

Central Leadville Urban Renewal Plan

City of Leadville, Colorado

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Prepared for:

Leadville Urban Renewal Authority
Leadville City Council

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Central Leadville Urban Renewal Plan

City of Leadville, Colorado

1.0 Introduction

1.1 Preface

This Central Leadville Urban Renewal Plan (herein referred to as the “**Plan**” or “**Urban Renewal Plan**”) has been prepared for the City of Leadville (herein referred to as the “**City**”). 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 (herein referred to as the “**Act**”), its administration and implementation will be carried out by the Leadville Urban Renewal Authority (herein referred to as the “**Authority**”, “**LURA**” or the “**Authority Board**”).

1.2 Blight Findings

An urban renewal area is one or more parcels and related improvements adversely impacted by the presence of factors defined by the **Act**; and designated as appropriate for authorized undertakings and activities (herein referred to as an “**Urban Renewal Projects**”), and the use of certain resources to advance objectives expressed in a plan for the area. An urban renewal designation is made by the board or council of the municipality where the area is located, and based on a finding that conditions exist which “substantially impair or arrest the sound growth of the municipality, or constitute an economic or social liability; and is a menace to the public health, safety, morals or welfare.”

The Central Leadville Urban Renewal Plan Area Conditions Survey (herein referred to as the “**Survey**”), prepared by RickerCunningham in October 2017, the findings of which were presented to the **Authority** during the same month, demonstrate that the Central Leadville Urban Renewal Plan Area (herein referred to as the “**Area**”, “**Urban Renewal Plan Area**” or “**Central Leadville Area**”), qualifies as a blighted area under the **Act**. Specifically, the **Survey** concluded that eleven (11) of the 11 total possible factors are present at varying degrees of intensity, but all at a level of intensity considered significant and adverse. A list of statutory factors either observed or identified, along with a characterization of each one, is presented in Section 4.0.

1.3 Urban Renewal Area Boundaries

Within the **Central Leadville Area** are rights-of-way, public spaces, and 372 legal parcels totaling 330 acres. As illustrated in Figure 1 below and legally described in an Appendix to this Plan, its boundaries may generally be described as including properties along both sides of Harrison Avenue, between Elm and Monroe Streets on the south, 10th Street on the north, and the National Mining Hall of Fame and Museum. Also located in the Area are parcels situated along the northern extent of State Highway 24, within the municipal boundaries, including a former railyard property west of East 12th Street and east of Sawmill Road. Figure 2 shows the Area's general location within the Leadville Historic Conservation Overlay District.

1.4 Zoning Classifications

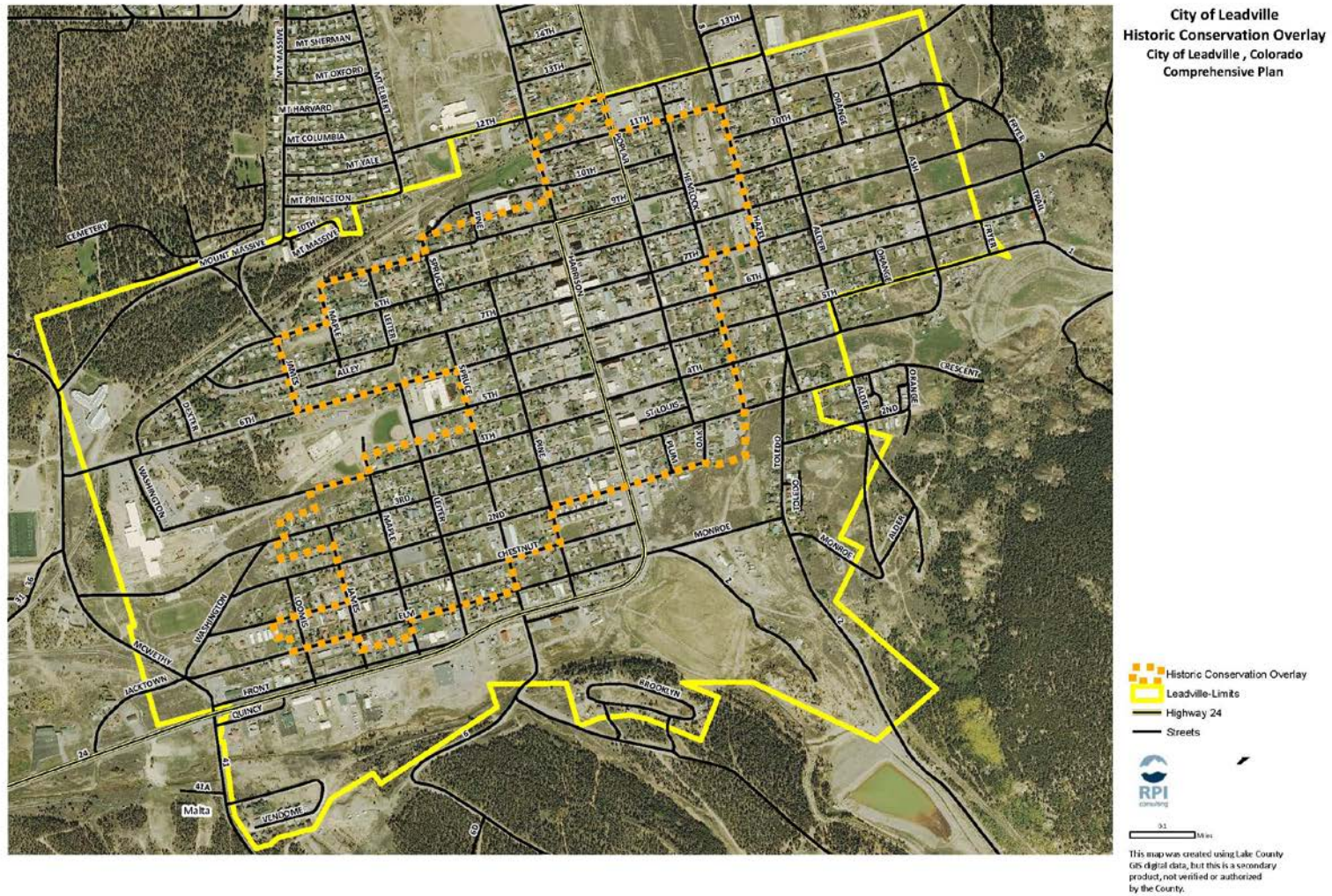
Land uses throughout the Area include historic structures, commercial businesses, residential structures, and vacant land. Properties are zoned either (C) Commercial / Highway Business District, (RC) Retail Core District, or (TR) Transitional Retail / Residential District. A description of each classification is provided below, as defined in the [City of Leadville Municipal Code](#), codified through Ordinance No. 2017-12, passed November 7, 2017 (herein referred to as the "**Municipal Code**").

[Chapter 17.32 Commercial / Highway Business \(C\) District](#) - This district was created to provide for tourism and automobile-oriented businesses, commercial, office and retail services operators along the city's major highway approaches, and scenic and visual enhancements along roadway approaches into Leadville. The character of all new and expanded developments should contribute aesthetically to Leadville, and its gateways.

[Chapter 17.28 Retail Core \(RC\) District](#) - This district was created to encompass the principal retail and commercial core of the city, including residential and office uses on the upper floors of multi-story structures, and facilities for pedestrians and visitors along its principal rights-of-way. Streetscape amenities and rear or alleyway delivery accommodations are encouraged, given the number of commercial | tourism-oriented businesses.

[Chapter 17.24 Transitional Retail / Residential \(TR\) District](#) - This district was created to allow for traditional residential units in close proximity of commercial businesses. Mixed-use developments are also allowed and encouraged, as long as non-residential uses do not produce significant or objectionable levels of traffic, noise, or dust incompatible with residential living.

Figure No. 2: Central Leadville Urban Renewal Area Boundaries



1.5 Future Land Use Designations

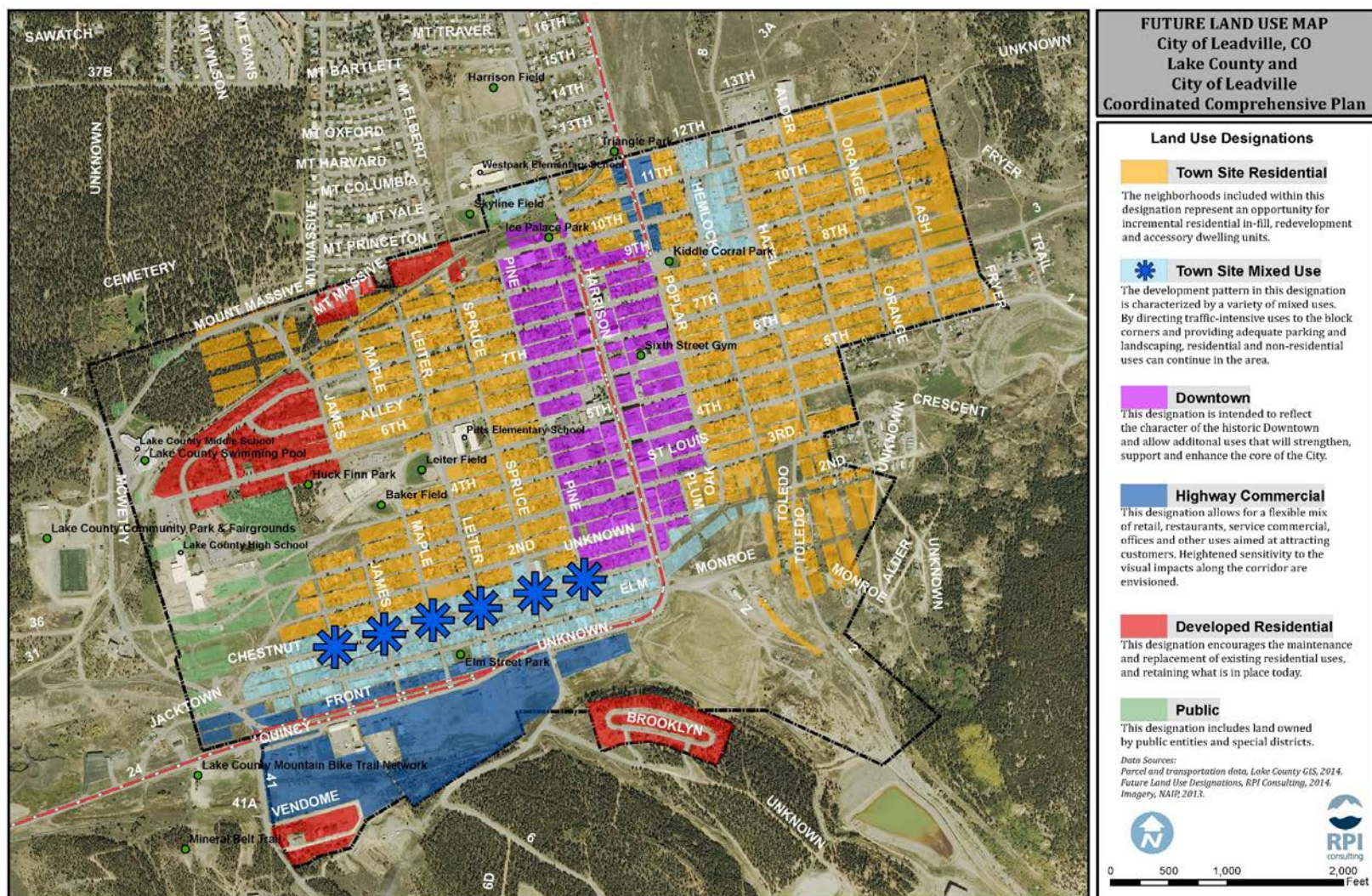
Land uses reflected in the city's Future Land Use Map, presented here as Figure 3, represent city-supported designations on parcels in the Leadville Planning Area, both incorporated and unincorporated. Future annexation proceedings will rely on this illustration regarding proposed uses by location. Use classifications for properties in the Area include Highway Commercial, Town Site Mixed-Use, and Downtown. A description of each one, provided for in the **Municipal Code**, is presented as follows.

Highway Commercial - This designation emphasizes convenient automobile access and parking in the front of stores, visible from the highway; but allows for heavy screening and a higher level of aesthetic enhancements. Auto access is balanced with access for non-vehicular movement by pedestrians and bicyclists. Monotonous block-like structures are discouraged, and interesting and varied façades encouraged in an architectural style consistent with the mountain/rustic setting and the area's mining heritage. This designation also allows for a mix of retailers, restaurants, and service operators in office buildings and similar product types that are attractive and able to accommodate customers.

Town Site Mixed Use - This designation allows for uses similar in character to those found along the southern edge of the community's historic town site (downtown). It is intended to accommodate highway commercial businesses similar to those on Highway 24, and along Chestnut and Elm Streets. While existing uses include a mix of single family and multi-family residential; as well as commercial, office, and light industrial/warehousing product types; the development pattern is largely non-residential buildings on the block corners and single-family units in the interior. Whereas multi-family and non-residential uses are more traffic-intensive, and require ready access and more parking, block corners are considered most appropriate with more street frontage and better access to alleys that can accommodate traffic and internal circulation. By deliberately directing traffic-intensive uses to the block corners, and providing adequate on-site parking and landscaped buffers, residential and non-residential uses are able to coexist more effectively in the district.

Downtown – This designation emphasizes a form and function that supports traditional downtown development, historic structures, commerce, public gatherings (celebrations), and civic improvements. Its highest priority is to maintain and enhance the area's historic character, while supporting new development and redevelopment. Supporting this objective are ongoing efforts to secure resources and build support for the preservation and

Figure No. 3: Leadville Planning Area Future Land Use Map



maintenance of significant structures and landmarks in the downtown core. Also important in this district is maintenance of, and improvements to, accommodations for pedestrians. The zone between buildings and sidewalks is considered particularly important, and as such, should be protected and block faces completed, except where plazas, pocket parks, and other gathering places exist or could be introduced. The Downtown designation also encourages revitalization of buildings along the blocks east and west of Harrison Avenue, and a balanced transition between the area's spine and adjacent neighborhoods. Consolidated parking in multi-use collector lots and in alleys is a long-term objective of the district.

1.6 Public Participation

Property owners and other business interests in the Area were invited to attend an informational meeting about the urban renewal planning process and potential future **Projects**, in October 2017. Attendees were provided materials explaining both matters, and encouraged to contact project representatives with any questions.

1.7 Statutory Compliance

In compliance with the **Act**, a notice of the public hearing (including its time, date, and location along with a general description of the **Area**) during which the **Plan**, its purpose and scope of **Projects** to be considered by the Authority, appeared in the Leadville Herald, the city's designated legal newspaper of general circulation, more than 30 days prior to the date of the hearing. In addition, a reasonable attempt was made to notify all owners of **Private Property** and **Business Interests** in the **Area** by mail, at their last-known address of record, about the hearing at least 30 days prior to the date of the hearing.

The **Plan** and Central Leadville Urban Renewal Plan - Lake County Impact Report, (herein referred to as the "**Lake County Impact Report**") was submitted to the Board of Commissioners, as were similar reports to the governing bodies ¹ of all other taxing entities with a presence in the **Area**. Further, representatives of **LURA**, together with their consultants and legal counsel, met with those taxing entities between November 2017 and April 2018, in an effort to negotiate agreements regarding the use of **Incremental Revenues** in furtherance of the Plan. Successful agreements were completed within the statutorily-required 120-day timeframe with all of the taxing entities, except the Leadville Sanitation District (herein

¹ Taxing entities with a presence in the Area include: Lake County, City of Leadville, Lake County School District, St. Vincent Hospital District, Colorado Mountain College, and Leadville Sanitation District.

referred to as the “**Sanitation District**”. A synthesis of all agreement terms is presented in Appendix A. Whereas **LURA** and the **Sanitation District** were unable to solidify an agreement during the 120-day period specified in the **Act**, both groups submitted to mediation. As per the **Act**, the mediators’ findings regarding the use of **Incremental Revenues** resulting from new investment in the **Area** following adoption of the **Plan** by **City Council**, and the levy upon taxable property by the **Sanitation District** in excess of the **Base Amount**, were accepted by the Authority and will dictate procedures related to the distribution of said revenues. The mediators’ findings are incorporated into this **Plan** as Appendix B.

Official meetings required by the **Act** were scheduled, noticed, and conducted as follows. The **LURA** considered the **Plan** on October 26, 2017 and again on April 16, 2019 at a duly noticed meeting of the **Authority**, and the Planning Commission reviewed the **Plan** on November 15, 2017 and again during the Spring of 2019, during which they determined it to be consistent with the City of Leadville Comprehensive Plan, March 2015 (herein referred to as the “**Comprehensive Plan**”). Lastly, the Leadville **City Council** (herein referred to as the “**City Council**”) considered the findings of blight, documented in the **Survey**, and adoption of the **Plan**, at a public hearing on June 4, 2019.

2.0 Definitions

Capitalized and bolded terms used in this **Plan** are defined below, but should be assumed to have the same meaning as set forth in the **Act**, unless otherwise stated.

Act – means the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended.

Authority – means the city of Leadville Urban Renewal Authority (or LURA) or Board of the Authority.

Base Amount – means that portion of property taxes which are produced by the levy at the rate fixed each year, by or for taxing entities, upon taxable property in the Tax Increment Area, last certified prior to the effective date of approval of the Plan; and may include that portion of municipal sales taxes collected within the boundaries of the same area, during the twelve-month period for which these revenues have been reported and verified, prior to the effective date of approval of the Plan.

Business Interests – means a business entity and / or materials and equipment used in support of that interest.

City – means the governmental entity of Leadville.

City Council – means the governing board of the city of Leadville.

Comprehensive Plan – means the City of Leadville Comprehensive Plan, March 2015.

Cooperation Agreement – means any agreement between the Authority and City, or any public body (the term “public body” being used in this Plan is the same as defined by the Act) respecting lawful actions to be taken, for the purpose of facilitating undertakings deemed necessary or appropriate by the Authority to implement the Plan.

C.R.S. – means the Colorado Revised Statutes, as amended from time-to-time.

Eligible Costs – means those costs eligible to be paid or reimbursed from Incremental Revenues and other resources pursuant to the Act.

Incremental Revenue or Tax Increment Revenue – means that portion of tax revenues (sales and / or property) in excess of the Base Amount, resulting from new investment in the Area following adoption of the Plan by City Council, allocated to and when collected, paid into the Special Fund of the Authority.

Lake County Impact Report – means the Central Leadville Urban Renewal Plan - Lake County Impact Report, dated October, 2017, prepared by RickerCunningham and presented to the Leadville City Council under separate cover.

Municipal Code – means the City of Leadville Municipal Code, codified through Ordinance No. 2017-12, and passed November 7, 2017.

Plan or Urban Renewal Plan – means this Central Leadville Urban Renewal Plan, dated March 2018.

Plan Area or Urban Renewal Plan Area – means the Central Leadville Urban Renewal Plan Area as depicted in Figure 1.

Private Property - as applied to real property, means only fee simple property interest.

Project - means any and all undertakings and activities authorized in this Plan and the Act intended to eliminate blighting conditions and complete improvements including such as: designing, developing, and constructing public and private improvements within and outside the Area boundaries deemed necessary to serve development in the Area and implement the objectives of the Plan. Undertakings and activities may include paying for improvements considered Eligible Costs as allowed by the Act. (See also Urban Renewal Project.)

Redevelopment / Development Agreement – means one or more agreements between the Authority and developers, development teams, and / or property owners, such as individuals or entities, determined by the Authority to be necessary or desirable to carry out the purposes of this Plan.

Sanitation District – means the Leadville Sanitation District.

Special Fund – means a fund supervised by the Authority, the resources of which include incremental ad valorem property and municipal sales tax revenue resulting from investment and reinvestment in the Urban Renewal Area.

Survey – means the Central Leadville Conditions Survey, dated October, 2017, prepared by Ricker Cunningham, and presented to the Leadville City Council under separate cover.

Tax Increment or Incremental Revenues – (See definition of Incremental Revenues.)

Tax Increment Area – means the Central Leadville Tax Increment Area which includes capital improvements, properties, and portions of properties from which incremental tax revenues, in excess of a base amount, when collected, will be paid into the Special Fund of the Authority.

Tax Increment Finance (or Financing) (TIF) - means a financing mechanism which uses future incremental revenues resulting from private investment within the Tax Increment Area, as well as other resources obtained by the Authority, to fund improvements for the public's benefit.

Urban Renewal Plan or Plan – means this Central Leadville Urban Renewal Plan, dated March 2018. (See definition of Plan.)

Urban Renewal Plan Area or Plan Area – means the Central Leadville Urban Renewal Plan Area as depicted in Figure 1. (See definition of Plan Area.)

Urban Renewal Project - (See definition of Project.)

3.0 Plan Intentions

With an urban renewal designation, the **Area** will be eligible for one or more urban renewal activities and undertakings authorized by the **Act**, and advanced by the **Authority**. To this end, it is an objective of **City Council** in adopting this **Urban Renewal Plan** that the **Authority** has available to it any and all powers authorized in the **Act**, and considered necessary and appropriate to accomplish its purpose through the approach

defined herein. Because powers conferred by the **Act** include facilitating and completing enhancements for which public money may be expended, the intentions of this **Plan** are considered to be in the public interest, and a necessity, such finding being a matter of legislative determination by **City Council**.

3.1 Purpose

*As explained in the **Act**, the intent of any and all urban renewal plans is to “assist the municipality with preparing and executing a workable program, using appropriate private and public resources, to: eliminate and prevent the spread of conditions adversely impacting properties and persons, encourage needed urban rehabilitation, and implement community priorities identified in adopted community plans and related policy documents.”*

For this reason, the purpose of this Central Leadville Urban Renewal Plan is to eliminate blighting conditions contributing to an overall deterioration of properties and improvements in the **Area**. Specifically, it is the **Authority’s** intent to finance, install, construct, and reconstruct infrastructure and utilities; as well as cooperate with others to accomplish the same in public spaces and on private properties; all in an effort to mitigate blighting impacts and promote economic growth in the community and region. In addition, its purpose is to advance intentions expressed in the **Comprehensive Plan**, broadly summarized in Section 5.0, presented in Appendix C, and representative of the **Plan’s** stated objectives.

3.2 Approach

The proposed approach for eliminating and preventing the spread of blighting conditions in the **Area** includes multiple initiatives including: completion and maintenance of public or private improvements and infrastructure; use of financial resources available to the **Authority** for the express purpose of the same; and active promotion of private investment and job creation. This approach, in the furtherance of advancing local objectives, involves the identification of specific priorities which will effectively leverage private investment in the **Area** and align this Central Leadville Urban Renewal Plan with other accepted and adopted community documents.

3.3 Principles

Whereas an overriding objective of this **Plan** is to facilitate investment in the **Area** consistent with the community’s goals, development within its boundaries will need to reflect specific intentions expressed in the **Comprehensive Plan**. As explained therein, “Increasing economic self-sufficiency is the most important

component of the vision for a diverse and sustainable economy. A healthy balance between businesses and residents will make Leadville and Lake County more self-sufficient because people can meet daily needs and live and work in Leadville and Lake County. One of the fundamental roles for the city in furthering economic growth is to maintain and plan for improvements to the city's core infrastructure. Fiscal constraints have limited the city's ability to fund improvements, and the city will need to continue working with partners to identify feasible strategies to pay for infrastructure, improvements, and maintenance."

In order to ensure continuity between the intentions of this **Plan** and related policy documents, goals expressed in the **Comprehensive Plan** (taken verbatim) are presented as follows as urban renewal planning and investment principals.

Goal 2.1 – Retain existing businesses across all sectors and help them adapt and expand.

Goal 2.2 – Better understand the business base and identify the resources needed to provide assistance for successful retention, expansion, creation and attraction of jobs and to promote economic development resources to businesses.

Goal 2.3 – Provide support and resources to ensure the preservation and maintenance of historic structures and landmarks in the downtown core.

Goal 2.4 – Work with the Historic Preservation Commission to ensure that the redevelopment and infill in the Historic District are consistent and do not compromise the integrity of existing historic values.

Goal 2.5 – Continue to pursue efforts for streetscape beautification and improvements to transportation infrastructure enhancing connectivity and pedestrian circulation in the downtown core.

Goal 2.6 – Provide core infrastructure to serve existing residents and businesses and to facilitate growth and expansion: transportation, water, sanitation and communications

Goal 2.7 – Enhance and develop lifestyle, tourism, and recreation assets.

Goal 2.13 – Target and recruit businesses and organizations that can locate in Leadville and Lake County based on lifestyle or that can capitalize on the high-elevation geography and public lands.

Goal 2.14 – Promote the development of diversity of housing types providing for residents with different economic and housing needs and giving Leadville and

Lake County employees the opportunity to live affordably close to where they work.

Goal 3.2 – Support the connection of the neighborhoods in and around the city to major destinations such as schools, the downtown core, parks and community facilities.

Goal 3.3 – Support Lake County’s efforts to connect the city to neighborhoods and destinations in the unincorporated county and to the region with bike and pedestrian pathways, bike/pedestrian lanes, sidewalks and other such facilities.

Goal 3.5 – Plan for and secure parking for peak season in the downtown area.

Goal 3.8 – Ensure that wastewater treatment capacity is adequate to service existing commitments and future growth in the Leadville area.

Goal 3.10 – Connect schools and neighborhoods to parks, recreation amenities and trails with bike and pedestrian improvements.

Goal 3.11 – Promote in-town parks and recreation assets.

Goal 3.13 – Develop intergovernmental strategies and relationships to address infrastructure maintenance.

Goal 3.14 – Establish intergovernmental land use and infrastructure planning expectations for future growth within the city of Leadville periphery area.

3.4 Implementation

While the **Authority** will be the **Plan’s** principal administrator, **City Council** will authorize and oversee its efforts. Therefore, the **Authority** will work in cooperation with the city to prioritize capital investments (such as roadways, open spaces, greenways) in the **Area**, ensuring they provide a public benefit to property owners and business interests within its boundaries, as well as communitywide. To this end, all new development activity will conform to existing municipal codes and ordinances, along with site-specific regulations or policies in effect at the time any **Project** is proposed.

While the **Act** authorizes the **Authority** to regulate land uses, establish maximum or minimum densities, and institute other building requirements in an urban renewal area; for the purpose of this **Plan**, the **Authority** anticipates these activities will be the responsibility of the **City** in partnership with the **Authority**; and be informed by

the following intentions expressed in **the Comprehensive Plan**.

Align Economy, Infrastructure, and Land Use - Achieving a sustainable future requires simultaneous and ongoing planning that aligns economic growth strategies with infrastructure and future land use planning. Diversifying and expanding the base of businesses and organizations that generate wealth and local employment is critically important for Leadville's, and Lake County's future sustainability. The solution to these challenges is largely the same -- grow and diversify the local economy.

Economic Growth Strategy - With certain economic realities acknowledged, Chapter 2 of the **Comprehensive Plan** describes several areas where economic growth initiatives can be focused (see below), and identifies general goals and specific strategies intended to diversify the economy and expand livelihoods in Leadville and Lake County.

- Business Support
- Downtown Support and Revitalization
- Local Government Role in Physical Asset Development
- Tourism Marketing
- Attract New Businesses That Build the Economic Base

City Assets and Core Infrastructure - Leadville provides streets and drainage, police, and maintenance; and partners with Lake County, Parkville Water District, Leadville Sanitation District, Lake County School District, Colorado Mountain College and public lands agencies, to provide public services and infrastructure that support the community. The **Comprehensive Plan** identifies strategies for improving city assets and core infrastructure including water, sanitary sewer, and transportation. The Authority, with adoption of the **Plan**, can provide the resources with which to finance these improvements.

Intergovernmental Coordination - In order to plan for and finance the construction and maintenance of capital-improvement projects, governmental and quasi-governmental entities providing public infrastructure and services, may want to create and further define intergovernmental relations.

4.0 Blight Conditions

Before an urban renewal plan can be adopted by a municipality, the proposed urban renewal area must be determined to be "blighted" as defined in Section 31-25-103(2) of the **Act** which provides that *"in its present condition and use and, by reason of the presence of at least four of the factors (see below) in Section 31-25-103 (2) (a) (or five in cases where the use of eminent domain is anticipated) 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." Statutory factors include:

- (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 or 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, buildings, 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 Section 31-25-103(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.

An investigation of conditions and determination of the presence of one or more of the factors listed above, was documented in the Central Leadville Conditions Survey, dated October, 2017, and prepared by RickerCunningham. The general methodology used to prepare the **Survey** involved the following steps: (i) identification of parcels to be included in the survey area; (ii) collection of information about properties, infrastructure and other improvements within the survey area boundaries; (iii) investigation of conditions through field reconnaissance; (iv) review of aerial photography; (v) discussions with representatives of various public agencies and municipal departments; and (iv) recordation of identified and observed conditions listed in the **Act**.

Among the 11 qualifying factors listed above and in the **Act**, the **Survey** found the presence of all eleven (11) blight factors in the **Area**.

5.0 Relationship to Comprehensive Plan

Whereas the **Plan's** purpose is to facilitate investment in the **Area** consistent with the community's objectives, development within its boundaries will need to reflect and be consistent with those expressed in the **Comprehensive Plan** (and any subsequent updates). Also, as explained previously, implementation of the **Plan** will need to be conducted in compliance with all rules, regulations, and policies promulgated pursuant thereto. Future city-accepted planning documents that may impact investment in the **Area**, will also be considered in the context of all **Projects**. Finally, conditions of blight within the **Area** will need to be remedied by public and private initiatives; and potentially funded in part by **Incremental Revenues**, to the extent deemed appropriate by the **Authority** in consultation with representatives of the **City** and other affected parties.

Additional supportive references from the **Comprehensive Plan**, beyond those presented here, are provided in Appendix C.

6.0 Authorized Authority Undertakings and Activities

Whereas the **Act** allows for a wide range of activities to be used in the furtherance of the goals stated herein, the **Authority** intends to complete public improvements and provide financial assistance together with the **City**, affected property owners, and other parties with an interest in the **Area**. Partnerships and similar forms of cooperative arrangements will be an essential element of the **Authority's** approach to eliminating and preventing the spread of blighting conditions within its boundaries. Other powers conferred by the **Act**, and a component of the **Authority's** strategy for implementing the **Plan**, are described in the following paragraphs.

6.1 Prepare and Modify Plans for the Area

The **Authority** may work with public bodies, and retain consultants and other advisors to assist with the planning of properties in connection with **Projects** in the **Area**. In addition, the **Authority** may propose, and **City Council** may make, modifications to the **Plan**, provided they are consistent with adopted community plans and any subsequent updates. However, any such amendments made and otherwise contemplated, must be compliant with the **Act**. The **Authority** may also, in specific cases, allow non-substantive variations from the provisions of the **Plan**, if it determines that a literal enforcement would constitute unreasonable limitations beyond the intent and purpose stated herein.

In the context of this **Plan**, the **Authority** intends to frequently review and evaluate its effectiveness at implementing **Projects** within its boundaries. If deemed necessary, the **Authority** may consider modifications, but will do so only in concert

with **Area** property and business owners, along with City Staff operating in support of the **Authority**.

6.2 Complete Public Improvements and Facilities

The **Authority** may, or may cooperate with others to finance, install, construct and reconstruct public improvements considered **Eligible Costs** as per the **Act**, and necessary to promote the objectives of this **Plan**. Whereas public improvements should, whenever possible, stimulate desired private sector investment; it is the intent of this **Plan** that the combination of public and private investment that occurs in the **Area** will benefit properties within its boundaries, as well as those of the community at-large. Improvements identified as necessary to catalyze development and redevelopment include completion and expansion of infrastructure and utilities, as well as vehicular and non-vehicular roadway enhancements.

As described in Section 4.0, eleven (11) of the 11 qualifying conditions of blight, as defined in Section 31-25-103(2) of the **Act**, were found to be evident in the Area. This **Plan** proposes to remedy these adverse conditions by encouraging, completing and assisting with completion of specific improvements including several of those described below. As the **Plan's** administrator, the **Authority** will seek to most effectively leverage available resources in the furtherance of desired private investment, while also eliminating the spread of blight.

- (a) Slum, deteriorated, or deteriorating structures – demolition of vacant and obsolete structures which endanger the health and welfare of individuals
- (b) Predominance of defective or inadequate street layout – curb and gutter, driveway, pedestrian, and safety improvements
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness – vehicular access and other roadway improvements; pedestrian and safety improvements, and lot assemblage
- (d) Unsanitary or unsafe conditions – enhanced lighting within public rights-of-way; pedestrian improvements within public spaces; and, any required improvements deemed reasonable and for the public benefit
- (e) Deterioration of site or other improvements – removal of trash and remnant infrastructure, parking lot improvements, fencing and other physical improvements to properties and within public spaces
- (f) Unusual topography or inadequate public improvements or utilities – grading to improve drainage, completion of roadways and undergrounding of utility lines, as well as improvements which will leverage private investment within the area
- (g) Defective or unusual conditions of title rendering the title nonmarketable --

mitigation of impacts to adjacent property owners and their business operations from existing utility and roadway easements;

- (h) Existence of conditions that endanger life or property by fire or other causes – roadway improvements that lessen the number of traffic incidents within adjacent rights-of-way and mitigation of environmentally contaminating substances
- (i) Buildings that are unsafe or unhealthy for persons to live or work – see factor (a) above
- (j) Environmental contamination of buildings or property – mitigation and removal of environmentally contaminating substances
- (k5) 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 – participation in eligible expenses (as per the **Act**) that make development in the area feasible, and put vacant properties into productive use

In addition to completing improvements, the **Authority** may also participate in activities including building and site demolition when those activities are required by existing **Development** or **Cooperation Agreements**, or when they are required to eliminate unhealthy, unsanitary, and unsafe conditions, or obsolete uses deemed detrimental to the public welfare.

6.3 Acquire and Dispose of Property

The **Authority** may sell, lease, or otherwise transfer real property, or any interest therein, acquired by it as part of an **Urban Renewal Project**, in accordance with the **Urban Renewal Plan**. While the **Plan** encourages properties to be acquired through arms-length transactions, the **Act** authorizes the acquisition of property or interest in property by condemnation. Should the **Authority** determine it necessary to exercise its power of eminent domain, such action must first be approved by a two-thirds vote of **City Council**.

Upon its acquisition, and prior to its disposal, the **Authority** may also temporarily operate, manage, and maintain said property, if deemed in the best interest of the **Urban Renewal Project** and the **Plan**. It may also set aside, dedicate, and transfer properties to public bodies for public uses in accordance with the **Plan**, with or without compensation.

6.4 Enter into Agreements

The **Authority** may enter into **Redevelopment and Development Agreements** and contract with developers, property owners, individuals, and other entities,

determined to be necessary to carry out the purposes of the **Plan**. Such **Agreements**, or other contracts, may contain terms and provisions deemed necessary or appropriate for the purpose of undertaking contemplated activities, and remain in full force and effect unless all parties to such **Agreements** agree otherwise.

In accordance with the **Act**, the **Authority** may also enter into one or more **Cooperation Agreements** with lawful entities for the purpose of financing, installing, constructing and / or reconstructing improvements considered eligible and necessary for implementation of the **Plan**. In addition, it may, but is not required to contract with the municipality or other organization for administrative support, including the distribution, management, and reporting of financial resources.

6.5 Adopt Standards

The **Authority** may work with public bodies, and retain consultants and other advisors, to assist with zoning and rezoning properties in the **Urban Renewal Area**. However, while the **Act** allows for the adoption of standards and other requirements applicable to **Projects** undertaken in the **Area**; in the context of this **Plan**, it is the **Authority's** intention that these activities will be conducted in cooperation with the **City**. Further, as stated throughout preparation of the **Plan** and during the planning process, it is the intent of the **Authority** that all development in the **Area** meet or exceed applicable rules, regulations, and policies, along with other requirements and standards of the city or other governmental entity with jurisdiction.

6.6 Provide Relocation Assistance

While the **Plan** does not anticipate individuals, families or business concerns will be required to relocate due to the acquisition of real property, if such an action becomes necessary, the **Authority** will adopt a relocation plan in conformance with the **Act**.

6.7 Incur and Issue Debt

The **Plan** authorizes the **Authority** to borrow money, and apply for and accept advances, loans, grants and contributions from lending sources, private and public, for purposes identified in the **Plan and** as authorized by the **Act**. The **Authority** may also loan or make monetary resources available to undertakings and activities deemed meritorious and consistent with the **Plan**. These resources may be derived through any and all methods authorized by the **Act**, including

the issuance of bonds to finance activities and operations of the **Authority**, as defined in 31-25-109 of the **Act**.

Such bonds will be special obligations of the **Authority** which, with regard to principal, interest and premiums (if any), are payable solely from and secured by a pledge of any income, proceeds, revenues or funds of the **Authority** derived in connection with its undertakings and activities, including grants or contributions of funds.

7.0 Project Financing

7.1 Public Investment Objective

A critical component of any urban renewal initiative is participation by both the public and private sectors since no one entity, either public or private, generally has sufficient resources to overcome the financial hurdles frequently encountered in deteriorating areas of communities. To this end, effective leveraging of funds from multiple sources will be essential to sustain initiatives, complete public improvements, and attract private commercial and job-generating developments in the **Area**. Additional support may be necessary in the form of policy, regulating, and design support from the **City** and other public partners.

7.2 Financial Mechanisms

As explained above, the **Authority** may finance its undertakings, pursuant to the **Plan**, by any method authorized under the **Act** or any other applicable law. In addition to **Incremental Revenues**, other financing vehicles include, without limitation: notes, bonds, interim certificates, certificates of indebtedness, and other obligations lawfully created and defined in the **Act**. The **Authority** may also borrow funds, access federal and state loans or grants, and earn interest income; as well as enter into reimbursement or annual appropriation agreements with public or private entities, or any other lawful source, the principal, interest, costs and fees of which are paid for with available funds of the **Authority**.

7.3 Incremental Revenues

As allowed for in Section 31-25-107 of the **Act**, the **Plan** will retain the portion of **Incremental Revenues** generated by new investment in the **Area**, following adoption of the **Plan** by **City Council**, resulting from a levy upon taxable property by designated public bodies, in excess of the **Base Amount**, and remaining after obligations set forth in agreements with designated entities have been met. **Incremental Revenues**, once collected by Lake County and conveyed to the

City, will be deposited in a **Special Fund** of the **Authority**. Collection and investment of these resources in the **Area**, will continue for a period not to exceed twenty-five (25) years after the effective date of the **Plan**, once approved by **City Council**, but cease before this timeframe.

It is the intent of **City Council** in approving this **Plan**, that incremental property tax revenues will be the primary funding source for **Eligible Costs** and priority improvements in the **Area**. To this end, the **Authority** may irrevocably pledge these funds to pay the principal of, and interest on, any other premiums due in connection with bonds, loans or advances to, or indebtedness incurred (whether funded, refunded, assumed, or otherwise) by the **Authority** for financing or refinancing, in whole or in part, all undertakings and activities authorized by the **Act**, except:

- (a) Any offsets collected by the County Treasurer for return of overpayments or any funds reserved by the **Authority** for such purposes in accordance with Section 31-25-107(9)(a)(III) and (b), **C.R.S.**; or
- (b) Any reasonable (as determined by the **Authority**) set-asides or reserves of incremental taxes paid to the **Authority** for payment of expenses associated with administering the **Plan**.

However, while **City Council** contemplates incremental property taxes will be its primary source of revenue, the **Plan** allows for the use of incremental municipal sales tax revenue, but only after receipt of a financing plan outlining the proposed amount of these resources, and purpose for which they will be used. As such, the use of incremental sales tax revenue, as authorized pursuant to Section 31-25-107 (9) of the **C.R.S.**, and which is, by this reference, incorporated herein as if set forth in its entirety. Should **City Council** make such a pledge of **Sales Tax Increment**; neither the approval of such **Cooperation Agreement** by the **City** and **Authority**, nor the subject undertaking or activity, will constitute a substantial modification. Further, approval of such a **Cooperation Agreement** will not extend this **Plan**, or the duration of a specific **Project** in the **Area**, which is presently twenty-five (25) years after the effective date of the **Plan's** adoption, which authorized and created its **Tax Increment Area**, regardless of when such **Cooperation Agreement** may be approved.

Unless and until the total valuation for assessment of the taxable property in the **Tax Increment Area** exceeds the base valuation, all taxes levied upon taxable property therein shall be paid into the funds of the respective public bodies. Also, when such bonds, loans, advances and indebtedness, including interest thereon and any premiums due in connection therewith have been paid, all remaining taxes upon the same taxable property shall be paid to the respective public

bodies.

7.3.1 Central Leadville Tax Increment Area

The **City Council** anticipates that that only one **Tax Increment Area** will be created in the **Area** to accomplish the goals and objectives stated herein, and that the boundaries of the **Central Leadville Tax Increment Area** will be coterminous with the boundaries of the **Urban Renewal Area**.

7.4 Other Financing Mechanisms and Structures

In addition to **Incremental Revenues**, this Central Leadville Urban Renewal Plan intends to allow for the use of funds from other sources to facilitate investment and reinvestment in the **Area**. Whereas the **Authority** may finance implementation by any method authorized by the **Act**, it is committed to making a variety of strategies and mechanisms available, as may be necessary to further the objectives stated herein. Given the obvious and well-documented obstacles often associated with development and redevelopment in challenging environments, the **Authority** recognizes that it will be imperative that solutions and resources be put in place which are comprehensive, flexible and creative.

8.0 Severability

If any portion of this **Plan** is held to be invalid or unenforceable, such invalidity will not affect the remaining portions of the **Plan**. Further, if there is any conflict between the **Act** and this **Plan**, the provisions of the **Act** shall prevail, and the language in the **Plan** automatically deemed to conform to the statute.

Central Leadville Urban Renewal Plan

City of Leadville, Colorado

Appendix A:

Synthesis of Taxing Entity Agreements

Central Leadville Urban Renewal Plan Shareback Agreement Summary

As of 2.21.2017

Entity	Proposed Amount of Shareback	Counter Proposal	Counter Proposal	Final Agreement	Timing of Payment to Entity	Authority Administrative Fee	Other Terms
Colorado Mountain College	LURA will retain all (100%) of incremental property tax revenues generated within the plan area levied by the Colorado Mountain College District for the entire term the TIF district is active	--	--	LURA will retain all (100%) of incremental property tax revenues generated within the plan area levied by the Colorado Mountain College District for the entire term the TIF district is active	n.a.	n.a.	If in the future the voters of the District approve an increase in property taxes, LURA agrees to pay to the District an amount equal to the mill levy imposed times the incremental assessed value within the plan area
Lake County	1/2 to 1% administrative fee equal to that portion of total incremental tax revenues generated within the plan area for the entire term the TIF district is active	1% administrative fee equal to that portion of total incremental tax revenues generated within the plan area for the entire term the TIF district is active	--	1% administrative fee equal to that portion of total incremental tax revenues generated within the plan area for the entire term the TIF district is active	n.a.	1% administrative fee equal to that portion incremental tax revenues generated within the plan area levied by Lake County for the entire term the TIF district is active	Ability to negotiate future amendments if unforeseen impacts arise
City of Leadville	LURA will retain all (100%) of incremental property tax revenues generated within the plan area levied by the City of Leadville for the entire term the TIF district is active	--	--	LURA will retain all (100%) of incremental property tax revenues generated within the plan area levied by the City of Leadville for the entire term the TIF district is active	n.a.	n.a.	n.a.
St. Vincent Hospital District	LURA will retain all (100%) of incremental property tax revenues generated within the plan area levied by St. Vincent Hospital District for the entire term the TIF district is active	LURA will retain 50% of incremental tax revenues generated within the plan area levied by St. Vincent Hospital District for the entire term the TIF district is active	LURA will retain 25% of incremental tax revenues generated within the plan area levied by St. Vincent Hospital District for the entire term the TIF district is active	LURA will retain 25% of incremental property tax revenues generated within the plan area levied by St. Vincent Hospital District for the entire term the TIF district is active	LURA shall pay the amount due to the District once a year or within thirty calendar days from the date upon which the District requests earlier payment	1% administrative fee equal to that portion incremental tax revenues generated within the plan area levied by St. Vincent Hospital District for the entire term the TIF district is active	Ability to negotiate future amendments if unforeseen impacts arise (Hospital District shall present a Fiscal Impact Study to LURA and City Council to quantify such impacts); CEO of the Hospital District shall be appointed to serve on the Authority Board as long as such individual serves in such capacity with the Hospital District upon the first vacancy in office of the Board following execution of this Agreement or at the expiration of the term of office of the "at large" Board member, whichever occurs first; once no longer the CEO, the successor interim or permanent of the District shall be appointed to serve; If in the future the voters of the District approve an increase in property taxes, LURA agrees to pay to the District an amount equal to the mill levy imposed times the incremental assessed value within the plan area
Leadville Sanitation District	LURA will retain all (100%) of incremental property tax revenues generated within the plan area levied by the Leadville Sanitation District for the entire term the TIF district is active	LURA will retain all (50%) of total incremental property tax revenues generated within the plan area for the entire term the TIF district is active	LURA will retain all (100%) of incremental property tax revenues generated within the plan area levied by the Leadville Sanitation District for the entire term the TIF district is active	Pending	LURA shall pay the amount due to the District once a year or within thirty calendar days from the date upon which the District requests earlier payment	1% administrative fee equal to that portion incremental tax revenues generated within the plan area levied by the Leadville Sanitation District for the entire term the TIF district is active	If in the future the voters of the District approve an increase in property taxes, LURA agrees to pay to the District an amount equal to the mill levy imposed times the incremental assessed value within the plan area

Central Leadville Urban Renewal Plan Shareback Agreement Summary

As of 2.21.2017

Entity	Proposed Amount of Shareback	Counter Proposal	Counter Proposal	Final Agreement	Timing of Payment to Entity	Authority Administrative Fee	Other Terms
Lake County School District							
Authority Proposal:	If the state legislation regarding school finance is amended and any backfill amount is eliminated -- LURA shall provide 100% of the backfill amount otherwise provided from the state based on impact from new investment in the plan area calculated on a per pupil basis	Alternatively -- LURA shall provide 100% of the backfill amount otherwise provided from the state based on impact from new investment in the plan area for a period of time not to exceed three years	Alternatively -- LURA shall provide 100% of the backfill amount otherwise provided from the state based on impact from new investment in the plan area subject to any existing or future indebtedness	LURA may retain all incremental property tax revenues generated in the Plan area, except after deducting LURA's administrative fee and upon receipt of TIF revenues, LURA shall calculate and deposit into the School District account, the TIF Shareback (10%).	LURA shall pay the amount due to the District on or before the 15th day of the month immediately succeeding the month in which any such amount is received by LURA	1% administrative fee equal to that portion incremental tax revenues generated within the plan area levied by the Lake County School for the entire term the TIF district is active	If in the future the voters of the District approve an increase in property taxes, LURA agrees to pay to the District an amount equal to the mill levy imposed times the incremental assessed value within the plan area
Counter Proposal:	If the state legislation regarding school finance is amended and any backfill amount is eliminated -- LURA shall provide 100% of the backfill amount otherwise provided from the state based on impact from new investment in the plan area	Extend the school district mediation deadline beyond March 6th		Pending	LURA shall pay the amount due to the District on or before the 15th day of the month immediately succeeding the month in which any such amount is received by LURA	Pending	If in the future the voters of the District approve an increase in property taxes, LURA agrees to pay to the District an amount equal to the mill levy imposed times the incremental assessed value within the plan area

Source: Michow Cox & McAskin LLP and RickerCunningham.

Central Leadville Urban Renewal Plan

City of Leadville, Colorado

Appendix B:

Mediators' Findings of Fact: Leadville Urban Renewal Authority and Leadville Sanitation District
Revenue Sharing Terms and Conditions

<p>In re the Urban Renewal Act Mediation Pursuant to C.R.S. § 31-25-107(9.5)(d)</p> <p>Parties:</p> <p>Leadville Urban Renewal Authority</p> <p>and</p> <p>Leadville Sanitation District</p> <hr/> <p><i>Attorneys for Leadville Urban Renewal Authority</i> Attorneys: Linda Michow, Esq. Firm: Michow, Cox & McAskin, LLP Address: 6530 S. Yosemite Street, Suite 200 Greenwood Village, CO 80111 Telephone: (303) 459-2725 E-mail: linda@mcm-legal.com</p> <p><i>Attorneys for Leadville Sanitation District</i> Attorneys: Anthony J. DiCola, Esq. Firm: Address: 400 Byers Avenue P.O. Box 312 Hot Sulphur Springs, CO 80451 Telephone: (970) 725-3315 E-mail: ajdlaw@ymail.com</p>	<hr/> <p>Case Number:</p>
<p align="center">FINDINGS OF FACT FOLLOWING MEDIATION PURSUANT TO C.R.S. § 31-25-107(9.5)(d)(III)</p>	

This matter came before a Mediation Panel of the following neutrals: Jack W. Berryhill, Esq., Carolynne C. White, Esq., and Corey Y. Hoffmann, Esq. (collectively, the "Panel") on December 11 - 12, 2018. The Panel, having considered the testimony of the witnesses and evidence presented in this statutory mediation proceeding pursuant to C.R.S. § 31-25-107(9.5)(d) between the Leadville Urban Renewal Authority (the "Authority") and the Leadville Sanitation District (the "District") issues the following Findings of Fact:

1. Witnesses

The Panel considered the testimony of the following witnesses, all of whom testified and were cross examined:

For the Authority:

- A. Anne Ricker, Principal and Owner of Ricker-Cunningham;
- B. Greg Labbe, Mayor of City of Leadville and Member of LURA Board;
- C. Sarah Dallas, Administrative Services Department, City of Leadville;
- D. TJ Dublac, AICP, Senior Planning Manager, RG and Associates, LLC; and
- E. Carrie Bartow, Certified Public Accountant, Principal, CliftonLarsonAllen, LLP.

For the District:

- A. Scott Marcella, District Superintendent, Leadville Sanitation District;
- B. Sherri Jones, P.E., President, Vista Engineering, LLC;
- C. Kenneth L. Olson, Certified Public Accountant; and
- D. Angelina Salazar, Office Manager, Leadville Sanitation District.

2. Exhibits

The Panel further admitted the following Exhibits:

Authority Exhibits:

- Exhibit 2 – LURA Division of Local Affairs Certificate;
- Exhibit 4 – Sarah Dallas Email re Sanitation District Appointee to URA Board;
- Exhibit 6 – Central Leadville Urban Renewal Plan, dated November 2017;
- Exhibit 7 – Railyard at Leadville PUD;
- Exhibit 10 – Leadville Sanitation District Meeting Minutes, dated February 7, 2018;
- Exhibit 11 – Letter from Linda Michow and Anne Ricker to Leadville Sanitation District, dated February 26, 2018 (identified as "Supplemental Impact Report");
- Exhibit 12 – Application for Sewer Service by High Country Developers, LLC, dated March 7, 2017;
- Exhibit 13 – Contract for Sewer Line Installation between High Country Developers, LLC and S & A Excavating, Inc.;
- Exhibit 14 – Leadville Sanitation District Meeting Minutes, dated February 26, 2018;
- Exhibit 15 – Leadville Sanitation District Meeting Minutes, dated March 7, 2018;
- Exhibit 16 – Leadville Sanitation District Financial Statements, Fiscal Years Ended December 31, 2016 and 2015;
- Exhibit 17 – Leadville Sanitation District 2017 Annual Budget;
- Exhibit 18 – Leadville Sanitation District 2018 Annual Budget;

Exhibit 19 – Central Leadville Urban Renewal Plan Leadville Sanitation District Impact Report, dated October 2017;
Exhibit 27 – Letter dated November 27, 2017 from Greg Labbe, Mayor of the City of Leadville to Board of Directors of the Leadville Sanitation District;
Exhibit 31 – Tax Sharing Agreements by City of Leadville and the Leadville Urban Renewal Authority with other Taxing Entities;
Exhibit 33 – Supplemental Impact Report as revised dated March 6, 2018;
Exhibit 34 – Resume of Carrie Bartow; and
Exhibit -35 – Resume of Anne Ricker.

District Exhibits:

Exhibit A – Resume of Sherri Jones, P.E.;
Exhibit B – Rate Study for Leadville Sanitation District, dated August 2, 2018;
Exhibit F-1 – Last Page of Exhibit F (Map of the Proposed Central Leadville Urban Renewal Plan Boundaries; and
Exhibit G – Lake County, Colorado Comprehensive Plan, dated February 2015.

3. Analysis/Findings of Fact Pursuant to C.R.S. § 31-25-107(9.5)(d)(III)

This matter comes before the Panel pursuant to C.R.S. § 31-25-107(9.5)(d)(III) to make a determination pursuant to the following statutory language:

In making a determination on the appropriate sharing, the mediator must consider the nature of the project, the nature and relative size of the revenue and other benefits that are expected to accrue to the municipality and other taxing entities as a result of the project, any legal limitations on the use of the revenues belonging to the authority or any taxing entity, and any capital or operating costs that are expected to result from the project.

C.R.S. § 31-25-107(9.5)(d)(III).

In addition, this mediation is necessary because the Authority and the District were unable to "negotiate an agreement governing the sharing of incremental property tax revenue allocated to the special fund of the authority..." based on the "estimated impacts of the urban renewal plan on county or district services associated solely with the urban renewal plan" pursuant to § 31-25-107(9.5)(a). Therefore, these Findings of Fact address the factors set forth in C.R.S. § 31-25-107(9.5)(d)(III) as follows:

A. Nature of the Project

The Panel determines, based on the evidence presented at the mediation, that the nature of the project is such that any impacts to the District caused by the project can be offset by collection of appropriate fees by the District. Specifically, the Panel finds that the District can collect tap fees and connection fees, as well as service fees consistent with the Rate Study admitted as Exhibit B for both the Railyard at Leadville Project and the urban renewal project as a whole within the meaning of C.R.S. § 31-25-103(10) to offset any impacts caused by the nature of the project. It was undisputed that service charges are generally used to offset the costs of treatment, that tap fees and connection fees are intended to both offset the costs of services provided, and the cost of infrastructure/capital improvements, and that mill levies are generally utilized to offset administrative costs.

It was also undisputed that the service charges, tap fees, and connection fees imposed by the District are currently set at levels lower than comparable sanitation providers, and that an increase in the fee structure of the District, including tap fees, connection fees, the Railyard Interceptor Fee, and fees for services, can offset the impacts based on the nature of the project.

B. Nature and relative size of the revenue and other benefits that are expected to accrue to the municipality and other taxing entities as a result of the project

Because the District's Rate Study (Exhibit B) specifically recommends fee increases and suggests that the District's revenue with the increased fees will be sufficient to meet expenses, the Panel finds that the benefits that accrue in this case to the District, so long as it follows the recommendations within the Rate Study will provide a revenue source that more than offsets any anticipated expenses caused by the project.

C. Legal limitations on the use of the revenues belonging to the authority or any taxing entity

Neither party substantively addressed legal limitations on the use of the revenues belonging to the authority or any taxing entity that would impact the Panel's decision.

D. Any capital or operating costs that are expected to result from the project

The Panel finds that capital costs are offset by the tap fees and connection fees applicable to the project, especially taking into account the recommended fee increases in the rate study.

However, it is this factor pursuant to C.R.S. § 31-25-107(9.5)(d)(III) that the Panel finds to be most significant in terms of determining an appropriate sharing of incremental property tax revenues as it relates to the operating costs of the District. Specifically, the Panel finds based on the totality of the evidence presented that the existing deficiencies of the District related to the age of the District's wastewater treatment plant and the existing mercury levels in the wastewater

are unrelated to the project. The District must address these issues with any new development regardless of whether it is part of an urban renewal project and within an urban renewal plan area.

Moreover, the evidence was undisputed that revenues generated from the District's mill levy constitute approximately ten percent (10%) of the District's budget on an annual basis. Such property tax revenues are largely used to offset, but do not fully fund, administrative costs and operating costs, which indicates that any impacts on the District's services caused by the urban renewal plan that correlate to the revenue which would otherwise be received from the mill levy are less significant than 10%. However, the Panel finds that based on the totality of the evidence presented that certain impacts on the District's services are caused by the urban renewal plan.

The Panel unanimously finds that development of the Railyard at Leadville Project and the Central Leadville Urban Renewal Plan as a whole will have an impact on the staffing needs of the District. While the current staffing levels are an existing deficiency, the Panel finds that the need to address the existing deficiency in staffing is accelerated by the urban renewal plan.

Therefore, to address the proportionate share of the accelerated need for increased staff caused by the Railyard Project, the Panel unanimously finds that the appropriate level of sharing of incremental property tax revenues back to the District is fifteen percent (15%). The Panel thus finds that the Authority shall calculate and remit back to the District the amount of fifteen percent (15%) of the incremental property tax revenues generated solely by the District's mill levy upon taxable property within the Central Leadville Urban Renewal Plan Area.

The Panel's determination that the amount of fifteen percent (15%) of the incremental property tax revenues generated solely by the District's mill levy shall be shared back by the Authority to the District is a "common sense inference drawn from the evidence." See *Whole Women's Health v. Hellerstedt*, 126S.Ct. 2292, 2317 (2016). The Panel finds based on the evidence presented that the proportionate share of the operating costs of the District's need to address the existing deficiency in staffing caused by the urban renewal plan is addressed by allocating fifteen percent (15%) of the incremental tax revenues back to the District.

It is SO ORDERED UNANIMOUSLY by the Panel this 24th day of January 2019.

/s/

Jack W. Berryhill, Esq. - Panelist

/s/

Carolynne C. White, Esq. - Panelist

/s/

Corey Y. Hoffmann, Esq. - Panelist

Central Leadville Urban Renewal Plan

City of Leadville, Colorado

Appendix C:

Excerpts from the [City of Leadville Comprehensive Plan, March 2015](#)

City of Leadville Comprehensive Plan, March 2015

Chapter 1: Comprehensive Plan Summary

Aligning Economy, Infrastructure, and Land Use

Achieving a sustainable future requires simultaneous and ongoing planning with implementation that aligns economic growth strategies with infrastructure/asset planning and with future land use.

Diversifying and expanding the base of businesses and organizations that generate wealth and local employment is critically important for Leadville and Lake County's future sustainability. The solution to these challenges is largely the same: grow and diversify the local economy.

The goals in the **Comprehensive Plan** seek to build more local employment and even recruit businesses from the I-70 resort corridor to locate their base of operations in Leadville and Lake County.

According to the community survey, over 80% of respondents are not satisfied with the quality and variety of goods, foods and other day-to-day necessities offered by local serving businesses.

These factors call for a coordinated strategy for expanding and diversifying the economic base and creating jobs locally that will attract new residents and retain the people who live here today.

The city of Leadville serves a critical role in the economy, with the historic downtown as the heart of the city and the center of historic and community identity. In addition to containing the southern Highway 24 commercial corridor entrance to Leadville, the city also functions as the regional center for schools, government and public services. There are historic mixed-use neighborhoods in Leadville that with careful long-range planning and rehabilitation could be great assets for small businesses. Because retail sales are such a critical component of city revenues, retail, restaurants/bars and lodging deserve special consideration. Retail options should fit with the small-town character of Leadville and be feasible and sustainable from an economic and market perspective.

The Climax Molybdenum Company mine also generates significant severance-tax and property-tax revenues for local government.

Mining is an important industry today, making up 13% of the economic base

While mining is an important component of the economic base now and in the future, diversifying the economic base will fortify the overall economy so that future market fluctuations in mining are not felt as sharply.

[Economic Growth Strategy](#)

With these economic realities acknowledged, Chapter 2 of the **Comprehensive Plan** articulates a set of economic growth focus areas, each with general goals and specific strategies that aim to diversify the economy and expand livelihoods in Leadville and Lake County.

- Business Support
- Downtown Support and Revitalization
- Local Government Role in Physical Asset Development
- Tourism Marketing
- Attract New Businesses That Build the Economic Base

[City Assets and Core Infrastructure](#)

Leadville provides streets and drainage, police, and maintenance facilities and City Hall. Public-services and infrastructure partners such as Lake County, Parkville Water District, Leadville Sanitation District, Lake County School District, Colorado Mountain College and public lands agencies all contribute to the public assets and services that support the community. The **Comprehensive Plan** integrates strategies for improving city assets and core infrastructure organized by type of asset.

[Water](#)

Parkville Water District currently serves the city of Leadville and unincorporated lands in the Leadville Periphery and is the most important entity in the county for current and future domestic water supply.

[Sanitary Sewer](#)

While the Leadville Sanitation District boundary covers the city of Leadville and the adjacent unincorporated lands around it, the collection system is much larger and serves roughly the same areas as the Parkville Water District. Improvements have been made to the collection system in recent years that will accommodate future growth, but ongoing improvements to the aging collection system are needed. The Leadville Sanitation District operates a wastewater-treatment plant (WWTP) serving approximately 3,014 Equivalent

Single Family Residences (EQR), which is 70% the permitted capacity of 4,300 (EQR). This means the wastewater-treatment plant meets current demand, but a future growth period could trigger the need for a significant upgrade to the existing plant or the need for a new treatment plant. Ideally, a new plant would be sited further downhill and allow for expansion of the service area.

Transportation

Leadville is in need of an objective analysis and prioritization schedule for systematic maintenance of city streets and associated drainage and sidewalk improvements. A survey of the streets right-of-way is an important early step. The assessment would include a streets conditions rating and assign a prioritized program for surface, drainage and sidewalk improvements. 57% of respondents to the community survey said that street driving surface and drivability needs improvement.

Bike and pedestrian facilities including sidewalks, street crossings and the grid-pattern streets are of critical importance. Safe crossings downtown and continuous sidewalks connecting neighborhoods in and around the city of Leadville to destinations in the city such as schools, parks, trails and downtown are all needed.

In the long term, adding a sidewalk along the southern Highway 24 corridor is also a key improvement.

“ . . . connecting and completing sidewalks along key routes . . . ”

Planning for a transportation system that accommodates automobiles, cyclists and pedestrians is a critical component of transportation planning in the Leadville area.

“ . . . need for continuous and adequate sidewalks along major pedestrian corridors . . . ”

Expanding bus and/or shuttle service is also an important component of planning for the future of transportation options in the county. Existing service include the Summit Stage/Lake County Link which provides commuter busses to Summit County and ECO Transit which provides commuter busses to Eagle County.

“ . . . the elderly and children have no transit options to get around inside of Lake County and Leadville today.”

Intergovernmental Coordination

In order to plan for and finance the construction and maintenance of such capital-improvement projects, the governmental and quasi-governmental entities providing public infrastructure and services may want to create and further define intergovernmental relations.

Chapter 2: Economic Growth Strategy

Vision

Increasing economic self-sufficiency is the most important component of the vision for a diverse and sustainable economy. A healthy balance between businesses and residents will make Leadville and Lake County more self-sufficient because people can meet daily needs and live and work in Leadville and Lake County.

One of the fundamental roles for the city in furthering economic growth is to maintain and plan for improvements to the city's core infrastructure. Fiscal constraints have limited the city's ability to fund improvements and the city will need to continue working with partners to identify feasible strategies to pay for infrastructure improvements and maintenance.

Chapter 4: Future Land Use Plan

Vision

There is no doubt that Leadville has the quality called 'sense of place' that has proven to be elusive in many communities.

Leadville is a place where people pride themselves on self-sufficiency, but also have a long history of helping each other, both in the short term when needs arise and over the long term with a network of non-profits, volunteer groups, organizations and businesses that consistently provide help and support to people and businesses.

Future Land Use Plan

- Enhancing downtown Leadville as the historic and pedestrian-oriented heart of the community and the economic engine for the city and creating an environment where people can live downtown and add to its vitality.
- Balancing housing and commercial development so that people can live and work in Leadville.

- Re-establishing the vitality of the historic commercial and mixed-use block east and west of Harrison Avenue.
- Encouraging infill and redevelopment in the residential neighborhoods in the historic town site and creating diversity in housing types.
- Building on the neighborhood character, efficiency, convenience and pedestrian/bike friendliness offered by the historic streets and alleys grid.
- Improving the vitality, visual appearance and bike/pedestrian facilities along the southern Highway 24 corridor.
- Promoting Leadville's historically mixed-use neighborhoods along Chestnut and Elm Streets as economic assets for small businesses.
- Promoting retail and restaurants that serve both local residents and visitors and augmenting the inventory of in-town businesses that serve day-to-day needs of residents.

The City Periphery/3-Mile Plan

Residential Infill

These are areas that are inside or near the Parkville Water District and Leadville Sanitation District service areas that are not part of a subdivision or developed residential neighborhood. Looping and other essential improvements to water lines will be needed to supply this entire area with culinary water and extension and improvements to the sanitary sewer collection system are feasible but will require investment. The mining claim patchwork along the northern corner of the city will likely require infrastructure investments to provide adequate water pressure. The predominant development pattern today in the Residential Infill designation is medium- to large-lot residential neighborhoods. Future residential densities will depend on the physical constraints and real estate market trends, but this designation encourages higher-density housing close to Leadville and within biking and walking distance to destinations in the city. Work with partners to establish more bike and pedestrian trails and pathways for connectivity in future developments in the Residential Infill designation. In the Residential Infill areas adjacent to the city of Leadville Historic Town Streets Grid along the northeast corner of the city near the Poverty Flats area, extend the town streets grid so that future development extends and builds on the small-town form.

Highway Commercial

This designation emphasizes convenient automobile access and parking and allows well-screened broken-up parking lots in the front as seen from the highway. Auto access is balanced with obvious and convenient access for pedestrians and bikes. Avoid monotonous block-like structures by incorporating interesting and varied façades and encourage a mountain/rustic architectural style that fits the mountain town setting and reflects the mining heritage. This designation allows for a flexible mix of retail, restaurants,

service commercial, offices and other uses aimed at attracting and accommodating customers on-site.

Mixed-Use

The Mixed-Use designation allows for more than one use, for example, residential and commercial uses, in the same building (vertical mixed-use) or different uses adjacent to one another in the same development (horizontal mixed-use). Both vertical and horizontal mixed-use are encouraged in this designation. Explore possibilities for live-work buildings and allow home occupations to encourage citizens to live and work in Lake County. Street rights-of-way should be scaled sufficiently to accommodate automobiles, bicycles, pedestrians and trees, depending on the intended use of the street.

General Commercial

This provides for a variety of workplaces including manufacturing, offices, industry support services, storage buildings/yards, transportation and aviation services, utilities and other primary employment facilities. This designation also encourages secondary uses such as retail sales, coffee shops, restaurants, and daycare facilities that support the primary uses.

Central Leadville Urban Renewal Plan

City of Leadville, Colorado

Appendix D:

Central Leadville Urban Renewal Area Legal Description



LEADVILLE URBAN RENEWAL DISTRICT PARCEL 1
LEGAL DESCRIPTION

A parcel of land situated in the Southwest one-quarter of Section 13, the Southeast one-quarter of section 14, the Northeast one-quarter of Section 23, and the Northwest one-quarter of Section 24, Township 9 South, Range 80 West of the Sixth Principal Meridian, Lake County, Colorado, and being more particularly described as follows:

Lot 1 and Lot 2 of the Leadville Railyard Filing 1, recorded at Reception #374557

LEADVILLE URBAN RENEWAL DISTRICT PARCEL 2
LEGAL DESCRIPTION

A parcel of land situated in the Northwest one-quarter of Section 24, Township 9 South, Range 80 West of the Sixth Principal Meridian, Lake County, Colorado, and being more particularly described as follows:

Commencing at the intersection of the Northerly line of the East 12th Street Right of Way and the Westerly line of the Poplar Street Right of Way;

Thence Easterly to the point of intersection of the Northerly line of the East 12th Street Right of Way and the Easterly line of the Poplar Street Right of Way;

Thence Southerly along the Easterly line of the Poplar Street Right of Way to the point of intersection of the Southerly line of the East 10th Street Right of Way and the Easterly line of the Poplar Street Right of Way;

Thence Westerly to the point of intersection of the Southerly line of the East 10th Street Right of Way and the Westerly line of the Poplar Street Right of Way;

Thence Northerly along the Westerly line of the Poplar Street Right of Way to the point of intersection of the Northerly line of the East 12th Street Right of Way and the Westerly line of the Poplar Street Right of Way, and the Point of Commencement.



LEADVILLE URBAN RENEWAL DISTRICT PARCEL 3
LEGAL DESCRIPTION

A parcel of land situated in the Southeast one-quarter of Section 23, the Southwest one-quarter of section 24, the Northwest one-quarter of Section 25, and the Northeast one-quarter of Section 26, township 9 South, Range 80 West of the Sixth Principal Meridian, Lake County, Colorado. More particularly described as follows:

Commencing at the point of intersection of the centerline of East 10th Street and the centerline of Poplar Street;

Thence Southeasterly along the centerline of Poplar Street to the point of intersection with the centerline of East 3rd Street;

Thence Northeasterly along the centerline of East 3rd Street to the point of intersection with the centerlines of South Toledo Street;

Thence Southerly along the centerline of South Toledo Street to the point of intersection with the centerline of Monroe Street;

Thence Southwesterly along the centerline of Monroe Street to the point of intersection with the centerline of Harrison Ave;

Thence Southwesterly along the centerline of Harrison Avenue to the centerline of Silver Drive;

Thence continuing Southwesterly along the centerline of Silver Drive to the point of intersection with the centerlines of Pine Street;

Thence Northwesterly along the centerline of Pine Street to the point of intersection with the centerline of West 10th Street;

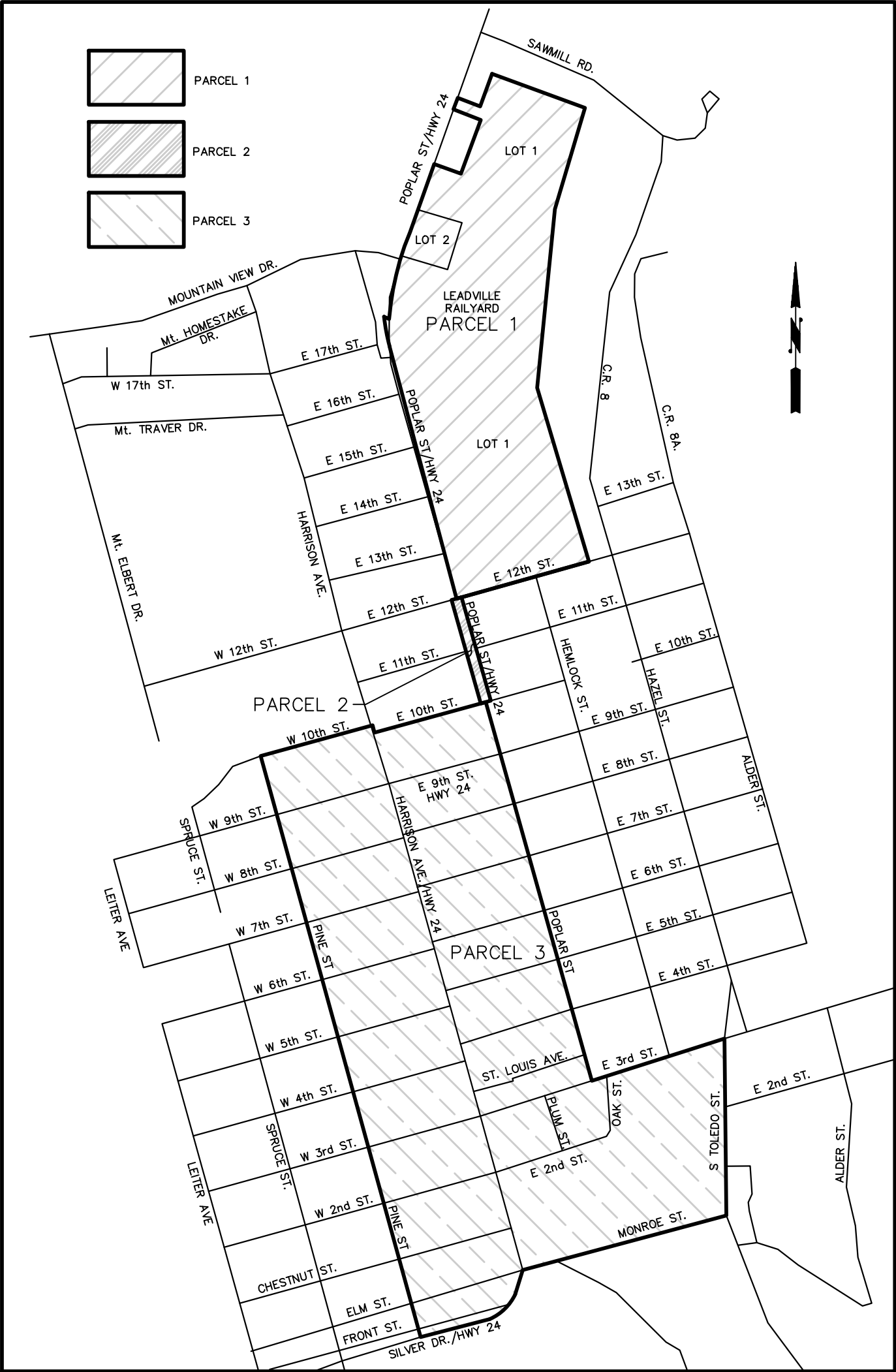
Thence Northeasterly along the centerline of West 10th Street to the point of intersection with the centerline of Harrison Avenue;

Thence Southeasterly along the centerline of Harrison Avenue to the point of intersection with the centerline of East 10th Street;

Thence Northeasterly along the centerline of East 10th Street to the point of intersection with the centerline of Poplar Street, and the Point of Commencement.


LEADVILLE URBAN RENEWAL DISTRICT

EXHIBIT A



19018-Exhibit.dwg

CERTIFICATION
I, Raymond M. Elko, a Professional Land Surveyor in the State of Colorado, do hereby certify that this Exhibit was prepared by me or under my direct supervision, responsibility and checking. I further certify This is not a monumented land survey, Land Survey Plat, Improvement Survey Plat, or an Improvement Location Certificate.



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