

# COUNCIL COMMUNICATION

<b>Meeting Date:</b> August 27, 2019	<b>Agenda Item:</b>	<b>Agenda Location:</b> Consent Calendar	<b>Goal(s):</b>	<b>Legal Review:</b>	<input type="checkbox"/> 1 <sup>st</sup> Reading <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading
<b>Subject:</b> An ordinance providing for the disconnection from the City of Thornton of 1.121 acres of property generally located east of Steele Street and south of East 86 <sup>th</sup> Avenue (West Gravel Lakes Disconnection).					
<b>Recommended by:</b> Jeff Coder		<b>Approved by:</b> Kevin S. Woods		<b>Ordinance previously introduced by:</b> _____	
<b>Presenter(s):</b> Grant Penland, Planning Director					

## **SYNOPSIS:**

On August 13, 2019 City Council voted unanimously to approve the disconnection of the West Gravel Lakes Disconnection property from the City on first reading.

## **Disconnection Ordinance:**

The proposed ordinance will disconnect 1.121 acres of land from the city to become unincorporated property in Adams County, located generally east of Steele Street and south of East 86<sup>th</sup> Avenue. This city-owned vacant land is located adjacent to the West Gravel Lakes recreational/storage ponds and is not needed to operate or maintain the ponds. City Council declared this property as surplus property on May 14, 2019 and authorized the City to proceed with disposition.

The property is anticipated to be sold to DTI Holdings, LLC (DTI) contingent upon the property being disconnected from the City. DTI owns property in Unincorporated Adams County adjacent to the southern and northern boundary of the surplus property.

## **RECOMMENDATION:**

Staff recommends Alternative No. 1, approval of the attached Ordinance, and Comprehensive Plan Amendment Resolution.

## **BUDGET/STAFF IMPLICATIONS:**

None.

## **ALTERNATIVES:**

1. Approve the Disconnection Ordinance.
2. Deny the Disconnection Ordinance.
3. Revise the disconnection ordinance in response to specific Council direction.

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

The property is located adjacent to the West Gravel Lakes water supply reservoir, owned by the City of Thornton. When the City purchased the property from Mobile Premix Inc. in 1981 for the reservoir, the subject parcel was included in the purchase. With the development of the West Gravel Lakes reservoir, the ditch that was located on the parcel was abandoned and the City no longer needs the parcel

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to operate and maintain the reservoir. To facilitate the sale and purchase of the property, City Council declared the property as surplus property on May 14, 2019 and authorizes its disposition.

DTI Holdings, LLC, a commercial truck company, owns two parcels of land located adjacent to the north and south sides of the Property. DTI has entered into a purchase and sale agreement with the City to purchase the property and incorporate it into their trucking facility contingent on the disconnection of the property from the city.

Pursuant to discussions with Adams County staff, notification of the application to disconnect the property was provided to the Adams County Board of County Commissioners on July 12, 2019 to provide an opportunity to meet and discuss the proposed disconnection. A meeting has not been requested by the Commissioners. The ordinance is effective immediately upon the filing of the ordinance with the Adams County Clerk and Recorder.

### **HISTORY:** (includes previous City Council action)

- The Property was annexed to the City on December 14, 1981 by Ordinance No 1086.
- The Property was zoned POS on December 13, 1995 by Ordinance 2933.
- On May 7, 2019, the City Council reviewed a request in an update session to make the Property surplus property.
- On May 14, 2019 City Council approved a request to declare the property surplus property and authorize the sale of the property.
- July 12, 2019 a notice including a copy of the application for disconnection was forwarded to the Adams County Board of County Commissioners advising them of the proposed disconnection.
- The Sale and Purchase Agreement for the property has been signed by DTI and is contingent on the property being disconnected from the City.

**Public Notification:** A public notice of the hearing was published on the City's official website beginning on July 24, 2019 and at City Hall, the Margaret W. Carpenter Recreation Center, and the Thornton Active Adult Center beginning on July 26, 2019. All property owners within 1,500 feet of this site were sent notice of the public hearing ten days prior to August 13, 2019. Notification of the City Council hearing was posted on the property ten days prior to the August 13, 2019 public hearing.

INTRODUCED BY: \_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE DISCONNECTION FROM THE CITY OF THORNTON OF 1.121 ACRES OF PROPERTY GENERALLY LOCATED EAST OF STEELE STREET AND SOUTH OF EAST 86<sup>TH</sup> AVENUE, (WEST GRAVEL LAKE DISCONNECTION).

WHEREAS, the City of Thornton (City) is the owner of the property (Property) located east of Steele Street and south of East 86<sup>th</sup> Avenue described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the Property is not integral to the operation of the West Gravel Lakes and the City does not need the Property; and

WHEREAS, the City has declared the Property as surplus property and has authorized the City to proceed with sale of the Property to DTI Holdings, LLC contingent upon the parcel being disconnected from the City; and

WHEREAS, the City is proposing to disconnect the Property from the City as part of the Sale and Purchase Agreement with DTI Holdings, LLC; and

WHEREAS, City Staff is of the opinion that the best interests of the City will not be injured by this disconnection of the Property.

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

1. That the City Council finds as follows:
  - (a) The Property may be disconnected without adverse effects to the City and is in the best interests of the City.
  - (b) The Property has access to Steele Street.
  - (c) The City makes no representations as to the ability for the Property to be developed for any purpose subsequent to disconnection from the City.
2. That the Property is hereby disconnected from the City.
3. That the City Clerk is directed to file two certified copies of the Disconnection Ordinance and one copy of the Disconnection Map with the Adams County Clerk.
4. This Ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on \_\_\_\_\_, 2019.

PASSED AND ADOPTED on second and final reading on \_\_\_\_\_, 2019.

CITY OF THORNTON, COLORADO

\_\_\_\_\_  
Heidi K. Williams, Mayor

ATTEST:

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

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Luis A. Corchado, City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, and Thornton Active Adult Center after first and second readings.

Published on the City's official website after first reading on \_\_\_\_\_, 2019, and after second and final reading on \_\_\_\_\_, 2019.