RESOLUTION NO. 6156

ENTITLED: "A RESOLUTION PURSUANT TO WYOMING STATUTE § 15-9-106 FINDING AND DECLARING PARTS OF THE CITY OF CHEYENNE AS BLIGHT AND AUTHORIZING THE REDEVELOPMENT THEREOF."

WHEREAS, the City of Cheyenne desires to execute its authority under Wyoming Statute § 15-9-101, *et seq.*, and begin the process of urban renewal within its boundaries; and

WHEREAS, the City of Cheyenne has conducted a study which finds certain areas within the City to be "blight" as defined by Wyoming Statute § 15-9-103(iii), with particularity many structures that constitute an economic or social liability or are a menace to the public health, safety, morals, or welfare in its present condition and use; and

WHEREAS, the results of this study can be found in Exhibit A, attached hereto and incorporated herein by reference, and find the statutory conditions to be met; and

WHEREAS, Wyoming Statute § 15-9-106 states the City of Cheyenne Governing Body must pass a resolution finding certain areas of the city to be blight; and

WHEREAS, the City of Cheyenne Governing Body does also declare that the rehabilitation, conservation, redevelopment, or a combination thereof of the areas defined in the attached Exhibit A are necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality; and

WHEREAS, the pursuant to Wyoming Statute §15-9-107, the City of Cheyenne Governing Body finds the areas defined in the attached Exhibit A to be appropriate for an urban renewal project; and

WHEREAS, that the City of Cheyenne Governing Body hereby finds and declares part of the City of Cheyenne as detailed in the attached Exhibit A to be blight and authorizes the rehabilitation and redevelopment of these defined areas as necessary for the public safety, health, morals, and welfare for the residents of the City of Cheyenne.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING, that the Governing Body of the City of Cheyenne, Wyoming, hereby finds and declares part of the City of Cheyenne as detailed in the attached Exhibit A to be blight and authorizes the rehabilitation and redevelopment of these defined areas as necessary for the public safety, health, morals, and welfare for the residents of the City of Cheyenne.

PRESENTED, READ, AND ADOPTED this <u>28th</u> day of <u>June</u>, 2021.

(SEAL)

Patrick Collins, Mayor

Attest: Kristina F. Jones, City Cler

Conditions of Blight

City of Cheyenne

Exhibit A: Produced to support the Initiative Resolution

Produced Spring 2021 Planning and Development Department Mark Christensen, Planner II

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Introduction

The State of Wyoming authorizes communities to create Urban Renewal Authorities and summarizes the power of the authority in Wyoming Stat. § 15-9-101 through § 15-9-137. The powers authorized in the Wyoming Urban Renewal Code allow municipalities to declare areas as blighted and use tools, such as tax increment financing, to reinvest in these blighted areas. However, a municipality does not have the ability to exercise the authority in the Wyoming Urban Renewal Code until the local governing body adopts a resolution finding that one or more blighted areas exist in the municipality and the rehabilitation, conservation, redevelopment, or a combination is necessary for the public health, safety, morals or welfare of the residents of the municipality (WY Stat. § 15-9-106). The Planning and Development Department has created this study to fulfill the requirements of WY Stat. § 15-9-106 and serve as an attachment for the initiative resolution. The study will outline requirements as defined in State Statutes, introduce a methodology for determining blight, overview three locations in the community where blight has been identified, and draw conclusions that the rehabilitation of the blighted areas is within the best interests of the community. It is important to note that Urban Renewal Projects may occur in more areas than the three identified in this study and this initiative resolution does not define a specific Urban Renewal Project or Plan. This study can serve as a model for determining future locations for Urban Renewal Plans and Projects.

Wyoming State Statutes

The State of Wyoming authorizes communities to create Urban Renewal Authorities and utilize the power of the authority in *Wyoming Stat.* § 15-9-101 through § 15-9-137. However, the sections relevant to the initiative resolution include *WY Stat.* § 15-9-103 and *WY Stat.* § 15-9-106. *WY Stat.* § 15-9-106, which state that the governing body must adopt an initiative resolution in order to exercise the power outlined in the Wyoming Urban Renewal Code. The section explains:

(a) No municipality shall exercise the authority conferred upon municipalities by this chapter until the local governing body, on its own motion or by virtue of a petition signed by twenty-five (25) or more electors of the municipality, has adopted a resolution finding that:

(i) One (1) or more slum or blighted areas exist in the municipality; and

(ii) The rehabilitation, conservation, redevelopment or a combination thereof of the area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of the municipality.

- WY Stat. § 15-9-106

To aide in determining what constitutes a slum or blighted area, *WY Stat. §* 15-9-103 contains the definition of "blighted area" and "slum area". Specifically, the section describes a blighted area as:

(iii) "Blighted area" means an area which by reason of the presence of a substantial number of slums, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessments, delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of those factors, substantially impairs or arrests the sound growth of a 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 in its present condition and use. However, if the blighted area consists of open land, the conditions contained in W.S. 15-9-110(b) apply and any disaster area referred to in W.S. 15-9-112 constitutes a "blighted area"; - WY Stat. § 15-9-103

And goes on to define a slum area as:

(xvi) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of those factors is conducive to ill health and is detrimental to the public safety, morals or welfare;

- WY Stat. § 15-9-103

This study uses the definitions to support the findings that *WY Stat.* § 15-9-106 requires. The remainder of the Wyoming Urban Renewal Code details the powers permitted by the Urban Renewal Authority and do not maintain substantial relevance to the initiative resolution; however, staff recommends the Governing Body familiarize themselves with these statutes.

Methodology

To identify blight areas and slum areas in the community, staff created a survey with the nine (9) conditions of blight identified in the definitions section of the Wyoming Urban Renewal Code. Staff did not utilize the conditions of slum areas as they were similar to those of blight. Staff extrapolated nine distinct characteristics of blight as defined in *WY Stat. § 15-9-103(iii)*. The nine conditions with one option of "Other" include:

- Deteriorated or Deteriorating Structures
- Predominance of Defective or Inadequate
 Street Layout
- Faulty Lot Layout in Relation to Size, Accessibility or Usefulness
- Unsanitary or Unsafe Conditions
- · Deterioration of Site or Other Improvements
- Diversity of Ownership, Tax or Other Special Assessments
- Delinquency Exceeding the Fair Value of the Land
- Defective or Unusual Conditions of Title
- The Existence of Conditions which Endanger Life or Property by Fire and other causes
- Other

The other option pertained to the section of the definition that stated, "or any combination of those factors, substantially impairs or arrests the sound growth of a 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 in its present condition and use," (WY Stat. § 15-9-103(iii)). After listing the conditions, the survey had the option for staff to use a check box for each condition that existed and to provide a description of indicators that were used to conclude that the condition was present. The end of the survey allowed staff to provide notes for anything of importance. Unlike other neighboring states, notably Colorado, the Wyoming Urban Renewal Code does not establish a threshold for the number of blight conditions that must be found to qualify an area for Urban Renewal. Based on this, if any one of the nine conditions are identified on the site, it is sufficient to determine the area as blighted.

Staff completed the blight surveys for three areas within the community on May 24, 2021 to comply with the WY Stat. § 15-9-106 provision of there being, "one (1) or more slum or blighted areas exist(ing) in the municipality." Again, this study does not preclude other blighted areas from being surveyed in the future, rather serves as the initiation that permits the City to exercise the powers in WY Stat. § 15-9-101 et. seq.. The three areas surveyed include the Hitching Post and Vicinity, the Reed Avenue Rail Corridor, and the Hynds and the Hole. The three sites were surveyed on May 24th by one staff member for consistency. All locations contained conditions of blight, as detailed in the next section.

Blight Surveys

This section of the report contains an overview of the blight surveys as conducted on May 24, 2021. The blight categories present on site will be reviewed for each property, along with specific examples of the conditions that were witnessed at the time of the survey. The surveys and photos from the site visits are contained in Appendices A and B, respectively. Again, these areas are not designated as Urban Renewal projects through this process, rather they are illustrative of blight in the community.

Figure 1: Hitching Post Study Area



Hitching Post

The Hitching Post study area is shown in Figure 1. The study area includes the Hitching Post property and several surrounding properties, including several across Lincolnway. The site contained six (6) of the nine (9) conditions of blight identified on the survey, demonstrating one area of blight in the community.

1. Deteriorated or Deteriorating Structures

The Hitching Post study area contains several examples of deteriorated or deteriorating structures, as shown in the photo on the previous page. Most of the buildings on the Hitching Post property are either boarded-up or burned, and the walkway between two of the buildings has partially collapsed. In addition to the buildings on the Hitching Post site, other buildings in the area show evidence of deterioration. The prevalence of deteriorating buildings as depicted in the supporting photographs in Appendix A fulfills this condition of blight.

2. Predominance of Defective or Inadequate Street Layout

The Hitching Post study area contains approximately 50 acres. The subject area has very few connections and many of the connections present are access easements. The street network through the area is not sufficient for urban development and many connections will need to be planned and built. Furthermore, the access easements are not built to city street standards and will need improvements in the future (shown in Figure 1, #2). Lastly, staff has had many discussions on the status of W. 18th Street and whether it has been vacated in the past. further complicating the street network in the area. Due to the faulty street network through the Hitching Post, the status of W. 18th Street, and the lack of connections through the Back 40 subdivision, staff is satisfied this condition of blight is met.

3. Faulty Lot Layout in Relation to Size, Accessibility or Usefulness

Several of the parcels in the Hitching Post property are large with no lot frontage or direct right of way access. One of these is shown in Figure 1 with the Back 40 subdivision. Again, the lack of internal connections through the site lead to accessibility issues and a lack of pedestrian connections. The study area is designated as a Community/Regional Activity Center in PlanCheyenne, yielding a maximum block size with a 2000' perimeter and 600' maximum on any one block face per Unified Development Code Table 4-6. Currently, the site has approximately 1500' of frontage on one block face and an incomplete block structure due to lack of connections; though, if one were to complete the block, it would be approximately 5250' of perimeter. The size of the blocks. lack of pedestrian routes, and lack of internal connections yield a faulty lot layout in relation to size, accessibility and usefulness; thus, meeting this condition of blight.

4. Unsanitary or Unsafe Conditions

A recent Phase I Environmental Site Assessment was completed at the Hitching Post in May of 2021. The Phase I ESA reiterated that the site contains various unsafe conditions; including the presence of lead-based paint, asbestoscontaining buildina materials. mercurycontaining thermostats, and mold. In addition to the recognized environmental conditions on-site making the site unsafe and unsanitary, staff documented the presence of abandoned mattresses, trash, and fire damaged buildings (one instance shown in Figure 1, #4). There are also several un-connected sidewalks which lead to unsafe conditions for pedestrians. All the conditions noted meet the criteria for unsafe and unsanitary conditions as an indicator of blight at the property.

5. Deterioration of Site or Other Improvements

Staff noted several conditions of deterioration of site improvements at the Hitching Post study area. The deterioration included curb, gutter, sidewalk, and areas around a storm sewer drain (Figure 1). In addition to these conditions of deterioration, staff also noted a downed light pole on the Hitching Post property. The deterioration of site conditions is illustrative of blight in the study area.

6. The Existence of Conditions which Endanger Life or Property by Fire and Other Causes

The two main indicators of the site that meet these conditions include the fire-damaged building (Figure 1) and the presence of environmental contamination. A recent Phase I Environmental Site Assessment documented several conditions that are recognized as hazardous by the Environmental Protection Agency. The existence of fire-damaged building also leads to a concern, as the buildings have become unstable and possibly life endangering.

Figure 2: Reed Avenue Rail Corridor Study Area



Reed Avenue Rail Corridor

The Reed Avenue Rail Corridor is shown in Figure 2. The study area includes the blocks between Bent Avenue and Snyder Avenue from east to west and between W 23rd Street and the Union Pacific Railroad from north to south. The study area included six (6) of the nine (9) conditions of blight identified in the survey, demonstrating a second area of blight in the community.

1. Deteriorated or Deteriorating Structures

Staff noted several deteriorating buildings in the Reed Avenue Rail Corridor. Examples include 800 W 17th Street (Figure 2) and 820 W 22nd Street; though several other buildings appear to be deteriorating and may be more so on the interior. Indicators of deterioration witnessed include evidence of fire, boarded-up buildings, and faulty building siding. The photo on the previous page and those in Appendix B illustrate the study area meets this condition of blight.

2. Faulty Lot Layout in Relation to Size, Accessibility or Usefulness

Many blocks in the study area contain platted alleys while others have been vacated. This leads to confusion and lack of usable area for development purposes. Supplemental to this evidence of blight, many lots have not been platted since the Original City subdivision. Staff has difficulty interpreting the Original City subdivision and the legal descriptions are often a source of confusion. The inconsistency in alley vacation and age of the subdivision lead to faulty lot layout in relation to size, accessibility, and usefulness. The photo in Figure 2 for this criteria depicts a lot with a faulty layout.

3. Unsanitary or Unsafe Conditions

The Reed Rail study area contained litter and a lack of connections over the rail tracks, meeting unsanitary conditions and unsafe conditions respectively. Furthermore, the prevalence of industrial businesses (Figure 2), and the age of the buildings in the area allude to possible environmental contamination. Several buildings in the area, including the Steam Plant, have had Environmental Site Assessments completed that confirm environmental contamination. The litter, lack of connections, and environmental contamination confirm the presence of unsanitary and unsafe conditions throughout the Reed Avenue Rail Corridor.

4. Deterioration of Site or Other Improvements

The Reed Avenue Rail Corridor has deteriorated curb, gutter, and sidewalk in various locations (Figure 2). The deteriorated site conditions have exacerbated the pedestrian connections along the Reed Avenue Rail Corridor, which is a critical project for the City of Cheyenne. The photos in Appendix B show several locations of deteriorated site conditions and infrastructure.

5. Diversity of Ownership, Tax or Other Special Assessments

The Reed Rail Corridor study area contains a wide variety of ownership, which makes planning holistically difficult. A wide variety of ownership fosters many different perspectives and needs to be met. The corridor contains both public and private ownership, as well. It is also noteworthy that there are several owners that reside out of state.

6. The Existence of Conditions which Endanger Life or Property by Fire and Other Causes

The building located at 820 W 22nd Street shows evidence of fire damage (Figure 2). Furthermore, many of the vehicles adjacent to this site show evidence of fire. Again, the confirmed environmental contamination on some sites and probable contamination along the corridor yield another condition that may endanger life and property. The noted fire damage and environmental contamination fulfill this condition of blight.



Figure 3: The Hynds and the Hole Study Area

Study Area Boundaries



Endanger Life or Property by Fire and other causes

The Hynds and the Hole

The Hynds and the Hole study area is shown in Figure 3. The study area contains Lot 1, Block 1 of Cheyenne Leads Lincolnway Subdivision (the Hole) and Lot 8, Block 390 of the Original City Subdivision (the Hynds). The study area included three (3) of the nine (9) conditions of blight identified in the survey, demonstrating a third area of blight in the community.

1. Deteriorated or Deteriorating Structures

The Hynds and Hole exhibit both a deteriorated and deteriorating structure (Figure 3). The building where the Hole is burned down in 2004 and the foundation that is still present shows evidence of deterioration. The Hynds building shows evidence of deterioration with rust and other loose and collapsing building materials.

2, Unsanitary or Unsafe Conditions

The presence of the Hole represents an unsafe condition. Although the Hole is fenced off, if individuals are to enter over the fence or through the alley there is the possibility of injury.

3. The Existence of Conditions which Endanger Life or Property by Fire and Other Causes

The Hole was created by a fire that destroyed the building in 2004. The site has remained vacant ever since and represents a blighted area in the community (Figure 3).

Conclusions

The blight study at three locations illustrates that one or more blighted areas exist in the municipality, therefore fulfilling WY Stat. § 15-9-106(i). The rehabilitation, conservation, redevelopment, or a combination thereof of the area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality for various reasons. The City of Cheyenne governing body has the ability to use the powers made available through the Wyoming Urban Renewal Code to remedy the conditions of blight, should the accompanying resolution of blight be adopted. The redevelopment of the study areas is necessary for the public health, safety, and welfare in the following ways:

Hitching Post Study Area: The Hitching Post study area is located along W. Lincolnway, which serves as a primary gateway to the City of Cheyenne. The conditions of blight found at the Hitching Post are not only detrimental to the aesthetics of the community, but also are dangerous to those that frequent the site. Staff found evidence of transient populations frequenting the area. Any person that visits the site is put in harms way by the condemned buildings on site. Furthermore. the lack of connections, faulty lot layout, and deteriorating pedestrian infrastructure make the site unattractive for redevelopment. The ability of the City to use Urban Renewal at the Hitching Post is necessary to redevelop and rehabilitate the site and vicinity to correct these conditions of blight for the health, safety, morals, and welfare of the community.

Reed Avenue Rail Corridor: The Reed Avenue Rail Corridor study area encompasses a priority redevelopment area in the City of Cheyenne. Staff noted the existence of six conditions of blight throughout the Rail Corridor that inhibit the redevelopment of the area from coming to fruition. The diversity of ownership and faulty lot layout make redevelopment difficult and perpetuate the other conditions of blight that comprise the health, safety, welfare, and morals of the community. Furthermore, the taxpayers of the community voted to fund the public improvements within the corridor, showing their approval the redevelopment of the area. The use of the Wyoming Urban Renewal Code would compliment the taxpayer dedication to the redevelopment of the corridor and promote the health, safety, welfare, and morals of the community.

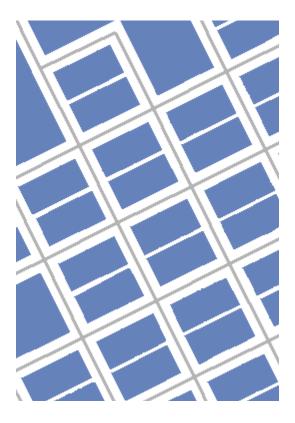
The Hynds and the Hole: The Hynds and the Hole study area is located directly across from the Cheyenne Depot Plaza, which serves as the most prominent gathering space in the community. The conditions of blight affect the health, safety, welfare, and morals of those who frequent this prominent community location. The danger and aesthetic harm caused by the blight can be remedied through the use of the Wyoming Urban Renewal Code by making rehabilitation attractive to the development community.

All three locations exemplify the existence of blight in the community. The rehabilitation, conservation, or redevelopment of each location would not only benefit the community, but is necessary for the health, safety, welfare, and morals of the community. The use of the Wyoming Urban Renewal Code can facilitate the redevelopment of each of these areas through several of the tools enabled by the legislation, namely tax increment financing. Staff is satisfied the report meets and exceeds the mandate for the initiative resolution by the governing body found in *WY Stat. § 15-9-106* and recommends approval of the resolution.

Conditions of Blight

Appendix A

Blight Studies



Conditions of Blight - Cheyenne | Appendix A

ocation: The Hite Completed by: Mar Date Surveyed: 5/2		and Vicinity
Criteria:	Check if this exists on site:	Description of Conditions:
Deteriorated or Deteriorating Structures	X	-Burnet Buildings - Collapsing Walkway - Boarded up Buildings - Demolished Building
Predominance of Defective or Inadequate Street Layout	×	- Grant Aue currently stubbet w/ no connections - Unclear condition of W 18th Street, was it vacated - Large Parcels with little interior connections vie platted ROW
Faulty Lot Layout in Relation to Size, Accessibility or Usefulness	X	-Large lots with no platted ROW for connections -Access easements not built to city standards
Unsanitary or Unsafe Conditions	×	- Fire damaged buildings - Likely as bestos and lend-based pu - Mattresses and other trash prese

Deterioration of Site or Other Improvements	X	- Deteriorating cerb, gutter, sidewal + drain for storm sewer
	2 2 X	-Downed light pole
Diversity of Ownership, Tax or Other Special Assessments		
Delinquency Exceeding the Fair Value of the Land		
Defective or Unusual Conditions of Title		
The Existence of Conditions which Endanger Life or Property by Fire and other causes	×	- Fire burned buildings - Environmental contamination

Other		

Notes:

This site included the Hitching Post + surrounding properties.
Evidence of use by transient population
Presence of vacant, "greenfield land"
Phase 1 + II confin existence of environmental Huzards

Location: Reed Ave Completed by: Mark Date Surveyed: 5/2 4	Christensen	or FYENT
Criteria:	Check if this exists on site:	Description of Conditions:
Deteriorated or Deteriorating Structures	×	-Aged buildings falling into tisrepair
Predominance of Defective or Inadequate Street Layout		
Faulty Lot Layout in Relation to Size, Accessibility or Usefulness '	X	- Platted alleys in some location break up lots, present in s places & absent in others - Many places not platted since "Original City"
Unsanitary or Unsafe Conditions	×	-Prevalence of litter -Lack of connections over the Reed Ave Rail Corridor

Deterioration of Site or Other Improvements	X	- Cruabling curb, gutter, + sidewalk - Lack of connectivity over Rees
Diversity of Ownership, Tax or Other Special Assessments	×	- Diverse ownership and diversity of lot sizes leading to a lack of connectivity
Delinquency Exceeding the Fair Value of the Land		
Defective or Unusual Conditions of Title		
The Existence of Conditions which Endanger Life or Property by Fire and other causes	X	- Fire burned by ildings boarded up with plywood. - Likely environmental contamination

Other					
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Notes:

- Diversity at lot sizes and ownership - Lack of clarity with original city plat - Phase h+11's in area allute to Environmental contamination

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City of Cheyenn Location: Hynds + Completed by: Mar Date Surveyed: 5/2	the Hole K Christensu	
Criteria:	Check if this exists on site:	Description of Conditions:
Deteriorated or Deteriorating Structures	×	- Deterioration of the Hynds with crombling pieces + rust - The Hole
Predominance of Defective or Inadequate Street Layout		
Faulty Lot Layout in Relation to Size, Accessibility or Usefulness		
Unsanitary or Unsafe Conditions	×	- Falling + other hazards at the Hoke - Potential environmental contamination based on building age

Deterioration of Site or Other Improvements		
	£7	
Diversity of Ownership, Tax or Other Special Assessments		
Delinquency Exceeding the Fair Value of the Land		
Defective or Unusual Conditions of Title		
The Existence of Conditions which Endanger Life or Property by Fire and other causes	×	- Fire at the Hole leading to falling hazards + potential build, instability

Other				

Notes:

- Nonc

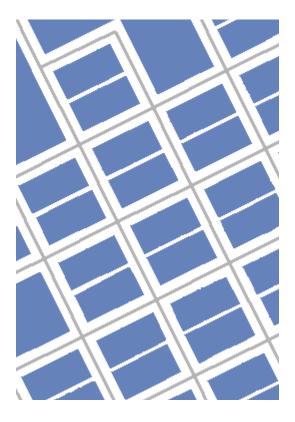


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Conditions of Blight

Appendix B

Blight Photos



Conditions of Blight - Cheyenne | Appendix B























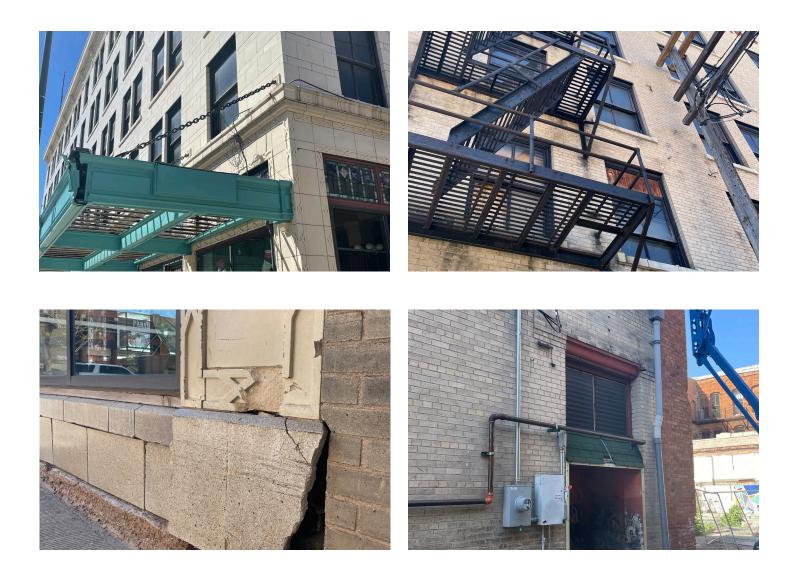
























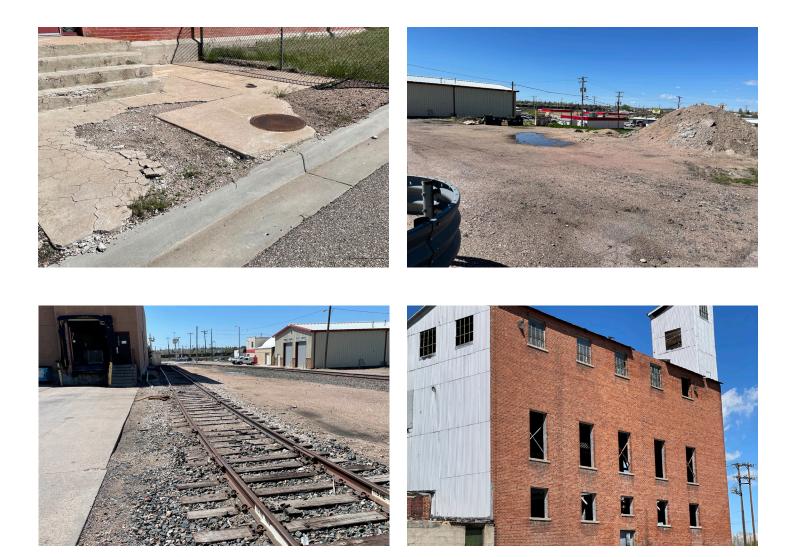






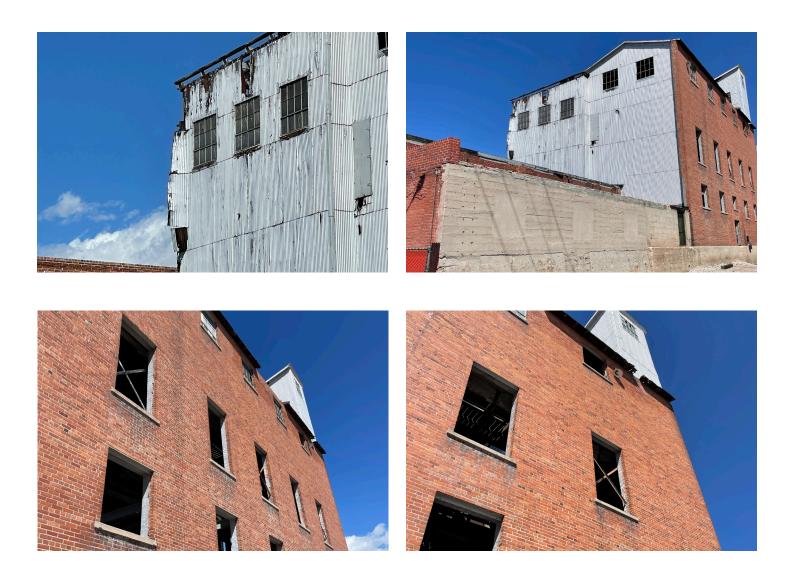
































































Conditions of Blight - Cheyenne | Appendix B



































































































Conditions of Blight - Cheyenne | Appendix B