



U.S. Highway 85 Corridor

Urban Renewal Plan

Fountain, Colorado

April 2008

Prepared for:

Fountain Urban Renewal Authority
Fountain, Colorado City Council

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U.S. Highway 85 Corridor

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1.0 Preface and Background

1.1 Preface

This *U.S. Highway 85 Urban Renewal Plan* (the “Plan” or the “Urban Renewal Plan”) has been prepared by the Fountain Urban Renewal Authority (the “Authority”) for the City of Fountain (“City”). It will be carried out by 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 and implementation of this Plan, including the preparation and execution of any documents implementing it, shall be performed by the Authority.

1.2 Description of U.S. Highway 85 Urban Renewal Area

According to the Act, the jurisdictional boundaries of the Authority are the same as the boundaries of the municipality. Additionally, within the municipal boundaries there may be one or more urban renewal areas.

Under the Act, an urban renewal area is a blighted area, which has been designated as appropriate for an urban renewal project. In each urban renewal area, conditions of blight, as defined by the Act, must be present and the City Council must find that the presence of those conditions of blight impair the



public health and safety and impede the sound growth of the City in order for the Authority to exercise its powers. Finally, undertakings and activities that constitute an urban renewal project are implemented to eliminate the conditions of blight.

The U.S. Highway 85 Urban Renewal Area (referred to herein as “the Urban Renewal Area” or “the Area”) is located in the City of Fountain, El Paso County. The boundaries of the Area generally include properties contiguous to the US Highway 85 Corridor (aka Santa Fe Avenue), and more specifically include properties bounded on the north by Main Street and on the south by Charter Oak Ranch Road and Link Road, including parcels surrounding Exits 128 and 132, as well as properties located adjacent to the downtown area, as delineated on Figure No. 1 and described in the legal description included in Section 1.2.1. The legal description controls the boundary description in case of any conflict. The boundaries of the Area are drawn as narrowly as feasible to accomplish the planning and development objectives of this Plan.

1.2.1 Legal Description

The Area contains approximately xx acres, more or less, including right-of-ways. A legal description of the Area, prepared by Drexel, Barrell & Co. in Colorado Springs, Colorado and is presented in Appendix A of this Plan.

1.2.2 Figure 1, U.S. Highway 85 Urban Renewal Area

The Plan map is presented in Appendix B.



1.3 Purpose of the Plan

The purpose of the *U.S. Highway 85 Urban Renewal Plan* is to reduce, eliminate and prevent the spread of blight within the Area and to stimulate growth and investment within the Area boundaries. To accomplish this purpose, this Plan promotes local objectives with respect to appropriate land uses, private investment and public improvements, provided that the delineation of such objectives shall not be construed to require that any particular project necessarily promote all such objectives. Specifically, the Plan promotes an environment which allows for a range of uses and product types as supported by the *City of Fountain Comprehensive Development Plan 2005* and any subsequent updates, as well as any other relevant policy documents; and, leverage the community's investment in public improvement projects in the Area.

While the principal goal of this urban renewal effort, as required by the Act, is to afford maximum opportunity, consistent with the sound needs of the City of Fountain as a whole and to develop and rehabilitate the Area by private enterprise, it is not intended to replace the efforts of area business development or marketing organizations.

The rehabilitation and redevelopment of properties within the Area will be accomplished through the demolition and/or improvement of existing structures and infrastructure, attraction of new investment and reinvestment, and prevention of deterioration of properties in the Area. The effort will involve the Authority and City Council with participation and cooperation by the private sector.

While the Act authorizes the Authority to undertake planning activities to regulate land use, maximum densities, and building requirements in the Area,



the City will regulate land use and building requirements. At a minimum, all projects of the Authority within the Area shall comply with all applicable municipal requirements.

1.4 Public Participation

The Plan has been made available to business and property owners and residents located within and adjacent to the Plan boundaries, as well as Fountain residents at-large. Notification of the public hearing was provided to property owners and owners of business concerns at their last known address of record within the Area as required by the Act. Notice of the public hearing to consider the Plan was published in the Fountain Valley News. Input on the Plan's intent was solicited from property owners, residents and business owners during several meetings held between the months of August 2007 and February 2008.

Presentations were also made at public meetings of the City Council and Planning Commission during the winter of 2007 / 2008 to receive comments and input on the process. It is the intent of the Authority and City Council to provide for public participation in proposed developments and planning efforts, which advance the intent of the Plan. Plans and development proposals submitted for approval of the Authority will continue to be made available to the public in an open meeting format.

As required by the Act, a report outlining the potential impact of the Plan on El Paso County was prepared and submitted along with the Plan document to the County Commissioners of El Paso County not less than 30 days before the public hearing on the plan.



1.5 Definitions

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

Area - The U.S. Highway 85 Urban Renewal Area as described in Appendix A and depicted in Appendix B.

Cooperation Agreement - means any agreement between the Authority and the City or any public body (the term “public body” being used in this 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 Plan.

Plan - The U.S. Highway 85 Urban Renewal Plan.

Project and Urban Renewal Project - means all of the activities and undertakings described in this Plan and authorized by the Act.

Redevelopment / Development Agreement - means an agreement between the Authority and developer(s) regarding the redevelopment or development of property within the Area.

2.0 Other Findings

All appropriate activities and undertakings authorized by the Act shall be available to the Authority to carry out this Plan. Such activities may require, without limitation, demolition and clearance of certain public and private



improvements determined by the Authority to be necessary to eliminate unsafe conditions, obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of deterioration.

It is the intent of the City Council in adopting this Plan that the Authority exercise all powers authorized in the Act and which are necessary, convenient or appropriate to accomplish the objectives of this Plan. It is the intent of this Plan that the Authority exercise all such powers as may now be possessed or hereafter granted for the elimination of qualifying conditions in the Area.

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

The Authority may, in its discretion, issue bonds or other obligations as permitted by law.

3.0 Qualifying Conditions

The *U.S. Highway 85 Corridor Conditions Survey* (the "Survey"), dated November 2007 and April 2008, was completed by Leland Consulting Group. It illustrates the location of qualifying conditions through maps and images and documents the evidence of blight in the Survey Area. The Survey Area included properties both within and outside the City limits. Any properties outside of the city limits, but within the Survey Area as of the date of this urban renewal plan, must be annexed in order to be covered by the Act. Any annexed parcel may be included in the Urban Renewal Area.



The legal term “blighted area” 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. Based on the Survey completed in connection with the adoption and approval of the Plan, at least five qualifying conditions of blight, as defined in the Act, are present within the proposed Area. Among the 11 qualifying conditions identified in the Act, the following are evident in the Area:

- 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) Deteriorating site or other improvements;
- f) Unusual topography or inadequate public improvements or utilities;
- h) The existence of condition that endanger life or property by fire or other causes;
- i) Unsafe or unhealthy for living or working;
- 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

As documented in the Survey, 9 of 11 qualifying conditions listed in the Act are present within the Area. The condition, (g) defective or unusual conditions of title rendering the title non-marketable, was not investigated.



4.0 Relationship to Comprehensive Plan

A general plan for the City, known as the *City of Fountain Comprehensive Development Plan*, was adopted in 2005. The Authority, with the cooperation of the City, private enterprise and other public bodies, will undertake projects and activities described in this Plan in order to eliminate the conditions of blight identified herein while implementing the goals and objectives of the *City of Fountain Comprehensive Development Plan 2005* and subsequent updates. Specific elements of the *City of Fountain Comprehensive Development Plan 2005* and any subsequent updates, which this Plan advances, include the following (taken verbatim).

Critical Actions

1. Land Use Regulations -
update required public improvement requirements for larger developments
2. Capital Improvements -
update and implement the Transportation Framework Plan by identifying needed right-of-way, request funding through PPACG to build needed east-west connectors, and improve entry ways into town from I-25; strengthen partnerships with area agencies that are involved with transportation planning in the region

The City of Fountain's Preferred Future

What do the citizens of Fountain want for the city?

Overall Community Goals

1. Ensure that growth and development within the City of Fountain enhances the quality of life for present and future citizens, provides a positive impact on the tax base, and does not adversely affect community services or the natural environment.



2. Encourage development that provides for a diverse and stable economic base and provides employment opportunities for existing and future residents.
3. Maintain a balance between developed lands and Fountain’s natural amenities.
4. Ensure that new and existing land uses do not harm the transportation system, the environment or visual quality of the community and surrounding lands.
5. Revitalize the Downtown area to provide a focal point and meeting place for the citizens of Fountain, area residents and visitors to Colorado.
6. Preserve and improve significant features within the City such as creeks, flood plains, and wetlands and historic and architectural features.
7. Provide the residents of Fountain with adequate and cost-effective public facilities, and community services.
8. Ensure that adequate water supply and wastewater treatment is available and maintained for current and future residents and businesses of the City.
9. Continue to develop and maintain parks and open space system that is linked together by a series of trails and sidewalks.
10. Encourage an appropriate mix of housing types, locations, and values for all residents of the City.
11. Provide for the safe and convenient circulation of motorists, cyclists and pedestrians through out the City of Fountain.
12. Preserve and enhance visual resources for the benefit of all City residents and visitors.

Principles and Policies

Growth Management: Principles and Policies

Principle 3: The City strongly discourages urban sprawl.

GM Policy 3.1: The City should encourage infill development and the redevelopment under-utilized land within the Urban Service Areas.

GM Policy 3.2: Leapfrog development is discouraged. Encourage new development and redevelopment in established areas only where any impacts on existing neighborhoods can be mitigated.

GM Policy 3.3: Encourage new public facilities and services to locate to maximize the efficiency of services and minimize the costs and impact on the natural environment.



Land Use: Principles and Policies

Principle 2: Ensure that the siting, development and construction of housing is aesthetically pleasing, safe, encourages interactive neighborhoods and complements the existing neighborhoods plans and surrounding land use.

LU Policy 2.3: Encourage new residential development to locate so it is convenient to parks, open space, schools, mass transit, work, and shopping. In addition, residential uses should be appropriately and conveniently connected by bike and pedestrian paths and open space to reduce dependency on the car.

LU Policy 2.4: Encourage clustered residential development to more efficiently utilize land and public services, create additional usable open space, and to mitigate adverse environmental effects.

LU Policy 2.5: Encourage the renovation and rehabilitation of existing housing through the enforcement of local codes and by increasing awareness of housing grant and assistance programs available within Colorado.

Principle 4: Promote quality housing and a variety of residential units – both in terms of price and type of unit – allowing households with different incomes and needs to live in Fountain.

LU Policy 4.4: Develop design and siting standards for new housing.

Principle 6: Encourage high quality, higher intensity land uses, such as new employment centers, to locate within municipal boundaries where adequate services are available and in close proximity to housing for potential future employees.

LU Policy 6.2: Concentrate commercial land uses in order to reduce the demand and resulting space requirements for off-street parking.

Principle 7: Promote sales tax generating commercial development that reduces the need for citizens to drive long distances to shop.

LU Policy 7.1: Promote the development of commercial and employment centers that are in close proximity to existing development. When all other commercially viable commercial sites are built-out, consider development along Powers Boulevard but only within the development nodes indicated on the Future Land Use Plan.

LU Policy 7.2: Support and implement the Fountain Strategic Downtown Plan.



LU Policy 7.3: New sales tax generating commercial development should provide a traffic circulation system that ensures that residential neighborhoods are not adversely impacted. Commercially generated traffic should not bisect residential neighborhoods.

Green-infrastructure: Principles and Policies

Principle 2: Recognize the value of the City of Fountain's open space and promote its preservation.

GR Policy 2.6: Investigate alternative funding sources for acquisition of parks, wetlands, wildlife areas and open space (e.g., Great Outdoors Colorado).

Principle 3: Provide a geographically balanced and equitable park and recreation system that has facilities distributed throughout the community, which are responsive to all age groups and user groups.

GR Policy 3.3: Strive to improve or expand park facilities and services in relation to population growth, population composition and user demand.

GR Policy 3.4: Coordinate planning, when feasible, and employ joint-use agreements with school districts, state, federal governmental and neighboring political jurisdictions.

Principle 4: Ensure that the City's parks, open space, and recreational facilities enhance the quality of life for all Fountain citizens.

GR Policy 4.2: Emphasize active uses, such as tennis courts and ball fields, in community or neighborhood-related recreation areas. If applicable, encourage the creation of a community gathering / activity place in conjunction with these recreation areas.

Community Character: Principles and Policies

Principle 1: Preserve and enhance the community's existing small town atmosphere. Desirable attributes to build upon include: a pedestrian-scaled Main Street, an abundance of open space around the edges of the community; natural undeveloped spaces throughout the community; and an approachable City government.

Principle 2: Promote the preservation of historic buildings, landmarks and sites to maintain a historic sense of identity for the City of Fountain.



Principle 3: Preserve and enhance Fountain’s Downtown area.

CC Policy 3.1: Develop Downtown Fountain as an area comprised of specialty shops, restaurants, offices, civic facilities and housing, all of which capitalize on the area’s distinct character. Develop an overriding theme for development based on Fountain’s “Old West Town” character, which will help to guide design and development for the Downtown area.

CC Policy 3.2: Encourage higher density residential housing in and around the Downtown area to provide opportunities for those wishing to live near stores, offices, restaurants and alternative transportation modes. Promote the use of this housing for those who may have limited mobility due to age, physical disability, or lack of transportation.

CC Policy 3.3: Ensure that the Downtown Fountain area receives its share of retail and commercial ventures. Downtown will have a specialty function in the market if marketed properly.

CC Policy 3.4: Encourage new Downtown uses that will have both day and evening activities. Promote the construction of a City-owned informational kiosk that would serve as a community information board and meeting place.

CC Policy 3.5: Provide entry signs and landscaping at major access points to the Downtown area to create a sense of arrival and to reinforce the historic character and specialty shopping in the area. Consider placing entry signs to distinct neighborhoods in the community to instill a sense of neighborhood pride and community.

CC Policy 3.7: Renovate the façades of existing buildings in order to improve the overall appeal of Fountain’s Downtown area.

Principle 4: Improve and enhance Highway 85, as well as other existing or planned major and minor arterials. These state controlled roads serve as Fountain’s front door.

CC Policy 4.1: Establish design standards for land adjoining major and minor arterials (e.g., SH 85 / 87). Require landscaping, attractive signage and preservation of open space around these arterials.

CC Policy 4.2: Promote the grouping and / or clustering of commercial development along major / minor arterials in order to ensure safe access and



discourage strip commercialization. Furthermore, promote a consistency of design style and centralization among these clustered developments.

CC Policy 4.3: Strive to develop and maintain the principal entrances into Fountain as “gateways” to create a strong, favorable visual impression and community identity for people entering Fountain.

Principle 5: Ensure all citizens are afforded a safe and clean environment.

Public Services and Facilities: Principles and Policies

Principle 1: Through collaboration with area service providers plan and equitably provide the citizens of Fountain with the highest level of public services they are willing to support.

PSF Policy 1.1: Ensure that revenues generated from new development will offset the cost of providing community services to that development.

PSF Policy 1.5: Work to minimize the number of special districts that operate in the City of Fountain by encouraging and facilitating the consolidation of special districts that are economically beneficial to the citizens of Fountain.

PSF Policy 1.9: Require that new development locate adjacent to existing development to ensure the logical extension of water and wastewater facilities.

Principle 2: Continue to promote the health, safety, welfare and quality of life of Fountain citizens.

PS Policy 2.1: Ensure that adequate and appropriate health facilities, including community clinics and emergency centers, are provided within reasonable distance for all Fountain residents.

Economic Development: Principles and Policies

Principle 3: Support the growth and health of existing businesses in all economic development strategy while recognizing constant change and global competition is integral to a robust and sustainable economy. Retain and expand the business base.

ED Policy 3.1: The City should strive to increase awareness of funding sources available to improve existing businesses as well as incentives available to preserve, improve and maintain historic structures (e.g., SHPO Grants, Small



Business Incubators, City marketing, etc.). Preserve the City's historic character where appropriate in order to maintain a unique position in the regional market.

Principle 4: Diversify the economic base and decrease dependence on others' economic bases.

ED Policy 4.3: Create and enhance the City's image as a desirable place to do business. Assure visual aesthetics of the City's major entrances, arterials, and commute routes, the first impression and introduction of the City can help attract and retain high caliber businesses.

ED Policy 4.5: Facilitate the development of infrastructure required for the new economy, specifically telecommunications, roads and utilities needed to support commercial and industrial development in appropriate zones. Track funding and facilitate the knowledge of it.

The Fountain Planning Commission reviewed this Urban Renewal Plan regarding its conformity with the *City of Fountain Comprehensive Development Plan 2005*.

5.0 Plan Objectives

5.1 General Description

The vision for the Area includes the following components:

- Places to live, work, play, and shop
- Diversity in land uses
- Sustainability – economic, physical and environmental
- Mix of incomes and product types
- Region-serving uses
- Businesses that fill service “gaps” and stop “leakage”
- Elements that reflect the community's history
- “Small town feel”



- Protected rural areas
- Healthy commercial districts
- Business environment that supports primary jobs

Existing conditions present within the Area will be remedied by the proposed Plan, but will need to first be identified as a priority public investment item by the Authority in consultation with the City and community. Improvements will be partially funded by tax increment revenues. Creation of special districts or other financing districts to serve as supplemental funding sources will continue to be considered. Additional funding mechanisms that will be encouraged for use within the Area include:

- Intergovernmental Grants – Community Development Block Grants (CDBG), Section 108 Guaranteed Loans, State Economic Development Grants
- Local Debt Financing – General Obligation Bonds, Revenue Bonds, Industrial Development Bonds
- Off-Budget Financing – Lease-Purchase Agreements, Ground Leases, Land / Building Swaps
- Dedicated Sources of Local Funds – Special District Assessments, Earmarked Sales or Special-Purpose Taxes, Reuse of UDAG Loan Paybacks
- General Budget Revenues



Indirect assistance strategies, which will be promoted, include:

- Zoning or Density Bonuses
- Transfers of Development Rights
- Transfers of Air Rights
- Regulatory Relief from Zoning and Building Codes
- Reduced Processing Time for Project Entitlements
- Design Coordination in Public-Private Projects
- Below-Cost Utilities, if Publicly Owned
- Arbitration of Disputes that Might Arise
- Government Commitments to Rent Space

5.2 Urban Renewal Plan Review Process

The review process for the Plan is intended to provide a mechanism to allow those parties responsible for implementing key projects to periodically evaluate its effectiveness and make adjustments to ensure efficiency in implementing the recommended activities.

The following steps are intended to serve as a guide for Plan review:

- a) The Authority may propose modifications, and the City Council may make such modifications as may be necessary provided they are consistent with the *City of Fountain Comprehensive Development Plan 2005* and any subsequent updates, as well as the Act.
- b) The Authority, property and business owners, and Staff operating in support of the Authority may develop modifications from suggestions.



- c) A series of joint workshops may be held by and between the Authority and property and business owners to direct and review the development of Plan modifications.

5.3 Development and Design Objectives

Development and design objectives for the Area include the following:

1. Eliminate and prevent “blight”
2. Implement the 2005 Comprehensive Plan
3. Support affordability and other non-profit initiatives
4. Balance convenience with unique charm – bike, walk, drive
5. Encourage recreation for youth, families and individuals
6. Ensure orderly growth of City
7. Stimulate development of vacant land
8. Stimulate development of infill areas
9. Improve the relationship between land uses
10. Enhance trail connections
11. Repair infrastructure
12. Increase property values
13. Strengthen City’s economic base
14. Encourage mixed-use development (multi-story), yet retain rural qualities
15. Advance redevelopment of Downtown
16. Be sensitive to historic preservation
17. Encourage transit orientation in key locations along I-25
18. Provide connections between activity areas and neighborhoods
19. Develop public spaces (formal and informal)
20. Maintain residential affordability – disperse
21. Encourage diversity in residential product types (senior, workforce)



22. Improve the City's gateways (Santa Fe, Fountain Valley area, interchanges)
23. Encourage the continued presence of existing businesses
24. Promote development of medical facilities
25. Provide a range of financing mechanisms
26. Appropriately locate (relocate) businesses with emitting impacts such as dust and odors
27. Maintain revenue-generating uses along commercial corridors
28. Encourage public-private partnerships
29. Maintain a range of business incentives
30. Facilitate cooperation among government agencies and districts (including Water & Sanitation)
31. Promote fiscal prudence (impact fees, public and private participation, etc.)
32. Support higher design standards and stronger code enforcement
33. Include relevant future annexation areas (El Paso County)
34. Unify landscaping, streetscape
35. Promote Fountain Creek as an amenity (connectivity, storm water management, restoration)
36. Protect older established neighborhoods

5.3.1 Development Opportunities – Catalyst Projects

A key concept associated with implementation of the Plan is targeted investment that will serve to catalyze development throughout the Area and fund future public improvements. The aggregate impact of potential investment within Area is reflected in the Impact Report, which is incorporated into this Plan by reference.



5.4 Development Standards

All development in the Plan Area shall conform to the *City of Fountain Comprehensive Development Plan 2005* and any subsequent updates, the Zoning Code and any site-specific zoning or policy documents which might impact properties in the Area, including the International Building Codes, applicable design standards, all as in effect and as may be amended from time to time.

In conformance with the Act and the Plan, the Authority may adopt additional (higher) design standards and other requirements applicable to projects undertaken by the Authority in the Area. Unless otherwise approved by the City Council, any such standards and requirements adopted by the Authority shall, at a minimum, be consistent with all other zoning and development policies and regulations.

5.5 Public Improvements and Facilities

The Authority may undertake certain actions to make the Area more attractive for private investment. The Authority may, or cause others to, install, construct, and reconstruct any public improvements in the Area, including, without limitation, streets, 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 Area, including, without limitation, other authorized undertakings or improvements for the purpose of promoting the objectives of this Plan and the Act.

Public projects are intended to stimulate (directly and indirectly) private sector investment in and around the Area. The combination of public and private



investment will assist in the investment and conversion of the Area into a viable commercial, employment and mixed-use sub-area supported by multiple forms of transportation with supporting public spaces contributing to increased property and sales taxes.

5.5.1 Infrastructure

New infrastructure (utility) that is required will be located in public rights-of-way or dedicated easements. These systems will be added to the existing infrastructure to the extent possible. Existing services may be removed or abandoned to accommodate new development in the Area.

In undertaking all activities and improvements pursuant to this Plan, the Authority shall comply with all applicable building and zoning regulations, and other applicable ordinances of the City and other governmental entity's regulations.

5.6 Other Improvements and Facilities

There could be other non-public improvements in the Area that may be required to accommodate development. The Authority may assist in the financing or construction of these improvements.

6.0 Project Implementation

The Act allows for a wide range of activities to be used in the implementation of an urban renewal plan. In the case of the *U.S. Highway 85 Urban Renewal Plan*, it is the intent of the Authority to provide incentives to stimulate private investment in cooperation with property owners and other affected parties in



order to accomplish its objectives. Public-private partnerships and other forms of cooperative development will be key to the Authority's strategy for preventing the spread of blight and eliminating existing blighting conditions. Reliance on powers such as eminent domain will only be considered as a final option to achieve the objectives of this plan.

6.1 Property Acquisition and Land Assemblage

Pursuant to the Statute (31-25-105. Powers of Authority) the Authority may acquire property by negotiation or any other method authorized by the Act, including purchase, lease, option, gift, grant, bequest, devise, or condemnation. Eminent domain may be employed provided the Authority first complies with the requirements of all applicable laws. The Authority may also temporarily operate, manage and maintain property acquired in the Area. Such property shall be under the management and control of the Authority and may be rented or leased pending its disposition for redevelopment.

6.2 Relocation Assistance

It is possible that acquisition of real property by the Authority will result in the relocation of any individuals, families, or business concerns. If such relocation becomes necessary, the Authority shall adopt a relocation plan in conformance with the Act and consistent with specific objectives which will be identified in that plan.

6.2.1 Mitigate Inconvenience and Expense

Development of any relocation program for the Area will be designed to mitigate the inconvenience and expense of individuals, families and



business concerns that may be displaced by acquisition of property by the Authority.

6.2.2 Information Program

Any relocation program will be accompanied by an information program to keep all affected parties advised of relocation activities on a continuing basis and to encourage all such parties to keep the Authority informed of their needs and requirements.

6.3 Demolition, Clearance, and Site Preparation

In carrying out this Plan, it is anticipated that the Authority may be required to demolish and clear buildings, structures and other improvements from property in the Area. Additionally, development activities consistent with this Plan, including but not limited to development or cooperation agreements, may require such demolition and clearance 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.

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 Plan, if in the judgment of the Authority such buildings, structures and other improvements cannot be rehabilitated in accordance with this Plan. The Authority may also undertake such additional site preparation activities, as it deems necessary, to facilitate the disposition and development of such property.



6.4 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, as it deems necessary to develop such property. Real property or interests in real property may be sold, leased or otherwise transferred for uses in accordance with the Act and this Plan. All property and interest in real estate acquired by the Authority in the Area that is not dedicated or transferred to public entities, shall be sold or otherwise disposed of for redevelopment in accordance with the provision of this Plan and the Act.

6.5 Redevelopment and Rehabilitation Actions

Redevelopment and rehabilitation actions within the Area may include such undertakings and activities as are in accordance with this 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. The Authority may enter into agreements with private parties or public entities to provide assistance or undertake all other actions authorized by the Act or other applicable law to redevelop and rehabilitate the Area.



6.6 Redevelopment Agreements

The Authority is authorized to enter into Redevelopment Agreements or other contracts with developer(s) or property owners or such other individuals or entities as are determined by the Authority to be necessary or desirable to carry out the purposes of this Plan. Such Redevelopment Agreements, or other contracts, 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 Plan and 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 Plan or as may otherwise be authorized by the Act.

7.0 Project Financing

7.1 Public Investment Objective

It is the intent of the Plan that the public sector plays a significant role in urban renewal efforts -- as a strategic partner. However, experience has proven that a critical component to the success of any urban renewal strategy is participation by both the public and private sectors. Leveraging of resources will be key as no one entity, either public or private, has sufficient resources alone to sustain a long-term improvement effort. Specific public investments identified as goals in this Plan, and which may require the participation of multiple entities include, but are not limited to: unifying streetscape elements; improving access and circulation; enhancing streets and parks; completing creek improvements; participating in gateway treatments; providing for funds to mitigate various negative impacts such as dilapidated building facades; leading corridor



improvements and the provision of public parking; addressing utility capacity issues; and, creating special districts or other financing mechanisms.

7.2 Authorization

The Authority may finance undertakings pursuant to this Plan by any method authorized under the Act or any other applicable law, including without limitation, the following: issuance of notes and bonds in an amount sufficient to finance all or part of this Plan; borrowing of funds and creation of indebtedness; advance and reimbursement agreements; federal or state loans or grants; interest income; annual appropriation agreements; agreements with public or private entities; and loans, advances and grants from any other available sources. The principal, interest, costs and fees on any indebtedness are to be paid for with any lawfully available funds of the Authority.

Debt may include bonds, refunding bonds, notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, or any other obligation lawfully created. The Authority is not a local government district under Article X, Section 20 of the Colorado Constitution and does not limit the debt options of an authority in Colorado.

7.3 Project Revenues

Tax Increment Financing

The Plan contemplates that a primary method of financing projects will be through the use of Tax Increment Financing (TIF) revenue including at least 50 percent of the municipal sales tax increment generated by projects within the Area, and 100 percent of the property tax collected, as authorized by the Act.



The City Council may allocate municipal sales tax increments in excess of this amount when the Fountain Urban Renewal Authority submits a financing plan outlining the proposed amounts and purpose for which the additional municipal sales tax increments are to be used. Upon City Council approval, the municipal sales tax increment will be allocated and distributed in accordance with the tax increment financing provisions of Section 31-25-107 (9), C.R.S., which is by this reference incorporated herein as if set forth in its entirety.

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

- a) That portion of the taxes which are produced by the levy at the rate fixed each year by or for each such public body upon the valuation for assessment of taxable property in the Area last certified prior to the effective date of approval of the Plan, or as to an area later added to the Area, the effective date of the modification of the Plan or that portion of municipal sales tax collected within the boundaries of said Area in the twelve-month period ending on the last day of the month prior to the effective date of approval of the Plan, or both such portions, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

- b) That portion of said property taxes or any portion of said sales taxes, or both, in excess of such amounts in subparagraph (a) shall 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, the project within the Area. Any excess



municipal sales tax collections not allocated pursuant to this subparagraph shall be paid into the funds of the municipality.

- c) The portion of taxes described in subparagraph (b) 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.
- d) The City and the Authority may enter into agreements with other public bodies and private parties to provide financial assistance in support of development projects consistent with this plan as may be more fully set forth in the provisions of such agreements. Existing agreements between the City and private parties that are consistent with this plan are intended to remain in full force and effect.

7.4 Financing Mechanisms / Structures

The Plan is designed to provide for the use of tax increment financing as one tool to facilitate investment and reinvestment within the Area. 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 to use the tools either independently or in various combinations. Given the obstacles associated with development, the Authority recognizes that it is imperative that solutions and resources be put in place that are comprehensive, flexible and creative.



8.0 Changes and Minor Variations from Adopted Plan

8.1 Changes in the Approved Urban Renewal Plan

This 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.

8.2 Cooperation Agreements

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. Such cooperation agreements may include, without limitation, agreements regarding the planning or implementation of this 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, environmental remediation, landscaping and/or other eligible improvements within the Area.

The City and Authority recognize the need to cooperate in the implementation of this Plan for, but not limited to, such items as project financing and administration of the construction of public improvements. This paragraph shall not be construed to require any particular form of cooperation.





U.S. Highway 85 Corridor

Urban Renewal Plan

Fountain, Colorado

Appendix A: Legal Description (provided by Drexel, Barrell & Co.)



U.S. Highway 85 Corridor

Urban Renewal Plan

Fountain, Colorado

Appendix B: Urban Renewal Plan Boundary and Concept Map