authority required positive answers to two questions. Is there a market for the private redevelopment contemplated in the Downtown Action Plan? Is there a need for a public/private partnership to successfully implement the project? A preliminary feasibility analysis prepared by the Leland Consulting Group concluded:

- There is currently a market demand for a medium to high density mixed use project (at minimum, 350 residential units, 380 hotel rooms and 260,000 sf of commercial and office space)
- To be competitive in the market place, land and infrastructure costs to the developers must approximate those outside the downtown core. To achieve that, partnerships with the public sector

will be necessary to provide the financing necessary to bridge any gap. Tax increment and special district financing should be the primary tools used by the public sector.

With those questions answered, the Authority proceeded with the preparation of the attached plan, which includes the following elements:

- Qualification as an urban renewal area
- Development objectives
- Land use plan
- Design standards
- Project implementation
- Financing strategy
- Relocation policy
- Market study
- Blight study

One development objective of note is an affordable housing target of 10% or more of the residential units built.

FINANCIAL IMPLICATIONS:

The Plan provides for the use by the Authority of incremental increases in sales and property tax revenues generated by the redevelopment within the project area (tax-increment financing), to fund certain eligible activities, such as public infrastructure, acquisition, relocation and related administrative costs. The Plan also contemplates the use of special districts, such as business improvement districts, metro districts, etc. As the project proceeds, there may be requests by the Authority for capital improvement funds from the City, if such projects can be justified. The City will continue to provide administrative services to the Authority.

BOARD/COMMISSION RECOMMENDATION:

The Plan has been approved by the Colorado Springs Urban Renewal Authority Board of Commissioners and the City Planning Commission.

STAKEHOLDER PROCESS

Over the last 2 years, 12 public meetings were held to gather input and make progress reports. Notices were sent to all property owners, businesses and residents in the plan area, for each meeting. Numerous individual meetings were also held. County and School District 11 officials were also kept apprised of plan progress. The Authority anticipates entering an agreement with District 11, regarding the use of a portion of the tax increments generated for education improvements.

ALTERNATIVES

Deny the Plan – lacking a plan defining a development theme and lacking the development tools provided by the Urban Renewal Authority, the area in all probability will redevelop much more slowly and in a manner inconsistent with the Downtown Action Plan and the Downtown Development Strategy.

RECOMMENDATION

The Urban Renewal Authority Board and the City Administration recommend approval of the Plan as presented.

PROPOSED MOTION

Move to adopt the proposed resolution approving the Southwest Downtown Urban Renewal Plan.

COLORADO SPRINGS URBAN RENEWAL EFFORT

suite 404 • 8 south nevada avenue • p.o. box 1575 • mc 1541
colorado springs • colorado 80901-1575
(719) 444-2683 • fax (719) 578-6394

Date: May 21, 2001

To: Mayor and Members of City Council
City Manager

From: Susan K. Wood-Ellis, Chairman of the Board
Colorado Springs Urban Renewal Authority Board of Commissioners

Subject: Southwest Downtown Urban Renewal Plan

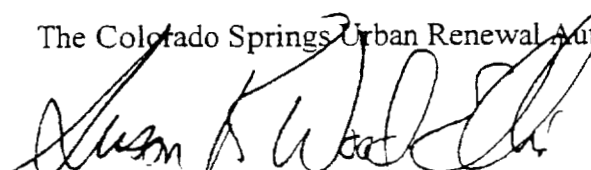
On behalf of the City of Colorado Springs Urban Renewal Board, I am pleased to present to you the proposed Urban Renewal Plan for a 100 acre portion of the southwest downtown, including Confluence Park. We believe our role as an Urban Renewal Authority is to implement projects that reflect the redevelopment goals of City Council. Our proposed Plan was prepared to reflect those goals, as defined in your Comprehensive Plan, Strategic Plan, Downtown Action Plan and Downtown Development Strategy.

The Plan was prepared by the Leland Consulting Group and City staff, with considerable input from our Board, property owners, businesses, potential developers and interested citizens. In my opinion, consensus was reached fairly easily on the need for redevelopment in the area and the type of redevelopment that should occur. The more difficult issues revolved around (i) the possibility of condemnation of properties by the Authority and (ii) adequate compensation for the costs of relocation of businesses. With a great deal of effort by all parties, policies regarding the Authority's use of its statutory condemnation powers and the payment of relocation costs were crafted and included in the Plan. The City of Colorado Springs has historically been extraordinarily judicious in its use of its condemnation powers. This Board strongly believes it is our responsibility to mirror that philosophy, as we implement both the Lowell Neighborhood project and the Southwest Downtown project.

We look forward to presenting our proposed Plan for your consideration on June 12th.

Sincerely,

The Colorado Springs Urban Renewal Authority


By: Susan K. Wood-Ellis, Chairman of the Board



LEGAL NOTICE
Proposed Southwest Downtown Urban Renewal Plan

The Colorado Springs City Council will reconsider approval of the Southwest Downtown Urban Renewal Plan at the regularly scheduled City Council meeting on August 14, 2001 in City Council Chambers, City Administration Building, 30 S. Nevada Avenue. City Council will hold a public hearing on the Plan followed by formal action. The meeting will begin at 9:00 a.m. Information regarding this item's placement on the agenda may be obtained by calling 385-5150 on the morning of the meeting. The project area is generally bounded by I-15 on the west, Bijou St. on the north, the Union Pacific railroad lines on the east from Bijou St. to Colorado Ave. Colorado Ave. on the north between the railroad lines east to Cascade Ave., Cascade Ave. on the east between Colorado Ave. and Cimarron St. and Cimarron St. on the south. The general scope of the project is the development of a medium/high density mixed-use project that is consistent with the Southwest Downtown Colorado Springs market study and the Downtown Action Plan. Uses will include office, commercial retail, residential, lodging, park and entertainment.

Published in The Gazette
July 13, 14, 2001

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Published in The Gazette
July 13, 14, 2001

Item # 12413
8/14/01

BUSINESS	FIRST NAME	LAST NAME	ADDRESS	SUITE	CITY	ZIP
114 SIERRA MADRE LLC			2500 N CIRCLE DR		Colorado Springs, CO	80903
218 WEST COLORADO LLC			PO BOX 277		Genoa, NV	89411-0
A. G. Edwards			104 S. Cascade Ste 110		Colorado Springs, CO	80903
Accurate Reporting Services			415 S. Sahwatch		Colorado Springs, CO	80903
Allied Restaurant and Bar Supply	Larry	Cornett	120 W. Cucharras ST		Colorado Springs, CO	80903
ALL-PHASE REAL ESTATE COMPANY			875 RIVERVIEW DR		BENTON HARBOR, MI	49022-5
Allight/Central Parking	Bob	Elliot	104 S. Cascade Ste 219		Colorado Springs, CO	80903
American Red Cross	CEO	Attn: Anne	1600 N. Cascade Ave		Colorado Springs, CO	80907
Amrilmage Multimedia			224 W. Colorado	Ste 201	Colorado Springs, CO	80903
Anderson, Dude, & Lebel, P. C.			104 S. Cascade Ste 204		Colorado Springs, CO	80903
Angell Financial			104 S. Cascade Ste 209		Colorado Springs, CO	80903
Attorney at Law	Barbara Ann	Dalvano	415 S. Sahwatch		Colorado Springs, CO	80903
Attorney at Law	David C.	Mize	104 S. Cascade Ste 202		Colorado Springs, CO	80903
Attorney at Law	Deborah R.	Adams	324 S. Cascade		Colorado Springs, CO	80903
Attorney at Law	Edward J.	Labarre	104 S. Cascade Ste 200		Colorado Springs, CO	80903
Attorney at Law	George H.	Salley III	104 S. Cascade Ste 207		Colorado Springs, CO	80903
Attorney at Law	James A.	Reed	320 S. Cascade 1st floor		Colorado Springs, CO	80903
Attorney at Law	James C.	Duve, PC	415 S. Sahwatch		Colorado Springs, CO	80903
Attorney at Law	Jonathan	Dehmlow	415 S. Sahwatch		Colorado Springs, CO	80903
Attorney at Law	Ken	Nuss	415 S. Sahwatch		Colorado Springs, CO	80903
Attorney at Law	Lenord	Rioth	104 S. Cascade Ste 204		Colorado Springs, CO	80903
Attorney at Law	Michael	Kocel	104 S. Cascade Ste 200		Colorado Springs, CO	80903
Attorney at Law	Michael	Warren	320 S. Cascade 1st floor		Colorado Springs, CO	80903
Attorney at Law	Richard J.	Kennedy	324 S. Cascade		Colorado Springs, CO	80903
Attorney at Law	Tad S.	Foster	104 S. Cascade Ste 204		Colorado Springs, CO	80903
Attorney at Law	Vincent	Rahaman	415 S. Sahwatch		Colorado Springs, CO	80903
Attorney at Law	William	Fischer	320 S. Cascade 2nd floor		Colorado Springs, CO	80903
Bach Commercial Brokerage			2 N. Cascade Ste	680	Colorado Springs, CO	80903
Barker & Frick			415 S. Sahwatch		Colorado Springs, CO	80903
Bencor Development/Properties			90 S. Cascade Ste	330	Colorado Springs, CO	80903
Berwick Electric			129 W COSTILLA		Colorado Springs, CO	80903
BOLDWYNDE ENTERPRISES			320 S CASCADE AVE		Colorado Springs, CO	80903
Brian's Bicycle Repair			110 S. Sierra Madre		Colorado Springs, CO	80903
Business Journal	Keala	Murdock	31 E. Platte Ave. #300		Colorado Springs, CO	80903
C S OSTEOPATHIC FOUNDATION			PO BOX 154		Colorado Springs, CO	80903
Capco Tile	Steve	Perrealt	30 W. Costilla		Colorado Springs, CO	80903
CARTER MANAGEMENT & DEV INC			PO BOX 277		Genoa, NV	89411-0
CHADBOURN SPANISH GOSPEL MISSION			402 S CONEJOS		Colorado Springs, CO	80903

Items # 12413
8/14/01

CHERNAK RONALD V			1275 RANGELY DR	Colorado Springs, CO	80903
CHICAGO ROCK ISLAND &			503 S KANSAS AVE RM 423	Topeka, KS	66603-3
CHRISTOPHER MAUREEN A &			1480 GOLD CAMP RD	Colorado Springs, CO	80903
CIMARRON INVESTMENT CO			415 SAHWATCH ST	Colorado Springs, CO	80903
City of Colorado Springs	Permits		103 W. Costilla Ste.	106 Colorado Springs, CO	80903
City of Colorado Springs	Zoning		103 W. Costilla Ste.	212 Colorado Springs, CO	80903
City Planning	Steve	Tuck	MC 310		
Classic Companies	Jeff	Smith	6385 Corporate Dr Ste 200	Colorado Springs, CO	80919
CO SPGS OSTEOPATHIC FOUNDATION			PO BOX 154	Colorado Springs, CO	80903
COLBURN INVESTMENTS LLC			750 S CLINTON ST APT 9C	Denver, CO	80231-1
Colorado Ministries Foundation	Rick	Yates	104 S. Cascade Ste 16	Colorado Springs, CO	80903
Colorado Springs Business Journal	Kaala	Murdore	31 E Platte Ave	Colorado Springs, CO	80903
Colorado Springs Convention and Visitors Bureau			104 S. Cascade Ste 104	Colorado Springs, CO	80903
COLORADO SPRINGS CREDIT UNION			3010 WILLAMETTE PL	Colorado Springs, CO	80903
COLORADO SPRINGS SPORTS CORP			219 W COLORADO AVE	Colorado Springs, CO	80903
Colorado Springs Winair CO.	Rocky	Planter	220 W. Colorado Ave	Colorado Springs, CO	80903
Concept Restaurant	David	Lux	13 S. Tejon St. #206	Colorado Springs, CO	80903
Contractor/Licenses			103 W. Costilla Ste.	Colorado Springs, CO	80903
COWEN LAWRENCE D SR			PO BOX 38082	242 Colorado Springs, CO	80903
CRISSEY FOWLER LUMBER CO			PO BOX 1578	Colorado Springs, CO	80903
Dana Kepner Company, Inc.	Susan	Baumert-Frese	104 W. Cucharras St	Colorado Springs, CO	80903
Debra Rose Art Glass			218 W. Colorado Ave.	Denver, CO	80223
DENVER & RIO GRANDE WESTERN RR CO			501 RIO GRANDE BLVD	Colorado Springs, CO	80903
Donor Alliance			104 S. Cascade Ste 107	Colorado Springs, CO	80903
Eagle Properties			14 W. Costilla	Colorado Springs, CO	80903
Edge TV			104 S. Cascade Ste 212	Colorado Springs, CO	80903
EL PASO COUNTY			27 E VERMILIO AVE	Colorado Springs, CO	80903
FAMILY TRUST UNDER THE			10101 W PALMERAS DR #233	Sun City, AZ	85373-2
Fire Department			103 W. Costilla Ste.	129 Colorado Springs, CO	80903
Flood Plain/Enumerations			103 W. Costilla Ste.	219 Colorado Springs, CO	80903
GARDNER ROBERT K & MELODY K			PO BOX 26626	Colorado Springs, CO	80903
Gayno, Inc.			104 S. Cascade Ste 101	Colorado Springs, CO	80903
Gazette	Ed	Sealover	30 S. Prospect	Colorado Springs, CO	80903
HENDRICKS KENNETH A & DIANE M			1 ABC PARKWAY	Beloit, WI	53511-4
Howards Pit Bar-B-Q	Howard	Smith	114 S. Sierra Madre	Colorado Springs, CO	80903
IMS Productions			104 S. Cascade Ste 201	Colorado Springs, CO	80903
Input Technologies	Kurtis Van	Kampen, President	110 A S. Sierra Madre	Colorado Springs, CO	80903
Jean Sebben Associates			104 S. Cascade Ste 211	Colorado Springs, CO	80903
JSJ Marble & Granite	John F.	Smith	22 W. Costilla	Colorado Springs, CO	80903

Kaya Gava			214 W. Colorado Ave	Colorado Springs, CO	80903
KENNEDY RICHARD J			324 S CASCADE AVE	Colorado Springs, CO	80903
KNOWLES GREGORY M			28921 NIGUEL VIS	Laguna Niguel, CA	92677-7
Kopper Investment Management, Indv. Bruce		Kopper	104 S. Cascade Ste 209	Colorado Springs, CO	80903
Land Development			103 W. Costilla Ste.	113 Colorado Springs, CO	80903
Lawyer	Bradford	Pelton	320 S. Cascade 2nd floor	Colorado Springs, CO	80903
Lawyer	Frank S.	Simons	320 S. Cascade 1st floor	Colorado Springs, CO	80903
Lawyer	Royal A.	Martin	320 S. Cascade 1st floor	Colorado Springs, CO	80903
Lawyer	Willmer	Pelton	320 S. Cascade 2nd floor	Colorado Springs, CO	80903
Lowell Partners	Earl	Robertson	28 N. Tejon	Colorado Springs, CO	80903
LUNDBERG EDWARD F & JON C &			5010 VISTA DEL SOL PT	Colorado Springs, CO	80903
McIntosh-Weller Antiques	Dave	McIntosh	1013 S. Tejon St.	Colorado Springs, CO	80903
McM Engineering	Eddie L.	Dunn	119 W. Cucharras St	Colorado Springs, CO	80903
MediaWrex			218 W. Colorado Ave.	Colorado Springs, CO	80903
Microcrafts, Inc.	Ron	Bettger	218 W. Colorado Ave.	Colorado Springs, CO	80903
MORRIS CHRISTOPHER H & ANN E			502 W CHEYENNE RD	Colorado Springs, CO	80903
MUNROE INVESTMENT COMPANY LLC			#7 E BELLEVIEW PL	Englewood, CO	80110-7
NES	Nolan	Schriner	1040 S. 8th St.	Colorado Springs, CO	80906
News 13	Christy	Brown	399 South 8th St.	Colorado Springs, CO	80905
Next: Leadership Development, Inc. Neil		Atkinson	104 S. Cascade Ste 100	Colorado Springs, CO	80903
Norwood	Chirs	Jenkins	4065 Sinton Rd	Colorado Springs, CO	80907
OCHS BROTHERS			PO BOX 603	Colorado Springs, CO	80903
ODP L L C			PO BOX 603	Colorado Springs, CO	80903
Olive Real Estate Gp, Inc.	Jim	Di Biase	102 N. Cascade Ste 250	Colorado Springs, CO	80903
Olive Real Estate Gp, Inc.	Stanton	Kensinger	102 N. Cascade Ste 250	Colorado Springs, CO	80903
OLSON PLUMBING & HEATING CO INC			PO BOX 2556	Colorado Springs, CO	80903
PBS LLLP			129 W COSTILLA	Colorado Springs, CO	80903
Pelton Reporting Service			415 S. Sawatch	Colorado Springs, CO	80903
Penske			124 W. Cimarron	Colorado Springs, CO	80903
PERRY JOSEPH J			PO BOX 1089	Colorado Springs, CO	80903
Pikes Peak Center			190 S. Cascade Ave.	Colorado Springs, CO	80903
Pikes Peak Community College	Nancy	McCollum	100 West Pikes Peak Ave.	Colorado Springs, CO	80903
PIKES PEAK LIBRARY DISTRICT			5550 N UNION BLVD	Colorado Springs, CO	80903
PIKES PEAK LIBRARY DISTRICT			PO BOX 1579	Colorado Springs, CO	80903
PIKES PEAK REGIONAL BUILDING DEPT		Robert Plese	101 W COSTILLA ST	Colorado Springs, CO	80903
Plan Review			103 W. Costilla Ste.	230 Colorado Springs, CO	80903
Progress Rail Services Corp.	Dick	Dodge	104 S. Cascade Ste 206	Colorado Springs, CO	80903
Public Communications	Tim	Burke	MC 245	Colorado Springs, CO	80903
R&J LAND COMPANY LLLP			104 S CASCADE AVE STE 101	Colorado Springs, CO	80903

RAMPART PLUMBING &	Lorayne	McGovern	110 W VERMILJO AVE	Colorado Springs, CO	80903
Rayne Daze Creations			218 W. Colorado Ave.	Suite 100Colorado Springs, CO	80903
Regional Building Inspectors			103 W. Costilla Ste.	202 Colorado Springs, CO	80903
Resident			112 W. Pikes Peak Ave	Colorado Springs, CO	80903
Retherford, Mullen, Johnson, & Bruce, LLC			415 S. Sahwatch	Colorado Springs, CO	80903
Ross Auction	Bill	Neal	109 S. Sierra Madre	Colorado Springs, CO	80903
SAUERHAGEN RODNEY & KATHRYN J			324 W COSTILLA ST	St. Louis, MO	63141
SEVEN SEVENTEEN HB COLORADO CORP			11330 OLIVE STREET RD	Colorado Springs, CO	80903
SIMON ESKANOS & SUPPERSTEIN			PO BOX 2045	Colorado Springs, CO	80903
SPANISH MISSION TRUSTEES			402 CONEJOS ST	Colorado Springs, CO	80903
STACHEL + DAY INVESTMENTS			102 N CASCADE AVE 5TH FLR	Colorado Springs, CO	80903
Stockman, Kast, Ryan, & Company			102 N. Cascade Ste 450	Colorado Springs, CO	80903
Stormwater			103 W. Costilla Ste.	113 Colorado Springs, CO	80903
Subdivision Review			103 W. Costilla Ste.	113 Colorado Springs, CO	80903
SUN PLAZA LTD LLP			104 S CASCADE AVE	Colorado Springs, CO	80903
Swan Association	Michael	Hassell	104 S. Cascade Ste 101	Colorado Springs, CO	80903
The Downtown Partnership	Beth	Spokas	22 1/2 S. Tejon St. 80903	Colorado Springs, CO	80903
THE LOUDEN THIRD FAMILY LIMI Robert		Louden, General Partner	PO BOX 936	Colorado Springs, CO	80901
The Trestle Building			219 W. Colorado Ave	Colorado Springs, CO	80903
TLC PROPERTIES INC			PO BOX 66338	Baton Rouge, LA	70896-6
Tom Sanny Enterprises			104 S. Cascade Ste 106A	Colorado Springs, CO	80903
U.S. Representative	Joel	Heffley	104 S. Cascade Ste 105	Colorado Springs, CO	80903
UNION PACIFIC RR CO			1800 Farnam Street	Omaha, NE	68102
UNITED BANK OF CO SPGS NA			PO BOX 2798	Littleton, CO	80161-2
US Post Office			119 S. Sierra Madre	Colorado Springs, CO	80903
Village Association	Bruce E.	Shepard	104 S. Cascade Ste 101	Colorado Springs, CO	80903
VON BUELOW VIRGINIA L			PO BOX 1674	Los Gatos, CA	95031-1
Wells Fargo	Cori	Holden	410 S. Cascade	Colorado Springs, CO	80903
Western Marble and Granite	Keith	Paris	102 W. Cucharras St	Colorado Springs, CO	80903
Wickes Lumber			704 S. SIERRA MADRE	Colorado Springs, CO	80903
WIDEFIELD REAL ESTATE			3 WIDEFIELD BLVD	Colorado Springs, CO	80903
	Amy	Cox	112 Oklahoma Rd	Manitou Springs, CO	80829
	Bill	Valdez	525 N. Cascade	Colorado Springs, CO	80903
	Carolyn	Daniels	106 W. Pikes Peak Ave	Colorado Springs, CO	80903
	Christopher	Morris	502 W. Cheyenne Road	Colorado Springs, CO	80906
	Colin	Perry	118 W. Vermijo Ave	Colorado Springs, CO	80903
	Dana	Hlavac	14 W. Costilla	Colorado Springs, CO	80903
	David	Supperstein	3104 Leslie Drive	Colorado Springs, CO	80909
	Douglas	Lamborn	14 W. Costilla	Colorado Springs, CO	80903

Gary L.	Shupp	14 W. Costilla	Colorado Springs, CO	80903
George R.	Vahsholtz	14 W. Costilla	Colorado Springs, CO	80903
Ivan	Doran	PO Box 49102	Colorado Springs, CO	80919
Jan	Doran	7147 Wintery Loop	Colorado Springs, CO	80919
Jill	Travis	305 S. Tejon St	Colorado Springs, CO	80903
Jim	Herron, LMT	104 S. Cascade Ste 111	Colorado Springs, CO	80903
Kay	Fritzler	102 W. Colorado Ave	Colorado Springs, CO	80903
Lawrence	Hecox	104 S. Cascade Ste 204	Colorado Springs, CO	80903
Les	Gruen	6 S. Tejon #550	Colorado Springs, CO	80903
Mary	Anderson, LCSW	104 S. Cascade Ste 100	Colorado Springs, CO	80903
Maureen	Christopher	25 W Las Vegas	Colorado Springs, CO	80903
Mel	Baer	P.O. Box 2094	Colorado Springs, CO	80903
Michael	Trapp	121 W. Cucharas	Colorado Springs, CO	80903
Mike	Hassell	104 S. Cascade Ave #101	Colorado Springs, CO	80903
Ned	Fenlon	105 S. Tejon St	Colorado Springs, CO	80903
Paige	Carmichael	110-B S. Sierra Madre	Colorado Springs, CO	80903
Peter & Mary	Sprunger-Froese	919 Sahwatch	Colorado Springs, CO	80903
Ralph	Paysinger	119 S. Sierra Madre	Colorado Springs, CO	80903
Rick	Gardner	104 S. Cascade Ste 109	Colorado Springs, CO	80903
Robert M.	Hohertz	14 W. Costilla	Colorado Springs, CO	80903
Teresa	Laugesen	426 S. Cascade	Colorado Springs, CO	80903
Tim	Mckenna	111 S. Tejon St Ste: 202	Colorado Springs, CO	80903
Tim	Pleasant	18 McKinley Pl	Colorado Springs, CO	80905
Tom	Doxey	1111 South Royer St	Colorado Springs, CO	80903
Toud	Brook	117 W. Vermijo	Colorado Springs, CO	80903
Van A.	Conner	104 S. Cascade Ste 101	Colorado Springs, CO	80903
Vicki	Munroz	114 W. Cimmarron St	Colorado Springs, CO	80903

To: Mayor Mary Lou Makepeace
City Council Members

The undersigned property owners within the proposed Southwest Downtown Urban Renewal Area will support the Proposed Urban Renewal Plan if City Council approves the proposed plan with the attached changes.

- | | |
|--|---|
| <p>1. <u>El Paso County</u>
(Print Name of Owner)
Property Address:
<u>Centennial Hall, Pikes Peak Center</u>
<u>and parking lot on Vermijo Avenue</u>
Signature: <u>[Signature]</u>
By: <u>[Signature]</u>, Chairman, Board of County
Date: <u>8/9/01</u> Commissioners</p> <p>2. <u>STEVEN U. MULLENS</u>
(Print Name of Owner)
Property Address:
<u>324 S. CAS, 12 W. COSTILLA,</u>
<u>14 W. COSTILLA</u>
Signature: <u>[Signature]</u>
Date: <u>8/9/01</u>
<u>Cimarron Investment Co.</u>
<u>Cimarron Investment Co.</u></p> <p>3. <u>[Signature]</u>
(Print Name of Owner)
Property Address:
<u>415 S. Schwabach St</u>
<u>Colo Spgs, CO 80903.</u>
Signature: <u>[Signature]</u>
Date: <u>8-10-01</u></p> <p>4. _____
(Print Name of Owner)
Property Address:

Signature: _____
Date: _____</p> | <p>5. _____
(Print Name of Owner)
Property Address:

Signature: _____
Date: _____</p> <p>6. _____
(Print Name of Owner)
Property Address:

Signature: _____
Date: _____</p> <p>7. _____
(Print Name of Owner)
Property Address:

Signature: _____
Date: _____</p> <p>8. _____
(Print Name of Owner)
Property Address:

Signature: _____
Date: _____</p> |
|--|---|

Item # 12 + 13
8/14/01

To: Mayor Mary Lou Makepeace
City Council Members

The undersigned property owners within the proposed Southwest Downtown Urban Renewal Area will support the Proposed Urban Renewal Plan if City Council approves the proposed plan with the attached changes.

1. RANDART P&H SUPPLY INC
(Print Name of Owner)
Property Address:
100 BLOCK W. VERMONT
Signature:
[Signature] PRES
Date: 6-27-01

2. OLSON Plumbing & Heating
(Print Name of Owner)
Property Address:
100 BLOCK W. CUSHMAN
Signature:
[Signature]
Date: 6-27-2001

3. CF HOLDINGS INC.
(Print Name of Owner)
Property Address:
VARIOUS PROPERTIES
OF FORMER CRISSEY FOWLER
Signature:
CF Holdings, Inc.
Cy. Todd Bunker, Pres.
Date: 7/6/01

5. LAWRENCE D COWEN
(Print Name of Owner)
Property Address:
20-22-30 WEST CASTILLA
Signature:
[Signature]
Date: 8-7-01

6. _____
(Print Name of Owner)
Property Address:

Signature:

Date: _____

7. _____
(Print Name of Owner)
Property Address:

Signature:

Date: _____

4. GULLY PRINTING PRES INC
(Print Name of Owner)
Property Address:
402 S SIERRA MADRE
UL SPRG CO 80903
Signature:
[Signature]
Date: 8-7-01

8. _____
(Print Name of Owner)
Property Address:

Signature:

Date: _____

MOTION TO APPROVE

Move to approve the Southwest Downtown Urban Renewal Plan (the "Plan"), subject to the following conditions:

The Colorado Springs Urban Renewal Authority Board of Directors (the "Authority") shall clarify the Plan as follows:

1. 3-Year Moratorium. The 36 month Moratorium Period for Non-Owned Property provided for in Section 4.1 of the Plan shall commence upon the Colorado Springs City Council giving final approval for the use of condemnation to acquire the Non-Owned Property involved.
2. Relocation Policy. In Section 3.0 of the Relocation Policy, the second sentence in the definition of "Business" (containing certain exclusions) shall be deleted.
3. Voluntary Participation. Only those properties within the Southwest Downtown Urban Renewal Area which request to be part of the Plan will be included. Properties that are within this Area but are not initially included may subsequently request to be included in the Plan.