

Delta Urban Renewal Authority Blight Study

February 2017

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1. INTRODUCTION

This report presents the conditions survey, analysis, findings and underlying rationale for the Delta Urban Renewal Authority (“DURA”) Blight Study (“Study”), which was prepared by City of Delta Community Development Department (“Com Dev”). Com Dev conducted the initial field survey of the Property in January and February 2017.

1.1 PURPOSE

The purpose of this Study is to determine whether there exists slum or blight conditions in the Delta Urban Renewal Area (“Study Area”) within the meaning of Colorado Urban Renewal Law, and whether the Study Area should be recommended for such urban renewal efforts as the DURA and the City of Delta may deem appropriate to remediate existing conditions of slum or blight and to prevent further deterioration and blight.

1.2 COLORADO URBAN RENEWAL LAW

In the Colorado Urban Renewal Law, Colorado Revised Statutes § 31-25-101 et seq. (the “Urban Renewal Law”), the legislature has declared that an area of slum or blight:

...constitutes a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state in general and municipalities thereof; that the existence of such areas contributes substantially to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of public policy and statewide concern....

Before remedial action can be taken by a public agency, however, the Urban Renewal Law requires a finding by the appropriate governing body that an area exhibits conditions of slum or blight.

The determination that an area constitutes a slum or blighted area is a cumulative conclusion attributable to the presence of several physical, environmental, and social factors. Indeed, slum or blight is attributable to a multiplicity of conditions, which, in combination, tend to accelerate the phenomenon of deterioration of an area. For purposes of this Study, the definition of a blighted area is premised upon the definition articulated in the Urban Renewal Law, as follows:

“Blighted area” means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

- a. Slum, deteriorated, or deteriorating structures;*
- b. Predominance of defective or inadequate street layout;*
- c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- d. Unsanitary or unsafe conditions;*
- e. Deterioration of site or other improvements;*
- f. Unusual topography or inadequate public improvements or utilities;*
- g. Defective or unusual conditions of title rendering the title non-marketable;*
- h. The existence of conditions that endanger life or property by fire and 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; or*
- 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 this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.*

To be able to use the powers of eminent domain, “blighted” means that five of the eleven factors must be present (Colorado Revised Statutes § 31-25-105.5(2)(a)(l)):

- (a) “Blighted area” shall have the same meaning as set forth in section 31-25-103 (2); except that, for purposes of this section only, “blighted area” means an area that, in its present condition and use and, by reason of the presence of at least five of the factors specified in section 31-25-103 (2) (a) to (2) (l), 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.

Only one factor must be present if the property owner or owners and the tenant or tenants of such owner or owners do not object to the finding (Colorado Revised Statutes § 31-25-105.5(2)(l)):

(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 this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. For purposes of this paragraph (l), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

In determining whether an area constitutes a blighted area under the Urban Renewal Law, the presence of one well maintained building does not defeat a determination that an area constitutes a blighted area. A determination of blight is based upon an area "taken as a whole," and not on a building-by-building basis.

1.3 STUDY METHODOLOGY

This Study was undertaken in January and February of 2017. Based upon the conditions observed in the field, and through desktop application, this Study makes a recommendation as to whether the Study Area is blighted within the meaning of the Urban Renewal Law. The actual determination of blight remains the responsibility of the legislative body, in this case, the Delta City Council.

An important objective of this Study was to obtain and evaluate data on a wide range of physical and non-physical conditions that are present in the Study Area. Data about the Study Area was collected, analyzed, and ultimately portrayed through three carefully performed tasks:

- Task 1: Project Initiation, Data Collection and Mapping
- Task 2: Field Survey, Research and Verification
- Task 3: Documentation and Presentation of Findings

Tasks 1 and 2 are described in Section 2, Study Area Analysis. Task 3 is described in Section 3,

Summary of Findings.

2 STUDY AREA ANALYSIS

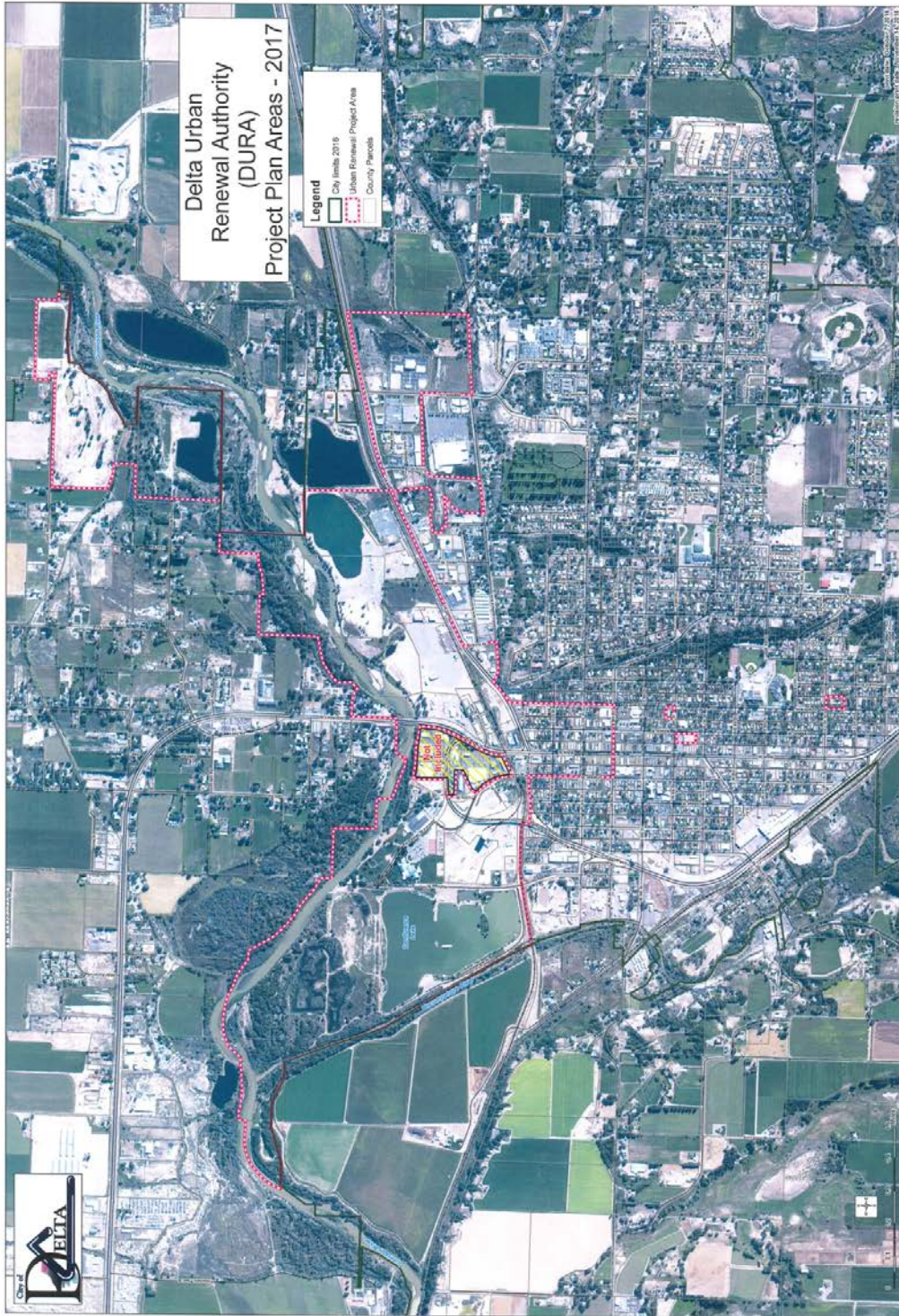
2.1 STUDY AREA

According to Com Dev GIS records, the DURA Area Map includes approximately 823.9 acres. Exhibit 2.1 delineates the Study Area within the City of Delta and shows the Study Area boundary with parcel boundaries from the Delta County GIS records. Unconfirmed individual addresses are shown from the City of Delta GIS records.

2.2 EXISTING CONDITIONS

The Study was conducted in January and February of 2017. The Study Area contains varied conditions, ranging from Commercial Retail, Industrial, Parks/Open Space to Residential. Infrastructure to the area is also varied, with the areas that are developed having direct access to public utilities including water, sewer and electricity. The undeveloped areas have the ability to access public utilities with the extension of such utilities.

EXHIBIT 2.1 Study Area



2.4 STUDY APPROACH

A physical survey of some of the properties was conducted during site visits in January 2017. Blight factors were addressed during the site visits and desktop analysis. This desktop analysis included review of aerial photography, Geographic Information System (GIS) data, and other relevant documentation in order to comprehensively assess the existing conditions within the Study Area. Each observation of a blight factor noted was tallied on a survey matrix and some were documented with photographs.

2.5 BLIGHT FACTOR EVALUATION CRITERIA

The following is the evaluation criteria for examination of the eleven blight factors (a through k.5). These criteria were evaluated during the field survey and review of available supplemental documentation and desktop analysis.

a. Slum, deteriorating or deteriorated structures

Field survey efforts examining this factor focused on the general condition and level of deterioration of the existing building's exterior components, such as:

- Deteriorated exterior walls
- Deteriorated visible foundation
- Deteriorated fascia, soffits, and/or eaves
- Deteriorated gutters and/or downspouts
- Deteriorated exterior finishes
- Deteriorated windows or doors
- Deteriorated stairways and/or fire escapes
- Deteriorated loading dock areas and/or ramps
- Deteriorated fences, walls, and/or gates
- Deteriorated ancillary structures

b. Predominance of defective or inadequate street layout

The analysis conducted for this blight factor evaluated the effectiveness or adequacy of the streets within the Study Area. Evaluation criteria in this section include:

- Poor vehicle access
- Poor internal circulation
- Substandard driveway definition and/or curb cuts
- Poor parking lot layout

c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness

The analysis conducted for this blight factor evaluated the adequacy of the lot layout within the Study Area. Evaluation criteria in this section include:

- Faulty and/or irregular lot shape
- Faulty and/or irregular lot configuration
- Lack of access to a public street
- Inadequate lot size

d. Unsanitary or unsafe conditions

The presence of the following conditions could contribute to an unsafe or unsanitary environment within the Study Area and surrounding community:

- Poorly lit or unlit areas
- Cracked or uneven surfaces for pedestrians
- Poor drainage
- Insufficient grading or steep slopes
- Presence of trash and debris
- Presence of abandoned or inoperable vehicles
- Presence of hazardous materials or conditions
- Presence of vagrants, vandalism, and/or graffiti

e. Deterioration of site or other improvements

This factor focuses on conditions that indicate the lack of general maintenance of a structure, site, or through the presence of these conditions, the environment that reduces the site's usefulness and desirability. The conditions are as follows:

- Deterioration or lack of parking lot or site pavement
- Deterioration or lack of site curb and gutter
- Deterioration or lack site sidewalks and pedestrian areas
- Deterioration or lack of outdoor lighting
- Deterioration or lack of site utilities
- Deterioration or lack of surface drainage facilities
- Inadequate site maintenance
- Non-conformance to site development regulations
- Deterioration of signage

f. Unusual topography or inadequate public improvements or utilities

This factor identifies key deficiencies in the off-site and on-site public infrastructure and topography within the Study Area, including:

- Poor site grading
- Deterioration of street pavement in right-of-way
- Deterioration or lack of curb and gutter in right-of-way
- Insufficient street lighting in right-of-way
- Presence of overhead utilities in right-of-way
- Deterioration or lack of sidewalks in right-of-way
- Deteriorated utilities in right-of-way

g. Defective or unusual conditions of title rendering the title nonmarketable

This factor is evaluated through research and analysis of title documents and potential encumbrances. Existence of this criterion (and/or others) contributes to prolonged periods of vacancy and hinders redevelopment:

- Title conditions making the property unmarketable

h. The existence of conditions that endanger life or property by fire or other causes

The presence of these criteria within the Study Area can endanger human lives and property:

- Structures in the floodplain
- Evidence of previous fire
- Inadequate emergency vehicle provisions
- Presence of dry debris adjacent to structures
- Hazardous materials near structures
- Dead trees/shrubs near high traffic areas or structures
- Other hazards present

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

The criteria for this factor are focused primarily on defective or dangerous conditions within the building envelope and generally require internal access to the structure for full assessment:

- Building code violations
- Public health concerns
- Dilapidated or deteriorated interior of building
- Defective design or physical construction
- Faulty or inadequate facilities
- Presence of mold

- Inadequate emergency egress provisions
- Evidence of recent flooding
- Unprotected electrical systems, wires, and/or gas lines
- Inadequate fire suppression systems
- Evidence of vagrants inside building

j. Environmental contamination of buildings or property

The presence of environmental contamination hinders redevelopment through added costs and is potentially hazardous to the surrounding community. These conditions are typically not evident through a visual field survey:

- Official documentation of environmental contamination
- Storage or evidence of hazardous materials
- Other evidence of environmental contamination

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

These additional criteria are typically not visible during a field survey, but could hinder redevelopment when present:

- High levels of vacancy
- High levels of municipal code violations
- High levels of vehicular accident reports
- High levels of requests for emergency services
- Other evidence of required high level of municipal services
- Other evidence of substantial physical underutilization

2.6 RESULTS OF THE STUDY AREA ANALYSIS

The overall findings of the Study Area analysis are presented in this section. Table 2.7 tabulates the results of the field survey and desktop analysis. After review of the eleven blight factors described in Urban Renewal Law, the following ten (10) factors were observed within the Study Area during the field survey or by subsequent desktop research and analysis:

- a. Slum, deteriorated or deteriorating structures
- b. 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
- h. 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

One (1) factor was not surveyed as part of this Study:

- g. Defective or unusual conditions of title rendering the title nonmarketable

2.7 STUDY AREA TABLE

Full Add	Use	A - Der Struc	B - DefStr	C - LotLay	D - UnSamSsf	E - Der Site	F - TopoUt	G - Title	H - Endgr	I - Bldg/Un	J - Cntmtn	K5-hsw/vac	Notes	TaxPIN
1102 GRAND AVE	residential	x			x							x		34572412002
124 6TH ST	commercial	x			x				x			x	Old City Market/Chaco's	345724110008
1679 HT5	park	x					x					x	Cottonwood Park	34567100002
1700 HAY RD	park	x					x					x	Nevadend Park	34567100001
310 MAIN ST	residential	x			x					x		x	Next to Poodles	34571943001
310 UTE ST	commercial	x			x					x		x	Deer Doctor	345719453007
329 8TH ST	school	x			x					x		x		34572410000
327 MAIN ST	retail	x			x					x		x		34571944014
359 GRAND AVE	commercial	x			x					x		x	Arroyo	34571942000
519 HIGHWAY 62	commercial	x			x					x		x		34571310008
520 HIGHWAY 62	commercial	x			x					x		x	Olyessy Construction	34571943005
565 HIGHWAY 62	commercial	x			x					x		x	Timber	34561620004
650 MAIN	commercial	x			x					x		x	TK Mining	34571310003
880 STAFFORD LN	vacant lot	x			x					x		x	Next to Taco Bell	34561610010
831 HIGHWAY 62	vacant lot	x			x					x		x	next to drive-in	34561620019
831 HIGHWAY 62	vacant lot	x			x					x		x	See Cottonwood Park Above	34561620006
HT5 RD	park	x			x					x		x	East of Doughtys	34567100009
HIGHWAY 50	vacant lot	x			x					x		x	river	34571310004
HIGHWAY 62	vacant lot	x			x					x		x	behind Taco Bell - Shoppes	34561620018
HIGHWAY 62	vacant lot	x			x					x		x		34561620003
HIGHWAY 62	vacant lot	x			x					x		x		34571945005
UTE ST	vacant lot	x			x					x		x	river - confluence	34571400072
	vacant land	x			x					x		x	river - confluence	34561610072
	vacant lot	x			x					x		x		34561610072
	vacant lot	x			x					x		x		34567100002
	vacant lot	x			x					x		x		34567100004
	vacant lot	x			x					x		x		34567100003
	vacant lot	x			x					x		x		34567100004
430 GUNNISON RIV	bike path	x			x					x		x		34567100050
110 2ND ST (palmer)	residential	x			x					x		x		34571310060
112 MEEKER ST	residential	x			x					x		x		345719421012
132 PALMER ST	residential	x			x					x		x		345719412003
144 PALMER ST	residential	x			x					x		x		345719410004
151 2ND ST	commercial	x			x					x		x		345719410005
1520 HIGHWAY 62	vacant lot	x			x					x		x		34571310013
167 GUNNISON RIV	vacant land	x			x					x		x		345616103005
200 STAFFORD LN	vacant lot	x			x					x		x		34571310002
202 GUNNISON RIV	vacant land	x			x					x		x		345616107010
205 UTE ST	vacant lot	x			x					x		x		345713330001
250 STAFFORD LN	vacant lot/parking lot	x			x					x		x		345719453002
308 MEEKER ST	commercial	x			x					x		x		345616107007
338 MEEKER ST	residential	x			x					x		x		345719420004
359 MAIN ST	retail	x			x					x		x		34571942011
362 MAIN ST	park	x			x					x		x		34571945008
369 STAFFORD LN	vacant lot/parking lot	x			x					x		x		345616107008
331 PALMER ST	confluence/wx	x			x					x		x		34571330010
654 HIGHWAY 62	commercial	x			x					x		x		34561620005
654 HIGHWAY 62	commercial	x			x					x		x		34561620006
CRACLE DR	farm lot	x			x					x		x		34561620004
CREANFORD AVE	old farm m	x			x					x		x		34561620003
H RD	vacant lot	x			x					x		x		345616100030

3 SUMMARY OF FINDINGS AND CONCLUSIONS

3.1 FINDINGS

Within the Study Area, the field survey and desktop analysis resulted in the identification of 38 different conditions that contribute to a finding of blight. Specific examples and photo documentation from the field survey is provided as Exhibit 4.

- Deteriorated external walls
- Deteriorated visible foundation
- Deteriorated fascia/soffits/eaves
- Deteriorated/lack of gutters/downspouts
- Deteriorated exterior finishes
- Deteriorated loading dock areas/ramps
- Deteriorated fences/walls/gates
- Poorly lit or unlit areas
- Cracked or uneven surfaces for pedestrians
- Poor drainage
- Insufficient grading or steep slopes
- Presence of trash and debris
- Abandoned/inoperable vehicles
- Presence of hazardous materials or conditions
- Vagrants/vandalism
- Lack of fall protection
- Deteriorated/lack of parking lot/site pavement
- Deteriorated/lack of site curb and gutter
- Deteriorated/lack of site sidewalks/pedestrian areas
- Deteriorated/lack of outdoor lighting
- Deteriorated/substandard/lack of site utilities
- Deterioration/lack of surface drainage facilities
- Inadequate site maintenance
- Non-conformance to site development regulations
- Deterioration of signage
- Inadequate /deteriorated fencing
- Poor site grading
- Deteriorated street pavement in the right-of-way
- Deteriorated/lack of curb and gutter in right-of-way
- Insufficient street lighting in right-of- way
- Overhead utilities in right-of-way
- Deteriorated/inadequate sidewalks in right-of-way
- Building code violations
- Defective design or physical construction
- Faulty or inadequate facilities
- Unprotected electrical systems/wires/gas lines
- High levels of vacancy
- Other evidence of substantial physical underutilization

3.2 CONCLUSIONS

It is the conclusion of this Study that the Study Area, in its present condition and use, meets the criteria of a blighted area as defined by Colorado Urban Renewal Law. By reason of the presence of factors identified in the Urban Renewal Law and as documented in this report, the City of Delta may find that the Study Area substantially impairs or arrests the sound growth of the City of Delta, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals and welfare.

Per Urban Renewal Law, conditions in the Study Area must constitute at least four of the factors indicative of a blighted area, and at least five factors if eminent domain is to be used. As described in this report, the following ten (10) factors were extensively observed in the Study Area:

- a. Slum, deteriorated or deteriorating structures
- b. 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
- h. 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

4 EXHIBIT

4.1 PICTURES

Parcel – 34572412002 – Old Delta Hospital/Care Center

Address – 1102 Grand Avenue



Parcel – 345724116008
Address – 124 6th Street – City Market/Chaco's



Parcel – 345507400001 – Riverbend Park
Address – 1699 H38 Rd



Parcel – 345507100002, 345508200006 & 345507100009 – Cottonwood Park
Address – 1679 H75 Rd



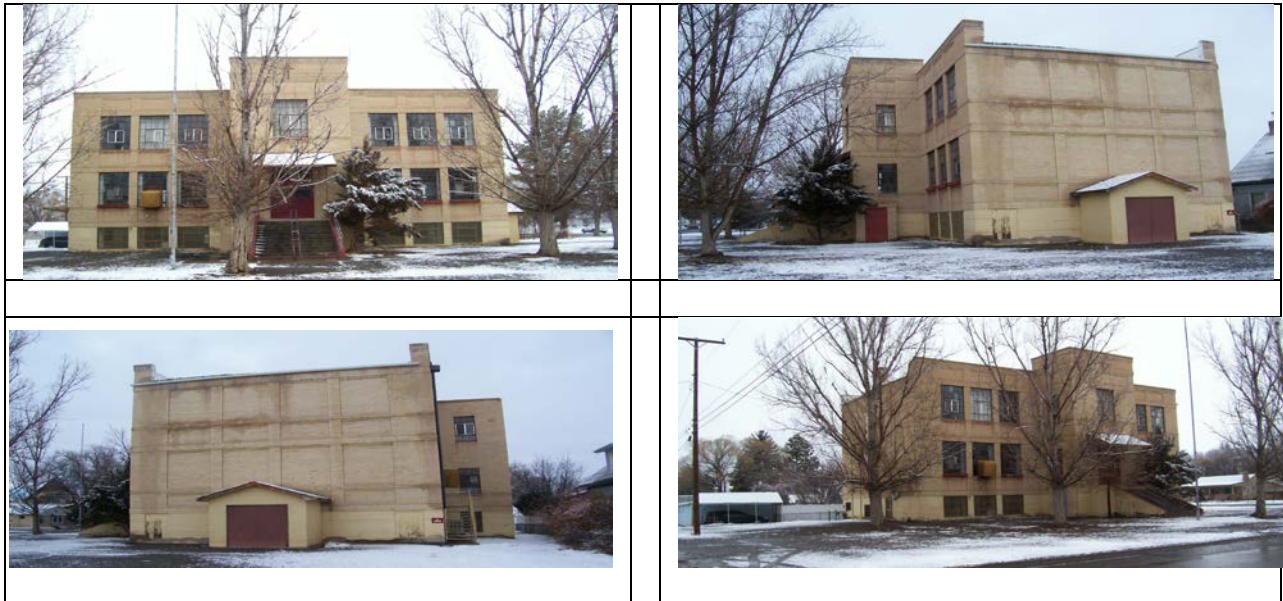
Parcel – 345713420003 – Ferguson, Polly A. (next to Hoolies)
Address – 210 Main Street

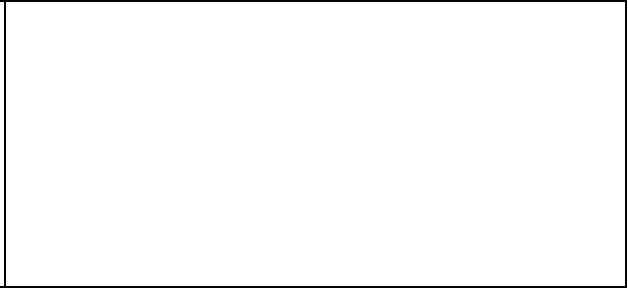


Parcel – 345713453007 – Diesel Doctor
Address – Ute Street

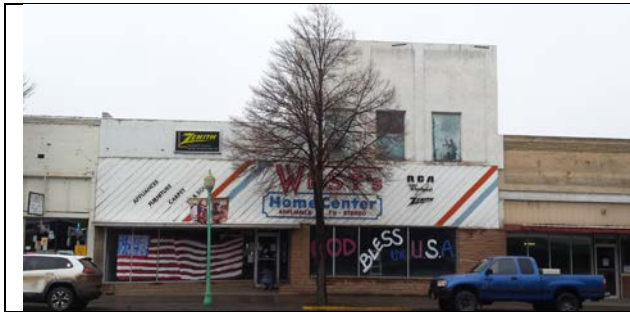


Parcel – 345724109009 – Catholic School
Address – 239 6th Street





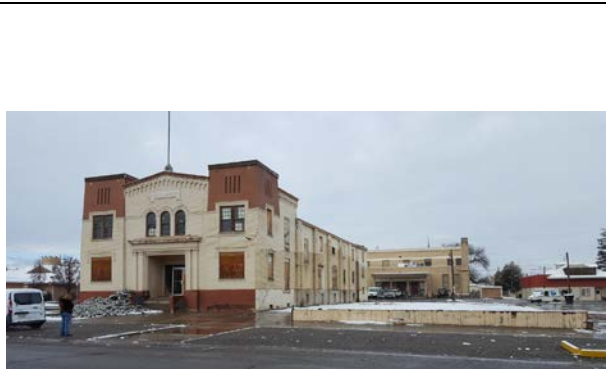
Parcel – 345713424014 – West’s Home Center
Address – 327 Main Street



Disregard date – camera date was incorrect



Parcel – 345713426009 – Amory Building
Address – 359 Grand Avenue





Parcel – 345713100038 – OMF Corp
 Address – 519 Highway 92



Parcel – 345713438005 – Odyssey Construction
Address – 520 Highway 92



Parcel – 345518200004 – Delta Timber
Address – 595 Highway 92



Parcel – 345713100053 – Gunnison River Group
Address – 650 Main St



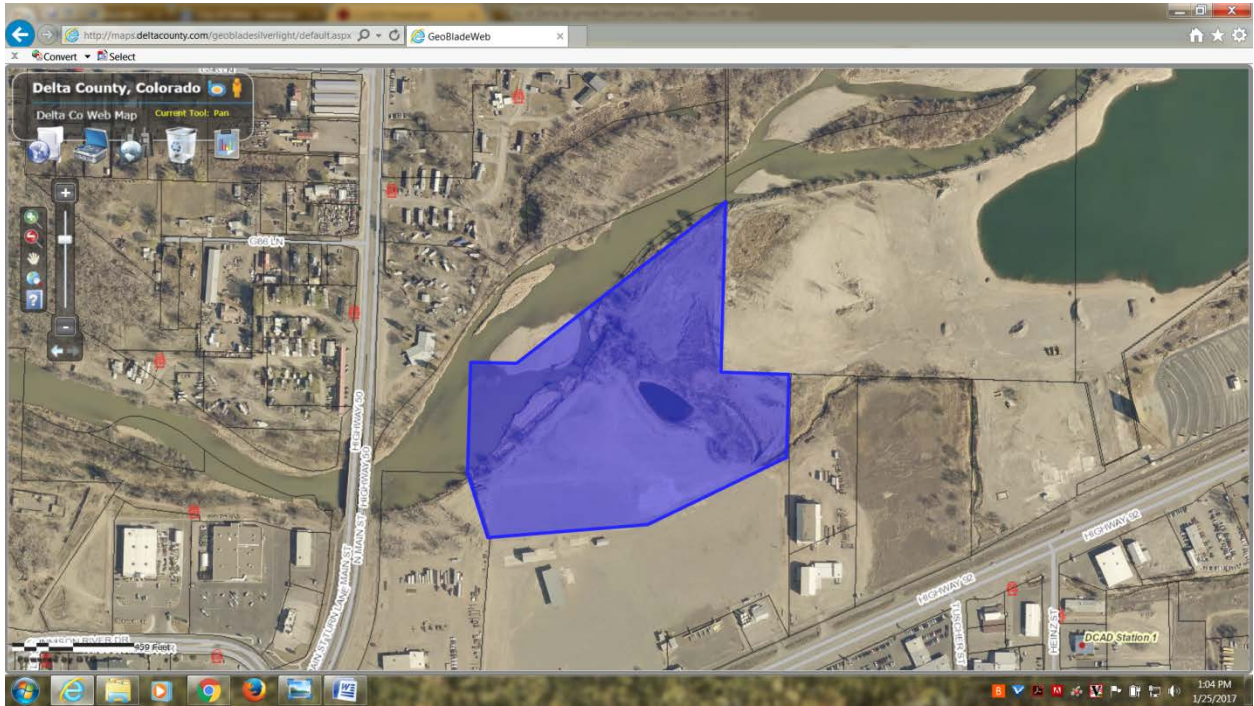
Parcel – 345518100010
Address – 680 Stafford Ln



Parcel – 34551820009 & 34551820019 – Keys Blue Haven (next to drive-in)
Address – 931 Highway 92



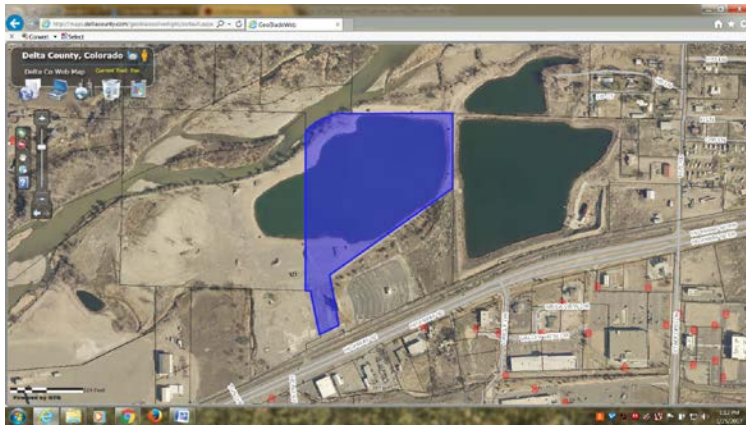
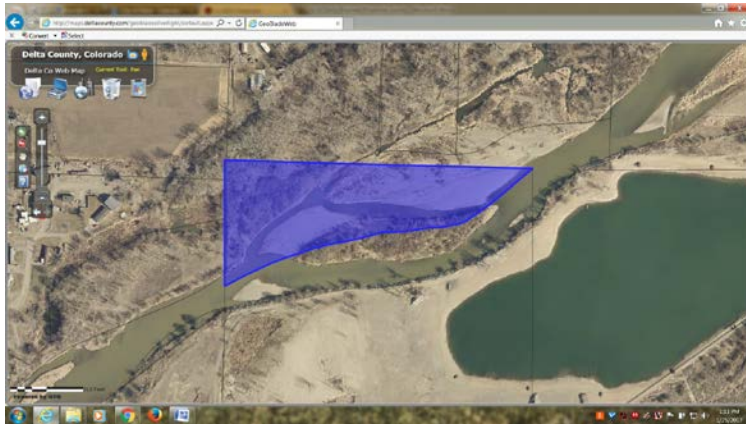
Parcel – 345713100054 – St. James, William G (East of TK Mining)
Address – Highway 50



Parcel – 345518200008 – Huskey, Rodney G
Address – Highway 92



Parcel – 345518200018 & 345518200003 – Keys Blue Haven
Address – Highway 92



Parcel – 345518100012 – O’Neal, Kim C. (behind Taco Bell and Shoppes at Delta)
Address – Highway 92



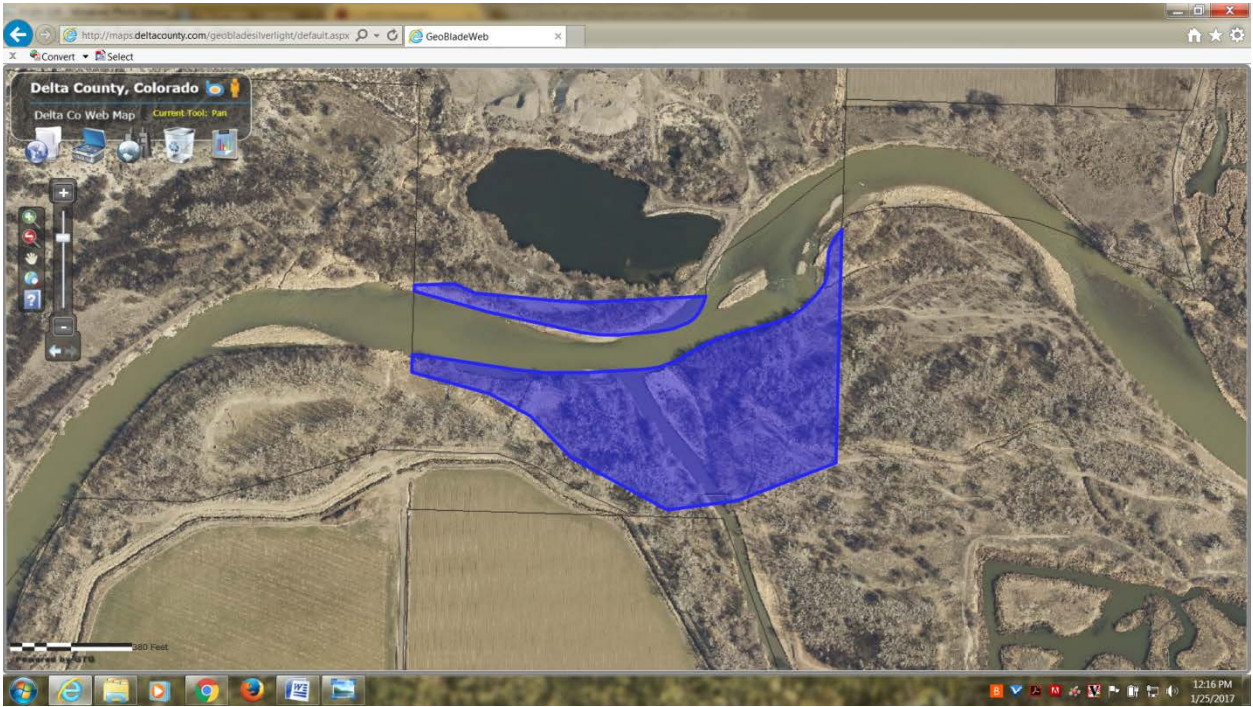
Parcel – 345713456003 – Maverik Inc A Wyoming Corp (vacant lot east of O’Reilly’s)
Address – Highway 92



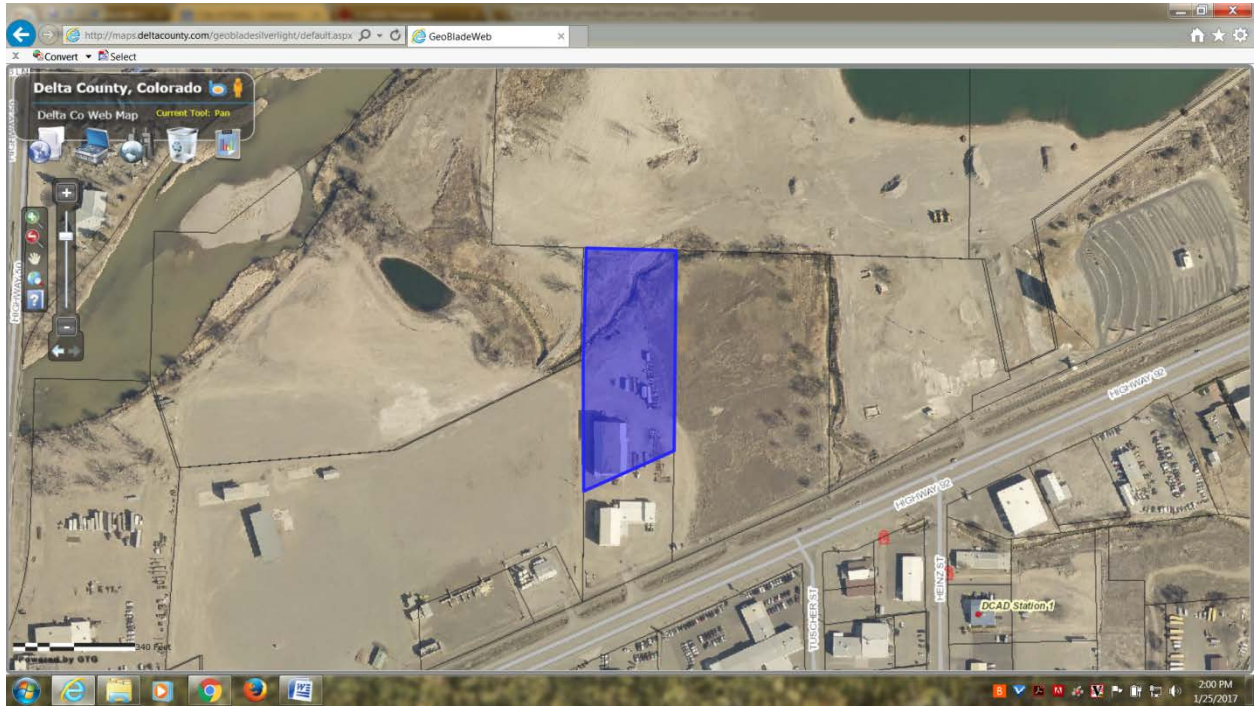
Parcel – 345713453008 – St. James, William G (end of Ute Street)
Address – Ute Street



Parcel – 345711400072 – City of Delta
Address – River by Confluence Park/WWTP



Parcel – 34551820007 – Doughty, Scott
Address – behind Doughty Steel



Parcel – 345507300024 – Keys Blue Haven LLC
Address – vacant land river

