

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-124
Series of 2006

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A RESOLUTION DETERMINING THAT THE PARCEL COMMONLY REFERRED TO AS THE OLD SHELL STATION IS BLIGHTED AS THAT TERM IS DEFINED AT C.R.S. § 31-25-105.5(5)(a), AND AUTHORIZING THE NORTHGLENN URBAN RENEWAL AUTHORITY TO USE EMINENT DOMAIN TO ACQUIRE THE SHELL PARCEL AND TO SUBSEQUENTLY TRANSFER IT TO A THIRD PARTY.

WHEREAS, by the adoption of Resolution CR-19, Series of 1990, the City Council created the Northglenn Urban Renewal Authority ("NURA");

WHEREAS, on June 12, 2003, by Resolution 03-42, Series of 2003, the City Council found that certain property, which included a parcel of property known as the "Old Shell Station" with a street address of 11401 N. Washington Street, Northglenn, Colorado 80233-1912, and with a legal description in attached **Exhibit A**, was blighted as that term is defined by C.R.S. § 31-25-103(2);

WHEREAS, on January 8, 2004, by Resolution 04-18, Series 2004, the City Council added certain property, including the Old Shell Station, to the Northglenn Urban Renewal Area;

WHEREAS, an updated survey of the conditions existing on the Old Shell Station has been performed, and a report dated September 2006 (the "Conditions Survey") was presented to the City Council for its review and consideration;

WHEREAS, after a public hearing on September 27, 2006, NURA recommended that the City Council adopt an updated finding of blight for the Old Shell Station;

WHEREAS, pursuant to the procedural and notice requirements of the Urban Renewal Law, C.R.S. § 31-25-101, *et seq.*, on September 27, 2007, the City Council conducted a public hearing for the following purposes:

- (1) to review the Conditions Survey to determine whether the Old Shell Station constituted a blighted area pursuant C.R.S. § 31-25-105.5(5)(a); and
- (2) to authorize the Northglenn Urban Renewal Authority to use eminent domain to acquire the Old Shell Station and to subsequently transfer it to a third party; and

WHEREAS, written notice of the public hearing was mailed to the owner of the Old Shell Station at least thirty (30) days prior to the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Blight Finding. Based on the evidence presented at the public hearing, the Old Shell Station constitutes a blighted area as defined by C.R.S. § 31-25-105.5(5)(a), because it substantially impairs or arrests the sound growth of the City, 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 due the existence of all of the factors set forth in the Conditions Survey dated September 2006, which include, but are not limited to the following:

1. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
2. Unsanitary or unsafe conditions;
3. Deterioration of site or other improvements;
4. Unusual topography or inadequate public improvements or utilities;
5. Defective or unusual conditions of title rendering the title nonmarketable; and
6. Existence of conditions that endanger life or property by fire or other causes; and
7. 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.

The Board of Trustees expressly finds that seven (7) of the blight factors listed in C.R.S. § 31-25-103(2) exist on the Old Shell Station, and consequently the definition of blight set forth in C.R.S. § 31-25-105.5(5)(a) is met. The Old Shell Station is hereby declared to constitute a blighted area as that term is defined in C.R.S. § 31-25-105.5(5)(a).

Section 2. Authorization for NURA to use Eminent Domain. NURA is hereby expressly authorized to use eminent domain as a means to acquire the Old Shell Station. This authorization is based solely upon the finding made in Section 1 of this Resolution that the Old Shell Station constitutes a blighted area, and is made without regard to the economic performance of the Old Shell Station.

DATED at Northglenn, Colorado, this ____ day of _____, 2006.

KATHLEEN M. NOVAK
Mayor

ATTEST:

APPROVED AS TO FORM:

DIANA L. LENTZ, CMC
City Clerk

COREY Y. HOFFMANN
City Attorney

EXHIBIT A
LEGAL DESCRIPTION OF OLD SHELL STATION

A PARCEL OF LAND IN THE SOUTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 150 FEET OF THE EAST 150 FEET OF TRACT A, WEBSTER LAKE SUBDIVISION FIRST FILING, AMENDED.