

RESOLUTION NO. 24-_____

A RESOLUTION MAKING CERTAIN LEGISLATIVE FINDINGS AND APPROVING THE SOUTH ACADEMY HIGHLANDS 2 URBAN RENEWAL PLAN

WHEREAS, there was presented to the City Council of the City of Fountain (the “City”) a document entitled “South Academy Highlands 2 Conditions Survey” dated May 2024 (the “Conditions Survey”), attached to and made a part hereof as Exhibit A, prepared by the staff of the City and legal counsel to the Fountain Urban Renewal Authority (the “Authority”) which shows that the area (the “Urban Renewal Area”) described in the “South Academy Highlands 2 Urban Renewal Plan,” attached to and made a part hereof as Exhibit B (the “Plan”) qualifies as a “blighted area” as such term is defined in the Act; and

WHEREAS, the Authority has approved the Plan and it is desirable and in the public interest that the Authority undertake redevelopment activities described in the Plan; and

WHEREAS, approval of the Plan will facilitate the elimination and prevention of blighted areas and promote the redevelopment, conservation, and rehabilitation of the Urban Renewal Area; and

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

WHEREAS, on July 9, 2024, the City Council held a public hearing and the Plan was presented and reviewed pursuant to the procedural and notice requirements of 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 (30) days prior to the public hearing; and

WHEREAS, all property owners and tenants of such owners (if any) of the area included in the Plan have waived in writing notice of the public hearing and consent to its inclusion in the Urban Renewal Area; and

WHEREAS, there are no business owners or residents in the proposed Urban Renewal Area; and

WHEREAS, the Fountain Planning Commission found that the Plan is in conformance with the City of Fountain Comprehensive Development Plan 2005, as amended (the “Comprehensive Plan”), which is the general plan for the development of the City as a whole; and

WHEREAS, no parcels of land in the Urban Renewal Area have been classified as agricultural land for purposes of the levying and collection of property taxes during the five-year period prior to the effective date of this resolution; and

WHEREAS, the Fountain Urban Renewal Authority has reviewed the Plan and recommended its adoption and approval by the City Council; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO, AS FOLLOWS:

Section 1. As shown in the Conditions Survey, attached to and made a part hereof as Exhibit A and listed in the Plan, which Plan is attached to and made a part hereof as Exhibit B, there are five factors constituting a “blighted area” as defined in the Act that exist in the Urban Renewal Area described in the Plan, and such Urban Renewal Area, in its present condition and use, substantially impairs or arrests the sound growth of the municipality or constitutes an economic or social liability, and is a menace to public health, safety, morals, or welfare. 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 the City Council.

Section 2. No parcels of the land within the Urban Renewal Area have been classified by the County Assessor as agricultural land for the purposes of levying and collecting property taxes during the five-year period prior to the effective date of this resolution.

Section 3. The boundaries of the Urban Renewal Area have been redrawn as narrowly as the City Council determines feasible to accomplish the planning and development objectives of the Plan.

Section 4. The City Council finds that the Plan is in conformity with the Comprehensive Plan, which is the general plan of the City as a whole.

Section 5. The purpose of the Plan is to arrest or eliminate the conditions of blight that exist in the Area and is undertaken without regard for the economic performance of the properties or for economic development or the enhancement of tax revenues.

Section 6. There are no individuals and families residing in the Urban Renewal Area. Therefore, it is not intended or expected that the Plan will cause the relocation of individuals and families, but, if any such relocation becomes necessary, a feasible method exists for the relocation of individuals and families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such individuals and families.

Section 7. It is not intended or expected that the Plan will cause the relocation of any business concerns, but if any such relocation becomes necessary, the Authority shall provide a feasible method 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 8. Harrison School District No. 2 has been contacted and informed that the Urban Renewal Area does not include any residential uses and that no ad valorem property taxes will be allocated and paid to the Authority by the Plan.

Section 9. The owners of property in the Urban Renewal Area have waived written notice of public hearing and agreed in writing to approval of inclusion of the Urban Renewal Area in the Plan. There are no tenants of such owner, owners of business concerns, or residents in the Urban Renewal Area

Section 10. 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 11. 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 12. Other provisions of the Act with respect to property tax allocation requirements, including Sections 31-25-107(3.5) and (4)(h) of the Act do not apply because no property taxes will be allocated to and paid to the Authority by the Plan.

Section 13. 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 14. The Area is to be developed with nonresidential uses necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and City objectives. No land acquisition is contemplated by the Authority pursuant to the Plan. However, if for any reason, the Authority acquires property in the Urban Renewal Area, the City and the Authority shall first comply with the applicable provisions of the Act.

Section 15. The Plan does not authorize allocation of property tax revenues produced by the levy of taxing entities that levy property taxes in the Urban Renewal Area.

Section 16. The Plan has been duly reviewed and considered and is hereby approved and adopted. The Authority is hereby authorized to take any and all actions pursuant to the Act to carry out the Plan.

ADOPTED this ____ day of _____, 2024.

CITY OF FOUNTAIN, COLORADO

ATTEST:

By _____
Mayor

By _____
City Clerk

EXHIBIT A
Attach South Academy Heights 2 Conditions Survey

EXHIBIT B
(Attach South Academy Heights 2 Urban Renewal Plan)