

**AN ANALYSIS of
EXISTING CONDITIONS RELATING TO BLIGHT**
Town of Estes Park

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1.0 Blight Survey Definition and Scope

The determination that an area constitutes a blighted area is a cumulative conclusion, attributable to the presence of several physical, environmental, social and economic factors. Blight is attributable to a multiplicity of conditions which, in combination, tend to accelerate the deterioration of an area. For the purposes of this survey, the pertinent portion of the definition of a blighted area is articulated in the Colorado Urban Renewal Law (the “Act”), Colorado Revised Statute 31-25-103(2), as follows:

A "blighted" area means "... an area that, in its present condition and use and, by reason of the presence of at least four¹ (or five under certain circumstances under the Act), 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;*
- 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 any urban renewal area, "blighted 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.*

Some legal principles have been developed by Colorado courts to guide the determination of whether an area constitutes a blighted area under the Act, including but not limited to: The absence of widespread violation of building and health codes does not, by itself,

¹ Under the provisions of C.R.S. 31-25-105.5, “Blighted area” means an area that, in its present condition and use and, by reason of the presence of at least **five** factors specified in section 31-25-103 (2) (a) to (2)(l), substantially impairs.....”

preclude a finding of blight. The presence of one well maintained building does not defeat a determination that an area constitutes a blighted area. An authority's determination as to whether an area is blighted.... is a legislative question and the scope of review by the judiciary is restricted. The principal purpose for determining blight and the related urban renewal plan and programs and/or projects of redevelopment is to eliminate blight or to prevent the spread of blight and/or the further deterioration of blighted areas (Sec. 31-25-107 (4.5) CRS).

Terrance Ware Associates were retained by the Town of Estes Park Urban Renewal Authority to conduct an independent survey of the project area and to determine if it constitutes a blighted area as defined above. Based upon the conditions existing in the Survey Area, this document will make a recommendation as to whether the Survey Area contains the characteristics of a blighted area. The actual determination itself remains the responsibility of the Town of Estes Park Board of Trustees.