

RESOLUTION NO. 14 - 23

A RESOLUTION MAKING CERTAIN LEGISLATIVE
FINDINGS AND APPROVING THE PROJECT GARNET
URBAN RENEWAL PLAN

WHEREAS, it is desirable and in the public interest that the Colorado Springs Urban Renewal Authority (“CSURA”) undertake the redevelopment described in the Project Garnet Urban Renewal Plan (the “Plan”), attached and incorporated herein as “Exhibit A”; and

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

WHEREAS, there was presented to the City Council for its review and consideration a document entitled the “Project Garnet Existing Conditions Survey” (the “Conditions Survey”), dated December 23, 2022, prepared by Economic & Planning Systems, Inc., which shows that the area described in the Plan qualifies as a blighted area as such term is defined in the Colorado Urban Renewal Law, Colorado Revised Statutes (“C.R.S.”) § 31-25-101, *et seq.* (the “Act”); and

WHEREAS, the Colorado Springs Urban Renewal Authority Board approved the Conditions Survey at its January 25, 2023 meeting; and

WHEREAS, the Colorado Springs Urban Renewal Authority Board adopted the Plan at its January 25, 2023 meeting; and

WHEREAS, on January 11, 2023, pursuant to C.R.S. § 31-25-107 (2), the City of Colorado Springs City Planning Commission found that the Plan is consistent with the Comprehensive Plan of the City of Colorado Springs (general plan) and recommended its adoption; and

WHEREAS, at its January 23, 2023 public “Work Session” meeting, the City Council received information regarding the Plan which it incorporates as evidence and a part of its record on this matter; and

WHEREAS, on February 14, 2023, the City Council conducted a public hearing and reviewed the Plan pursuant to the procedural and notice requirements of the City Charter and the Act; and

WHEREAS, notice of the City Council’s February 14, 2023 public hearing on the Plan was published at least thirty (30) days prior to the public hearing as required by C.R.S. § 31-25-107 (3); and

WHEREAS, written notice of the public hearing was mailed to all property owners, owners of business concerns, and residents of the area included in the Plan at least thirty (30) days prior to the public hearing; and

WHEREAS, the City Council has considered the evidence presented in support of and in opposition to the Plan, the Conditions Survey, the City's Comprehensive Plan, the CSURA recommendation, City staff recommendation, the legislative record and has given appropriate weight to the evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The "Urban Renewal Area" described in the Plan is found and declared to be a blighted area as defined by the Act, and such Urban Renewal Area, in its present condition and use, 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 public health, safety, morals, or welfare. This is a legislative finding by the City Council based upon the Conditions Survey and other evidence presented to the City Council.

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

Section 3. The Plan has been submitted to the Board of County Commissioners of El Paso County, Colorado, together with the information required by C.R.S. § 31-25-107.

Section 4. County of El Paso School District 20 has been permitted to participate in an advisory capacity with respect to the inclusion in the Plan of the tax allocation provisions authority by C.R.S. § 31-25-107(9).

Section 5. Pursuant to C.R.S. § 31-25-107(9.5), CSURA has notified the Board of County Commissioners of El Paso County and the governing boards of each other taxing entity whose incremental property tax revenues would be allocated under the Plan

as of the date hereof. Representatives of CSURA and the governing body of each such taxing entity have met and attempted to negotiate an agreement governing the sharing of incremental property tax revenue allocated to the special fund established in accordance with the Plan and the Act. CSURA has reached an agreement with each taxing entity whose incremental property tax revenues would be allocated under the Plan as of the date hereof.

Section 6. It is not expected that any relocation of individuals and families will be required in connection with the Plan, but to the extent that any such relocation may be required, a feasible method exists for the relocation of individuals and families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such individuals and families.

Section 7. It is not expected that any relocation of business concerns will be required in connection with the Plan, but to the extent that any such relocation may be required, a feasible method exists for the relocation of such business concerns in the Urban Renewal Area or in other areas that are not generally less desirable with respect to public utilities and public and commercial facilities.

Section 8. The City Council has taken reasonable efforts to provide written notice of the public hearing prescribed by C.R.S. § 31-25-107 (3) to all property owners, residents, and owners of business concerns in the proposed Urban Renewal Area at their last known addresses at least thirty (30) days prior to the public hearing on the Plan.

Section 9. C.R.S. § 31-25-107 (4)(d) does not apply because no more than 120 days have passed since the commencement of the only public hearing on the Plan.

Section 10. C.R.S. § 31-25-107 (4)(e) does not apply because the City Council did not fail to previously approve the Plan.

Section 11. The Plan conforms with the Comprehensive Plan of the City of Colorado Springs, which is the general plan for the development of the City as a whole.

Section 12. The Plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the Urban Renewal Area described in the Plan.

Section 13. To the extent any additional county infrastructure or services are required to serve development within the Urban Renewal Area, CSURA will adequately finance, or agreements are in place to finance, any such infrastructure and services for the period in which all or any portion of the property taxes described in C.R.S. § 31-25-107(9)(a)(II) and levied by a county are paid to CSURA.

Section 14. To the extent the Urban Renewal Area may constitute open land within the meaning of C.R.S. § 31-25-107 (5), it is found and determined that a shortage of housing of sound standards and design that is decent, safe, and sanitary exists in the City, the need for housing accommodations has been or will be increased as a result of the clearance of substandard and dilapidated housing in the City, the conditions of blight in the Urban Renewal Area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare, and, if necessary to carry out the Plan, the acquisition of the area for residential uses is an integral part of and essential to the program of the City.

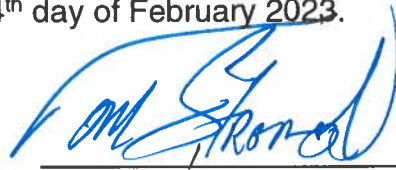
Section 15. To the extent the Urban Renewal Area may constitute open land within the meaning of C.R.S. § 31-25-107 (6), it is found and determined that the nonresidential uses under the Plan are necessary and appropriate to facilitate the proper growth and development of the community in accord with sound planning standards and

local community objectives and, if necessary to carry out the Plan, the contemplated acquisition of the area may require the exercise of governmental action, as provided in the Act, because of being a blighted area.

Section 16. C.R.S. § 31-25-107 (1)(c)(II) and (III) do not apply because the Urban Renewal Area does not contain any agricultural land.

Section 17. The Plan has been duly reviewed and considered and is hereby approved by the City Council. The CSURA is hereby authorized to take any and all action pursuant to the Act to carry out the Plan.

Dated at Colorado Springs, Colorado, this 14th day of February 2023.



City Council President

ATTEST:



Sarah B. Johnson, City Clerk



Draft Report

Project Garnet Urban Renewal Plan

The Economics of Land Use



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1. Introduction

Preface

This Project Garnet Urban Renewal Plan ("Plan" or the "Urban Renewal Plan") has been prepared for the City of Colorado Springs, Colorado, a home rule municipal corporation of the State of Colorado (the "City"). The Plan will be carried out by the Colorado Springs Urban Renewal Authority (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 to date (the "Act"). The administration and implementation of this Plan, including the preparation and execution of any documents implementing it, shall be performed by the Authority.

Blight Findings

Under the Act, an urban renewal area is a blighted area, as defined by the Act, and has been designated as appropriate for an urban renewal project by the City Council of the City (the "City Council"). In each urban renewal area, conditions of blight must be present, and the City Council must find that the presence of those conditions of blight substantially impair or arrest the sound growth of the municipality or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in order for the Authority to exercise its powers.

The Project Garnet Conditions Survey prepared by Economic & Planning Systems (EPS) in December 2022 ("Conditions Survey") was provided to the Authority under separate cover and demonstrates that the Project Garnet Study Area ("Study Area"), as defined in the Conditions Study, is eligible to be declared a blighted area by the City Council under the Act. The Conditions Survey identified and documented 6 of the 11 blight factors present in the Study Area. A description of the blight factors and observations is presented below in Section 4 of this report.

Urban Renewal Area Boundaries

The Project Garnet Urban Renewal Area ("URA" or "Plan Area") is located in the City of Colorado Springs in El Paso County. The Plan Area is comprised of one parcel on approximately 88 acres of land plus adjacent right-of-way (ROW). The location of the Plan Area to which this Plan applies is 301 South Rockrimmon Boulevard, as shown below in **Figure 1** and more particularly described on Exhibit A attached hereto and made a part of hereof.

Zoning and Land Use

The property within the Plan Area is currently vacant with no building improvements. The Plan Area is zoned as Planned Industrial Park (PIP-1) and Hillside Area Overlay (HS). Planned Industrial Park accommodates a variety of office and light industrial uses. It is defined by the Colorado Springs Zoning Code as, "a limited group of professional, administrative, research, manufacturing, and industrial uses with operations which are quiet and clean to ensure the creation and maintenance of an environment which will serve the mutual interest of the community as a whole." The Hillside Area Overlay District is comprised of areas with natural features that contribute to the attractiveness of the community. Objectives of HS include conserving natural features, minimizing water runoff and soil erosion, encouraging innovative design solutions, and preserving wildlife habitat and wetland areas. The City permits development within the Hillside Overlay if not all land within the area overlay has the characteristics of significant natural features (ridgelines, bluffs, rock outcroppings, vegetation, natural drainageways, wildlife habitat, geologic conditions, and slopes).

The land uses proposed in the Study Area align with the zoning classifications and will include industrial use.

2. Definitions

Terms used in this Plan are defined below and are representative of Urban Renewal Law C.R.S. 31-25-103.

- **Act or Urban Renewal Law** – Urban Renewal Law of the State of Colorado, Colo. Rev. Stat. § 31-25-101 et seq.
- **Available Property Tax Increment Revenues** – all Property Tax Increment Revenues available pursuant to the Tax Increment Financing provisions of the Act not payable to taxing bodies pursuant to agreements, if any, with the Authority or otherwise as provided in §31-25-107(9.5) of the Act. In the event that an agreement is reached with a taxing body pursuant to § 31-25-107(9.5) of the Act after the effective date of Plan approval by the City Council, the Property Tax Increment Revenues generated by said taxing body’s mill levy shall become Available Property Tax Increment Revenues, and the addition of such revenue shall not be a substantial modification to this Plan.
- **Available Revenues** – any and all revenues available to the Authority, including, without limitation, Available Property Tax Increment Revenues, any revenues available to the Authority from Districts, or any other source that are available under this Plan or otherwise under the Act.
- **Bonds** – any bonds (including refunding bonds), notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, debentures, or other obligations.
- **District (or Districts)** – means a metropolitan district which is a quasi-municipal corporation and political subdivision of the State of Colorado organized under the Colorado Special District Act, 32-1-101, et seq., C.R.S., as from time to time amended, or a business improvement district which is a quasi-municipal corporation and political subdivision of the State of Colorado organized under the Colorado Business Improvement District Act, 31-25-1201, et seq., C.R.S., as from time to time amended, or any successor District or Districts thereto as may be approved by the City.
- **Property Taxes** – means, without limitation, all levies to be made on an ad valorem basis by or for the benefit of any public body upon taxable real and personal property in the Area.
- **Property Tax Increment Revenues** – the property tax revenues allocated to the Authority pursuant to §31-25-107(9) of the Act and Section 7.0 of this Plan.
- **Real property** – lands, lands under water, structures, and any and all easements, franchises, incorporeal hereditaments, and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage, or otherwise.

- **Redevelopment/Development Agreement** – one or more agreements between the Authority and developer(s) and/or property owners or such other individuals or entities as determined by the Authority to be essential to carry out the objectives of this Plan.
- **Slum area** – an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare.
- **Tax increment financing (TIF)** – the tax allocation financing as described in C.R.S. 31-25-107(9) of the Act as in effect on the date this Plan is approved by City Council.
- **Urban Renewal Authority or Authority** – a corporate body organized pursuant to the provisions of the Act for the purposes, with the powers, and subject to the restrictions set forth in the Act.
- **Urban Renewal Plan or Plan** – a plan, as it exists from time to time, for an urban renewal project, which plan conforms to a general or master plan for the physical development of the municipality as a whole and which is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.
- **Urban Renewal Project** – undertakings and activities for the elimination and for the prevention of the development or spread of slums and blight and may involve slum clearance and redevelopment, or rehabilitation, or conservation, or any combination or part thereof, in accordance with an urban renewal plan.

3. Purpose

The purpose of this Plan is to reduce, eliminate, and prevent the spread of blight within the Plan Area through private development. The Plan sets goals to achieve this through implementing established objectives for the Area and assisting with the eligible costs of environmental mitigation, redevelopment, promoting economic growth and private investment through the tools available within the context of urban renewal tools, laws, and guidelines, including, without limitation, tax increment financing (TIF).

Establishment of the Urban Renewal Area will take advantage of improving conditions and the upcoming development cycle by focusing urban renewal efforts in a small area for the duration in accordance with the mandates of the Act.

Vision

The vision of the Plan Area, as expressed by the developer, is an industrial development that could include high tech manufacturing. The proposed development will be constructed in phases. After phase one is complete there is potential for phase two expansion. The development will create economic benefit to the community with significant job growth.

The Plan Area is a brownfield redevelopment and an infill development using space within the urban context rather than developing on the outside or edges of the city. The Plan Area is the location of a former 800,000 square foot office and manufacturing development that was demolished in 2012.

4. Blight Conditions

Before an urban renewal plan can be adopted by the City Council, there must be a determination that an area constitutes a blighted area. This determination depends upon the presence of several physical, environmental, and social factors. Blight is attributable to a range of conditions that, in combination, tend to accelerate the phenomenon of deterioration of an area. The definition of a blighted area is based upon the definition articulated in the Urban Renewal Law (C.R.S. § 31-25-103) 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 or inadequate public improvements or utilities;*
- g. Defective or unusual conditions of title rendering the title nonmarketable;*
- 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.5 The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, building, or other improvements; 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.5)*

of this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

To use the powers of eminent domain, the definition of "blighted" is broadened to require that five of the eleven blight factors must be present (C.R.S. § 31-25-105.5(5)(a)):

(a) "Blighted area" shall have the same meaning as set forth in section 31-25-103 (2); except that, for the purposes of this section only, "blighted area" means an area that, in its present condition and use and, by reason of the presence of at least five of the factors specified in section 31-25-103 (2)(a) to (2)(l), 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.

The methodology used to prepare the Conditions Survey for the Plan Area involved the following steps: (i) identify parcels to be included in the Plan Area; (ii) gather information about the properties and infrastructure within the Plan Area boundaries; (iii) evaluate evidence of blight through field reconnaissance; and (iv) record observed and documented conditions listed as blight factors in State Statute. The entire Conditions Survey is provided under separate cover.

5. Plan Goals and Conformance

Plan Goals and Objectives

The overall objective of this Plan is to remediate unfavorable existing conditions and prevent further deterioration by implementation of the relevant provisions contained in the following documents:

- PlanCOS (City of Colorado Springs Comprehensive Plan), 2019
- City of Colorado Springs Strategic Plan, 2020-2024

The Plan is intended to stimulate private sector development in the Plan Area with a combination of private investment and Authority financing. The Plan has the following objectives:

- Implement PlanCOS
- Prevent and eliminate conditions of blight within the City of Colorado Springs
- Encourage and provide incentives for economic development
- Encourage the development of projects that would not otherwise be considered financially feasible without the participation of Colorado Springs Urban Renewal Authority (CSURA)
- Enhance the current property tax revenue within the city and county with development that will increase the assessed valuation

Plan Conformance

Urban Renewal Law

This Plan is in conformity with and subject to the applicable statutory requirements of the Urban Renewal Law.

PlanCOS

The City of Colorado Springs' adopted Comprehensive Plan, known as *PlanCOS*, describes the City's vision of creating a vibrant community organized around six themes of vibrant neighborhoods, unique places, thriving economy, strong connections, renowned culture, and majestic landscapes. This Plan is intended to implement *PlanCOS* and is in direct conformance with *PlanCOS*. The URA Plan directly supports three themes in *PlanCOS* of vibrant neighborhoods, unique places, and thriving economy. The following excerpts from *PlanCOS* highlight the linkage between *PlanCOS* and this Plan under these three themes. These are representative excerpts, and not an all-inclusive list of relevant statements:

- **Vision Map** – The Plan Area in the PlanCOS Vision Map is identified as an Established Suburban Neighborhood.

Vibrant Neighborhoods Framework – The Plan Area is identified as an Established Suburban Neighborhood. The goal of this typology is to enhance existing character, while supporting ongoing investment and improved adaptation.

- **Goal VN-3** – Through neighborhood plans, associations, and partnerships, empower neighborhoods to reinvest in order to create community, vibrancy, and to address their specific vision and needs.

Unique Places Framework – The unique places framework shows the vision of unique places in the city and focuses on designing these places to be compatible with surrounding neighborhoods and business areas. The Plan Area is identified as a Community Activity Center. The goal of Community Activity Centers is to reinforce and create desirable places that provide identity, mixed use focus, and offer integrated support and services to subareas of the city.

- **Goal UP-2** – Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market.
 - **Policy UP-2.A:** Support infill and land use investment throughout the mature and developed areas of the city.
- **Goal UP-4** – Strengthen our overall community identity and better serve the needs of residents and businesses within our large metropolitan area by developing active, unique, and connected centers and corridors.
 - **Policy UP-4.D:** Leverage funding tools, partnerships, and policies to fund and maintain redevelopment centers, corridors, and gateways.
- **Goal UP-5** – Develop and support unique places and centers as models of resilience and sustainability.

Thriving Economy Framework – The Plan Area is identified as a Spinoffs and Startups typology, which has the goal to become increasingly competitive at business and worker attraction in medium and high-wage jobs by supporting the creation of environments that attract them and allow them to thrive.

- **Goal TE-1** – Build on our quality of place and existing competitive advantages.
 - **Policy TE-1.A** – Preserve and strengthen key economic sectors and strive to grow medium and high-wage jobs in targeted industry clusters.

- **Goal TE-2** – Diversify the local economy by fostering a range of business types and sizes.
- **Goal TE-3** – Continue to initiate regional coordination and partnerships focused on economic development and shared fiscal sustainability.
 - **Policy TE-3.A** – Foster cross-jurisdictional collaboration and planning with other public agencies and surrounding jurisdictions.
- **Goal TE-4** – Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas.
 - **Policy TE-4.A** – Prioritize development within the existing City boundaries and built environment (not in the periphery).

City of Colorado Springs Strategic Plan

The City of Colorado Springs Strategic Plan for 2020-2024 ensures programs, services, and initiatives are aligned and serve a strategic vision. The Strategic Plan’s core values include promoting job creation, investing in infrastructure, excelling in City services, and building community and collaborative relationships. The Project Garnet URA Plan directly implements the Strategic Plan and the following excerpt is representative of the alignment between the two:

Promoting Job Creation – 1.0 – Collaborate with regional partners to attract a diverse economic base to Olympic City USA. This focus includes corporate and small businesses, entrepreneurial start-ups, and Opportunity Zones to create diverse and sustainable economic growth.

Development Standards and Procedures

All development within the Plan Area shall conform to the City’s Land Use Code and any site-specific City zoning regulations and policies that might impact properties in the Plan Area, all as in effect and as may be amended. However, as authorized by the Urban Renewal Law, the Authority may arrange with the City for the planning, replanning, zoning or rezoning of any part of the Plan Area as needed in connection with the urban renewal project described in this Plan.

6. Authorized Urban Renewal Undertakings and Activities

The Act allows for a wide range of activities to be used in the implementation of an urban renewal plan. The Authority is authorized to provide both financial assistance and improvements in partnership with property owners and other affected parties in order to accomplish the objectives stated herein. Public private partnerships and other forms of cooperative development, including Cooperation Agreements, will be essential to the Authority's strategy for preventing the spread of blight and eliminating existing blighting conditions. Without limitation, undertakings and activities of the Authority in the furtherance of this Plan as described as follows.

Undertakings and Activities to Remedy Blight

As described in **Section 4** of this Plan, six qualifying conditions of blight were identified in the Study Area of which this Urban Renewal Areas is a part. Each of the eight qualifying conditions was observed within the Urban Renewal Area. Implementation of this Plan by providing urban renewal resources for public and private improvements will remedy the conditions identified:

- (b) *Predominance of defective or inadequate street layout - Observed***

The Plan Area is large, at about 88 acres, and the private investment of a road network will provide internal vehicular and pedestrian circulation, which is currently lacking as well as sidewalks and lighting for an improved pedestrian environment.
- (c) *Faulty lot layout - Observed***

The development of the Plan Area as a whole will provide internal vehicular access and connectivity.
- (d) *Unsanitary or unsafe conditions - Observed & data supported***

The private investments and onsite development will eliminate the vandalism/graffiti, presence of vagrants, and excessive litter. Additionally, the private investment will provide new jobs and establish an employment node.
- (e) *Deterioration of site or other improvements - Observed***

The development of the Plan Area will turn a neglected property into a thriving employment center with the necessary site improvements.

**(f) Unusual topography or inadequate public improvements or utilities
- Observed**

The areas of the Plan Area with unusual topography will likely be preserved as much as possible to preserve significant natural features, while the necessary areas will be graded to allow development to occur.

(k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements - Observed

The Plan Area is currently undeveloped and vacant. Through private investment and support from the Authority, the Plan Area will develop into a vibrant property and be fully utilized.

Project Development Plan

The primary goal of this Plan is to eliminate the current conditions of blight in the Urban Renewal Area and prevent those conditions from reoccurring. The contemplated redevelopment of the Area is for use as industrial facilities; provided however, the Authority is authorized to approve any uses for the Area that eliminate blight and are consistent with the Comprehensive Plan and applicable zoning, including, without limitation, mixed use development, including residential, hotel, commercial, retail, office, industrial, cultural, and public uses.

Complete Public Improvements and Facilities

The Authority may undertake certain actions to make the Area more attractive for private investment. The Authority may, or may cause others, including, without limitation, one or more Districts to install, construct, and reconstruct any public improvements, including, without limitation, parking facilities. The Authority may, or may cause others to, demolish and clear buildings and existing improvements for the purpose of promoting the objectives of the Plan and the Act. Additionally, the Authority may, or may cause others to, install, construct and reconstruct any other authorized improvements, including, without limitation, other authorized undertakings or improvements for the purpose of promoting the objectives of this Plan and the Act.

Plan Modification

The Authority may propose, and City Council may make, modifications to this Plan as may be necessary; provided, however, any modification of the Plan shall (a) comply with the provisions of the Act, including §31-25-107(7); (b) not impair Available Revenues then-pledged by the Authority or the ability of the Authority to pay any outstanding Bonds, including any reimbursement obligations of the Authority; or (c) not impair the ability of the Authority or any party to any then-existing agreement to fully perform their respective covenants and duties under any such agreement. The Authority may, in specific cases, allow non-substantive variations from the provisions of this Plan if it determines that a literal enforcement or application of the provision would constitute an unreasonable limitation beyond the intent and purpose stated herein.

Provide Relocation Assistance

While it is not anticipated as of the date of this Plan that acquisition of real property will result in the relocation of any individuals, families, or business concerns; if such relocation becomes necessary, the Authority will adopt a relocation plan as necessary to comply with applicable provisions of the Act.

Demolition, Clear and Prepare Improvements

The Authority is authorized to demolish or cooperate with others to clear buildings, structures, and other improvements within the Area in an effort to advance projects deemed consistent with the vision stated herein. Such demolition or site clearance is necessary to eliminate unhealthy, unsanitary, and unsafe conditions; eliminate obsolete uses deemed detrimental to the public welfare; remove and prevent the spread of blight; and facilitate redevelopment of the Area by private enterprise.

Acquire and Dispose of Property

It is not expected that the Authority will be required to acquire property to carry out the project. However, if the Authority determines such acquisition is necessary, it is authorized to acquire any such property by negotiation or any other method, except that the Authority is not authorized to acquire property by eminent domain. Properties acquired by the Authority by negotiation may be temporarily operated, managed and maintained by the Authority if requested to do so by the acquiring entity and deemed in the best interest of the Urban Renewal Project and the Plan. Such property shall be under the management and control of the Authority and may be rented or leased pending its disposition for redevelopment.

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 accordance with the Act and this Plan.

Enter into Redevelopment/Development Agreements

The Authority may enter into Redevelopment/Development Agreements or other contracts with developer(s) or property owners or such other individuals or entities determined to be necessary to carry out the purposes of this Plan, including the pledge by the Authority of Available Revenues to pay eligible costs pursuant to the Act or any other applicable law. Further, such Redevelopment/Development Agreements, or other contracts, may contain terms, provisions, activities, and undertakings contemplated by this Plan and the Act. Any existing agreements between the City and private parties that are consistent with this Plan are intended to remain in full force and effect unless all parties to such agreements agree otherwise.

Enter into Cooperation Agreements

The Authority is authorized to enter into such Cooperation Agreements as may be required by the Act, including tax sharing agreements. The Authority may also use the mediation and other provisions of the Act when necessary to provide adequate financing to carry out this Plan. This paragraph shall not be construed to require any particular form of cooperation.

Other Project Undertakings and Activities

Other project undertakings and activities deemed necessary by the Authority to carry out the Plan may be undertaken and performed by the Authority or pursuant to agreements with other parties or public bodies in accordance with the authorization of the Act and any applicable law or laws.

7. Project Financing

Financing Powers

Except as hereafter specifically provided, the undertakings and activities of the urban renewal project described in this Plan may be financed, in whole or in part, by the Authority to the full extent authorized under the TIF provisions of CRS § 31-25-107(9)(a) in the Urban Renewal Law, as amended, and with any other available sources of revenues and means of financing authorized to be undertaken by the Authority pursuant to the Urban Renewal Law and under any other applicable law, which shall include, without limitation:

- The collection and use of revenues from property tax increments, sales tax increments, interest income, federal loans or grants, agreements with public, quasi-public, or private parties and entities, loans or advances from any other available source, and any other available sources of revenue.
- The issuance of bonds and other indebtedness, including, without limitation, notes or any other financing instruments or documents in amounts sufficient to finance all or part of the Plan. The borrowing of funds and creation of other indebtedness.
- The use of any and all financing methods legally available to the City, the Authority, any private developer, redeveloper, or owner to finance in whole or in part any and all costs, including without limitation the cost of public improvements, described or anticipated in the Plan or in any manner related or incidental to the development of the Plan Area. Such methods may be combined to finance all or part of activities and undertakings throughout the Plan Area.
- The principal, interest, any premiums and any other amounts legally due on or in connection with any indebtedness or obligation of the Authority may be paid from property tax increments, sales tax increments or any other funds, revenues, assets or property legally available to the Authority.

This Plan contemplates, however, that the primary method of assisting with financing eligible expenses in the Plan Area will be through the use of revenues generated by Property Tax Increment and Sales Tax Increment. It is the intent of the City Council in approving this Plan to authorize the use of TIF by the Authority as part of its efforts to advance the vision, objectives, and activities described herein.

Tax Increment Financing District

Pursuant to the provisions of Section 31-25-107(9) of the Urban Renewal Law, in approving this Plan, the City Council hereby approves the Plan Area as a single tax increment financing district with the same boundary as the Plan Area (the "TIF District"). The boundaries of this TIF District shall therefore be as depicted in **Figure 1** and described on Exhibit A.

Property Tax Increment Financing

The Authority is specifically authorized to collect and expend property tax increment revenue to the full extent authorized by the Urban Renewal Law and to use that revenue for all purposes authorized under this Plan.

Property Tax Increment Limitations

The Authority shall establish a fund for the financing authorized under this Plan that shall be funded with the property tax allocation authorized to the Authority under the Urban Renewal Law in C.R.S. Section 31-25-107(9). Under this method, the property taxes of specifically designated public bodies, if any, levied after the effective date of the approval of this Plan upon taxable property in the Plan Area each year by or for the benefit of the designated public body must be divided for a period not to exceed twenty-five (25) years after the effective date of the adoption of the tax allocation provision, as follows:

Base Amount – That portion of the taxes that are produced by the levy at the rate fixed each year by or for such public body upon the valuation for assessment of taxable property in the Plan Area last certified prior to the effective date of approval of the Plan or, as to an area later added to the Plan Area, the effective date of the modification of the Plan, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

Increment Amount – That portion of said property taxes in excess of such base amount must be allocated to and, when collected, paid into a special fund of the Authority to pay 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, a specific project. Any excess property tax collections not allocated in this way must be paid into the funds of the municipality or other taxing entity, as applicable.

Unless and until the total valuation for assessment of the taxable property in the Plan Area exceeds the base valuation for assessment of the taxable property in the Plan Area, all of the taxes levied upon the taxable property in the Plan Area must be paid into the funds of the respective public bodies.

When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property in the Plan Area must be paid into the funds of the respective public bodies, and all moneys remaining in the special fund that have not previously been rebated and that originated as property tax increment generated based on the mill levy of a taxing body, other than the City, within the boundaries of the Plan Area must be repaid to each taxing body based on the pro rata share of the prior year's property tax increment attributable to each taxing body's current mill levy in which property taxes were divided. Any moneys remaining in the special fund not generated by property tax increment are excluded from any such repayment requirement. Notwithstanding any other provision of law, revenues excluded by §31-25-107(9)(a)(II) of the Act are not intended to be included in Available Property Tax Increment Revenues.

Notwithstanding any other provision of law, any additional revenues the City, county, special district, or school district receives either because the voters have authorized the City, county, special district, or school district to retain and spend said moneys pursuant to section 20(7)(d) of Article X of the Colorado Constitution subsequent to the creation of this special fund or as a result of an increase in the property tax mill levy approved by the voters of the City, county, special district, or school district subsequent to the creation of the special fund, to the extent the total mill levy of the City, county, special district, or school district exceeds the respective mill levy in effect at the time of approval or substantial modification of the Plan, are not included in the amount of the increment that is allocated to and, when collected, paid into the special fund of the authority.

In calculating and making these payments, the County Treasurer may offset the Authority's pro rata portion of any property taxes that are paid to the Authority under these terms and that are subsequently refunded to the taxpayer against any subsequent payments due to the Authority for an urban renewal project. The Authority shall make adequate provision for the return of overpayments in the event that there are not sufficient property taxes due to the Authority to offset the Authority's pro rata portion of the refunds. The Authority may establish a reserve fund for this purpose or enter into an intergovernmental agreement with the municipal governing body in which the municipality assumes responsibility for the return of the overpayments.

The portion of taxes collected may be irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with such bonds, loans, advances, and indebtedness. This irrevocable pledge shall not extend to any taxes that are placed in a reserve fund to be returned to the county for refunds of overpayments by taxpayers or any reserve funds reserved by the Authority for such purposes in accordance with Section 31-25-107(9)(a)(III) and (b), C.R.S. The Authority shall set aside and reserve a reasonable amount as determined by the Authority of all incremental taxes paid to the Authority for payment of expenses associated with administering the Plan.

At the time of general reassessment of taxable property valuations in El Paso County, including all or part of the Plan Area subject to division of valuation for assessment between base and increment, as provided above, the portions of valuations for assessment to be allocated as provided above shall be proportionately adjusted in accordance with such reassessment or change. Note that at the time of this Plan adoption, such a general reassessment occurs every two years, in the odd-numbered years

Sales Tax Increment Financing

The urban renewal project under the Plan may also be financed by the Authority under the sales tax allocation financing provisions of the Urban Renewal Law in C.R.S. Section 31-25-107(9). The Urban Renewal Law allows that upon the adoption or amendment of an Urban Renewal Plan, sales taxes flowing to the city and/or county may be "frozen" at their current level. The current level is established based on the previous 12 months prior to the adoption of this Plan. Thereafter, the jurisdiction can continue to receive this fixed sales tax revenue. The Authority thereafter may receive all, or an agreed upon portion of the additional sales taxes (the increment) that are generated above the base. The Authority may use these incremental revenues to finance the issuance of bonds, reimburse developers for public improvement costs, reimburse the city for public improvement costs, and pay off financial obligations and other debts incurred in the administration of the Plan. This increment is not an additional sales tax, but rather is a portion of the established tax collected by the jurisdiction, and the sales tax increment resulting from redevelopment efforts and activities contemplated in this Plan.

Sales Tax Increment Limitations

A fund for financing projects may be accrued and used by the Authority under the tax allocation financing provisions of the Urban Renewal Law. Under this method, municipal sales taxes collected within the Plan Area, by or for the benefit of the designated public body must be divided for a period not to exceed twenty-five (25) years after the effective date of the adoption of the tax allocation provision, as follows:

Base Amount – That portion of sales taxes, not including any sales taxes for remote sales as specified in § 39-26-104 (2), C.R.S., collected within the boundaries of the Plan Area in the twelve-month period ending on the last day of the month prior to the effective date of approval of the Plan, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

Increment Amount – All or any portion of said sales taxes in excess of such base amount, must be allocated to and, when collected, paid into a special fund of the Authority to pay 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, a specific project. Any excess sales tax collections not allocated in this way must be paid into the funds of the jurisdiction, as applicable.

Unless and until the total sales tax collections in the Plan Area exceed the base year sales tax collections in the Plan Area, all such sales tax collections must be paid into the funds of the respective taxing entity.

The portion of taxes collected may be irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with such bonds, loans, advances, and indebtedness. This irrevocable pledge shall not extend to any taxes that are placed in a reserve fund to be returned to the county for refunds of overpayments by taxpayers or any reserve funds reserved by the Authority for such purposes in accordance with C.R.S. Section 31-25-107(9)(a)(III) and (b). The Authority shall set aside and reserve a reasonable amount as determined by the Authority of all incremental taxes paid to the Authority for payment of expenses associated with administering the Plan.

Tax Increment Reimbursements

Tax increment revenues may be used to reimburse the city and/or a developer for costs incurred for improvements related to a project to pay the debt incurred by the Authority with such entities for urban renewal activities and purposes. Tax increment revenues may also be used to pay bonded indebtedness, financial obligations, and debts of the Authority related to urban renewal activities under this Plan.

Within the 12-month period prior to the effective date of the approval or modification of the Plan requiring the allocation of moneys to the Authority as outlined previously, the city, county, special district, or school district is entitled to the reimbursement of any moneys that such city, county, special district, or school district pays to, contributes to, or invests in the Authority for a project. The reimbursement is to be paid from the special fund of the Authority.

8. Severability and Reasonable Variations

The Authority shall have the ability to approve reasonable variations (as determined by the Board) from the strict application of these Plan provisions, so long as such variations reasonable accommodate the intent and purpose of this Plan and the Urban Renewal Law. Plan provisions may be altered by market conditions, redevelopment opportunities and/or the needs of the community affected by the Plan.

If any portion of this Plan is held to be invalid or unenforceable, such invalidity will not affect the remaining portions of the Plan.

9. Effective Date of the Plan

This Plan shall be effective upon its final approval by the City Council. Except as otherwise permitted under the Urban Renewal Law, the term of the TIF period is twenty-five (25) years from the effective date of the Plan, unless the Authority deems, to the extent consistent with the terms in the applicable, agreements, including, without, limitation, Redevelopment/Development Agreements and Cooperation Agreements, that all activities to accomplish the Project have been completed and all debts incurred to finance such activities and all expenses of the Authority have been repaid. In that event, the Authority may declare the Plan fully implemented.



Exhibit A: Legal Description

