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24 June 2024

Mr. Tucker Bennett
Confluence Companies
430 Indiana Street, Suite 200
Golden, Colorado 80401

RE: Findings of Blight to Support Creation of an Urban Renewal Area

Dear Mr. Bennett:

During the summer of 2022, representatives of Ricker | Cunningham initiated an analysis of properties, infrastructure, and services in the former Acme Brick property located at 401 Prairie Hawk Drive (herein referred to as the “Brickyard Survey Area” or “Survey Area”) to determine whether, and to what extent, conditions contributing to “blight,” as defined in the Colorado Urban Renewal Law, Colo. Rev. Stat. § 31-25-101, were present and adversely impacting people and properties. The Survey Area consists of 4 parcels totaling 31.1 acres, located along the west side of Prairie Hawk Drive south of East Wolfensberger Road in the town of Castle Rock, and Douglas County, Colorado. The purpose of this work was to provide the property owner, the Town of Castle Rock and its elected officials with an independent, third-party opinion such that the Castle Rock Town Council may render an opinion regarding this Survey Area’s eligibility for creation of an urban renewal area.

The definition of a blighted area as provided in the Colorado Urban Renewal Law, is 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) *Existence of 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) *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;*
- (l) *If there is no objection of such 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. Colorado Revised Statute 31-25-103(2).*

Also stated in the Act is an explanation of eligibility which states “a finding of eligibility neither requires that all eleven (11) factors be present in a survey area, nor that every parcel within an area’s boundaries be adversely impacted by a qualifying factor.” Rather, “an area is eligible where four (4) or more factors are present, or five (5) where the use of eminent domain is anticipated, a determination made by the municipal legislative body (e.g., city council).”

With this understanding, it was the conclusion of our work, presented in the Brickyard Conditions Survey, dated June 2022, that nine (9) of the possible 11 blight factors are present at varying levels of intensity, including: (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; (h) existence of conditions that endanger life or property by fire or other causes; (i) buildings (or sites) that are unsafe or unhealthy for persons to live or



work; and (k.5) 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.

In June 2024, Ricker | Cunningham was authorized to confirm that conditions in the Survey Area had not materially changed since the completion of the Brickyard Conditions Survey in June 2022. After a physical inspection of the Survey Area, conducted in mid-June 2024, Ricker | Cunningham concluded that the 9 blight factors identified in the June 2022 Conditions Survey were still present at varying levels of intensity. The property owner has initiated a \$2.5 million demolition effort to address some of the conditions described above.

If you have any questions regarding the content of this letter or our findings, please contact either Anne Ricker or Bill Cunningham at 303.458.5800. Both of these individuals are authorized to speak on behalf of Ricker | Cunningham.

Sincerely,

Ricker | Cunningham

A handwritten signature in blue ink, appearing to read "Anne B. Ricker".

Anne B. Ricker
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A handwritten signature in blue ink, appearing to read "Bill J. Cunningham".

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