

2020-7

A RESOLUTION

DEFINING “BLIGHTED” AS USED IN CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE CONCERNING A BUILDING PERMIT MANAGEMENT SYSTEM USING ALLOCATIONS FOR NEW DWELLING UNITS AND ESTABLISHING RULES AND PROCEDURES FOR REQUESTS TO DESIGNATE PROPERTY AS BLIGHTED

WHEREAS, a majority of the voters at a special election on July 2, 2019 approved a citizen-initiated ordinance designed to limit residential growth in the City of Lakewood;

WHEREAS, the residential growth limitation ordinance is codified at Chapter 14.27 of the Lakewood Municipal Code (“LMC”);

WHEREAS, LMC § 14.27.010 describes the Purpose and Intent of the ordinance, which includes “encourag[ing] redevelopment of blighted and distressed areas;”

WHEREAS, LMC § 14.27.020 contains certain exceptions to the ordinance, including “structures located, or to be located, upon land that is designated “blighted;”

WHEREAS, the term “blighted” is not defined in the ordinance, and the City Council finds that adopting a definition and a process for identifying blighted properties is necessary for the implementation of the growth limitation ordinance;

WHEREAS, the growth limitation ordinance specifically provides that the City Council may adopt rules as necessary to administer the ordinance;

WHEREAS, the City Council already has familiarity with the state of Colorado’s urban renewal statute, C.R.S. §§ 31-25-101, *et seq.*, because the City has established an urban renewal authority under that statute, known as the Lakewood Reinvestment Authority, and because the City Council sits as the commissioners of the LRA;

WHEREAS, the determination that a property is appropriate for redevelopment is based in part on the urban renewal statute and requires the City Council to make a determination as to whether an area is “blighted” by evaluating how many of several factors exist on the property; and

WHEREAS, the City Council desires to adopt a system for designating land as “blighted” that uses the same factors and the same process as those found in the urban renewal statute, C.R.S. 31-25-101, *et seq.* but does not result in the creation or expansion of any urban renewal authority or any urban renewal area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Any area or property in the City of Lakewood that already has a designation of “blighted” by virtue of its presence within an urban renewal area shall also

be considered blighted for purposes of the Residential Growth Limitation Ordinance, Chapter 14.27 of the Lakewood Municipal Code.

SECTION 2. Property owners may voluntarily, and at their own expense, have their properties assessed using the factors and procedures defined in the Colorado urban renewal law, C.R.S. 31-25-101, *et seq.*

SECTION 3. A designation of “blighted” made for purposes of and in accordance with the procedures set forth in C.R.S. § 31-25-103 shall have legal effect only for the purposes of Chapter 14.27 and shall not in any way authorize the use of any of the powers set forth in the urban renewal law, including but not limited to the power to impose and collect taxes and the power of eminent domain.

SECTION 4. A designation of “blighted” made for purposes of and in accordance with procedures set forth in C.R.S. § 31-25-103, but not located in an urban renewal area, shall expire at the conclusion of a period of time as determined by the City Council upon its determination of blight.

INTRODUCED, READ AND ADOPTED by a vote of 8 for and 3 against at a regular meeting of the City Council on January 27, 2020, at 7 o'clock p.m. at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

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Adam Paul, Mayor

ATTEST:

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Michele Millard, City Clerk

APPROVED AS TO FORM:

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Timothy P. Cox, City Attorney