Final Report

Bristow-Lowell Urban Renewal Plan

The Economics of Land Use

Prepared for:
Colorado Springs Urban Renewal Authority

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EPS #223121

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1. Introduction

Preface

This Bristow-Lowell 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" or "CSURA"), 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

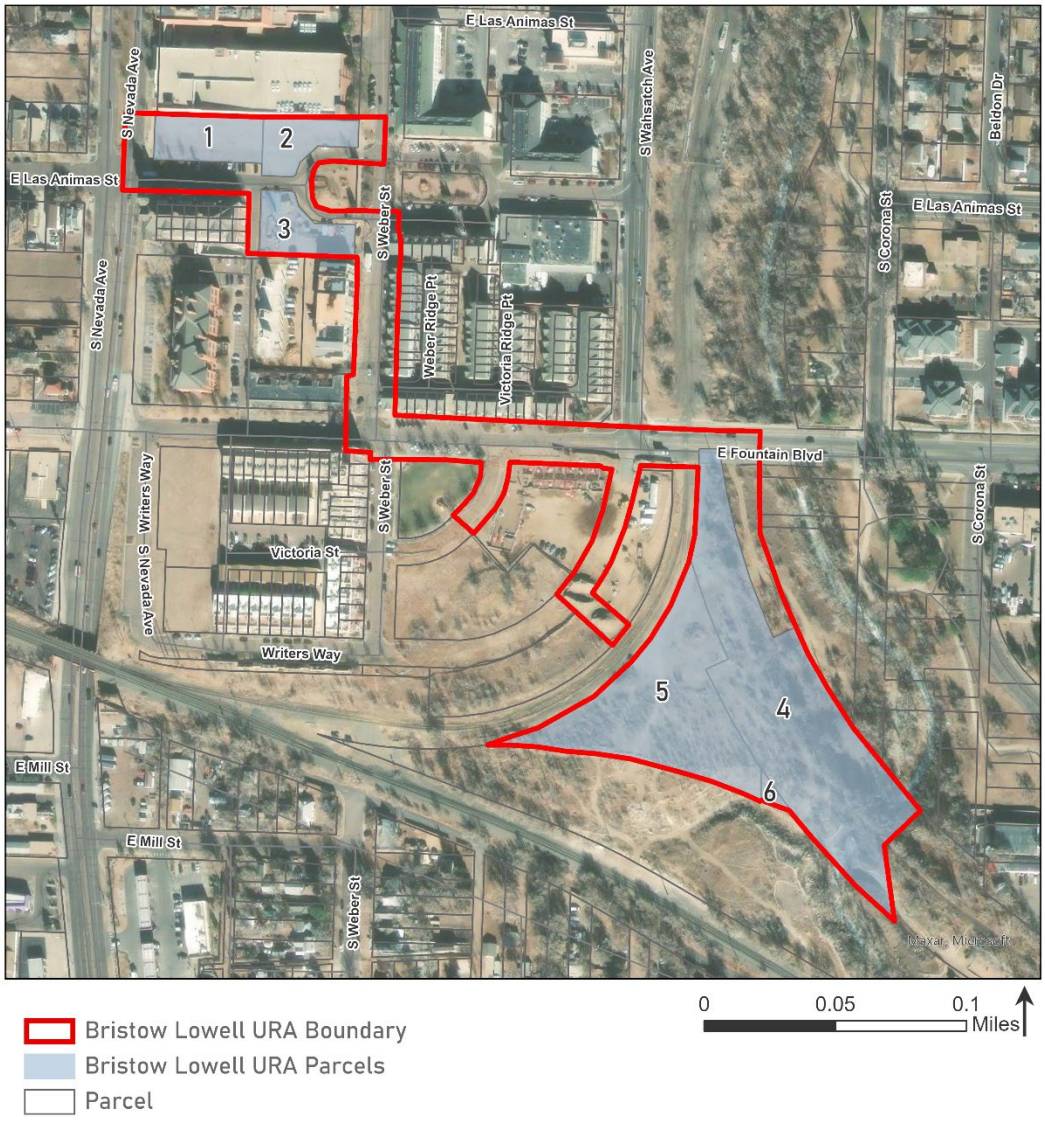
Under the Act, an urban renewal area is a blighted area, as defined by the Act, and has been designated as appropriate for an urban renewal project by the City Council of the City (the "City Council"). In each urban renewal area, conditions of blight must be present, and the City Council must find that 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 Bristow-Lowell Conditions Survey prepared by Economic & Planning Systems (EPS) in July 2021 ("Conditions Survey") was provided to the Authority under separate cover and demonstrates that the Bristow-Lowell 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 5 of the 11 blight factors present in the Study Area. A description of the blight factors and observations is presented below in Chapter 4 of this report.

Urban Renewal Area Boundaries

The Bristow-Lowell 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 six parcels on approximately 5.75 acres of land and the adjacent right of way (ROW). The boundaries of the Plan Area to which this Plan applies includes parcels 1 to 3 located along East Las Animas Street with South Weber Street to the east and South Nevada Avenue to the west; South Weber Street to East Fountain Boulevard; and parcels 4 to 6 located south of East Fountain Boulevard with South Corona Street to the east and South Weber Street to the west, as illustrated in red below in **Figure 1** and more particularly described on Exhibit A attached hereto and made a part of hereof.

Figure 1. Bristow-Lowell Urban Renewal Plan Area



Ownership

Parcels 1-3 are owned by "QOF Lowell Commons LLC" and parcels 4-6 are owned by "Draper Commons Land Holdings LLC." Both groups are owned by the same individual and this owner anticipates being the developer for both sites, if approved.

Zoning and Land Use

All properties within the Plan Area are currently vacant with no building improvements. The Plan Area is zoned as a Planned Development Zone (PDZ). PDZs allow for a variety of land uses and encourage high quality developments that could not otherwise be achieved through the City's standard zone districts. The PDZ land use plan determines the specifically allowed residential and nonresidential land uses, and intensity and density of development. This is further described in the *Lowell Neighborhood Concept Plan* and is referenced on page 12.

In addition, parcel 4 is within Streamside Overlay Zone (SS). This overlay zone district is defined by the Colorado Springs Zoning Code as a district that "is characterized by intermittent and perennial streams which provide significant wildlife habitat, riparian vegetation, water quality protection, flood protection, open space and multiuse trail opportunities which add to the character, attractiveness and quality of life of the community." This parcel is located on the southeastern edge of the Plan Area and is planned to be kept natural with minimal improvements related to park 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 Plan Area.
- **Property Tax Increment Revenues** – the property tax revenues allocated to the Authority pursuant to §31-25-107(9) of the Act and Chapter 7 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 Plan Area and assisting with the eligible costs of 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 to construct two middle-income workforce housing developments along with associated site improvements likely to include sidewalks, streetscape, landscaping, and a public park. The projects address the need for housing at the working household level that is often not addressed by new multifamily development. Both developments will include units restricted to households earning between 70% and 110% of area median income (AMI). The exact AMI levels will be determined based on market financing conditions and the average AMI for each project will be as low as reasonably possible.

Bristow Commons is proposed to be built on southern parcels 4, 5, and 6. The proposed site plan, illustrated in **Figure 2**, and concept rendering, illustrated in **Figure 3**, includes approximately 185 units ranging from studio, one-, and two-bedroom units. Lowell Commons is proposed to be built on northern parcels 1, 2, and 3. The proposed site plan, illustrated in **Figure 4**, and concept rendering, illustrated in **Figure 5**, includes between 185 to 205 units with a mix of studio, one-, and two-bedroom units. Lowell Commons may include a small amount of ground floor retail. The exact number of units and unit mix for each development are subject to change.

Figure 2. Bristow Commons Site Plan

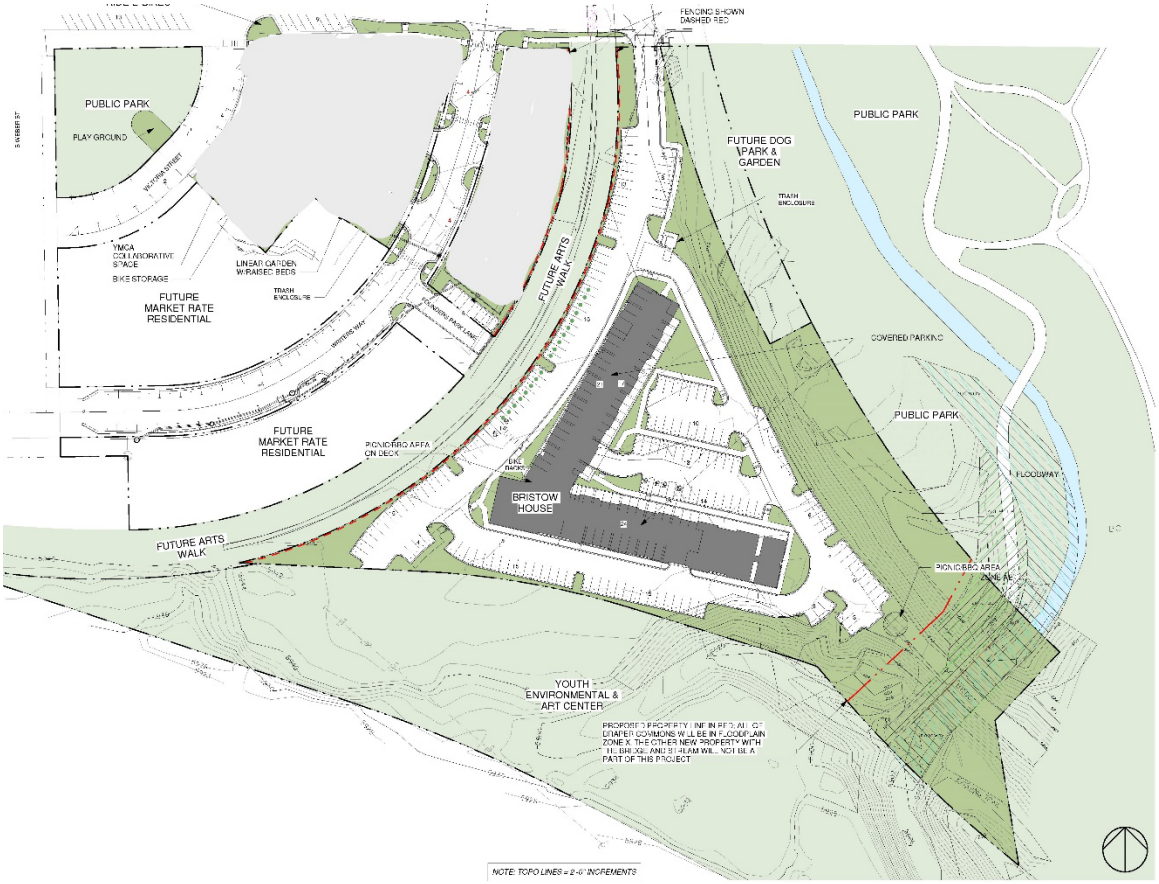


Figure 3. Bristow Commons Concept Rendering

Figure 4. Lowell Commons Site Plan

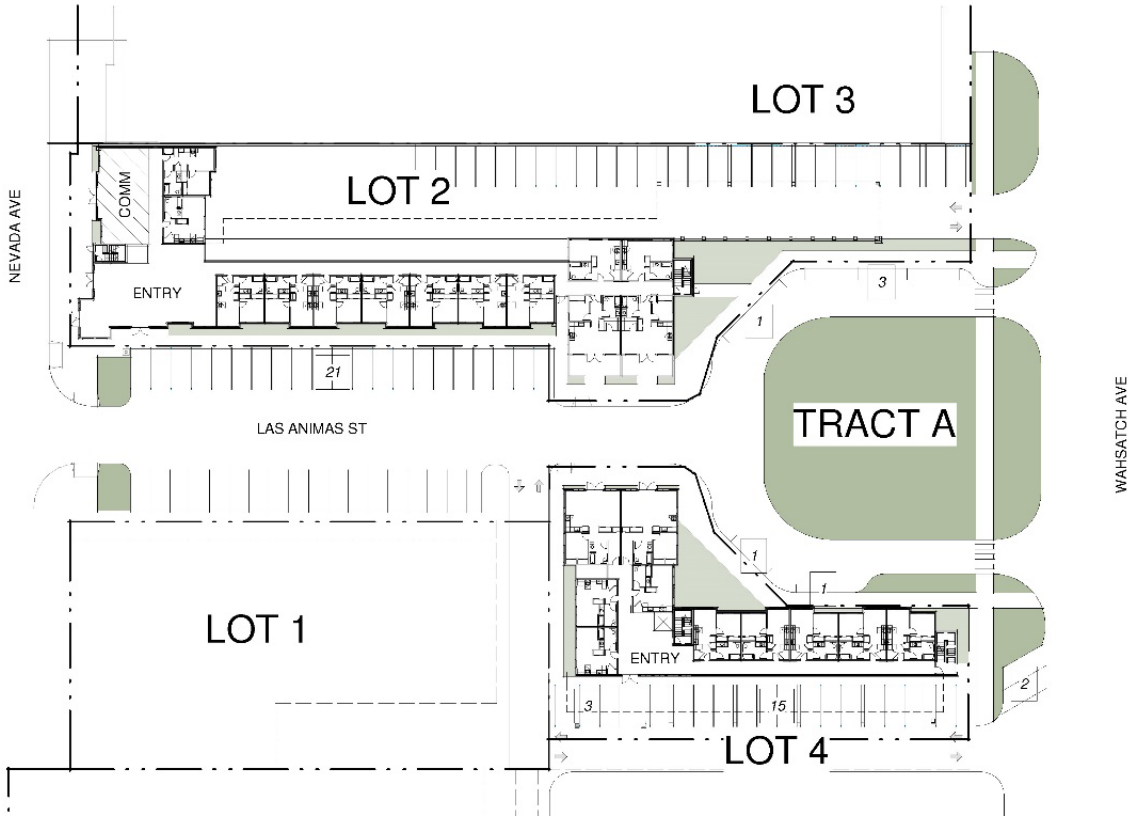


Figure 5. Lowell Commons Concept Rendering

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 (l), 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:

- Lowell Neighborhood Concept Plan, 1999
- PlanCOS (City of Colorado Springs Comprehensive Plan), 2019
- HomeCOS (City of Colorado Springs Affordable and Attainable Housing Plan), 2020
- 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 and HomeCOS
- Prevent and eliminate conditions of blight within the City of Colorado Springs
- Encourage and provide incentives for the private development of affordable housing
- Encourage the development of projects that would not otherwise be considered financially feasible without the participation of CSURA
- Enhance the current property tax revenue within the City and County with development that will increase the assessed valuation and provide additional sales tax collections throughout the city

Plan Conformance

Urban Renewal Law

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

Lowell Neighborhood Concept Plan

The *Lowell Neighborhood Concept Plan* was approved in 1999 to define the PUD zoning of the Lowell Subdivision with a site plan, infrastructure phasing plan, and street cross sections. The *Lowell Neighborhood Concept Plan* allows residential, office, and commercial uses with development beginning in 2000. Residential density is identified for single family attached and detached, apartments, townhouse, and condominium. It sets the maximum building height at 60 feet and identifies parking requirements. This Plan is intended to implement and adhere to the *Lowell Neighborhood Concept Plan* for all properties within the Lowell Subdivision, which includes Bristow Commons on parcels 4, 5, and 6 (**Figure 1**).

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 supports two themes in *PlanCOS* of vibrant neighborhoods and unique places. The following excerpts from *PlanCOS* highlight the linkage between *PlanCOS* and this Plan under these two 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 within Downtown.
- **Vibrant Neighborhoods Framework** – The Plan Area is located in Downtown Colorado Springs.
- **Goal VN-2** – Strive for a diversity of housing types, styles, and price points distributed throughout the city through a combination of supportive development standards, community partnerships, and appropriate zoning and density that is adaptable to market demands and housing needs.
- **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 located within Downtown. The goal of Downtown is to continue to grow and adapt Downtown Colorado Springs as the singular economic and cultural heart of the city and region, consistent with the Experience Downtown Colorado Springs Plan.
- **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-3** – Continue to grow and support Downtown as an inclusive, mixed use, cultural, and economic heart of the region.

HomeCOS

The City of Colorado Springs adopted *HomeCOS*, a comprehensive affordable and attainable housing plan, in 2020. *HomeCOS* addresses the region's housing affordability challenges by analyzing the current housing needs and identifying strategies and tools to increase housing supply. This Plan will create new housing units at affordable rental rates, which directly supports and implements objective 2 in *HomeCOS*, which is to increase the supply of affordable rentals. Specific strategies this Plan supports include:

- **2A** – Create and implement an incentive package that facilitates affordable and attainable housing as infill development
- **2C** – Create public-private partnerships with the business community to increase affordable rental housing

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 Bristow-Lowell URA Plan directly implements the Strategic Plan and the following excerpts are representative of the alignment between the two:

- **3.0 – Building Community and Collaborative Relationships** – Provide strategic City services and community partnerships to improve citizen quality of life by reducing crime, reducing the number of persons experiencing chronic homelessness, increasing affordable housing opportunities, and facilitating community investment.
- **3.15 – Building Community and Collaborative Relationships** – Improve access to a broad range of homeless, affordable, and workforce housing.

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 **Chapter 4** of this Plan, five qualifying conditions of blight were identified in the Study Area of which this Urban Renewal Area is a part. Each of the five 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

Roadway improvements including curbs, sidewalks, and filling potholes will improve the existing street layout and function ability.

(d) Unsanitary or unsafe conditions – Observed and data supported

The private investments and onsite development will eliminate the excessive litter and dumping as well as provide a safe and welcoming environment with enhanced lighting.

(e) Deterioration of site or other improvements - Observed

The development of the Plan Area will remove deteriorated site improvements including curbs, and replace with adequate improvements associated with the site plan and development standards. The Plan Area will be landscaped and maintained appropriately.

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

The Plan Area will be graded and filled as needed to improve drainage, roadway, and pedestrian infrastructure.

(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 vacant and does not generate taxable revenue for the City. 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 Plan Area is for use as affordable housing and related facilities; provided however, the Authority is authorized to approve any uses for the Plan 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 Plan 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 Plan 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. 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**.

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.

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 reasonably 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

URA LOWELL LEGAL DESCRIPTIONS:

PARCEL 1:

BRISTOW HOUSE

LOT 1 AND TRACT A, BRISTOW HOUSE AS RECORDED UNDER RECEPTION NUMBER _____ OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER AND LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 19, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO.

SAID LOT 1 AND TRACT A CONTAIN 5.15 ACRES, MORE OR LESS.

PARCEL 2:

EAST FOUNTAIN BOULEVARD FROM THE EASTERLY RIGHT OF WAY OF SOUTH WEBER STREET TO THE EASTERLY BOUNDARY OF BRISTOW HOUSE:

ALL OF THE RIGHT OF WAY OF EAST FOUNTAIN BOULEVARD LYING BETWEEN THE EASTERLY RIGHT OF WAY OF WEBER STREET AND THE NORTHERLY PROLONGATION OF THE EASTERLY BOUNDARY OF "BRISTOW HOUSE" AS RECORDED UNDER RECEPTION NUMBER _____ OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER, AND LOCATED IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO.

SAID TRACT CONTAINS 1.48 ACRES, MORE OR LESS.

PARCEL 3:

WRITER'S WAY RIGHT OF WAY

ALL THAT PORTION OF WRITERS WAY LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY OF FOUNTAIN BOULEVARD AND NORTHERLY OF THE NORTHEASTERLY BOUNDARY OF LOT 2 IN SAID SUBDIVISION EXTENDED NORTHWESTERLY TO THE RIGHT OF WAY LINE OF WRITERS WAY, "THE LOWELL SUBDIVISION FILING NO. 3" AS RECORDED UNDER RECEPTION NUMBER 208712831 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER, IN THE CITY OF COLORADO SPRINGS,

SAID TRACT CONTAINS 0.37 ACRES, MORE OR LESS.

PARCEL 4:

VICTORIA STREET RIGHT OF WAY

ALL THAT PORTION OF VICTORIA STREET LYING SOUTHERLY OF THE SOUTH RIGHT OF WAY OF FOUNTAIN BOULEVARD AND NORTHERLY OF THE SOUTHWESTERLY BOUNDARY OF LOT 3 EXTENDED NORTHWESTERLY ACROSS VICTORIA STREET AS DEPICTED IN "THE LOWELL SUBDIVISION FILING NO. 3" AS RECORDED UNDER RECEPTION NUMBER 208712831 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER, IN THE CITY OF COLORADO SPRINGS,

SAID TRACT CONTAINS 0.18 ACRES, MORE OR LESS.

PARCEL 5:

THE POETS LOFT SUBDIVISION TRACTS

LOT 2, 3 AND 4 "THE POETS LOFT SUBDIVISION" AS RECORDED UNDER RECEPTION NUMBER 201098615 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER, IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO.

SAD LOTS CONTAIN 1.20 ACRES, MORE OR LESS.

PARCEL 6:
RIGHT OF WAY OF LAS ANIMAS STREET:

ALL THAT PORTION OF THE LAS ANIMAS STREET PUBLIC RIGHT OF WAY AS DEPICTED ON THE RECORDED PLAT OF "THE POETS LOFT SUBDIVISION" AS RECORDED UNDER RECEPTION NUMBER 201098615 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER,

SAID TRACT CONTAINS 0.65 ACRES, MORE OR LESS.

PARCEL 7:

RIGHT OF WAY OF SOUTH WEBER STREET:

ALL OF THAT PUBLIC RIGHT OF WEBER STREET LYING BETWEEN THE NORTHERLY BOUNDARY OF LOT 3 EXTENDED EASTERLY TO THE EASTERLY RIGHT OF WAY LINE OF SAID WEBER STREET AND THE SOUTHERLY RIGHT OF WAY OF FOUNTAIN BOULEVARD ADJACENT TO THE POETS LOFT SUBDIVISION AS RECORDED UNDER RECEPTION NUMBER 201098615 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER AND ADJACENT TO "THE LOWELL SUBDIVISION FILING NO. 7 AS RECORDED UNDER RECEPTION NUMBER 208712765 OF SAID COUNTY RECORDS AND ADJACENT TO THE SOUTH 1/2 OF LOT 10 AND LOT 9, BLOCK 315 IN THE "MAP OF ADDITION NO. 2 TO THE TOWN OF COLORADO SPRINGS AS RECORDED IN PLAT BOOK A AT PAGE 25 EXTENDING SOUTHERLY TO THE SOUTHERLY RIGHT OF WAY OF FOUNTAIN BOULEVARD.

SAID RIGHT OF WAY CONTAINS 1.40 ACRES, MORE OR LESS.

PARCEL 8:

EASTERLY HALF OF NEVADA AVENUE ADJACENT TO LAS ANIMAS STREET AND LOT 2, "THE POET LOFTS SUBDIVISION"

THE EASTERLY ONE-HALF OF THE PUBLIC RIGHT OF NEVADA AVENUE ADJACENT TO LOT 2 AND ADJACENT TO THE PUBLIC RIGHT OF WAY OF LAS ANIMAS STREET AS DEPICTED ON "THE POETS LOFT SUBDIVISION" AS RECORDED UNDER RECEPTION NUMBER 201098615 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER.

SAID TRACT CONTAINS 0.27 ACRES, MORE OR LESS.

PARCEL 9:

REMAINDER PARCEL EAST OF THE BRISTOW HOUSE AND

SOUTH OF FOUNTAIN BOULEVARD

THAT TRACT OF LAND AS DESCRIBED IN INSTRUMENT RECORDED IN BOOK 3377 AT PAGE 543 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER , IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

TOGETHER WITH THAT TRACT OF LAND LOCATED WITHIN THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6th P.M., IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO ,

SAID TRACT IS BOUNDED ON THE NORTH BY THE NORTHERLY RIGHT OF WAY LINE OF FOUNTAIN BOULEVARD;

BOUNDED ON THE EAST BY THE WESTERLY BOUNDARY LINE OF (AND THE NORTHERLY PROLONGATION THEREOF), OF WASHINGTON HEIGHTS ADDITION TO THE CITY OF COLORADO SPRINGS AS RECORDED IN PLAT BOOK E AT PAGE 10 OF SAID COUNTY RECORDS;

BOUNDED ON THE WEST AND SOUTH BY THE BRISTOW HOUSE, A SUBDIVISION IN THE CITY OF COLORADO SPRINGS AS RECORDED UNDER RECEPTION NUMBER _____ OF THE SAID COUNTY RECORDS.

PARCEL 10:

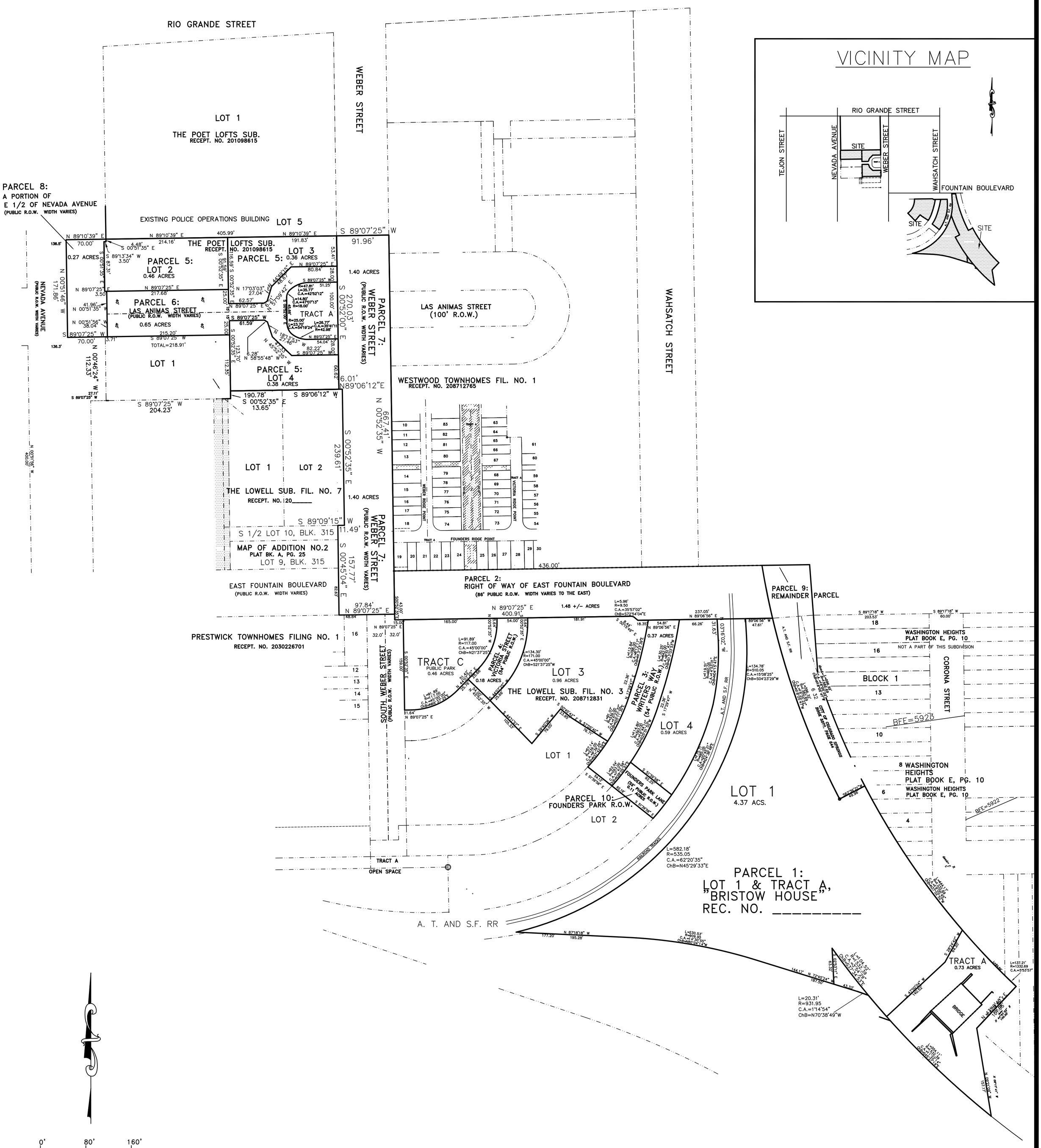
RIGHT OF WAY OF FOUNDERS PARK LANE:

ALL THAT PORTION OF FOUNDERS PARK LANE LYING BETWEEN LOTS 2 AND LOT 4, "THE LOWELL SUBDIVISION FILING NO. 3" AND SOUTHEASTERLY OF THE RIGHT OF WAY OF WRITERS WAY AS RECORDED UNDER RECEPTION NUMBER 208712831 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO CLERK AND RECORDER, IN THE CITY OF COLORADO SPRINGS,

SAID TRACT CONTAINS 0.11 ACRES, MORE OR LESS.

EXHIBIT FOR LEGAL DESCRIPTIONS

THE URBAN RENEWAL AUTHORITY AT THE LOWELL NEIGHBORHOOD
IN THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6th P.M.
IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



0' 80' 160'

SCALE: 1" = 80'

JOB NO.: 40102
JUNE 12, 2024

ROCKY MOUNTAIN LAND SERVICES
4465 NORTHPARK DRIVE, SUITE 303
COLORADO SPRINGS, COLORADO
719-630-0559