

RESOLUTION

A RESOLUTION OF SUPPORT FOR THE INITIATION OF NEGOTIATIONS AND, IF NECESSARY, EMINENT DOMAIN PROCEEDINGS TO ACQUIRE ALL OR A PORTION OF THE THORNTON SHOPPING CENTER LOCATED WITHIN THE SOUTH THORNTON URBAN RENEWAL AREA TO EFFECTUATE THE PURPOSES AND PROVISIONS OF THE SOUTH THORNTON URBAN RENEWAL PLAN

WHEREAS, pursuant to Ordinance No. 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 adopted the South Thornton Area Urban Renewal Plan (later amended on October 27, 2015, and referred to herein as the Plan) in accordance with Section 31-25-107, C.R.S; and

WHEREAS, the Thornton Shopping Center is located within the Area, 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, 88th Avenue on the south, and Washington Street on the west (Property); and

WHEREAS, on July 28, 2020, the Thornton Development Authority (TDA), in furtherance of the goals and objectives of the Plan, authorized certain actions 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; and

WHEREAS, consistent with the TDA's authorization, the City has engaged in certain due diligence actions related to the Property, including surveys, appraisals, environmental testing and audits, and the engagement of legal counsel and other experts and consultants; and

WHEREAS, on September 14, 2021, City Council conducted a public hearing on the South Thornton Area Conditions Survey dated June 1, 2021, a second, and more recent, conditions survey prepared by Ricker Cunningham and, based upon the evidence presented at the public hearing determined, among other things: (1) the Area, as described in the Conditions Survey, continues to be a blighted area; (2) the Property is located in a blighted area; and, (3) the Property itself is blighted; and

WHEREAS, the Property is contaminated with a dry cleaning solvent known as tetrachloroethylene (PCE), as well as related chemicals that can result from the breakdown of PCE, including but not necessarily limited to, trichloroethylene, cis-1,2,-dichloroethylene, and vinyl chloride, all of which are hazardous to human health; and

WHEREAS, the Property's current owner, Thornton LLC, has failed to eliminate blight or remediate the environmental contamination on the Property; and

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

WHEREAS, City residents within the Area, and who live near the Property, have consistently encouraged the City to take all actions necessary and appropriate to eliminate blight on the Property; and

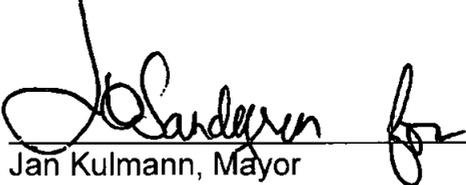
WHEREAS, City Council desires to express its support for the TDA's use of eminent domain as a means to acquire all or a portion of the Property in furtherance of the Plan's intent and purpose of reducing, eliminating, or preventing the spread of blight, including the remediation of environmental contamination.

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

City Council hereby expresses its support for the Thornton Development Authority's initiation of negotiations, and if necessary, eminent domain proceedings to acquire all or a portion of the Thornton Shopping Center, located within the South Thornton Urban Renewal Area, to effectuate the purposes and provisions of the South Thornton Urban Renewal Plan, after the TDA and the City complete all required preliminary actions necessary to proceed with eminent domain.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on October 26, 2021.

CITY OF THORNTON, COLORADO


Jan Kulmann, Mayor

ATTEST:



Kristen N. Rosenbaum, City Clerk