

# TDA COMMUNICATION

<b>Meeting Date:</b> July 28, 2020	<b>Agenda Item:</b>	<b>Agenda Location:</b> Business	<b>Goal(s):</b>	<b>Legal Review:</b>	<input type="checkbox"/> 1 <sup>st</sup> Reading <input type="checkbox"/> 2 <sup>nd</sup> Reading
<b>Subject:</b> A resolution authorizing the Thornton Development Authority to analyze options for obtaining ownership of all or part of the Thornton Shopping Center property and to take actions in furtherance of the same.					
<b>Recommended by:</b> John Cody			<b>Approved by:</b> Kevin S. Woods		<b>Ordinance previously introduced by:</b>  _____
<b>Presenter(s):</b> John Cody, Economic Development Director					

**SYNOPSIS:**

The Thornton Development Authority (TDA) is interested in exploring acquisition of all or a part of the Thornton Shopping Center property (Property) through any lawful means, such as a negotiated purchase or eminent domain proceedings. The current owner of the Property, Thornton LLC, has been unsuccessful in its attempts to sell or redevelop the Property consistent with the TDA’s goals and objectives. Acquiring ownership of the Property may allow the TDA to further its goal of eliminating blight in the South Thornton Urban Renewal Area. The resolution authorizes the TDA to take steps to explore an acquisition, including completing a due diligence investigation of the Property.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, to adopt the resolution authorizing the TDA to analyze options for obtaining ownership of all or part of the Thornton Shopping Center property and to take actions in furtherance of the same.

Staff recommends Alternative No. 1, for TDA to adopt the resolution authorizing staff to analyze options...

**BUDGET/STAFF IMPLICATIONS:**

It is anticipated that there may be some costs to the TDA through the due diligent investigation of the Property. Funding for such costs would be authorized through a future budget amendment.

**ALTERNATIVES:**

1. Approve the resolution.
2. Do not approve the resolution.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

The Property is located in the South Thornton Urban Renewal Area, which was found to be blighted and in need of redevelopment when the City adopted the South Thornton Area Urban Renewal Plan (Plan) on October 9, 2012, and remains blighted and in need of redevelopment at this time. Analyzing the possible acquisition of all or a part of the Property and engaging in due diligence efforts related to the same will further the goals and objectives of the Plan.

## RESOLUTION

A RESOLUTION AUTHORIZING THE THORNTON DEVELOPMENT AUTHORITY TO ANALYZE OPTIONS FOR OBTAINING OWNERSHIP OF ALL OR PART OF THE THORNTON SHOPPING CENTER PROPERTY AND TO TAKE ACTIONS IN FURTHERANCE OF THE SAME.

WHEREAS, in furtherance of the goals and objectives of the South Thornton Area Urban Renewal Plan (Plan), the Thornton Development Authority (TDA) is interested in exploring options for obtaining ownership of all or a portion of the Thornton Shopping Center property (Property), generally located at the northeast corner of East 88<sup>th</sup> Avenue and Washington Street within the South Thornton Urban Renewal Area; and

WHEREAS, the area in which the Property is located was found to be blighted and in need of redevelopment when the City adopted the Plan on October 9, 2012, and remains blighted and in need of redevelopment at this time; and

WHEREAS, the Property's current owner, Thornton LLC, has been unsuccessful in its attempts to sell or redevelop the Property consistent with the TDA's goals and objectives; and

WHEREAS, the TDA's acquisition of the Property, through a negotiated purchase or any other method authorized by the Colorado Urban Renewal Law, Title 31, Article 25 of the Colorado Revised Statutes, including through the power of eminent domain, may allow the TDA to further its goal of eliminating blight in the South Thornton Urban Renewal Area; and

WHEREAS, in furtherance of exploring options for obtaining all or a portion of the Property, the TDA has determined that it is prudent and necessary to expend TDA funds to engage in initial due diligence investigation of the Property and pay for incidental costs related to the same, including but not limited to, the cost of surveys, appraisals, environmental testing and audits, engineering, legal counsel, and the engagement of other experts and consultants the TDA deems necessary; and

WHEREAS, as part of its due diligence efforts, the TDA intends to work with Federal and State agencies to support their efforts of remediating environmental contamination on the Property, potentially including provision of financial support in furtherance of such remediation; and

WHEREAS, analyzing the possible acquisition of all or a part of the Property and engaging in due diligence efforts related to the same will further the goals and objectives of the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE THORNTON DEVELOPMENT AUTHORITY, AS FOLLOWS:

1. The TDA Secretary is authorized as follows:
  - a. To 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.
  - b. To conduct a due diligence investigation of the Property, including but not limited to, surveys, appraisals, environmental testing and audits, engineering, legal counsel, and the engagement of other experts and consultants the TDA Secretary deems necessary.
  - c. To work with Federal and State agencies to support their efforts of remediating environmental contamination on the Property, including provision by the TDA of financial support in furtherance of such remediation.
2. These actions are necessary to work toward accomplishing the goals of the Plan and for the public health, safety, and welfare.

PASSED AND ADOPTED at a special meeting of the Thornton Development Authority, on \_\_\_\_\_, 2020.

THORNTON DEVELOPMENT AUTHORITY

\_\_\_\_\_  
Jan Kulmann, Chairperson

ATTEST:

\_\_\_\_\_  
Kristen N. Rosenbaum, City Clerk