

RESOLUTION NO. 298-04

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

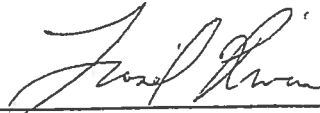
Section 13. To the extent that the Urban Renewal Area described in the Plan may constitute open land within the meaning of Section 31-25-107(6) of the Act, it is found and determined that the nonresidential uses under the Plan are necessary and appropriate to facilitate the proper growth and development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

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

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

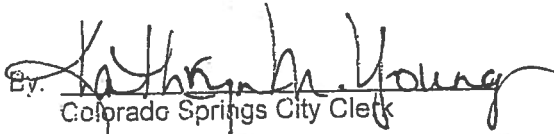
DONE THIS 14TH day of December, 2004, at Colorado Springs, Colorado

CITY COUNCIL
COLORADO SPRINGS, COLORADO

By: 
Lionel Rivera, Mayor

ATTEST:

ATTEST:

By: 
Kathryn Young
Colorado Springs City Clerk