

URBAN RENEWAL PLAN FOR THE MINER'S VILLAGE URBAN RENEWAL PROJECT

TOWN OF FREDERICK
November 2015

I. INTRODUCTION

The Urban Renewal Plan for the Miner’s Village Urban Renewal Project has been prepared pursuant to the provisions of the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31, C.R.S., as in effect in all respects on the date this Urban Renewal Plan is approved by the Town of Frederick Board of Trustees. The Urban Renewal Plan (sometimes referred to herein alternatively as the “Plan”), including the preparation and execution of any documents implementing it, shall be performed by the Frederick Urban Renewal Authority.

It is the intent of this plan that the objectives of quality development will be achieved by cooperation between the Authority and the private sector utilizing and facilitating financing of required improvements, both public and private incentives and tools from any and all available sources. As required by the Urban Renewal Law, the Plan will afford maximum opportunity, consistent with the sound needs of the Town as a whole, for the development of the Urban Renewal Area by private enterprise.

II. AGRICULTURAL LAND

The Urban Renewal Area consists of land that has been classified by the Weld County Assessor as agricultural land for the purposes of levying and collecting property taxes during the five-year period prior to the date of adoption of this Urban Renewal Plan. It is the intention of the Board of Trustees that the Frederick Urban Renewal Authority will enter into agreements where appropriate to assist in financing additional services or infrastructure to serve new improvements in the Urban Renewal Area.

III. DEFINITIONS

Any terms used in this Urban Renewal Plan that are not defined herein are governed by definitions in the Colorado Urban Renewal Law or definitions in the Town of Frederick Land Use Code, as applicable. Unless a different meaning is clearly stated, the terms used in this Urban Renewal Plan shall have the following meanings:

“Agricultural Land” shall have the same meaning as in Sections 103(1) of the Urban Renewal Law.

“Area” and “Urban Renewal Area” means the Area depicted on Exhibit A, attached to and made a part hereof.

“Authority” means the Frederick Urban Renewal Authority, a body corporate and politic of the State of Colorado.

“Bonds” shall have the same meaning as in Sections 103(3) and 109 of the Urban Renewal Law, and, without limitation, specifically includes reimbursement agreements with owners and developers.

“Comprehensive Plan” means the Town of Frederick Comprehensive Plan – 2006. The Comprehensive Plan is being revised and updated. Any new revisions are not expected to materially affect the provisions of this Urban Renewal Plan.

“Plan” and “Urban Renewal Plan” means this urban renewal plan as adopted and approved by the Town Board. The Plan may only be modified by a resolution adopted by the Town Board.

“Tax Increment Financing” or “TIF” means tax allocation financing described in Section 31-25-107(9) of the Urban Renewal Law, as in effect on the date this Plan is approved by the Town Board. Unless this Plan is formally amended by the Town Board to provide otherwise, Tax Increment Financing shall be required for the full twenty-five year period required to carry out all the activities and undertakings necessary to complete the Urban Renewal Project.

“Town” means the Town of Frederick, Colorado.

“Town Board” means the Board of Trustees of the Town of Frederick, Colorado.

“Town Land Use and Building Requirements” means the requirements listed in Section VII of this Plan.

“Urban Renewal Law” means the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31, C.R.S., as in effect in all respects on the date this Plan is approved by the Town Board.

“Urban Renewal Project” means all of the activities and undertakings required for the complete development of the Urban Renewal Area, including, without limitation financing and construction of all public and private improvements and payment of all financing obligations included in the definition of “Bonds” in the Urban Renewal Law.

IV. URBAN RENEWAL AREA BOUNDARIES

The Urban Renewal Area is entirely within the municipal boundaries of the Town and contains approximately 56.57 acres. The Area is depicted on Exhibit A. The Area has been classified by the Weld County Assessor as Agricultural Land as defined in the Urban Renewal Law.

V. QUALIFYING CONDITIONS

An independent consultant, Jac Cuney, experienced in conducting conditions surveys, conducted a field investigation survey to determine if conditions constituting the definition of “blighted area” contained in Section 103(2) of the Urban Renewal Law exist in the Area. The results of this survey are contained in a report entitled “Miner’s Village 1 Conditions Survey” dated August 2015 that identified and documented the following statutory conditions as existing in the Urban Renewal Area:

- A. Predominance of defective or inadequate street layout;

- B. Faulty lot layout in relation to size adequacy, accessibility, or usefulness;
- C. Unsanitary or unsafe conditions;
- D. Deterioration of site or other improvements;
- E. Unusual topography or inadequate public improvements or utilities;
- F. Environmental contamination of buildings or property;
- G. 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 Conditions Survey is incorporated in and made a part of this Plan as Exhibit B. The above conditions show that the Urban Renewal Area qualifies as a blighted area as defined in the Urban Renewal Law. By definition a “blighted area” 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 of the Town.

VI. CONFORMANCE WITH COMPREHENSIVE PLAN

As required by the Urban Renewal Law, this Plan conforms with the Comprehensive Plan, which is a general plan of the Town as a whole. The Comprehensive Plan will govern the execution of this Urban Renewal Project by the Authority in a manner consistent with the following goals and objectives.

VII. GOALS AND OBJECTIVES OF THE URBAN RENEWAL PLAN

A major objective of the Comprehensive Plan is to create safe and attractive places to live, work, and shop in accordance with community goals, policies, and strategies articulated for each land use category. The activities and undertakings necessary to carry out this Urban Renewal Plan are intended to implement the following specific goals, policies, and strategies of the Comprehensive Plan.

Goal 2: Create a healthy balance between housing, employment, availability of goods and services, recreation and cultural opportunities within the community.

Strategy 2.1.2: Promote a wide range of quality businesses and industries to provide employment opportunities and services for Frederick services.

Strategy 2.1.5: Encourage commercial and industrial neighborhoods to be functional, identifiable areas that do not adversely impact adjacent uses.

Strategy 2.1.6: Encourage multi-purpose activity centers within shopping centers and business parks.

Strategy 2.1.7: Minimize and discourage land uses that would detract from the function and viability of commercial and industrial neighborhoods.

Goal 5: Enhance the aesthetic image of Frederick and the surrounding area by improving the appearance of major highway corridors and entryways.

Policy 5.1: Develop an attractive and inviting sense of place along the Interstate and Highway 52 corridors by using quality architecture, generous landscaping, locating storage areas away from the corridors, and disbursing off-street parking around the site.

Strategy 5.1.1: Promote a variety of uses along the corridors, including retail, office, industrial, employment, restaurants and service, and multi-family residential.

Strategy 5.1.6: Encourage lighting along major transportation corridors to provide safety and illumination in parking lots, pedestrian paths, and building entrances.

Goal 6: Encourage design diversity and excellence.

Policy 6.1: Pursue the removal of abandoned oil and gas wells in the Frederick Planning Area.

Policy 6.2: Evaluate projects with respect to magnitude, scale and diversity as they relate to the character of the existing town.

Goal 10: Strive for a diverse, balanced business community that brings economic vitality, while maintaining a balance with population and community character.

Strategy 10.1.1: Encourage the recruitment of businesses that support the economic base and create primary jobs for the Town.

Strategy 10.1.2: Develop a policy regarding preferred businesses, including those which practice environmental stewardship, businesses that provide high-paying jobs, or locally owned non-corporate businesses.

Strategy 10.1.4: Utilize incentives and programs to promote economic development, including but not limited to, expediting the development review process, utilizing public-private financing mechanisms, and/or applying for development or redevelopment grants.

Policy 10.2: Establish partnerships with public and private entities to benefit the community.

Policy 10.3: Encourage new businesses and retain existing businesses that provide needed local services.

Strategy 10.3.1: Collaborate with the business community to facilitate growth, development and infra structure improvements that benefit residents and businesses.

Strategy 10.3.3: Consider making public improvements to the Town for the purpose of attracting new businesses, such as gateways/entries with attractive signage and landscaping.

Policy 10.4: Maintain streamlined development review and building permit proposes.

Strategy 10.4.1: Provide efficient and timely review of development proposals, while maintaining quality standards in accordance with the Town's Land Use Code.

Policy 10.5: Complete vital sections of the Town's infrastructure where needed.

Strategy 10.5.1: Encourage the community's infrastructure improvements be built in a timely and efficient manner to promote economic development.

Strategy 10.5.2: Encourage landowners or developers to design, finance, and construct infrastructure improvements within and to their property or properties.

Strategy 10.5.3: Establish reimbursement agreements between the landowners and the Town.

Strategy 10.5.4: Explore options towards designing, financing, and constructing infrastructure improvements upfront, understanding that future development will pay its way by contributing its "fair share" cost of the improvements at the time of development.

Policy 10.6: Promote an increase and diversification of the employment base to accommodate job-generating developments that help achieve jobs for Frederick residents.

Strategy 10.6.1: Encourage businesses that will provide jobs for Frederick residents.

Strategy 10.6.2: Promote businesses that will provide job diversity.

Strategy 10.6.5: Work toward a job-housing ratio greater than 1:1.

Policy 10.7: Locate economic development in appropriate and viable locations.

Goal 11: Encourage the growth of commercial services within the Town while preserving the community character and meeting needs of the citizens.

Policy 11.3: Encourage the development of community and regional commercial sites.

Strategy 11.3.1: Consider alternative funding mechanisms.

Goal 14: Provide and maintain a roadway network, which meets Frederick's circulation and access needs in a safe, economical, and efficient manner.

Policy 14.1: Ensure that the transportation system is compatible with adjacent land uses to maintain a high level of mobility.

Strategy 14.1.1: Time improvements to the transportation system to coincide with new development.

Goal 16: Maintain Frederick as a desirable community through the installation of public improvements, providing a high level of service.

Policy 16.1: Cooperate with the service districts to develop a process that will ensure that public improvements are installed efficiently and in a timely manner.

Strategy 16.1.1: Encourage the area's service districts to use the Town of Frederick Comprehensive Plan as a guide to determine the location of public improvements.

Strategy 16.1.2: Initiate discussions with the service districts to enter into intergovernmental agreements that require cooperation in providing municipal facilities and services in the Frederick Planning Area.

Strategy 16.2.2: Require developers to install all public improvements necessary to serve their development.

VIII. LAND USE REGULATIONS AND BUILDING REQUIREMENTS

All development and redevelopment in the Area will be governed by the Comprehensive Plan, the Town Land Use Code, the Town Design Standards and Construction Specifications, and the International Building Code as adopted by the Town with minor modifications (collectively, the "Town Land Use and Building Requirements"). The Plan will implement the provisions of Section 31-25-107(8) of the Urban Renewal Law, which provides that, upon approval of the Plan, the provisions of the Plan shall be controlling with respect to land area, land use, design, building requirements, maximum densities, timing or procedure applicable to the property

covered by the Plan. The Plan shall be automatically updated to reflect any revisions made to the Comprehensive Plan as it applies in the Area.

IX. PROJECT ACTIVITIES

The Authority is authorized to use any and all powers available to it under the Colorado Urban Renewal Law and other applicable laws in order to carry out the activities and undertakings it determines are necessary for the successful execution of this Plan, including, without limitation, those listed below.

A. Owner Participation and Cooperation with Special Districts

The Authority may enter into ownership participation agreements and cooperation agreements with property owners, developers, and special districts, including metropolitan districts, in the Area for the development, redevelopment or rehabilitation of their property or provision and improvement of public improvements.

Owner participation and other agreements of this nature shall contain, at a minimum, provisions requiring:

1. Compliance with the Plan and all applicable ordinances and regulations.
2. Covenants to begin and complete development, construction or rehabilitation of both public and private improvements within a period of time considered to be appropriate by the Authority.
3. The financial commitments of each party.
4. The financial and legal ability to carry out development and redevelopment proposals.

B. Property Acquisition

If the Authority determines it is necessary to acquire any real property to implement this Plan, the Authority may do so by any means available by law, except that, unless the owner of such property agrees, the Authority is not authorized to acquire any property by exercise of the power of eminent domain.

C. Property Management

During such time as acquired property is owned by the Authority, such property shall be under the management and control of the Authority and may be rented or leased pending its disposition for redevelopment.

D. Relocation Assistance and Payments

It is not expected that the implementation of this Plan will require the displacement of any person, family, or business. However, if acquisition of property displaces and person, family, or business, the Authority may assist such party in finding another location, and may, but is not obligated to make relocation payments and provide relocation benefits authorized by the Urban Renewal Law (except to the extent required by law in the event the use of eminent domain is properly authorized and causes such displacement) to eligible residents and businesses in such amounts and under such terms and conditions as required by law.

E. Demolition, Clearance, and Site Preparation

The Authority may demolish and clear, or contract to demolish and clear, buildings, structures, and other improvements from any property it acquires in accordance with this Plan. The Authority may provide rough and finished site grading and other site preparation services as part of a specific redevelopment program.

F. Public Improvements and Facilities

In carrying out this Plan, the Authority may cooperate with other public bodies and with private enterprise to provide public improvements and facilities as may be necessary to serve the needs of the Area and respond to community needs as set forth in the Comprehensive Plan and the Town Land Use and Building Requirements. The Authority may make provision and provide funding for such public improvements and facilities in accordance with the goals and objectives of this Plan.

G. Property Disposition

If the Authority acquires any real property in the Area, the Authority shall dispose of such property it acquires by any legal means, including establishment of a reasonable competitive bidding procedure as required by the Urban Renewal Law. Such requirements may include compliance with the Plan, covenants to begin and complete construction of improvements within a time deemed reasonable by the Authority. The Authority shall also determine the financial and legal ability of any private developer to carry out any redevelopment agreement with the Authority.

H. Cooperation Agreements

For the purposes of planning and carrying out this Plan, the Authority may enter into one or more cooperation agreements with the Town or other public entities. Without limitation, such agreements may include project financing and implementation; design, location and construction of public improvements and any other matters required to carry out this Plan, including payment or reserving of funds required to provide for or contribute to area impacts as a result of the proposed development and redevelopment of the Area.

I. Other Plan Undertakings and Activities

Other Plan undertakings and activities deemed necessary by the Authority to carry out the Plan may be undertaken and performed by the Authority or pursuant to agreements with other public or private entities in accordance with the provisions of the Urban Renewal Law and any other applicable law.

X. PROJECT FINANCING; TAX INCREMENT FINANCING

The Authority is authorized to finance implementation of the Plan and the Urban Renewal Project by any method authorized by the Urban Renewal Law or any other applicable law, including, without limitation, appropriations, loans or advances from any source, including, without limitation, the Town; federal loans and grants; state loans and grants; interest income; agreements with public and private parties or entities; sale of securities and other assets; property and sales tax increments (if approved by the Town Board by agreement with the Authority); and loans, advances and grants from any other available source. The following methods of financing redevelopment projects are illustrative only and not necessarily inclusive or complete. All financing methods legally available to the Town and/or the Authority, including other public and private entities or agencies, and/or developers may be used to finance the public or private improvements or any other costs described or anticipated in this Plan, or related in any manner to the development and redevelopment of the Area. These methods include, without limitation: Property tax increment financing; sales tax increment financing (if approved by the Town Board by agreement with the Authority); general obligation bond financing; special obligation bond financing; municipal revenue bond financing; general and metropolitan improvement district financing; local improvement district and special assessment financing; tax anticipation notes and warrants; installment purchasing; short-term notes and loans; tax exempt financing; industrial development revenue bond financing; conventional financing; and any other method of financing acquisition, improvements, or redevelopment as authorized by law, including, without limitation, reimbursement agreements with the private sector.

Such financing methods can be combined to finance individual developments in the Area as well as all activities and undertakings by the Authority to carry out the Plan and the Urban Renewal Project. These methods can also be used insofar as legally allowable to pay the principal of and interest on and to establish reserves for indebtedness (whether funded, refunding, assumed or otherwise) incurred by the Town or the Authority to finance, refinance, or refund in whole or in part, the Urban Renewal Project as defined in the Urban Renewal Law and the Plan. It is the policy of the Authority to consider any and all methods of financing by any legal method, or any combination of methods of financing.

The Authority is authorized to issue notes, bonds, or any other financing instruments or documents in amounts sufficient to finance all or part of the Urban Renewal Project as defined in the Urban Renewal Law and the Plan. The Authority is authorized to borrow funds and to

otherwise create indebtedness through incurring obligations for in-kind contributions from the Town or any other entity in carrying out this Plan. The principal, interest and any premiums due on or in connection with such indebtedness may be paid from tax increments or any other fund available to the Authority.

Activities and undertakings pursuant to the Plan may be financed by the Authority under the Tax Increment Financing provisions of the Urban Renewal Law in existence at the time this Plan is approved by the Town Board. Unless this Plan is formally amended by the Town Board to provide otherwise, Tax Increment Financing shall be required for the full twenty-five year period required to carry out all the activities and undertakings necessary to complete the Urban Renewal Project.

A. Establishment of Special Fund

The Authority shall establish a tax increment revenue fund for the deposit of all funds generated pursuant to the division of ad valorem property tax and, upon approval of the Town Board, municipal sales tax revenues described in this section.

B. Base Amount

That portion of the taxes which are produced by the levy at the rate fixed each year by or for each public body upon the valuation for assessment of taxable property in the Urban Renewal Area last certified prior to the effective date of approval of the Plan, and, if authorized by the Town Board in an agreement with the Authority, that portion of municipal sales taxes collected within the boundaries of the Urban Renewal Area in the twelve-month period ending in that last day of the month prior to the effective date of the approval of the Plan, or both such portions, shall be paid into the funds of each such public body as all other taxes collected by or for said public body.

C. Increment Amount

That portion of said property taxes in excess of such base amount or that portion of such municipal sales taxes in excess of such base amount, or both, shall be allocated to and, when collected paid into the tax increment revenue fund to pay the principal of, the interest on, and any other premiums due in connection with the Bonds of, loans or advances to or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the Authority for financing or refinancing, in whole or in part, the Urban Renewal Project described in this Plan, or as otherwise authorized by the Urban Renewal Law. Unless and until the total valuation for assessment of the taxable property in the Urban Renewal Area exceeds the base valuation for assessment of the taxable property in the Urban Renewal Area, all of the taxes levied upon taxable property in the Urban Renewal Area shall be paid into the funds of the respective public bodies. If sales tax increment financing is authorized by the Town Board, unless and until all or the relevant part of the municipal sales tax collections in the Urban Renewal Area exceed the base year municipal sales tax collections in the Urban Renewal Area, all such sales tax

collections shall be paid into the funds of the Town. When such Bonds, loans, advances and indebtedness, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds of the respective public bodies.

The increment portion of the taxes, as described in this subsection C, may be irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with such Bonds, loans, advances and indebtedness incurred by the Authority to finance the Urban Renewal Project, but excluding any offsets collected by the County Treasurer for return of overpayments or any reserve funds reserved by the Authority for such purposes in accordance with Section 31-25-107(9)(a)(III) and (b), C.R.S., and also excluding a reasonable amount each year as determined by the Authority for payment of maintenance and operating expenses associated with administering the Plan, carrying out the Urban Renewal Project, and maintaining the existence of the Authority.

XI. CHANGES IN APPROVED PLAN

This Plan may be modified by formal resolution of the Town Board pursuant to and in accordance with Section 31-25-107(7) of the Urban Renewal Law governing such modifications, including all protections afforded by law to owners, lessees, and holders of Bonds, including rights to reimbursement payments.

XII. MINOR VARIATIONS

The Authority may in specific cases allow minor variations from the provisions of the Plan if it determines that a literal enforcement of the provisions of the Plan would constitute an unreasonable limitation or restriction beyond the intent and purpose of the Plan.

XIII. EXHIBITS

- Exhibit A: Map of Urban Renewal Area
- Exhibit B: Conditions Survey

EXHIBIT A: MAP OF URBAN RENEWAL AREA

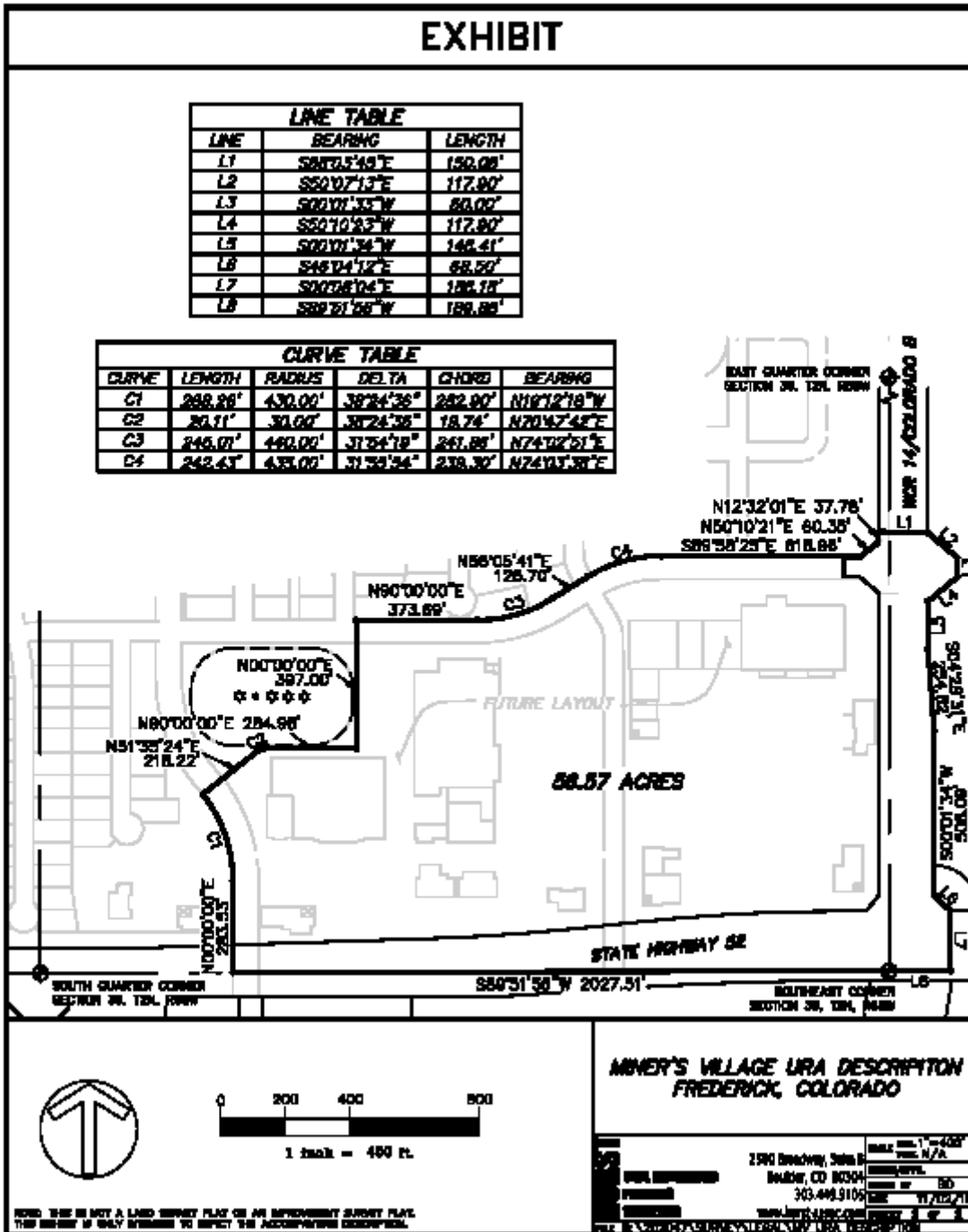


EXHIBIT B: CONDITIONS SURVEY