



**City of Aurora  
COUNCIL AGENDA COMMENTARY**

Item #: 10b  
 SS: \_\_\_\_\_  
 1st: \_\_\_\_\_  
 2nd: \_\_\_\_\_

<b>Item Title:</b> Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, ordering that a public hearing be conducted regarding the designation of property comprising the proposed Aurora Conference Center Urban Renewal Area as appropriate for Urban Renewal and the Adoption of an Urban Renewal Plan for the Redevelopment of such property.
<b>Policy Committee/Other Reviews (i.e. Boards and Commissions):</b>
<b>Item Initiator:</b> Andrea Amonick, Development Services Manager
<b>Staff Source:</b> Andrea Amonick, Development Services Manager
<b>City Manager/Deputy City Manager Signature:</b> George Noe

**ACTIONS(S) PROPOSED** *(Check all appropriate actions)*

- Approve Item as proposed at Study Session
- Approve Item and Move Forward at Study Session
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration
- Information Only

**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Gaylord Entertainment is a national developer with expertise and extensive experience in development of conference centers and related hotels and amenities nationwide and has identified land located within the City of Aurora as a potential location for its next state-of-the-art conference facility. The project is expected to initially include an approximately 1,500 room hotel and a conference center consisting of approximately 350,000-400,000 gross square feet of meeting space. It is anticipated that the successful development of this project will provide substantial direct and indirect benefits to the City, its citizens and the surrounding region and enhance the economic vitality of the City.

**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

In order to construct and/or incent the construction of the public conference center, hotel, and related improvements, Gaylord has requested that the City create an urban renewal area and adopt an urban renewal plan authorizing the use of tax increment financing to incent the construction of the project. At Gaylord's election, tax increment revenues may be used to help finance the construction of the conference center through the issuance of tax-exempt bonds by the Aurora Urban Renewal Authority. Such bonds would be paid from tax increment revenues, including all property taxes levied within the proposed urban renewal area, City sales, lodger's, and construction material use taxes, and enhanced lodger's taxes and sales taxes on admissions. In addition, Gaylord has requested that the City apply to the State of Colorado for designation of the hotel and public conference center as a regional tourism project and for authorization to use the state sales tax increment to help finance its construction. It is proposed that the Aurora Urban Renewal Authority will act as the financing entity for the regional tourism project.

The City has engaged a third-party consultant, Ricker/Cunningham, to prepare a conditions survey of the proposed urban renewal area, which has identified six factors of blight with the area. A copy of this study is attached for Council's review and consideration. City staff has been directed to prepare an Urban Renewal Plan for the proposed urban renewal area. Upon its completion, such plan will be reviewed and

approved by the City Manager, filed in the Office of the City Clerk, and made available for public inspection.

**KEY ISSUES**

In order to proceed with the designation of the proposed area as a blighted area and the adoption of a plan to remedy such blight, the City Council will need to:

- 1) Refer the proposed Urban Renewal Plan to Planning Commission for review and comment.
- 2) Submit the proposed Urban Renewal Plan and associated urban renewal impact report to the Adams County Board of Commissioners.
- 3) Hold a public hearing, make a determination of blight, and formally adopt the Urban Renewal Plan.

In addition, because the proposed Urban Renewal Area consists entirely of property that is considered agricultural land under the Urban Renewal Law, letters consenting to the creation of the area will be required from all the taxing jurisdictions of record within the area as a prerequisite to approval of the Plan.

**LEGAL COMMENTS**

An urban renewal authority shall not undertake an urban renewal project for an urban renewal area unless, based on evidence presented at a public hearing, the governing body of the municipality in which the authority is located has determined such area to be a blighted area and designated such area as appropriate for an urban renewal project. § 31-25-107(1), C.R.S. Once an area is determined to be a blighted area and is designated as appropriate for urban renewal, the governing body of the municipality shall hold a public hearing on the adoption of an urban renewal plan for the redevelopment of such area. § 31-25-107(3), C.R.S. No area that has been designated as an urban renewal area shall contain any agricultural land unless each public body that levies an ad valorem property tax on such land agrees in writing to its inclusion within the urban renewal area. § 31-25-107(1)(c)(II)(D), C.R.S.

Any motion to approve this resolution shall include a waiver of reconsideration. (Hyman)  
Bob Rogers

**PUBLIC FINANCIAL IMPACT** *(If Yes, EXPLAIN)*

Yes                       No

The Urban Renewal Plan being considered proposes establishing one tax increment financing (TIF) area for the project. Revenues generated in this area, above a specific base, will be available to AURA to support the urban renewal project as identified in the Urban Renewal Plan. These revenues could be spent directly by AURA or be pledged to the developer in support of eligible public improvements. Revenues to AURA from the TIF area will be comprised of 100% of incremental property, sales, lodger's, OPT, and materials use taxes above what is currently generated in these areas. The TIF revenues will include incremental property taxes from all taxing jurisdictions in the area, including Adams County and the Brighton Public School District. The actual incentive amount will be based on the performance of the TIF and the incremental revenues generated.

**PRIVATE FISCAL IMPACT** *(If Significant or Nominal, EXPLAIN)*

Not Applicable     Significant                       Nominal

Use of tax increment financing as proposed in the Urban Renewal Plan could, at the discretion of AURA, offset development costs related to the urban renewal project. Significant private investment is expected to occur as a result of the public improvements.

**EXHIBITS ATTACHED:**

Resolution setting public hearing

RESOLUTION NO. 2011 - \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ORDERING THAT A PUBLIC HEARING BE CONDUCTED REGARDING THE DESIGNATION OF PROPERTY COMPRISING THE PROPOSED AURORA CONFERENCE CENTER URBAN RENEWAL AREA AS APPROPRIATE FOR URBAN RENEWAL AND THE ADOPTION OF AN URBAN RENEWAL PLAN FOR THE REDEVELOPMENT OF SUCH PROPERTY

WHEREAS, the Aurora Urban Renewal Authority (the "Authority") has been duly organized and is validly existing as a Colorado urban renewal authority in the City of Aurora, Colorado (the "City"), under Part 1 of Article 25 of Title 31, C.R.S., as amended (the "Urban Renewal Law"); and

WHEREAS, pursuant to Section 31-25-107(1), C.R.S., the Authority shall not undertake an urban renewal project for an urban renewal area within the City unless, based on evidence presented at a public hearing, the City Council of the City (the "Council") has determined such area to be a blighted area and designated such area as appropriate for an urban renewal project; and

WHEREAS, the property comprising the proposed Aurora Conference Center Urban Renewal Area is located within the boundaries of the City on property more particularly described in the map and legal description attached to and incorporated in this resolution (the "Resolution") as Exhibit "A" (the "Area"); and

WHEREAS, Gaylord Entertainment Company, a corporation organized and existing under the laws of the State of Delaware (the "Developer"), has proposed that the Area be developed as a state-of-the-art conference facility, which is expected to initially include an approximately 1,500 room hotel and a conference center consisting of approximately 350,000-400,000 gross square feet of meeting space (inclusive of pre-function and public circulation space) (the "Project"); and

WHEREAS, the Developer has requested that the City consider the designation of a new urban renewal area and the adoption of a new urban renewal plan that would allow for the Authority to use tax increment revenues for the Project over an extended period of time; and

WHEREAS, the Developer has represented that the Project, as herein described, which may be enhanced or expanded from time to time, will eliminate the blighted character of the Area by creating new temporary and permanent jobs and increasing the City's employment base, establishing the City as a resort destination for both national and international visitors, generating increased sales tax, property tax, and other general revenue for the City, and stimulating further economic development in the City; and

WHEREAS, the City has caused the preparation of a blight study of the Area, which study notes the presence of the following blight factors:

- (a) Predominance of an inadequate street layout;
- (b) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (c) Unsafe or unsanitary conditions;
- (d) Inadequate public improvements or utilities;
- (e) Existence of conditions that endanger life or property by fire or other causes; and
- (f) The substantial physical underutilization or vacancy of sites, buildings, or other improvements; and

WHEREAS, the City has also requested that staff prepare a proposed Aurora Conference Center Urban Renewal Plan (the "Plan") which, if adopted by the City, will enable the Authority to undertake urban renewal projects that may facilitate the successful construction and operation of the Project; and

WHEREAS, the Plan will contain a provision authorizing the allocation of property taxes and City sales, lodger's, construction material use, and occupational privilege taxes levied and collected within the Area for the payment of obligations incurred by the Authority with respect to the Project; and

WHEREAS, the Council finds and determines that it is in the best interests of its citizens to take all actions necessary to:

- (a) Declare the Area a blighted area and designate the Area as appropriate for urban renewal; and
- (b) Adopt the Plan for the redevelopment of the Area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The Council orders that a public hearing be held at the City Council Chambers, Aurora Municipal Center, 15151 East Alameda Parkway, Aurora, Colorado on Monday, August 22, 2011, at the hour of 7:30 p.m., on or as soon thereafter as possible, on the following matters:

- (a) Whether the Area is a blighted area within the meaning of the Urban Renewal Law and is thus appropriate for an urban renewal project;

- (b) Whether the proposed Plan for the shall be approved; and
- (c) Whether the proposed Plan shall contain a provision authorizing the allocation of incremental property taxes, and incremental City sales, lodger's, occupational privilege, and construction material use taxes levied and collected within the Area for the payment of obligations incurred by the Aurora Urban Renewal Authority.

Section 2. The Council directs that notice of the public hearing be given by publication in the June 30, 2011 edition of the *Aurora Sentinel*. The form of this notice shall be substantially as presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution. The Council further directs that written notice of the public hearing be provided, as appropriate, to all property owners, residents, and owners of business concerns in the proposed Area at their last known address of record.

Section 3. The Council directs that, upon its completion, the proposed Plan be reviewed by the City Manager. If, in the opinion of the City Manager, the Plan will enable the Authority to undertake urban renewal projects that may facilitate the successful construction and operation of the Project in accordance with the intent of this Resolution, he shall issue his certificate to that effect and file the Plan with the Office of the City Clerk. Such filing shall occur by no later than June 30, 2011.

Section 4. The Council directs that the proposed Plan be submitted to the Planning Commission in accordance with the requirements of Section 31-25-107(2), C.R.S., for review and recommendations as to their conformity with the general plan for the development of the City as a whole. The Planning Commission shall submit its written recommendations, if any, to the Council within thirty (30) days after receipt for review.

Section 5. In accordance with the requirements of Section 31-25-107(3.5)(a), C.R.S., the Council directs that the proposed Plan and the associated urban renewal impact report be submitted to Board of County Commissioners of Adams County. The form of each such plan and report shall be substantially as presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

Section 6. Because the proposed Area consists entirely of agricultural land within the meaning of Section 31-25-107(1)(c)(II)(D), C.R.S., the Council directs that written consent to the creation of the Area be secured from each public body that levies an ad valorem property tax on such land prior to the date scheduled for the public hearing.

Section 7. All resolutions or parts of resolutions of the Council in conflict herewith are expressly rescinded.

Section 8. Any reconsideration of this Resolution is hereby waived. This Resolution shall take effect and be in full force immediately after its adoption by the Council.

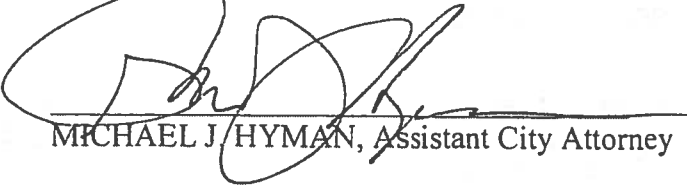
RESOLVED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_,  
2011.

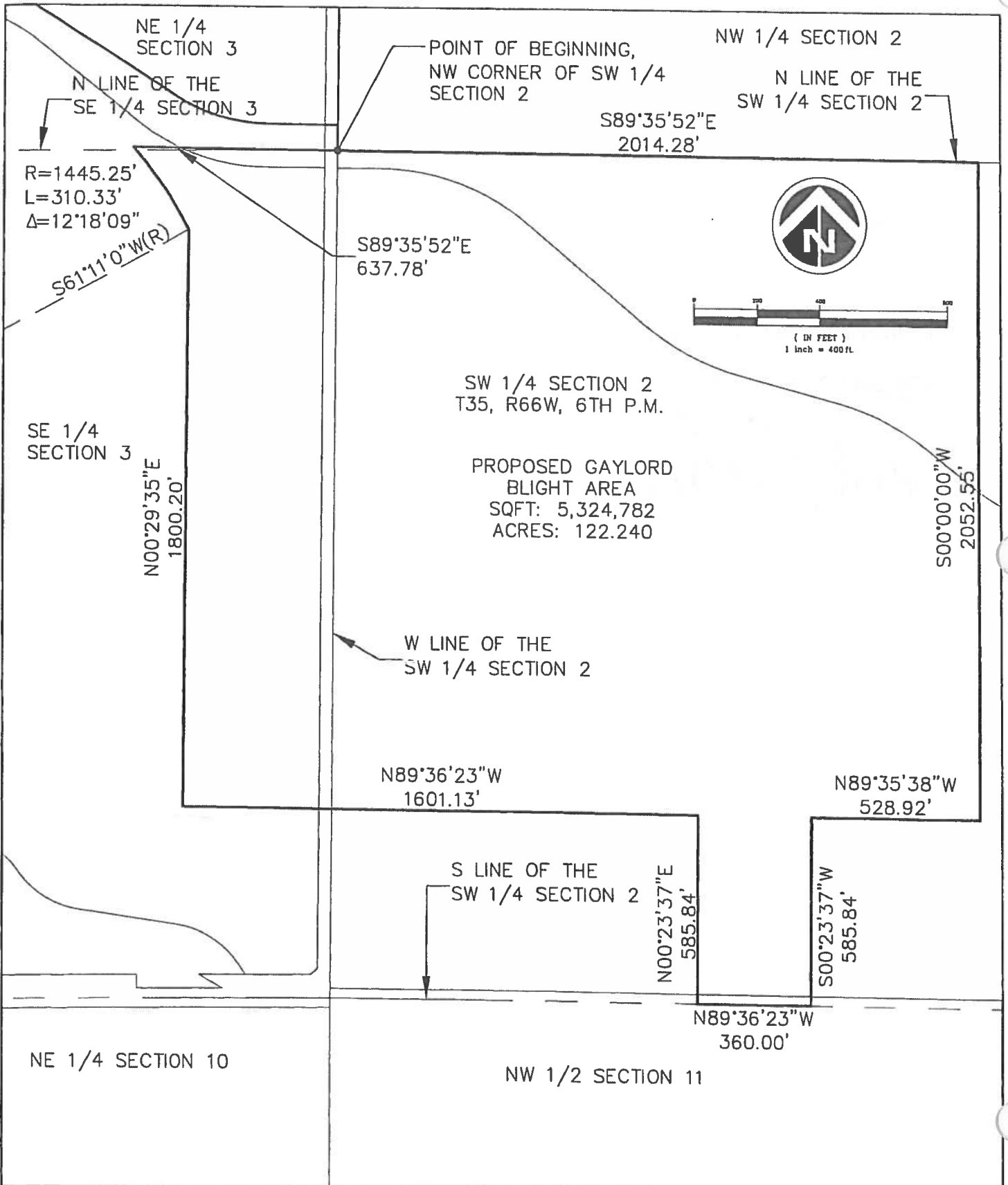
\_\_\_\_\_  
EDWARD J. TAUER, Mayor

ATTEST:

\_\_\_\_\_  
DEBRA JOHNSON, City Clerk

APPROVED AS TO FORM:

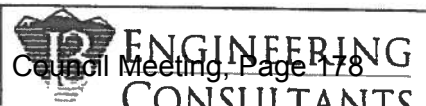
  
\_\_\_\_\_  
MICHAEL J. HYMAN, Assistant City Attorney



Project Number:	Drawn By:
08400101	ACE
Designed By:	Checked By:
JAM	JDM

# GAYLORD

June 20, 2011



Council Meeting, Page 178

**LEGAL DESCRIPTION  
BLIGHT AREA**

**BEING A PARCEL OF LAND SITUATED WITHIN A PORTION OF THE SOUTHWEST 1/4 OF SECTION 2 AND THE EAST 1/2 OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 2;**

**THENCE S 89°35'52" E ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 2, A DISTANCE OF 2014.28 FEET;**

**THENCE S 00°00'00" W, A DISTANCE OF 2052.55 FEET;**

**THENCE N 89°35'38" W, A DISTANCE OF 528.92 FEET;**

**THENCE S 00°23'37" W, A DISTANCE OF 585.84 FEET TO THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 2;**

**THENCE N 89°36'23" W ALONG SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 2, A DISTANCE OF 360.00 FEET;**

**THENCE N 00°23'37" E, A DISTANCE OF 585.84 FEET;**

**THENCE N 89°36'23" W, A DISTANCE OF 1601.13 FEET;**

**THENCE N 00°29'35" E, A DISTANCE OF 1800.20 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1445.25 FEET, FROM WHICH A RADIAL LINE BEARS S 61°11'01" W ;**

**THENCE NORTHWESTERLY ALONG SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 12°18'09", AN ARC LENGTH OF 310.32 FEET;**

**THENCE S 89°35'52" E, A DISTANCE OF 637.79 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 2 AND THE POINT OF BEGINNING.**

**CONTAINING 5,324,782 SQUARE FEET OR 122.240 ACRES, MORE OR LESS.**

**AS SHOWN ON SHEET 2 OF 2, ATTACHED HERETO, MADE A PART HEREOF.**



**EXHIBIT ONE**

**AURORA CONFERENCE CENTER AREA CONDITIONS  
SURVEY**



Ricker Cunningham

# **Aurora Conference Center Area**

## **Conditions Survey**

Aurora, Colorado

Surveyed and Submitted June 2011

**Prepared for:**

Aurora Urban Renewal Authority (AURA)  
Aurora City Council

**Prepared by:**

RickerCunningham  
8200 South Quebec Street, Suite A3-104  
Centennial, CO 80112

303.458.5800 phone  
303.458.5420 fax

[www.rickercunningham.com](http://www.rickercunningham.com)



# Aurora Conference Center Area Conditions Survey

City of Aurora, Colorado

## 1.0 Introduction

The following report, the *Aurora Conference Center Area Conditions Survey* was prepared for the Aurora Urban Renewal Authority and Aurora City Council in June 2011. The purpose of this work was to analyze conditions within a defined Survey Area (also referred to here as "the Area") located within the City of Aurora, Colorado and Adams County, Colorado, in order to determine whether factors contributing to blight are present and whether it is, therefore, eligible as an urban renewal area under the provisions of the Colorado Urban Renewal Law.

The Area includes portions of four parcels situated in the northeast quadrant of East 64<sup>th</sup> Avenue and North Himalaya Road. See Figure 1 on the following page. All property owners of record (LNR CPI High Point) were notified that the Survey was being conducted.

This *Aurora Conference Center Area Conditions Survey* represents a necessary step in the determination of blight and establishment of an urban renewal area with the intent of addressing the problems outlined herein. As such, it is also an important step in advancing community goals set out in the City's comprehensive planning documents specifically related to infill development and property reinvestment.

Establishment of an urban renewal area, after a declaration of blight, will allow the City of Aurora, through its urban renewal authority, to use designated powers to assist in the mitigation of blighting conditions on properties and improvement of infrastructure within its boundaries.

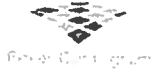
Figure 1: Survey Area



## 2.0 Definition of Blight

A determination of blight is a cumulative conclusion based on the presence of several physical, environmental, and social factors defined by state law. Indeed, blight is often attributable to a multiplicity of conditions, which, in combination, tend to contribute to the phenomenon of deterioration of an area. For purposes of this Survey, the definition of a blighted area is based upon the definition articulated in the Colorado Urban Renewal Law, 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 non-marketable;*
- (h) The existence of conditions that endanger life or property by fire or other causes;*
- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, 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, buildings, or other improvements;*
- (l) If there is no objection of such 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 (1), 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.*

Source: Colorado Revised Statute 31-25-103(2).



While the conclusion of whether an area constitutes a legally “blighted area” is a determination left to municipal legislative bodies, this Survey provides a detailed documentation of the aforementioned physical, environmental and social factors as they exist within the boundaries defined herein. Note: It is not legally necessary for every factor to be present in an area in order for it to be considered “blighted”. In addition, a given factor need not be present on each and every parcel or building to be counted, but must be found somewhere in the area as a whole. In other words, the presence of one or more well-maintained, non-blighted buildings or parcels does not necessarily preclude a finding of blight for a larger area in which blighting factors are present elsewhere<sup>1</sup>. Rather, an area qualifies as blighted when *four* or more factors are present (or *five* factors, in cases where the use of eminent domain is anticipated). As explained in item (I) above, this threshold may be reduced to the presence of *one* blighting factor in cases where no property owners in the area object to inclusion in an urban renewal area. Whereas all of the parcels in the Gaylord West Survey Area are owned by LNR CPI High Point. , and they do not object to inclusion in an urban renewal area, only one condition need be present. As you will see herein, regardless of this lower threshold for eligibility, six conditions were found in the Area.

With this understanding, the *Aurora Conference Center Area Conditions Survey* presents an overview of factors within the Area sufficient to make a determination of blight. The “Summary of Findings” (below) provides conclusions regarding the presence of qualifying conditions in the Area; however, the Aurora City Council will make a final determination as to whether the Survey Area constitutes a “blighted area” under Colorado Urban Renewal Law.

---

<sup>1</sup> While not clearly addressed in Colorado Urban Renewal law, this interpretation has been favored by the courts.



### 3.0 Study Methodology

RickerCunningham personnel conducted field investigations in June of 2011 for the purpose of documenting conditions within the categories of blight shown above. Pertinent Geographic Information Systems (GIS) data from the Adams County Assessor and City of Aurora were also obtained and subsequently analyzed. Finally, discussions with City of Aurora staff and AURA representatives were conducted and collectively the results of these efforts are discussed herein.

Whereas the 11 factors listed in the Urban Renewal Law (see Section 2.0 of this report) contain few specific details or quantitative benchmarks to guide the conditions survey process, RickerCunningham has developed a checklist of more specific categories of blighting conditions within each statutory factor to aid in the identification and characterization of blight factors. This checklist has been used in over 40 urban renewal conditions surveys for dozens of municipalities across Colorado and the Rocky Mountain West.

#### (a) Slum, deteriorated, or deteriorating structures

This factor is said to be present when the physical condition of structures in the area present specific life-safety concerns. Sub-categories include:

- Roof deterioration/damage
- Wall, fascia board and soffit deterioration/damage
- Foundation problems (can also be inferred from subsidence)
- Gutter/downspouts: deterioration or absence
- Exterior finish deterioration (i.e. peeling or badly faded paint, crumbling stucco, cracked masonry, etc.)
- Window and/or door deterioration/damage
- Stairway/fire escape deterioration/damage



- Mechanical equipment (problems with or damage to major mechanical elements of primary structure)
- Loading areas: damage/deterioration
- Fence/wall/gate damage or deterioration
- Other structures: deterioration to significant non-primary structures

**(b) Predominance of defective or inadequate street layout**

This factor is said to be present when the layout (or non-existence) of streets or roads creates problems impacting health, safety, welfare or sound development.

Sub-categories include:

- Vehicular access: ingress and/or egress options for automobile traffic are unsafe or significantly inconvenient for visitor or customers
- Internal circulation: non-public, internal roadways or driveways are unsafe, significantly inconvenient or present safety problems relative to their interaction with public roads
- Driveway definitions/curb cuts: unsafe or significantly inconvenient
- Parking layout substandard: causing safety or access problems
- Traffic accident history: (when data is available), disproportionate share of reported vehicular accidents

**(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness**

This factor is said to be present when lot size or configuration inhibits or is likely to inhibit sound development. Sub-categories include:

- Faulty lot shape or layout: narrow, triangular, split, and other shapes incompatible with most land uses. Can include parcels that are blocked from direct vehicular access by other parcels.



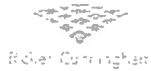


- Vehicular access unsafe or significantly inconvenient. Because access involves the interplay between lots and roadways, parcels with poor access are usually found to have both category (b) and (c) present.
- Inadequate lot size. This can depend on the context (i.e. downtown and/or historical environments can often develop successfully with smaller lots, whereas suburban locales are expected to have larger parcels available for development)

**(d) Unsanitary or unsafe conditions**

This factor is said to be present when safety hazards and conditions are likely to have adverse effects on the health or welfare of persons in the area due to problems with a lack of infrastructure. Sub-categories include:

- Poorly lit or unlit areas
- Cracked or uneven sidewalks
- Hazardous contaminants
- Poor drainage
- Flood hazard: substantially within a 100-yr floodplain, according to FEMA
- Grading/steep slopes: terrain that presents a safety hazard due
- Unscreened trash or mechanical equipment: openly accessible dumpsters (note: this is scored as a safety problem under this statutory factor even if not a municipal code violation) or potentially dangerous mechanical equipment
- Pedestrian safety issues: often related to other blight factors, this sub-category is present when pedestrian and cyclists face a clear danger from sidewalk problems, lack of crosswalks/crossing lights, fast-moving traffic, etc.
- High crime incidence: (when data available), usually defined as an area with a disproportionate share of police calls for service
- Vagrants/vandalism/graffiti: while usually not a direct safety threat, can be indicative of unsafe urban environments



**(e) Deterioration of site or other improvements**

This factor is related to factor (a), and said to be present when land and/or structures have been either damaged or neglected. Sub-categories include:

- Signage problems: deteriorating, damaged
- Neglected or poorly maintained properties
- Trash/Debris/Weeds
- Parking surface deterioration/damage
- Lack of landscaping: reserved for properties with an expectation of landscaping (due to zoning or context) but with none (or landscaping that has become neglected)

**(f) Unusual topography or inadequate public improvements or utilities**

This factor represents the combination of two formerly separate factors. To that end, it is said to be present when the topography is incompatible with development (hilly, sloped, etc.) or properties are lacking complete public infrastructure. Sub-categories include:

- Slopes or unusual terrain
- Street pavement deterioration or absence
- Curb and gutter deterioration or absence
- Street lighting inadequate, damaged or missing
- Overhead utilities in place (considered obsolete relative to underground utilities)
- Lack of sidewalks (or significant damage)
- Water/Sewer service: missing or in need of repair/replacement
- Storm sewer/drainage missing or damaged



**(g) Defective or unusual conditions of title rendering the title non-marketable**

This factor is said to be present when there are problems with the marketability of property titles, including unusual restrictions, unclear ownership, etc. Due to the expense of title searches, this blight factor is typically not examined unless developers or land owners provide documentation of known problematic title issues. (No sub-categories).

**(h) The existence of conditions that endanger life or property by fire or other causes**

This factor is said to be present when site and / or building maintenance or use issues exist that may threaten site users. This factor also includes potential threats from fire or other causes. Sub-categories include:

- Fire safety problems: identified through fire code violation data (where available), discussions with fire department personnel, or evidence of recent fires
- Hazardous contaminants: an "other cause" posing danger to life/property
- High crime incidence (note: included in other factors)
- Floodplain/flood hazard (note: included in other factors)

**(i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, deterioration, defective design, physical construction, or faulty or inadequate facilities**

This factor is said to be present when primary improvements, specifically those described in the context of factors (a) and (d) above, as well as property, poses a danger to the extent that habitation and/or daily use is considered unsafe. Sub-categories include:



- Hazardous contaminants
- High crime index
- Building/facilities unsafe: this determination is best made through interior inspection but can be obvious with outside observation in some cases.

**(j) Environmental contamination of buildings or property**

This factor is said to be present when there exist threats from chemical or biological contamination. Unlike category (i) above, this factor can be said to exist even when such contamination does not pose a direct health hazard, so long as it causes other problems (i.e. inhibits development). Sub-categories include:

- Hazardous contaminants

**(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**

This factor is said to be present when properties or their improvements are underutilization; or, there is a disproportionate amount of public service being provided. For instance, properties generating frequent calls for police, code enforcement or fire service and therefore, requiring more than their share of municipal services. Sub-categories include:

- High fire call volume
- High crime incidence (reflected in police calls for service)
- Site underutilization (vacant land or buildings more than approx. 20 percent vacant)



Note: Although each of the Area's four legal parcels was observed in the field for this Survey, the findings presented here generally consider the assemblage as a whole, given the singular ownership and lack of meaningful physical divisions among parcels.

#### 4.0 Survey Area Facts

The overall Survey Area consists of portions of four parcels of land owned by LNR CPI High Point. The North Himalaya Road right-of-way bisects the Area (from north to south) and the West Fork of Second Creek traverses the Survey Area from northwest to southeast. The Survey Area portion of the ownership parcels comprises approximately 125 acres.

Table 1: Survey Area Parcels

Map ID No.	Parcel No.	City	Owner Name	Property Type	Land Area (Acres)
1	182102300001	Aurora	LNR CPI High Point LLC	Agricultural	40.6
2	182101300001	Aurora	LNR CPI High Point LLC	Agricultural	176.4
3	182103100002	Aurora	LNR CPI High Point LLC	Agricultural	13.8
4	182103400008	Aurora	LNR CPI High Point LLC	Agricultural	121.2

#### 5.0 Summary of Findings

The presence of blight that "...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..." [Colorado Revised Statute 31-25-103(2)]

It is the conclusion of this Survey that, within the Area described in this report, there are adverse physical conditions sufficient to meet criteria established in the Statute as "blighting factors." As described herein, there are 6 of 11 blight factors present including: 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; f) unusual topography or inadequate public improvements or utilities; h) existence of conditions that endanger life or property by fire or other causes; and, k.5) 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.

Whereas the Area is entirely comprised of vacant land, there are no factors related to structural deterioration. However, lot and street layout problems, inadequate provisions for pedestrian safety, and inadequate public improvements, together with obvious site underutilization could lead the legislative body to a finding that the Area is blighted. Six of the 11 possible qualifying blight factors specified by the law were found to at least some extent in the Area as a whole (all of which were also found to be present and significant in terms of their potential to negatively impact welfare, safety and development potential) , each of which is described in detail in the discussion that follows. Note: Ricker/Cunningham did not perform a title search on any properties within the Area; therefore, factor g (*defective or unusual title rendering property unmarketable*) was not identified.

**(b) Predominance of defective or inadequate street layout**

The Survey Area has a street layout that, in its current state, is a significant deterrent to development. As reported by City of Aurora staff, roadways in the vicinity of the Survey Area are generally lacking paved improvements. The existing end of pavement on 64<sup>th</sup> Avenue is at Fundy Street, located to the east of the Survey Area. There is no other paved approach from the east. The nearest complete roadway with a north-south orientation is Dunkirk Street, located to the west of the Area. In order to create a maintainable, urban roadway system, roadways including curb, gutter and sidewalks will need to be constructed prior to any significant development. In addition, traffic signals that do not exist today will be required at future arterial intersections when signal



warrants are met. Any major roads connecting to the arterial grid will require that traffic signals be positioned in a manner that supports an efficient traffic progression of the arterial roadway network.

Finally, whereas no roads cross the interior of the Survey Area, both north-south and east-west traffic must rely on collector roads along its perimeter, which in some instances do not exist and in other instances are unpaved. The following sub-categories of factor (b) were found in the Survey Area:

- Vehicular access: ingress and/or egress options for automobile traffic are significantly inconvenient for visitor or customers
- Internal circulation: non-public, internal roadways are absent

**(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness**

Because poor vehicular access is also a characteristic of faulty lots, the Area suffers from this blight factor for the reasons explained under (b), above. Parcel 3, located in the northwest quadrant of North Himalaya Road and the West Fork of Second Creek, although part of a larger parcel and ownership, by itself is too small for stand-alone development. Because it is under a consolidated ownership (LVR CPI High Point) it is unlikely that its inadequate size will significantly impact the Area's development potential; however, the use of Tax Increment Financing (TIF) revenues may be limited to the portion of the parcel located within the Survey Area boundaries. Exceptions to this rule apply to public improvements located outside the Area that directly impact parcels within the Survey Area.

Although factor (c) can be said to exist when vehicular access is poor, a condition already shown to be present under factor (b) above, problems seen here are more indicative of faulty streets as opposed to faulty lots. Therefore,



lot accessibility problems due to lot layout are considered present. The following sub-categories of factor (c) were found in the Survey Area:

- Vehicular access unsafe or significantly inconvenient
- Inadequate lot size (Parcel 3)

**(d) Unsanitary or unsafe conditions**

As explained under (b) above, roadways in the Survey Area are lacking paved roadway improvements including curb, gutter, sidewalks and lighting, making the Area unsafe for pedestrians. The following sub-categories of factor (d) were found in the Survey Area:

- Poorly lit or unlit areas
- Pedestrian safety issues: often related to other blight factors, this sub-category is present when pedestrian and cyclists face a clear danger from sidewalk problems, lack of crosswalks/crossing lights, fast-moving traffic, etc.

**(f) Unusual topography or inadequate public improvements or utilities**

The topography of the Survey Area is generally flat or gently rolling and should not present safety hazards or any significant barrier to development. However, certain public improvements and utilities are lacking. There are no sidewalks, street lighting, curb and gutter, or on-site provisions for storm drainage. Storm drainage inlets and storm sewers out-falling to the West Fork of Second Creek are needed, but are not present. In addition, a culvert or bridge is needed at the intersection of East 64<sup>th</sup> Avenue and North Himalaya Road. Although water and sewer are available in the vicinity of the Survey Area, existing inadequacies





constitute a substantial deterrent to development within the boundaries of the Area. The following sub-categories of factor (f) were found in the Survey Area:

- Street pavement deterioration or absence
- Curb and gutter absence
- Street lighting inadequate or missing
- Lack of sidewalks
- Storm sewer / drainage absent

**(h) The existence of conditions that endanger life or property by fire or other causes**

The West Fork of Second Creek traverses the Survey Area and is identified as a major drainageway based on criteria established by the Urban Drainage and Flood Control District and City of Aurora. Approved drainage planning documents have proposed channelization and control of the West Fork of Second Creek. Improvements associated with this proposal do not currently exist.

Regarding potential impacts from flooding, the Creek is not currently a regulated floodplain mapped by FEMA. However, as properties within the Area urbanize, they may be incorporated by FEMA as a regulated floodplain. Note: As established by the Aurora City Code, development plans and building permits are reviewed to verify that new development is protected from a 100-year flood regardless of whether a potential flooding source is designated as a regulatory floodplain.

While flooding is not a known condition potentially impacting the Area, parcels in the Survey Area do suffer from potentially significant delays from emergency responders. The Aurora Fire Department adopted the standard set forth by the



Insurance Services Office (ISO), which requires a fire station within five miles of concentrated residential and non-residential developments. Parcels within the Survey Area fall outside of this five mile radius. Additionally, water supply (and flow) is currently inadequate to serve future improvements and there are no fire hydrants on North Himalaya Road, only along East 64<sup>th</sup> Avenue. Finally, the Area is at risk from uncontrolled growth of vegetation which reportedly could increase the fire threat to nearby structures. The following sub-category of factor (h) was found in the Survey Area:

- Fire safety problems: identified through fire code violation data (where available), discussions with fire department personnel, or evidence of recent fires

**(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**

The Survey Area does not generate substantial calls for municipal services largely because of its physical vacancy. However, whereas all of the parcels that comprise the Area are unimproved, there is clearly “underutilization or vacancy of sites.” The following sub-category of factor (k.5) was found in the Survey Area:

- Site underutilization (vacant land or buildings more than 20 percent vacant)

#### **Summary of Factors**

Table 2 summarizes the findings across all surveyed parcels. As shown, *six* factors of the 11 total possible factors were found, to some extent, within the Survey Area. In this



case, all six factors (as discussed earlier) were present to a degree that appeared likely to have a significantly negative impact on safety, welfare and/or sound development.

**Table 2**  
**Aurora Conference Center Area Conditions Survey - Summary of Findings**

<b>Blight Qualifying Factor</b>	<b>Present</b>
<i>(a)</i>	
<i>(b)</i>	X
<i>(c)</i>	X
<i>(d)</i>	X
<i>(e)</i>	
<i>(f)</i>	X
<i>(g)</i>	n/a
<i>(h)</i>	X
<i>(i)</i>	
<i>(j)</i>	
<i>(k.5)</i>	X
<b>Total factors</b>	<b>6</b>

Source: Ricker/Cunningham.



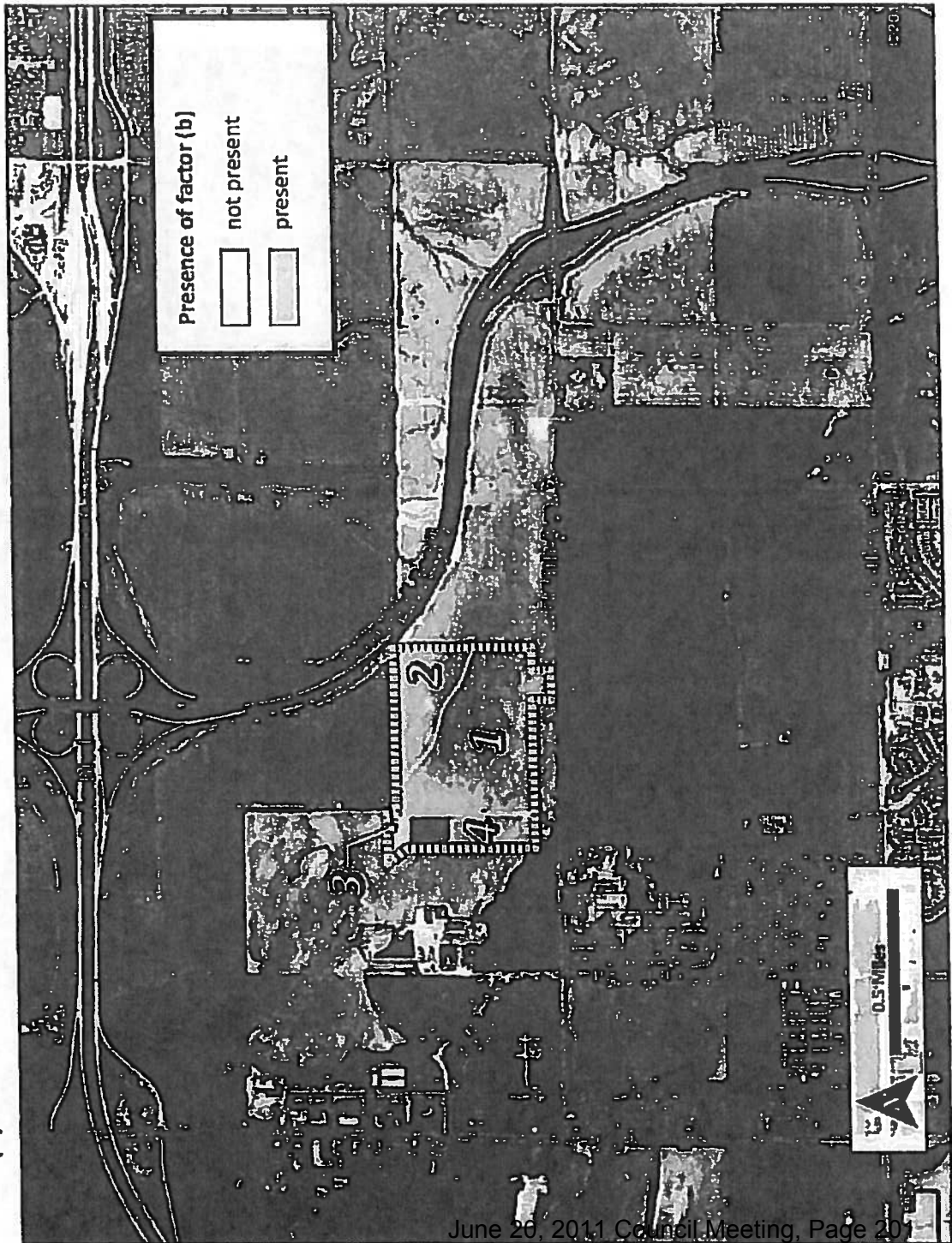


City of Birmingham

**Appendix ii**

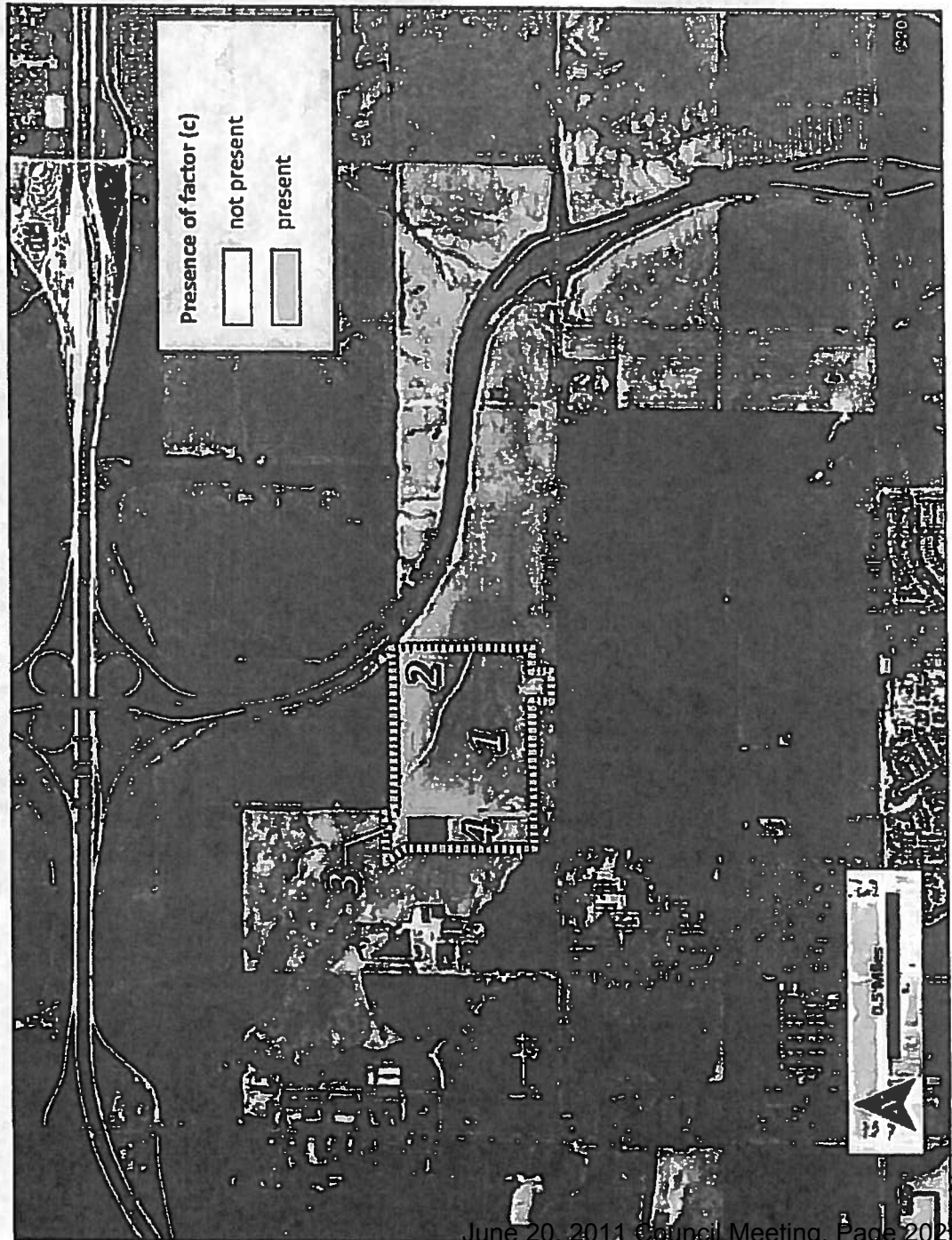
**Factors Present in Survey Area**

**Factor (b)**



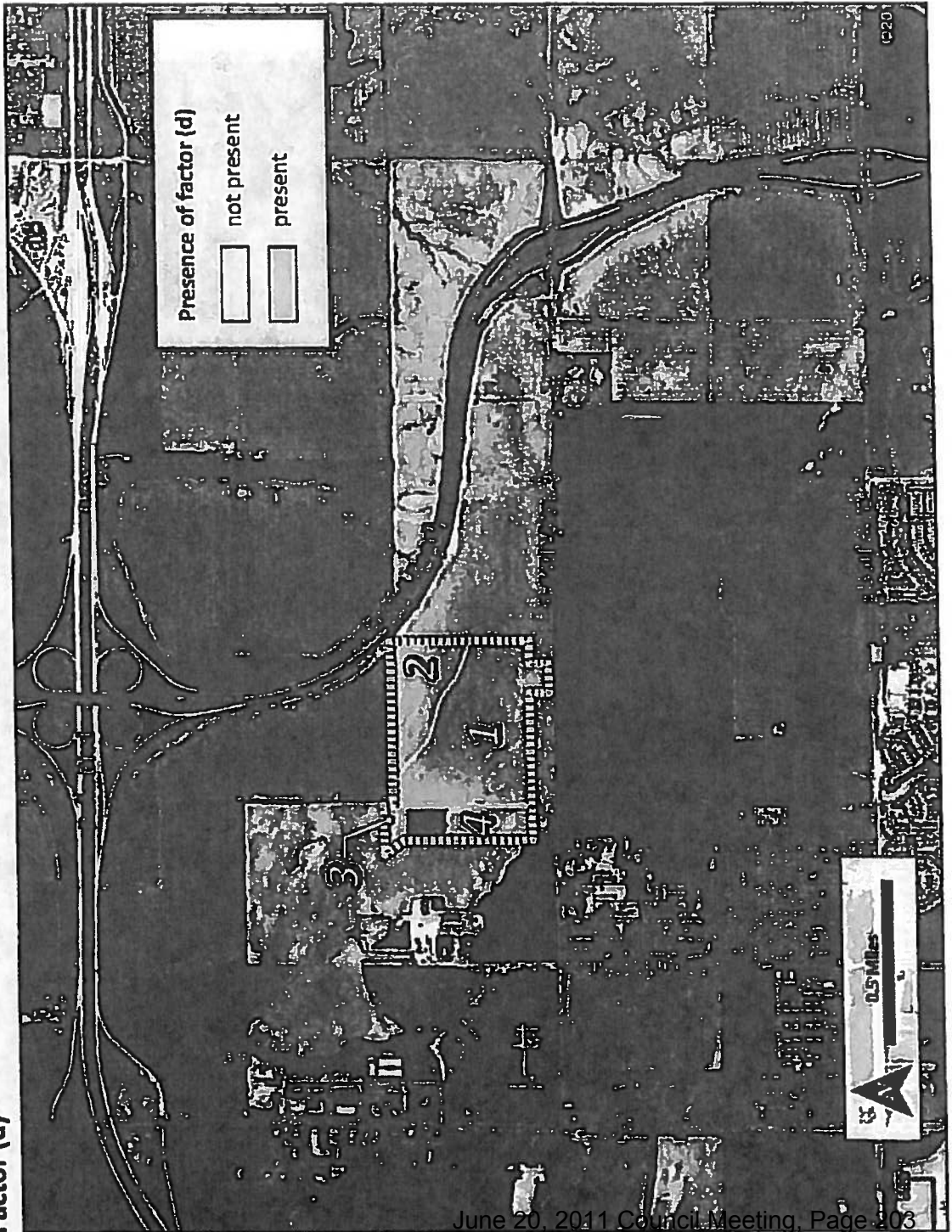


### Factor (c)



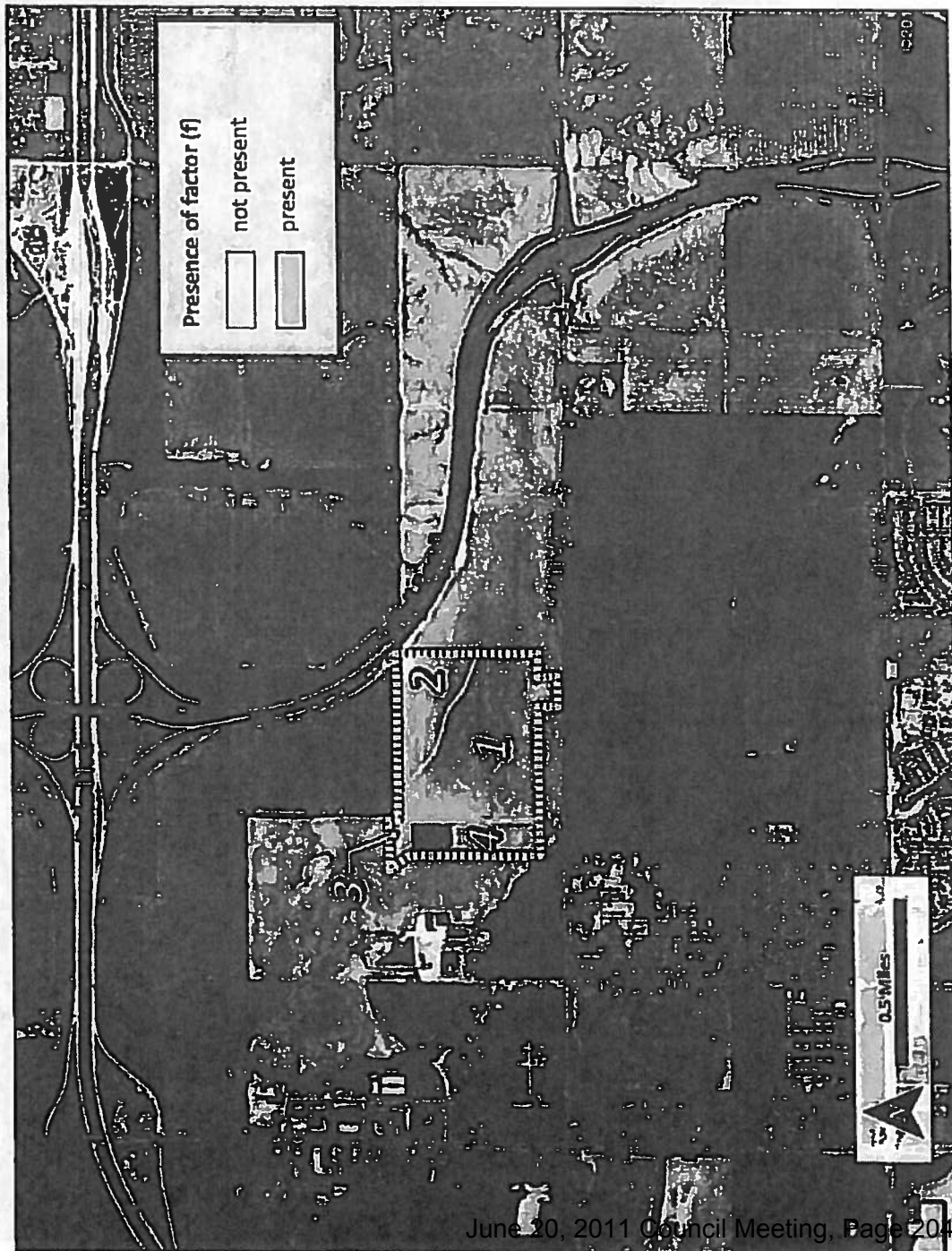


**Factor (d)**



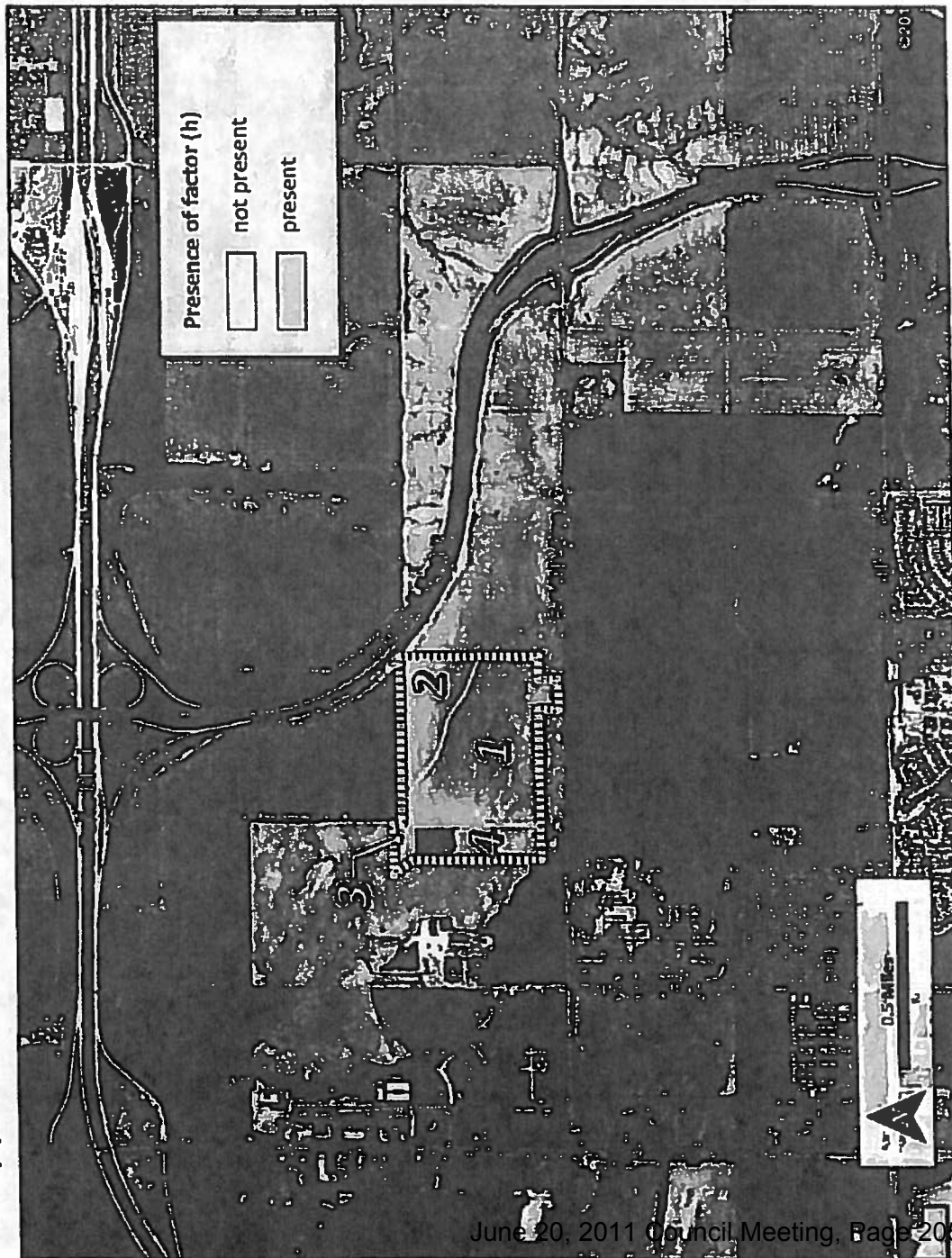


**Factor (f)**





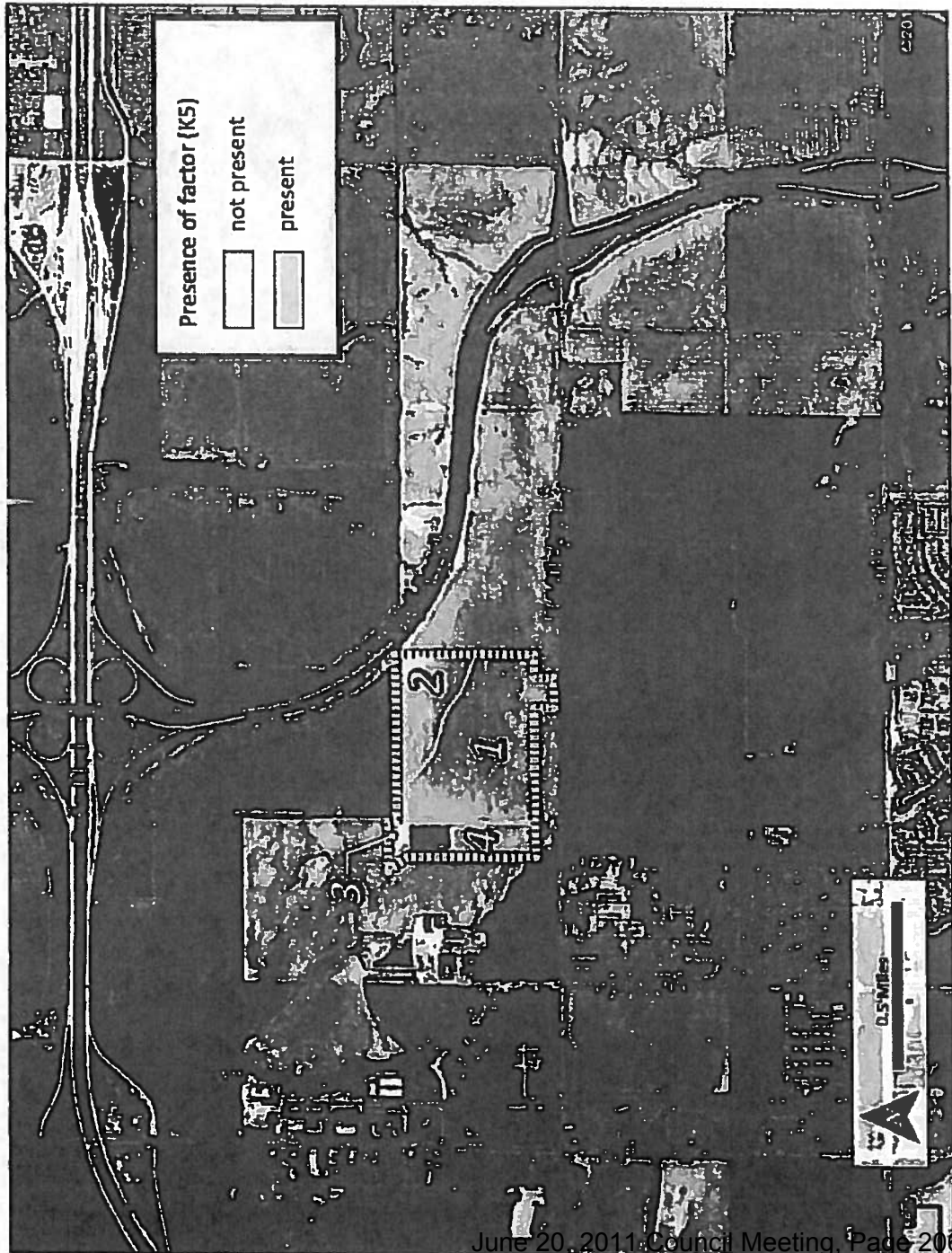
**Factor (h)**





Ricker Cunningham

### Factor (k.5)

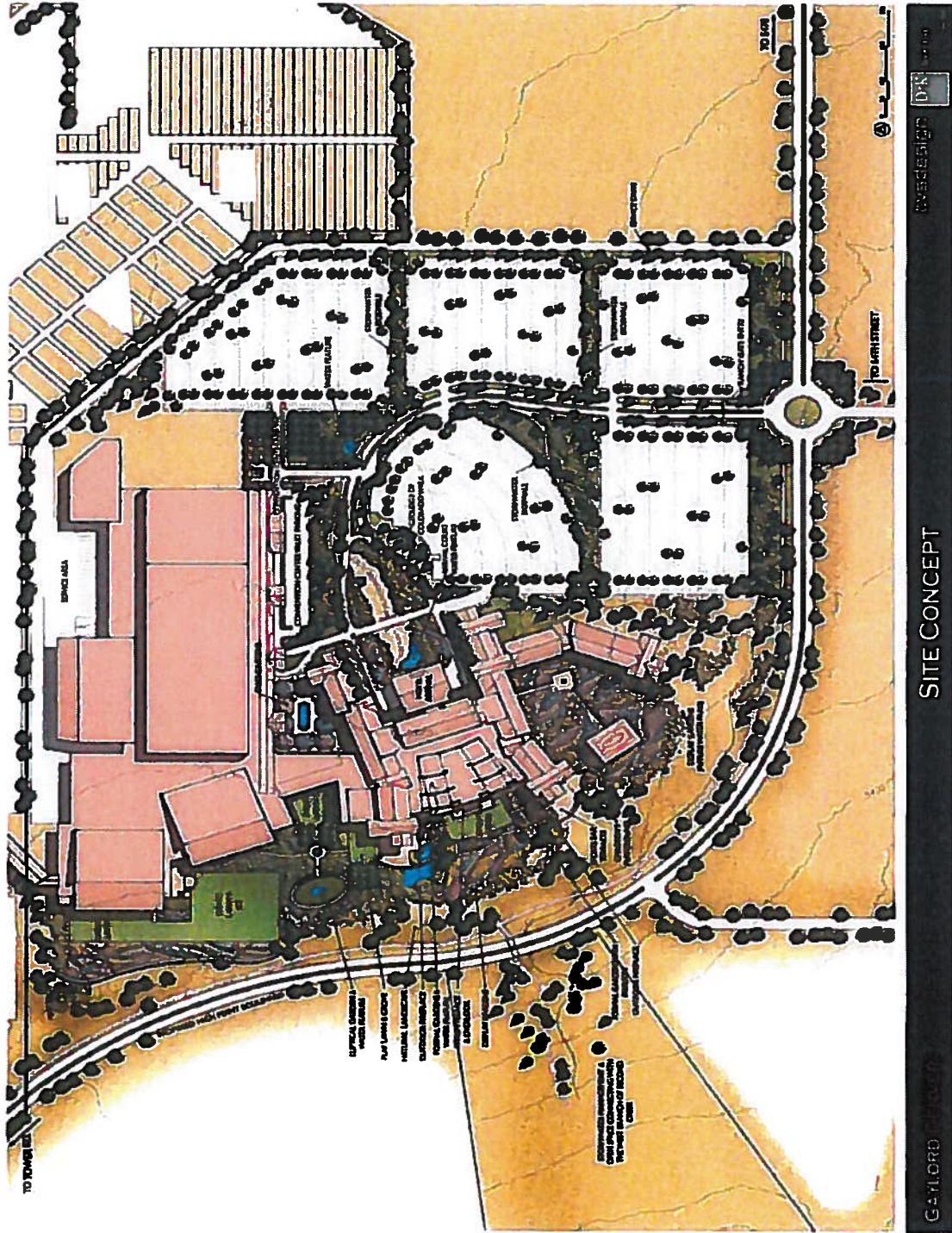


**EXHIBIT TWO**

**AURORA CONFERENCE CENTER AREA DEVELOPMENT  
PLAN MAP**

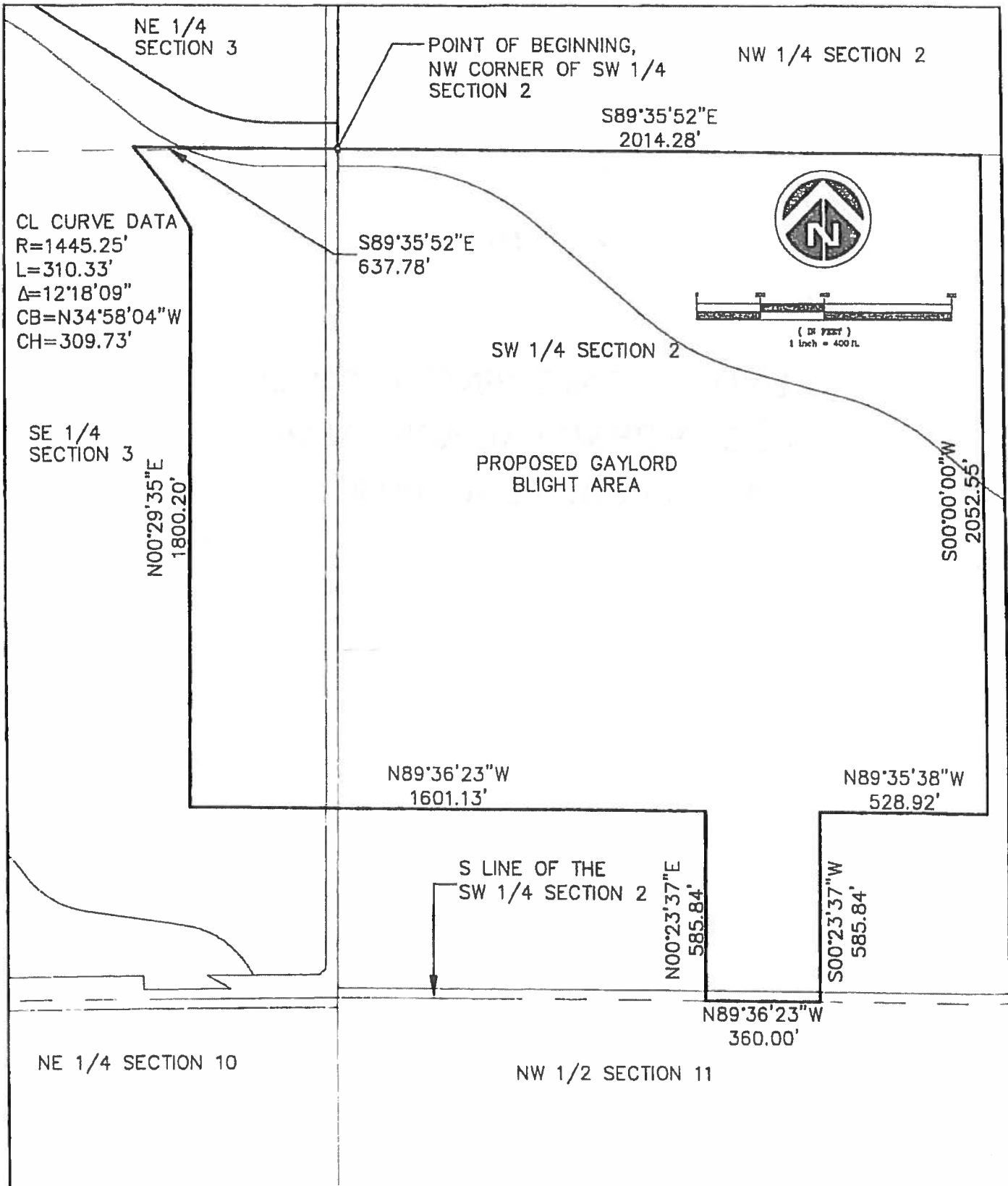


# Gaylord Colorado – Development Plan Map



**EXHIBIT THREE**

**AURORA CONFERENCE CENTER  
URBAN RENEWAL AREA MAP  
AND LEGAL DESCRIPTION**



Project Number: 08400101  
 Drawn By: ACE  
 Designed By: JAM  
 Checked By: JDM  
 Issue Date: 05/18/2011

**GAYLORD**  
 BLIGHTED LAND

ENGINEERING CONSULTANTS  
 June 20, 2011 Council Meeting, Page 210

**LEGAL DESCRIPTION  
BLIGHT AREA**

A PARCEL OF LAND SITUATED IN A PORTION OF THE SOUTHWEST 1/4 OF SECTION 2, AND A PORTION IN THE EAST HALF OF SECTION 3, ALL IN TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 2;

THENCE S 89°35'52" E ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 2, A DISTANCE OF 2014.28 FEET;

THENCE S 00°00'00" W, A DISTANCE OF 2052.55 FEET;

THENCE N 89°35'38" W, A DISTANCE OF 528.92 FEET;

THENCE S 00°23'37" W, A DISTANCE OF 585.84 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 2;

THENCE N 89°36'23" W ALONG SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 2, A DISTANCE OF 360.00 FEET;

THENCE N 00°23'37" E, A DISTANCE OF 585.84 FEET;

THENCE N 89°36'23" W, A DISTANCE OF 1601.13 FEET;

THENCE N 00°29'35" E, A DISTANCE OF 1800.20 FEET TO A NON TANGENT CURVE;

THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1445.25 FEET, AN ARC LENGTH OF 310.33 FEET, A DELTA ANGLE OF 12°18'09", THE CHORD OF WHICH BEARS N 34°58'04" W, A DISTANCE OF 309.73 FEET;

THENCE S 89°35'52" E, A DISTANCE OF 637.78 FEET TO THE WEST LINE OF THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 2 AND THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5,324,766 SQUARE FEET OR 122 ACRES, MORE OR LESS.