

ORDINANCE

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**AN ORDINANCE FINDING THAT ONE OR MORE BLIGHTED AREAS EXIST IN THE CITY OF MANITOU SPRINGS, THE NEED FOR THE REDEVELOPMENT AND REHABILITATION OF SUCH AREAS IN ACCORDANCE WITH THE COLORADO URBAN RENEWAL LAW, DECLARING IT TO BE IN THE PUBLIC INTEREST THAT THE MANITOU SPRINGS URBAN RENEWAL AUTHORITY EXERCISE THE POWERS PROVIDED BY LAW AND AUTHORIZING AND DIRECTING THE MAYOR TO APPOINT COMMISSIONERS TO ACT AS THE URBAN RENEWAL AUTHORITY.**

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**WHEREAS**, the Colorado Urban Renewal Law, Section 31-25-101, *et seq.*, of the Colorado Revised Statutes (the "Act"), provides for the creation, organization and operation of an urban renewal authority for the City of Manitou Springs, Colorado (the "City"), and

**WHEREAS**, for the reasons set forth in the body of this resolution, it is necessary and in the public interest that the City Council of the City of Manitou Springs (the "City Council") organize the urban renewal authority for the City and authorize such authority to exercise the powers and carry out the duties of an urban renewal authority as provided in the Act.

**NOW, THEREFORE**, be it ordained by the City Council as follows:

Section 1. One or more petitions bearing the signatures of not less than twenty-five electors of the City have been filed with the City Clerk, setting forth that there is a need for an urban renewal authority to function in the City.

Section 2. The City Clerk has given notice of the time, place and purpose of a public hearing by the City Council to determine the need for an urban renewal authority in the City. Such notice was published on October 5, 2006 (which is at least ten days proceeding the day on which the public hearing was held) in The Pikes Peak Bulletin, a newspaper having a general circulation in the City.

Section 3. Pursuant to the notice published in accordance with Section 2, a public hearing has been held by the City Council and a full opportunity to be heard has been granted to all residents and taxpayers of the City and all other interested persons.

Section 4. There was presented to the City Council for its review and consideration a document prepared by Leland Consulting Group entitled "Manitou Springs East Corridor" dated July 31, 2006, containing 24 pages including exhibits (the "Conditions Survey"), which is incorporated herein and made a part hereof. The Conditions Survey shows that the following conditions set forth in Section 31-25-103(2) of the Act exist within the area described therein:

- 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. The existence of conditions that endanger life or property by fire and other causes;
- g. 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;
- h. Environmental contamination of buildings or property;
- i. Unusual topography and inadequate public improvements or utilities.

Section 5. Based upon all of the evidence presented to it at the public hearing, including the Conditions Survey, the City Council hereby finds that one or more blighted areas exist in the City and that the acquisition, clearance, rehabilitation, conservation, development, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of the City.

Section 6. The City Council finds and declares it to be in the public interest that the urban renewal authority created by the Act be and is hereby established and organized to function within the City and exercise the powers provided in the Act. Such authority shall be known as the "Manitou Springs Urban Renewal Authority" (the "Authority") and is hereby vested with all of the rights and powers and is authorized to carry out all of the duties and functions provided in the Act, as such Act now exists and as it may be amended in the future.

Section 7. Pursuant to Section 31-25-104(b) of the Act, the Mayor is hereby authorized and directed to appoint commissioners who shall serve as members of the Authority in accordance with the Act.

Section 8. The City Clerk is authorized and directed to prepare a certificate setting forth that the City Council has made the findings and declarations set forth herein. The persons appointed as commissioners of the Authority shall sign such certificate and the City Clerk shall file such certificate with the Division of Local Government in the Department of Local Affairs of the State of Colorado as provided in the Act.

Section 9. Safety Clause. The City Council hereby finds, determines and declares that this ordinance is promulgated under the police powers of the City, that it is promulgated for the health, safety, morals, and general welfare of the public and that this ordinance is necessary for the preservation of the health and safety and for the protection of public convenience and welfare. The City Council further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

Section 10. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

Passed on First Reading and Ordered Published this 17<sup>th</sup> day of October, 2006.

Carol A. Lawson  
City Clerk

A Public Hearing on Ordinance No. 3206 will be held at the November 21, 2006, City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: October 19, 2006  
Pikes Peak Bulletin

Passed on second reading and adopted by Council this 21<sup>st</sup> day of November, 2006.

Marcy Morrison  
Mayor and Council

Attest: Carol A. Lawson  
City Clerk

Approved for Council Action: [Signature]  
City Administrator

Approved as to form: [Signature]  
City Attorney

Published: 11-30-06  
Pikes Peak Bulletin