

RESOLUTION

A RESOLUTION DETERMINING THAT (1) THE SOUTH THORNTON URBAN RENEWAL AREA CONTINUES TO BE A BLIGHTED AREA, (2) THE THORNTON SHOPPING CENTER IS LOCATED IN A BLIGHTED AREA, (3) THE THORNTON SHOPPING CENTER ITSELF IS BLIGHTED, AND (4) THE SOUTH THORNTON URBAN RENEWAL AREA AND THE THORNTON SHOPPING CENTER ARE APPROPRIATE FOR AN URBAN RENEWAL PROJECT.

WHEREAS, pursuant to Ordinance 3217, adopted on October 23, 2012, City Council found and declared that the South Thornton Urban Renewal Area (Area) is a blighted area within the meaning of C.R.S. § 31-25-103(2); and

WHEREAS, pursuant to Ordinance 3217, City Council adopted the South Thornton Area Urban Renewal Plan (Initial Plan) after consideration of a certain conditions survey prepared by Ricker Cunningham (Blight Study); and

WHEREAS, on October 27, 2015, City Council approved an Amended and Restated South Thornton Area Urban Renewal Plan (Amended Plan) (the Initial Plan and Amended Plan are collectively referred to hereinafter as the Plan); and

WHEREAS, since City Council's approval of the Plan, the Thornton Development Authority (TDA) has initiated urban renewal projects consistent with the Plan, including but not limited to, the expenditure of \$150,000 to fund necessary environmental testing at the Thornton Shopping Center within the Area and the expenditure of \$40,000 as an economic development incentive to the developer of Dutch Brothers coffee shop, also within the Area, related to environmental cleanup; and

WHEREAS, the Thornton Shopping Center is generally located at the northeast corner of East 88th Avenue and Washington Street, and includes properties between Russell Boulevard on the north, Corona Street on the east, 88<sup>th</sup> Avenue on the south, and Washington Street on the west (Property); and

WHEREAS, the Plan identifies the Property, which is located in the Area, as a blighted property or a property within a blighted area; and

WHEREAS, on July 28, 2020, the TDA adopted a resolution authorizing the TDA Secretary to, among other things, (1) explore options for acquiring ownership of all or a portion of the Property through any lawful method, including but not limited to, a negotiated purchase or exercise of eminent domain, consistent with the Plan, and (2) conduct a due diligence investigation of the Property, including but not limited to, surveys, appraisals, environmental testing and audits, engineering, engagement of legal counsel, and the engagement of other experts and consultants the TDA Secretary deems necessary; and

WHEREAS, on September 8, 2020, the TDA adopted a resolution authorizing the TDA Secretary to conduct any necessary studies related to the blighted conditions of the Property or the Area; and

WHEREAS, the TDA subsequently commissioned a conditions survey to analyze conditions within the Area to determine whether the Area or any properties within the Area are, or continue to be, blighted; and

WHEREAS, within thirty days of commissioning the conditions survey, the TDA provided notice to each owner of private property within the Area pursuant to C.R.S. § 31-25-107(1)(b); and

WHEREAS, the South Thornton Area Conditions Survey dated June 1, 2021 (Conditions Survey) determined that the Area and the Property contain factors included in the definition of “blighted area” as provided in Colorado’s Urban Renewal Act (Act), that the Area continues to be a blighted area, and that the Property itself is blighted and is located in a blighted area; and

WHEREAS, on September 14, 2021, City Council conducted a public hearing on the Conditions Survey pursuant to the procedural and notice requirements of the Act, and considered the evidence presented in support of and in opposition to the Conditions Survey, including staff recommendations; and

WHEREAS, based upon the evidence presented at the Public Hearing, City Council desires to accept the Conditions Survey as presented and make the following findings and determinations: (1) the Area, as described in the Conditions Survey, continues to be a blighted area; (2) the Property is located in a blighted area; (3) the Property itself is blighted; and (4) the Area and the Property are appropriate for an urban renewal project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. City Council accepts the Conditions Survey attached to this resolution as Exhibit A.
2. City Council determines that the Area continues to be a “blighted area” as defined in the Act.
3. Based upon the Conditions Survey and other evidence provided at the Public Hearing on September 14, 2021, ten (10) factors of blight are found to exist in the Area. The specific factors outlined in the Act (lettering below follows the Act) that exist in the Area are as follows:
  - (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;
  - (h) The 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; and
  - (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. In its present condition and use, and by reason of the presence of such factors within the Area, the Area substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare of the residents of the City.
5. City Council determines that the Property, which is located in the Area, itself is blighted.
6. Based upon the Conditions Survey and other evidence provided at the Public Hearing on September 14, 2021, ten (10) factors of blight are found to exist on or in the Property. The specific factors outlined in the Act (lettering below follows the Act) that exist on or in the Property are as follows:
- (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;
  - (h) The 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; and,

(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.

7. City Council finds and determines that the Area continues to be blighted within the meaning of C.R.S. § 31-25-103(2), and that the Property is blighted within the meaning of C.R.S. § 31-25-103(2), without regard to the economic performance of the property included within the Area pursuant to C.R.S. § 31-25-107(3)(b), and hereby finds and designates the Area and the Property appropriate for an urban renewal project.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on September 14, 2021.

CITY OF THORNTON, COLORADO

  
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Jan Kulmann, Mayor

ATTEST:

  
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Kristen N. Rosenbaum, City Clerk