

**TOWN OF PAGOSA SPRINGS,
COLORADO**

RESOLUTION NO. 2019-18

**A RESOLUTION MAKING LEGISLATIVE FINDINGS DETERMINING THE
EXISTENCE WITHIN THE TOWN OF PAGOSA SPRINGS OF BLIGHTED
AREAS APPROPRIATE FOR INCLUSION IN AN URBAN RENEWAL
AUTHORITY, CREATING THE PAGOSA SPRINGS URBAN RENEWAL
AUTHORITY, AND DESIGNATING THE TOWN COUNCIL AND SUCH
OTHER MEMBERS AS REQUIRED BY LAW AS THE AUTHORITY**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended (the “Charter”); and

WHEREAS, pursuant to Section 1.4 (A) of the Charter, the Town has all power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, Part 1 of Article 25 of Title 31, Colorado Revised Statutes (“C.R.S.”) (the “Urban Renewal Law”) provides for the creation and operation of an urban renewal authority to function in the Town; and

WHEREAS, a petition, attached hereto as Exhibit A and incorporated herein with the signatures of more than 25 registered electors within the Town of Pagosa Springs (“Town”) was filed with the Town Clerk declaring that there is a need for an urban renewal authority to function in the Town; and

WHEREAS, a Conditions Survey was conducted by the Town, which survey is described in a document entitled the Hot Springs Boulevard Urban Renewal Authority Conditions Survey, consisting of a total of seven (7) pages including two (2) map exhibits, a description of existing conditions and numerous photographs, attached hereto as Exhibit B and incorporated herein; and

WHEREAS, the Conditions Survey is a matter of public record in the custody of the Town Clerk, and was made available for public inspection on the Town’s website and in the office of the Town Clerk during business hours of the Town; and

WHEREAS, pursuant to Section 31-25-104(1)(a), C.R.S., on October 17th and 24th, 2019 notice of a hearing to consider the Conditions Survey and creation of an urban renewal authority in the Town was duly published in *The Pagosa Springs Sun*, a newspaper having a general circulation in the Town, which publication occurred at least ten days preceding the date of the hearing, and a copy of the proof of publication of the notice is attached hereto as Exhibit C and incorporated herein; and

WHEREAS, on November 5, 2019 a full opportunity to be heard was granted to all residents and taxpayers of the Town and to all other interested persons at a public hearing held before the Town Council on the issue of whether the Town Council should find that slum or blighted areas exist in the Town, and that the acquisition, clearance, rehabilitation, conservation, development, or redevelopment, or a combination thereof of such areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the Town, and whether the Town Council should declare it to be in the public interest that the urban renewal authority for the Town be created; and

WHEREAS, the Town Council has considered the evidence presented in support of and in opposition to the Petition, including the Conditions Survey and staff recommendations, and has considered the legislative record and given appropriate weight to the evidence; and

WHEREAS, the Town Council, following the hearing, hereby finds and declares herein that slum or blighted areas exist in the Town, and that the acquisition, clearance, rehabilitation, conservation, development, or redevelopment, or a combination thereof of such areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the Town; and

WHEREAS, in accordance with the Urban Renewal Law, the Town Council is desirous of creating an urban renewal authority and designating the Town Council and such additional members as specified by Section 31-25-104(2.5), C.R.S., to serve as the Board of Commissioners of such authority;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Pagosa Springs, Colorado, that:

Section 1. The foregoing recitals are incorporated herein by reference.

Section 2. The Town Council finds, determines and declares that the following conditions exist in areas of the Town:

- a. Predominance of defective or inadequate street layout;

- b. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- c. Unsanitary or unsafe conditions;
- d. Deterioration of site or other improvements;
- e. Unusual topography or inadequate public improvements or utilities;
- f. The existence of conditions that endanger life or property by fire or other causes;
- g. 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.

Section 3. Pursuant to Section 31-25-104(1)(b), C.R.S., and based upon evidence presented at the public hearing on November 5, 2019, the Town Council hereby declares it to be in the public interest that an urban renewal authority for the Town be created, and is hereby creates an urban renewal authority to exercise the powers provided in the Urban Renewal Law.

Section 4. The urban renewal authority for the Town shall be known as the Pagosa Springs Urban Renewal Authority.

Section 5. Pursuant to Section 31-25-115(1) and (1.5), C.R.S., the Town Council designates the members of the Town Council, including the Mayor and such additional members as specified in Section 31-25-104(2) and (2.5) and Section 31-25-115(1) and (1.5), C.R.S., to constitute and be the Board of Commissioners of the Pagosa Springs Urban Renewal Authority. The Mayor is designated as the Chair of the Pagosa Springs Urban Renewal Authority.

Section 6. Because the Mayor is a member of Town Council and has participated in the enactment of this Resolution, he has the requisite notice of the creation of the Pagosa Springs Urban Renewal Authority in compliance with Section 31-25-104(1)(b), C.R.S.

Section 7. A certified copy of this Resolution shall be filed in the records of the Town. The Commissioners shall cause to be filed with the Colorado Division of Local Government in the Department of Local Affairs a copy of this Resolution, together with a certificate that the Town Council made the findings and declaration required by Section 31-25-104(1)(b), C.R.S., after the public hearing and that the Mayor has appointed the members of the Town Council and such additional members as specified in Section 31-

25-104(2) and (2.5) and Section 31-25-115(1) and (1.5), C.R.S., as Commissioners of the Pagosa Springs Urban Renewal Authority. Upon the filing of such certificate, the Commissioners and their successors are constituted as the Pagosa Springs Urban Renewal Authority, which shall be a body corporate and politic.

Section 8. Pursuant to section 31-25-104(1)(b), C.R.S., the boundaries of the Pagosa Springs Urban Renewal Authority are coterminous with those of the Town.

Section 9. The officers, employees and agents of the Town are hereby directed to perform, or cause to be performed, such other actions as required by the Urban Renewal Law for the Pagosa Springs Urban Renewal Authority to undertake urban renewal projects, as set forth in the Urban Renewal Law, including Section 31-25-107, C.R.S.

Section 10. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 11. All actions taken by the Town's officers, employees and agents in furtherance of the creation of the Pagosa Springs Urban Renewal Authority are hereby ratified and confirmed.

Section 12. This Resolution shall take effect and be enforced immediately upon its approval by the Town Council.

ADOPTED by a vote of 4 in favor and 3 against, this 5th day of November, 2019.

TOWN OF PAGOSA SPRINGS

By: 
Donald Volger, Mayor

ATTEST: 
By: 
April Hessman, Town Clerk

EXHIBIT A

Petition

Total for 2 sections

29/46

25/35
10-10-19

20/31
10/7/19

5/5

PETITION

We, the undersigned, hereby certify that we are registered electors of the Town of Pagosa Springs, Colorado (the "Town"), and that, pursuant to the requirements of the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31 of the Colorado Revised Statutes, there is a need for an urban renewal authority to function within the boundaries of the Town.

Registered Electors of the Town of Pagosa Springs, Colorado

- OK (Print Name) Rory Burnett Address: (Street) 415 mesa dr.
 (Signature) [Signature] Pagosa Springs, CO 81147
 (Date) 9/3/19
- OK (Print Name) Ryan Searle Address: (Street) 399 mesa dr.
 (Signature) [Signature] Pagosa Springs, CO 81147
 (Date) 9/3/19
- OK (Print Name) Eric Aragon Address: (Street) 634 Hot Springs Blvd
 (Signature) [Signature] Pagosa Springs, CO 81147
 (Date) 9-3-19
- OK (Print Name) Ross Aragon Address: (Street) 659 Hot Springs Blvd
 (Signature) [Signature] Pagosa Springs, CO 81147
 (Date) 9-4-19
- OK (Print Name) Clint Alley Address: (Street) 419 S. Sixth Street
 (Signature) [Signature] Pagosa Springs, CO 81147
 (Date) 9-4-19

Received corrected 10/10/19 10:00 AM SA
Originally Received 10/2/19 12:15pm SA

OK (Print Name) Clifford Lucero
(Signature) [Signature]
(Date) 9/4/19

Address:
(Street) 374 S. 9th
Pagosa Springs, CO 81147

OK (Print Name) Paul M Condebarie
(Signature) [Signature]
(Date) 9/4/19

Address:
(Street) 390 Juanita St
Pagosa Springs, CO 81147

X Address (Print Name) Patrick Alley
(Signature) [Signature]
(Date) 9/16/2019

Address:
(Street) 275 Lewis St
Pagosa Springs, CO 81147

OK (Print Name) PETER A HEIST
(Signature) [Signature]
(Date) 9-16-2019

Address:
(Street) 334 So. 7th St.
Pagosa Springs, CO 81147

OK (Print Name) ROBERT HART
(Signature) [Signature]
(Date) 9-17-19

Address:
(Street) 250 PAGOSA STREET
Pagosa Springs, CO 81147

X address (Print Name) Henry White
(Signature) [Signature]
(Date) 9/17/19

Address:
(Street) 2513 Pagosa St
Pagosa Springs, CO 81147

ok (Print Name) BEN DOZIER Address: 275 Hermosa
 (Signature) [Signature] (Street) 275 Hermosa
 (Date) 8.5.2019 Pagosa Springs, CO 81147

ok (Print Name) Cristi Dozier Address: 275 Hermosa St.
 (Signature) [Signature] (Street) 275 Hermosa St.
 (Date) 9.5.2019 Pagosa Springs, CO 81147

ok (Print Name) Brent Christians Address: 332 Mesa Drive
 (Signature) [Signature] (Street) 332 Mesa Drive
 (Date) 9-5-19 Pagosa Springs, CO 81147

ok (Print Name) Branna Burnett Address: 415 Mesa Drive
 (Signature) [Signature] (Street) 415 Mesa Drive
 (Date) 9/12/19 Pagosa Springs, CO 81147

ok (Print Name) MARK J. WEILER Address: 7 PARELLI WAY
 (Signature) [Signature] (Street) 7 PARELLI WAY
 (Date) 9/16/19 Box 4159
 Pagosa Springs, CO 81147

ok (Print Name) Jessica Seane Address: 399 MESA DR.
 (Signature) [Signature] (Street) 399 MESA DR.
 (Date) 9/18/19 Pagosa Springs, CO 81147

232 Hermosa St. Pagosa Springs, CO 81147

ok

(Print Name) Carolyn Paschal

Address: (Street) _____

(Signature) *Carol Paschal*

Pagosa Springs, CO 81147

(Date) Sept. 6, 2019

X address

(Print Name) Jason Lewis

Address: (Street) 305 Mesa Drive

(Signature) *JL*

Pagosa Springs, CO 81147

(Date) 9/7/19

X address

(Print Name) Kelly Lewis

Address: (Street) 305 mesa drive

(Signature) *Kelly Lewis*

Pagosa Springs, CO 81147

(Date) 9/7/19

ok

(Print Name) Sarah Jackson

Address: (Street) 310 N. 3rd St.

(Signature) *Sarah Jackson*

Pagosa Springs, CO 81147

(Date) 10 Sept 2019

ok

(Print Name) West Jackson

Address: (Street) 310 N. 3rd St.

(Signature) *West Jackson*

Pagosa Springs, CO 81147

(Date) 9/10/19

X address

(Print Name) Jacki Goodenberger

Address: (Street) 152 N 24th Street

(Signature) *Jacki Goodenberger*

Pagosa Springs, CO 81147

(Date) 9-18-19

2/5

1/5

x
address

(Print Name) Brian Ash
(Signature) [Signature]
(Date) 9/17/2019

Address:
(Street) 344 CAPRICHIO CIRCLE
Pagosa Springs, CO 81147

ok

(Print Name) Selena Hughes
(Signature) [Signature]
(Date) 9-17-2019

Address:
(Street) 209 Hermosa St
Pagosa Springs, CO 81147

x
address

(Print Name) CHRIS PITCHER
(Signature) [Signature]
(Date) 9/17/19 10/9/19 new date

Address:
(Street) 602 S. 7th St.
Pagosa Springs, CO 81147

ok

x
address

(Print Name) Hayley Goodman
(Signature) [Signature]
(Date) 9/17/19

Address:
(Street) 402 Pagosa Street
Pagosa Springs, CO 81147

x
address

(Print Name) Bowellen Leverty
(Signature) [Signature]
(Date) 9/17/19

Address:
(Street) 417 S. 2nd Street
Pagosa Springs, CO 81147

(Print Name) _____
(Signature) _____
(Date) _____

Address:
(Street) _____
Pagosa Springs, CO 81147

1/2

OK

(Print Name) Molly Burkesmith

Address:
(Street) 531 S 10th Street

(Signature) Molly Burkesmith

Pagosa Springs, CO 81147

(Date) 09/03/19

X
address

(Print Name) CHRISTOPHER YOUNG

Address:
(Street) 322 S 8th ST. UNIT B

(Signature) [Handwritten Signature]

Pagosa Springs, CO 81147

(Date) 9-4-19

4/5

0/1

x
address

(Print Name) Jim Gootenberger Address: 152 N. 14th St
(Signature) [Signature] (Street) 152 N. 14th St
(Date) 9/18/19 Pagosa Springs, CO 81147

ok (Print Name) Jacques Grant Address: # 13 Cobblestone
(Signature) [Signature] (Street) # 13 Cobblestone
(Date) 10/8 Pagosa Springs, CO 81147

ok (Print Name) Elaine Grant Address: 13 Cobblestone Ln.
(Signature) [Signature] (Street) 13 Cobblestone Ln.
(Date) 10-8-19 Pagosa Springs, CO 81147

ok (Print Name) Penne Hamilton Address: 418 So. 8th St.
(Signature) [Signature] (Street) 418 So. 8th St.
(Date) 10-8-19 Pagosa Springs, CO 81147

ok (Print Name) Monica Alley Address: 419 South 6th Street
(Signature) [Signature] (Street) 419 South 6th Street
(Date) 10/8/19 Pagosa Springs, CO 81147

(Print Name) _____ Address: _____
(Signature) _____ (Street) _____
(Date) _____ Pagosa Springs, CO 81147

4 / 11

1/5

PETITION

We, the undersigned, hereby certify that we are registered electors of the Town of Pagosa Springs, Colorado (the "Town"), and that, pursuant to the requirements of the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31 of the Colorado Revised Statutes, there is a need for an urban renewal authority to function within the boundaries of the Town.

Registered Electors of the Town of Pagosa Springs, Colorado

X Not registered

1. (Print Name) Janet Campuzano
(Signature) [Signature]
(Date) 10-8-19

Address:
(Street) 203 N 6th St
Pagosa Springs, CO 81147

OK

2. (Print Name) Jeremy Martinez
(Signature) [Signature]
(Date) 10-8-19

Address:
(Street) 618 South 5th Street
Pagosa Springs, CO 81147

X Not registered

3. (Print Name) Bernie Garcia III
(Signature) [Signature]
(Date) 10/8/19

Address:
(Street) 74 Bienvenidos Cir
Pagosa Springs, CO 81147

Not registered X address

4. (Print Name) Gabe Campuzano
(Signature) [Signature]
(Date) 10-9-19

Address:
(Street) 203 N 6th St
Pagosa Springs, CO 81147

Not registered X

5. (Print Name) Maria Kelly
(Signature) [Signature]
(Date) 10-10-19

Address:
(Street) 659 South 7th Street
Pagosa Springs, CO 81147

Received 10/10/19 10:00 AM [Signature]

6. (Print Name) Genevieve Rivas Address: 234 south 8th st
 (Signature) Genevieve Rivas Pagosa Springs, CO 81147
 (Date) 10-10-19

ok

7. (Print Name) Sue Lynn Ross Address: 204 10th
 (Signature) Sue Lynn Ross Pagosa Springs, CO 81147
 (Date) 10-10-2019

ok

8. (Print Name) _____ Address: _____
 (Signature) _____ Pagosa Springs, CO 81147
 (Date) _____

9. (Print Name) _____ Address: _____
 (Signature) _____ Pagosa Springs, CO 81147
 (Date) _____

10. (Print Name) _____ Address: _____
 (Signature) _____ Pagosa Springs, CO 81147
 (Date) _____

11. (Print Name) _____ Address: _____
 (Signature) _____ Pagosa Springs, CO 81147
 (Date) _____

1/4

(Print Name) Linda Holt

Address: (Street) 12 Cobblestone Lane

(Signature) Linda J. Holt

Pagosa Springs, CO 81147

(Date) 10/8/19

ok

(Print Name) Angela Kusley

Address: (Street) 310 S Squaw Canyon Pl.

(Signature) [Signature]

Pagosa Springs, CO 81147

(Date) 10/8/19

x County

(Print Name) Ryan Beavers

Address: (Street) 6207 Birch Creek Rd
635 Sun Street

(Signature) [Signature]

Pagosa Springs, CO 81147

(Date) 10/18/2019

x address

(Print Name) Jan Jury

Address: (Street) 273 Holiday Ave

(Signature) [Signature]

Pagosa Springs, CO 81147

(Date) 10-8-2019

x County

(Print Name) _____

Address: (Street) _____

(Signature) _____

Pagosa Springs, CO 81147

Date) _____

(Print Name) _____

Address: (Street) _____

(Signature) _____

Pagosa Springs, CO 81147

(Date) _____

EXHIBIT B

**HOT SPRINGS BOULEVARD URBAN RENEWAL AUTHORITY CONDITIONS
STUDY**

HOT SPRINGS BLVD URBAN RENEWAL AUTHORITY

CONDITIONS SURVEY

1.0 INTRODUCTION AND LEGAL BACKGROUND

Urban renewal is frequently identified as a slum clearance program operating in large cities and not in places like Colorado. However, the Colorado Urban Renewal Law, §§ 31-25-101 through 116, C.R.S. (the “Act”), has been in effect since 1958 and the program has evolved from mostly large federally funded projects to local projects of varying size financed with tax increment (“TIF”) revenues. According to the Department of Local Affairs, there are urban renewal authorities (“URAs”) in 61 Colorado municipalities (one URA may be formed per municipality).

Because there are few slum areas in Colorado, most, if not all, findings related to organizing URAs and approving urban renewal plans rely on meeting the requirements, findings, and declarations contained in the definition of “blighted area” in § 31-25-103 (2), C.R.S.

Not every property in a blighted area must be blighted for the area to qualify as an urban renewal area under the Act. It is the condition of the areas as a whole and not each individual property that is determinative. It is also worth noting that undeveloped or open lands can qualify as a blighted area under the Act. These are areas that are undeveloped and lack buildings, streets, utilities or other site improvements whether platted or not.

A blighted area means an area that, in its present condition and use, contains at least four of the following factors (or five in the unlikely event that eminent domain is approved by the municipal governing body as part of an urban renewal plan). Eminent domain will not be authorized as part of the URA contemplated herein.

There are two provisions that help smaller areas to qualify for urban renewal treatment. First, a condition that qualifies under one of the factors may be found to be blighted if there is no objection by the owners or tenants of the area surveyed. Second, the Act permits any particular condition found to be present may satisfy as many of the factors in § 31-25-103 (2), C.R.S., as are applicable to each condition. For example, the presence of vacant buildings included in a list of deteriorated structures may also pose a danger by fire. They would also qualify separately as an unsafe condition.

The following list of statutory factors is from the definition of “blighted area” in § 31-25-103(2), C.R.S. The subparagraphs are lettered as they are in the statute and contain examples of conditions evidencing blight. The examples are not a complete list, but merely illustrate conditions that qualify under each statutory category or factor. As noted, some conditions fit multiple categories.

(a) Slum, deteriorated, or deteriorating structures. It is the process of deterioration or the existence of substandard structures that constitutes blight. Included are conditions evidenced

by an exterior inspection such items as roof damage, broken windows, vacant buildings, damaged or deteriorated siding or exterior walls. Lack of code required life safety facilities such as sprinkler systems, ADA requirements, defective electrical wiring, and presence of hazardous substances such as asbestos are also conditions that qualify. Under this factor, the emphasis is upon the condition of structures in the area as a whole and not each individual building or structure.

(b) Predominance of defective or inadequate street layout. This factor includes such conditions as lack of streets; inadequate street widths; dead ends; deterioration of existing streets; poor provisions or unsafe conditions for the flow of traffic, including pedestrians and bicycles; traffic congestion; inadequate emergency vehicle access; missing, obsolete and impractical street layout; or inadequate facilities for traffic flow or movement through the area.

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness. Included in this condition are long, narrow or irregularly sized properties, fractional lots, obsolete and impractical lot layout; and configurations resulting in unproductive and underutilization of the land.

(d) Unsanitary or unsafe conditions. Elements of this factor may include the existence of a floodplain or flood prone area; dangerous traffic or pedestrian conditions; inadequate storm drainage systems; poor fire protection facilities; high or unusual crime statistics; above average incidences of public safety responses; inadequate utility systems; lack of water or sanitary sewer systems; or existence of contaminants or hazardous materials or conditions on the ground or in buildings.

(e) Deterioration of site or other improvements. Elements of this factor may include deteriorated or obsolete streets, sidewalks, alleyways or other public infrastructure; damaged or missing public utilities; and some of the conditions listed in factors (b) and (d).

(f) Unusual topography or inadequate public improvements or utilities. Severe and significant slopes making use of property difficult, very expensive, or impractical may be included in this factor; and some conditions listed under (b), (d) and (e) involving public improvements or utilities may also apply to this factor.

(g) Defective or unusual conditions of title rendering the title unmarketable. This factor includes diversity and multiplicity of ownership making assemblage of land or redevelopment of a site difficult or impossible; title covenants or restrictions that inhibit or prevent redevelopment; and title problems such as the interruption of the chain of ownership or tracing of the ownership of the property.

(h) The existence of conditions that endanger life or property by fire or other causes. Factors such as buildings or property not in compliance with fire codes, building codes or environmental regulations (asbestos or soil contamination), flood hazards, and conditions found in other factors (such as unsanitary or unsafe conditions) may also apply here.

(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. Some of the factors listed in (a), (d), (e) and (h) may also apply here.

(j) Environmental contamination of buildings or property. Aspects of the site qualifying as blight under (d) or (h) may also qualify here.

(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. Many of the conditions listed above can also apply here. In addition, evidence of higher than normal fire and other public service calls can be listed as well as the presence of numerous vacant buildings (regardless of physical condition). Open land and predominantly open lands also qualify under this category.

(l) If there is no objection by the property owner(s) and tenants of such owner(s), 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 blight factors, substantially impairs or arrests the sound growth of the city, 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.

When it added factor (k.5) in 2005, the Colorado General Assembly deleted a previous factor that read "inadequate public improvements or facilities" and combined it with "unusual topography." Thus, the absence of public improvements or facilities alone may not constitute a factor that can contribute to a finding of blight. No court has ruled on whether use of the disjunctive "or" makes unusual topography and inadequate public improvements separate factors. However, as stated above, if there is no objection by a property owner and any tenants, only one of the factors (a) through (k.5) is necessary to qualify as a blighted area.

2.0 SURVEY RESULTS

This Conditions Survey was conducted in the area (the "Survey Area") as depicted in Exhibit A, attached to and made a part of this Conditions Survey. The Survey Area includes approximately nine (9) separate parcels of land covering approximately forty-five (45) acres including the adjoining Hot Springs Boulevard public right-of-way.

Although the Survey Area contains seven buildings, they are not considered deteriorated or deteriorating to qualify under that factor of the statutory definition of blighted area. Of the 45 acres, approximately 27 acres is open land, some of which is in the 100-year flood plain and flood way as defined by the Federal Emergency Management Agency ("FEMA"). The threat of flooding is identified in the Comprehensive Plan Update 2017 as the most significant natural hazard in the Town. The river is also a valuable amenity that benefits the community and the surrounding region and development in the area should enhance its use and protect its banks while providing a free

and clear flood way. There are some topographical challenges to development of the open land area.

The open land portion of the Survey Area lacks streets, utilities, and has areas where dumping has occurred in the past. There are unusual conditions that are dangerous including discharge of scalding mineral water from hot springs and underground voids/caverns that are known to exist below the surface of the undeveloped land.

The following conditions that are evidence of a blighted area as defined in the Act were found to be present in the Survey Area.

2.1 Predominance of Defective or Inadequate Street Layout

The large open land portion of the Survey Area lacks streets and related improvements such as curbs, gutter, and sidewalks. Inadequate vehicle and pedestrian ingress and egress and lack of circulation through the large open land portion of the Survey Area exists. Hot Springs Boulevard needs vehicular and pedestrian improvements to meet current and future demand in the Survey Area, including improvements to the vehicular bridge over the San Juan River that will become functionally deficient due to the proposed development and additional development activities on Hot Springs Blvd. Additional roadways and related infrastructure will be required to develop the Study Area as required by Town code.

2.2 Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness

Faulty lot layout is often the result of access problems and inadequate streets. The Survey Area includes a large undeveloped parcel containing 27 acres. Redevelopment of that parcel will require platting into parcels conducive to proposed uses as well as mitigation of site problems caused by flood danger, vehicular and pedestrian access.

2.3 Unsanitary or Unsafe Conditions.

As shown on Exhibit B, the northerly and westerly borders of the Survey Area are in the 100-year flood plain and floodway area. Such areas are designated by FEMA as Areas of Special Flood Hazard. These problems in the Survey Area qualify as an unsafe condition under the Act. Areas of natural hot springs that emit scalding water exist on the open land area. Also present in the Survey Area is evidence of voids / caverns beneath the ground surface of the open land area. There is evidence of materials dumping in parts of the Survey Area These conditions constitute unsafe conditions in the Survey Area.

2.4 Deterioration of Site or Other Improvements.

The Hot Springs Boulevard vehicular bridge will become functionally deficient due to the proposed development and the additional development expected along Hot Springs Blvd. Some areas along Hot Springs Boulevard have deficient road surface conditions and deficient or non-existent sidewalks, curb, gutter and storm drainage facilities. Vehicular and pedestrian access and interior infrastructure is deficient or lacking in capacity to serve the expected development. Roadways lack sufficient width to safely support joint use by automobiles and bicycles.

2.5 Unusual Topography or Inadequate Public Improvements or Utilities.

Topographical problems exist in the Survey Area because of the existence of voids /caverns beneath the ground surface. The 27-acre undeveloped portion of the Survey Area lacks the internal street, sidewalk, and access improvements necessary to serve any proposed development. There are not adequate water, gas and sewer utilities to serve development of the Survey Area as contemplated by the Comprehensive Plan. The same is true of electric service needed to serve potential commercial uses with infrastructure necessary to meet electrical demands of current technology and appliances. The Survey Area qualifies under both factors listed in this subsection of the Act.

2.6 The Existence of Conditions that Endanger Life or Property by Fire or Other Causes.

Section 107(1)(c)(I) of the Act states that any particular condition found to be present may satisfy as many of the factors listed in the definition of blighted area as are applicable to such condition. Applying this provision, the dangers posed by the potential for flooding, and scalding hot springs, and underground voids/caverns in the area constitute conditions that could endanger life and/or property.

2.7 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.

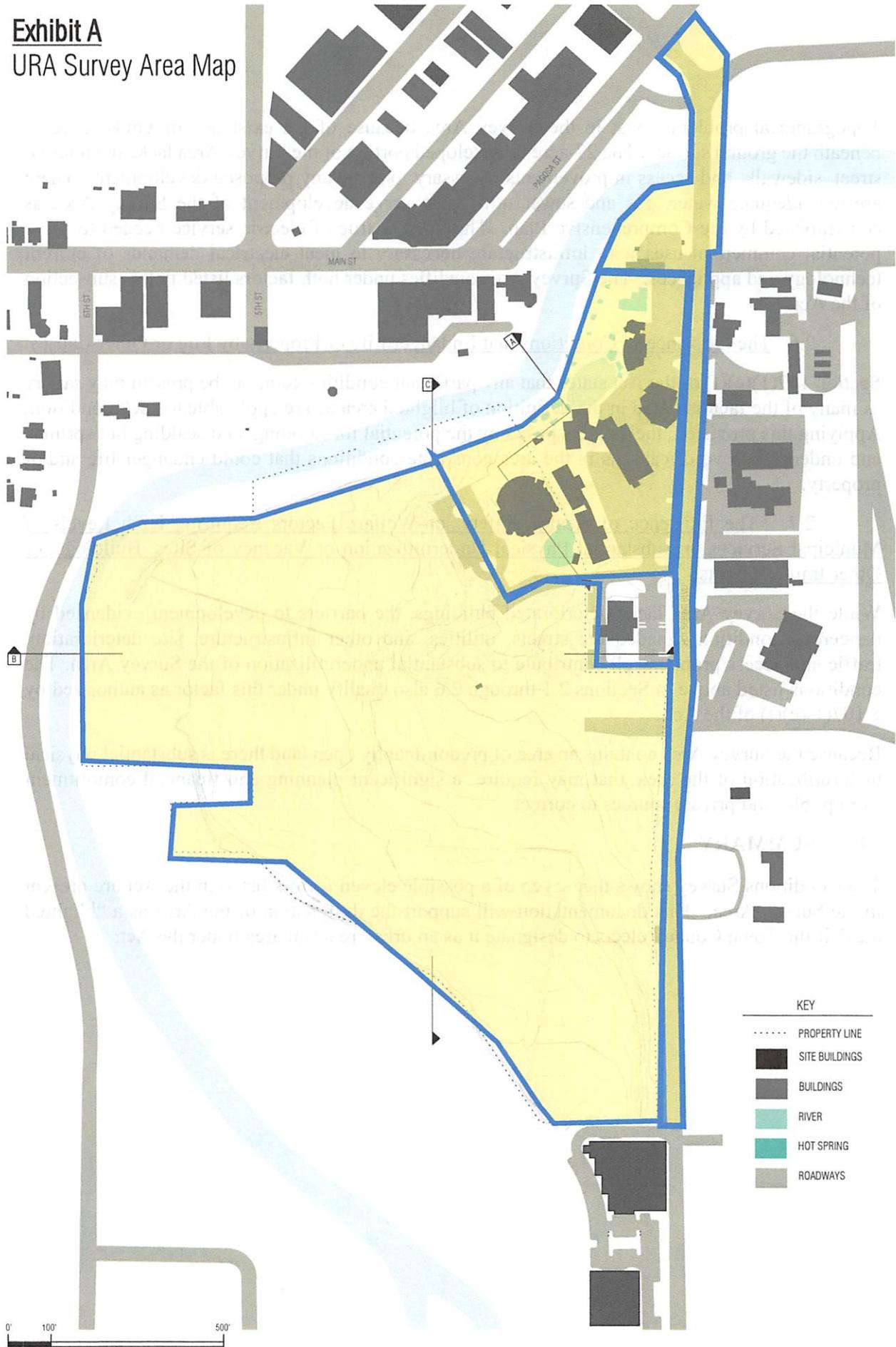
While the Survey Area lacks deteriorated buildings, the barriers to development evidenced by dangerous conditions, inadequate streets, utilities, and other infrastructure, site deterioration, traffic and access problems all contribute to substantial underutilization of the Survey Area. The conditions listed above in Sections 2.1 through 2.6 also qualify under this factor as authorized by § 107(1)(c)(I) of the Act.

Because the Survey Area contains an area of predominantly open land there is substantial physical underutilization of the area, that may require a significant planning and financial commitment from public and private sources to correct.

3.0 SUMMARY

The Conditions Survey shows that seven of a possible eleven factors listed in the Act are present in the Survey Area. This documentation will support the designation of the Area as a “blighted area” if the Town Council elects to designate it as an urban renewal area under the Act.

Exhibit A
URA Survey Area Map



NOVEMBER 30, 2018

tres birds workshop

Ⓞ SITE PLAN

1" = 200'

EXHIBIT C

Proof of Publication

Town

The Pagosa Springs SUN
PAGOSA SPRINGS, COLORADO
"The official Newspaper of Archuleta County"

STATE OF COLORADO)
) SS.
COUNTY OF ARCHULETA)

I, Terri L. House, do solemnly swear that I am Publisher of The Pagosa Springs SUN; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Archuleta, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Archuleta for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mails as periodical matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of three consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated Oct 17 A.D. 2019 and that the last publication of said notice was in the issue of said newspaper dated Oct 31 A.D. 2019.

Terri L. House
Publisher

Subscribed and sworn to before me, a notary public in and for the State of Colorado, this 31 of Oct A.D., 2019.

Melissa L. Phelan
Notary Public

My Commission expires 7-31-23

TOWN OF PAGOSA SPRINGS, COLORADO
NOTICE OF PUBLIC HEARING
TO CONSIDER CREATING AN
URBAN RENEWAL AUTHORITY
In accordance with the Urban Renewal Law, Article 25, Title 31, Colorado Revised Statutes, notice is given pursuant to Section 31-25-104(1)(a), C.R.S., that a petition has been filed by the required number of registered electors stating that there is a need for an urban renewal authority to function within the Town of Pagosa Springs. The Town Council will conduct a public hearing pursuant to Section 31-25-104(1)(b), C.R.S., on November 5, 2019, at 5:00 p.m. in the Ross Aragon Community Center, 451 Hot Springs Boulevard, Colorado. All residents, taxpayers, and other interested persons will be provided a full opportunity to be heard on the issues contemplated by the Urban Renewal Law, including whether slum or blighted areas, or both, exist within the Town and whether an urban renewal authority should be formed. Following the public hearing the Mayor and Town Council will consider a proposed resolution creating an urban renewal authority to be known as the Town of Pagosa Springs Urban Renewal Authority.
TOWN OF PAGOSA SPRINGS
By: _____
April Hessman, Town Clerk
Published in The Pagosa Sun
Published October 17, 24 and 31, 2019 in The Pagosa Springs SUN.

MELISSA L. PHELAN
Notary Public
State of Colorado
Notary ID # 20194028959
My Commission Expires 07-31-2023