

ADMINISTRATION MEMORANDUM
15-23

DATE: July 13, 2015

TO: Honorable Mayor Joyce Downing & City Council Members

FROM: David Willett, Acting City Manager 
Debbie Tuttle, NURA Executive Director

COPY: NURA Board of Directors
Corey Hoffmann, City Attorney
Jeff Parker, NURA Attorney

SUBJECT: Request for an Additional 60-Day Continuance of CR-81
Huron Center Blight Area Determination &
Project Commencement Period & NURA Authorization to Acquire Property
by Eminent Domain & Transfer Property to a Private Party

RECOMMENDATION

Staff recommends to Council to approve an additional 60-day continuance of CR-81 (Attachment A) related to the Huron Center Eminent Domain decision. Staff and NURA representatives have met with Impala Capital, Evergreen, several of the tenants and their legal representation in two separate meetings. Impala Capital has retained civil engineers and architects to develop a comprehensive redevelopment plan for their properties to integrate into the Evergreen Plan B of the anchor building (former Albertson's).

BACKGROUND

On June 8, 2015 a public hearing was held for City Council to evaluate CR-81 which would authorize NURA to use property acquisition by eminent domain and to transfer portions of property owned by Impala Capital to a private party for purposes of redevelopment. Council continued this item until July 13, 2015 to allow the property owners to develop a quality redevelopment plan for their property.

BUDGET/TIME IMPLICATIONS

If Council approves this additional 60-day continuance, the property owners, and other parties will have the time needed to complete their due diligence. This will include identifying both interior and exterior improvements, perform property inspections, perform additional civil engineering and architectural work, obtain cost estimates, and determine project timelines related to redevelopment of the project. A proposed redevelopment plan will be submitted to the NURA board on September 9th, and a recommendation will be made to Council on September 14th.

STAFF REFERENCE

If you have any comments or questions, please contact Corey Hoffman at 303-825-6444 or cyh@hpwclaw.com, David Willett at 303-450-8783 or dwillett@northglenn.org; or Debbie Tuttle at 303-450-8743 or dtuttle@northglenn.org .

ADMINISTRATION MEMORANDUM
15-16

DATE: June 8, 2015

TO: Honorable Mayor Joyce Downing & City Council Members

FROM: John R. Pick, City Manager 
Debbie Tuttle, NURA Executive Director  

COPY: NURA Board of Directors
Corey Hoffmann, City Attorney
Jeff Parker, NURA Attorney

SUBJECT: CR-81 - Huron Center Blight Area Determination &
Project Commencement Period & NURA Authorization to Acquire Property
by Eminent Domain & Transfer Property to a Private Party

PROJECT OVERVIEW

On October 9, 2008, by the adoption of Resolution No. 08-139 (**Attachment 1**), the City Council found that the area commonly referred to as the Huron Center was blighted as defined in C.R.S. 31-25-103(2) and C.R.S. § 31-25-105.5(a) (due to the presence of at least five (5) blight factors), and was included within the Northglenn Urban Renewal Area boundaries (as later modified to be the Northglenn Urban Renewal Area 1).

In April of 2015, an outside consultant reviewed the condition of the Huron Center and confirmed that the Huron Center continued to have at least five (5) factors of blight (**Attachment 2**).

The Northglenn Urban Renewal Authority (NURA) purchased the former Albertson's/Rite-Aid building in June 2014, and discussed purchasing three parcels in the Huron Center from their current owner Impala Capital, LLC (**Resolution CR-81 Exhibit A – Legal Description**) to redevelop and revitalize the Huron Center.

PURPOSE OF PUBLIC MEETING

There are three purposes of the public hearing being held on June 8, 2015.

1. **Blighted Area Determination** – For City Council to evaluate and determine whether the property owned by Impala Capital LLC is located in a blighted area as defined by C.R.S. § 31-25-103(2) and C.R.S. § 31-25-105.5(5)(a).
2. **Project Commencement Period** – For City Council to determine that the project for which the property will be acquired will commence within seven (7) years of the blight determination.
3. **Authorize Property Acquisition by Eminent Domain & Transfer Property to a Private Party** - After making the findings set forth in Items #1 and #2 above, the City Council may then authorize the Northglenn Urban Renewal Authority to use eminent domain to acquire the Impala Capital LLC-owned property and to transfer it to a private party for redevelopment purposes.

STAFF REFERENCE

If you have any comments or questions, they may contact John Pick at 303-450-8706 or jpick@northglenn.org; or Debbie Tuttle at 303-450-8743 or dtuttle@northglenn.org.

Attachments:

Attachment A – Huron Center Blight 2008 Study

Attachment B – Huron Center Ricker-Cunningham Blight Determination Opinion Letter

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-151
Series of 2008

08-139
Series of 2008

A RESOLUTION FINDING THAT THE AREA COMMONLY REFERRED TO AS THE HURON CENTER IS A BLIGHTED AREA, APPROVING A SUBSTANTIAL MODIFICATION TO THE NORTHGLENN URBAN RENEWAL PLAN BY EXPANDING THE BOUNDARIES OF THE NORTHGLENN URBAN RENEWAL AREA TO ENCOMPASS THE HURON CENTER, AND DELAYING THE IMPLEMENTATION OF TAX INCREMENT FINANCING FOR THE HURON CENTER

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

WHEREAS, NURA has conducted a blight study and concluded that the area described in **Exhibit A** hereto (the "Huron Center Property") is a blighted area and NURA has recommended to the City Council that the Huron Center Property be added to the Northglenn Urban Renewal Area;

WHEREAS, C.R.S. § 31-25-107 sets forth the procedure for modification of the Northglenn Urban Renewal Plan so as to effect inclusion of the Huron Center Property within the boundaries of the Northglenn Urban Renewal Authority for the purpose of development, redevelopment and rehabilitation of the Huron Center Property;

WHEREAS, the inclusion of the Huron Center Property is a substantial modification to the Northglenn Urban Renewal Plan previously approved by the City Council;

WHEREAS, the Northglenn City Council has complied with the requirements of the Urban Renewal Law and in particular, C.R.S. § 31-25-107, regarding the adoption of a substantial modification to the Northglenn Urban Renewal Plan;

WHEREAS, notice of the public hearing was published on September 4, 2008 in compliance with the notice provisions of C.R.S. § 31-25-107(3), and City staff used reasonable efforts to provide written notice of the public hearing to all property owners, residents, and owners of business concerns in the area proposed to be added to the Northglenn Urban Renewal Area at their last known address at least thirty (30) days prior to the hearing in compliance with C.R.S. § 31-25-107(4)(c);

WHEREAS, a public hearing on the inclusion of the Huron Center Property in the Northglenn Urban Renewal Area was held before the Northglenn City Council at the Northglenn City Hall, 11701 Community Center Drive, Northglenn, Colorado 80233, at 7:00 p.m. on

October 9, 2008; and

WHEREAS, at the public hearing the City Council heard and received evidence supporting the findings set forth in this Resolution.

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

Section 1. Blight Findings. The City Council hereby finds and declares that based on the evidence presented at the public hearing, the Huron Center Property constitutes a blighted area under the Urban Renewal Law, 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 2008, which include the following factors set forth in the referenced subsections of C.R.S. § 31-25-103(2):

- (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;
- (g) Defective or unusual conditions of title rendering the title nonmarketable;
- (h) The existence of conditions that endanger life or property by fire or other causes; 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.

The City Council expressly finds that nine (9) of the blight factors listed in C.R.S. § 31-25-103(2) exist on the Huron Center Property.

Section 2. Amendment of Plan to Add Huron Center Property. The City Council hereby finds and declares that:

- (a) It is not anticipated that any individuals or families will be displaced by the inclusion of the Huron Center Property in the Northglenn Urban Renewal Area. Accordingly, the City Council finds that a peaceful method exists for the relocation of

any individuals and families who will be displaced by the Urban Renewal Project in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such individuals and families;

(b) A feasible method exists for relocation of business concerns that will be displaced by the Urban Renewal Project in the Urban Renewal Area or in other areas that are not generally less desirable with respect to public utilities and commercial facilities;

(c) The City Council has taken reasonable efforts to provide written notice of the public hearing to all property owners, residents and owners of business concerns in the proposed Urban Renewal Area at their last known address of record at least thirty days prior to the hearing, and such notice contained the information required by C.R.S. § 31-25-107(3);

(d) No more than 120 days have passed since the commencement of the first public hearing on the substantial modification to the Northglenn Urban Renewal Plan;

(e) No prior public hearings have been held regarding the possible inclusion of the property described below in the Northglenn Urban Renewal Area;

(f) The Northglenn Urban Renewal Plan conforms to the general plan of the City of Northglenn as a whole;

(g) The Northglenn Urban Renewal Plan and the inclusion of the additional land described herein, will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the Urban Renewal Area by private enterprise; and

(h) No additional county infrastructure and services are required to serve the development on the additional property being added to the Urban Renewal Area during the period in which property taxes described in C.R.S. § 31-25-107(9)(a)(II) are levied by the County and paid to the Urban Renewal Authority.

Based on the above findings, the City Council approves a substantial modification to the Northglenn Urban Renewal Plan, which shall be the inclusion of the Huron Center Property in the Northglenn Urban Renewal Area. From and after the date of adoption of this Resolution, the Huron Center Property shall, for all purposes, be part of the Northglenn Urban Renewal Area and subject to the provisions of the Northglenn Urban Renewal Plan.

Section 3. Tax increment financing Delay. The provisions in the current Northglenn Urban Renewal Plan implementing tax increment financing pursuant to C.R.S. § 31-25-107(9) shall not apply to the Huron Center Property until the City Council approves a subsequent resolution implementing tax increment financing for the Huron Center Property.

DATED at Northglenn, Colorado, this 9th day of October, 2008.


KATHLEEN M. NOVAK
Mayor

ATTEST:


JOHANNA SMALL, CMC
Acting City Clerk

APPROVED AS TO FORM:

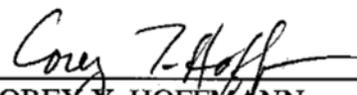

COREY Y. HOFFMANN
City Attorney

EXHIBIT A
AREA DESCRIPTION

Lots 1 2, 3, and 4, Amended Plat of a Portion of Block 34, Heftler Homes-Hillcrest Sixth Filing;

Lot 5, Block 34, Minor Subdivision of a Portion of Block 34, Heftler Homes-Hillcrest Sixth Filing;

A parcel of land described as: beginning at the northeast corner of Heftler Homes- Hillcrest Sixth Filing, thence west 200 ft; thence south 200 ft.; thence east 200 feet; thence north 200 ft. to the point of beginning.

The above parcels located in the Northeast 1/4 of Section 16, Township 2 South, Range 68 West, of the 6th Principal Meridian, County of Adams, State of Colorado.

Together with all of the street right-of-way for 104th Avenue from the west right-of-way line of Huron Street to the west city limits of the City of Northglenn; and

All of the street right-of-way for Huron Street from the south right-of-way line of 104th Avenue to the south city limits of the City of Northglenn.



Proposed NURA Addition City of Northglenn



Legend

- City Limit
- NURA Boundaries
- Proposed NURA Addition

0 260 520 1,040 1,560 2,080 Feet



City of Northglenn
Conditions Survey
Huron Shopping Center



Prepared for:
Northglenn City Council
Northglenn Urban Renewal Authority

Prepared by:
Pat Breitenstein, Kristin Sullivan, Travis Reynolds, and Shannon Turk
September 2008

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 - 5.3 Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness
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 - 5.5 Deterioration of Site or Other Improvements
 - 5.6 Unusual Topography or Inadequate Public Improvements or Utilities
 - 5.7 Defective or Unusual Conditions of Title Rendering the Title Nonmarketable
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- 6.0 Survey Conclusions

Appendix A: Inventory of Blight Study Area Parcels

1.0 OBJECTIVE

The purpose of this Study is to identify blighted conditions in certain defined areas of the City so that the Northglenn Urban Renewal Authority (NURA) and Northglenn City Council can determine if the defined area, taken as a whole, meets the State definition of blight.

C.R.S. Section 31-25-103(2) as amended, defines “blighted area” as follows:

“ . . . an area that in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, 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:

- (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;
- (g) Defective or unusual conditions of title rendering the title nonmarketable;
- (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; or
- (k) 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.

If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use is found to contain any one of the factors listed above, and which substantially impairs or arrests the sound growth of the municipality, 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.

2.0 SURVEY AREA

The survey area is defined as the Huron Center of the City of Northglenn, as described below and as shown in Figure 1. This shopping center includes a grocery store that was formerly occupied by Albertson's. It also includes a variety of in-line retail and four pad site buildings.

This area is located on the south side of 104th Avenue between Huron Street and Croke Drive. The shopping center is bounded on the south by the property line that it shares with the Riviera Apartments. The survey area also includes the right-of-way along 104th Ave. between Zuni Street and Huron Street. Additionally, it also includes the right-of-way along Huron Street between 104th Ave. and the City of Northglenn Boundary between 97th Ave. and 96th Ave. The maps on the following two pages show the proposed addition to the Northglenn Urban Renewal Authority's designated area, as well as the existing boundaries of NURA.

The legal description of the proposed addition to the Northglenn Urban Renewal area is as follows:

Lots 1 2, 3, and 4, Amended Plat of a Portion of Block 34, Heftler Homes-Hillcrest Sixth Filing;

Lot 5, Block 34, Minor Subdivision of a Portion of Block 34, Heftler Homes-Hillcrest Sixth Filing;

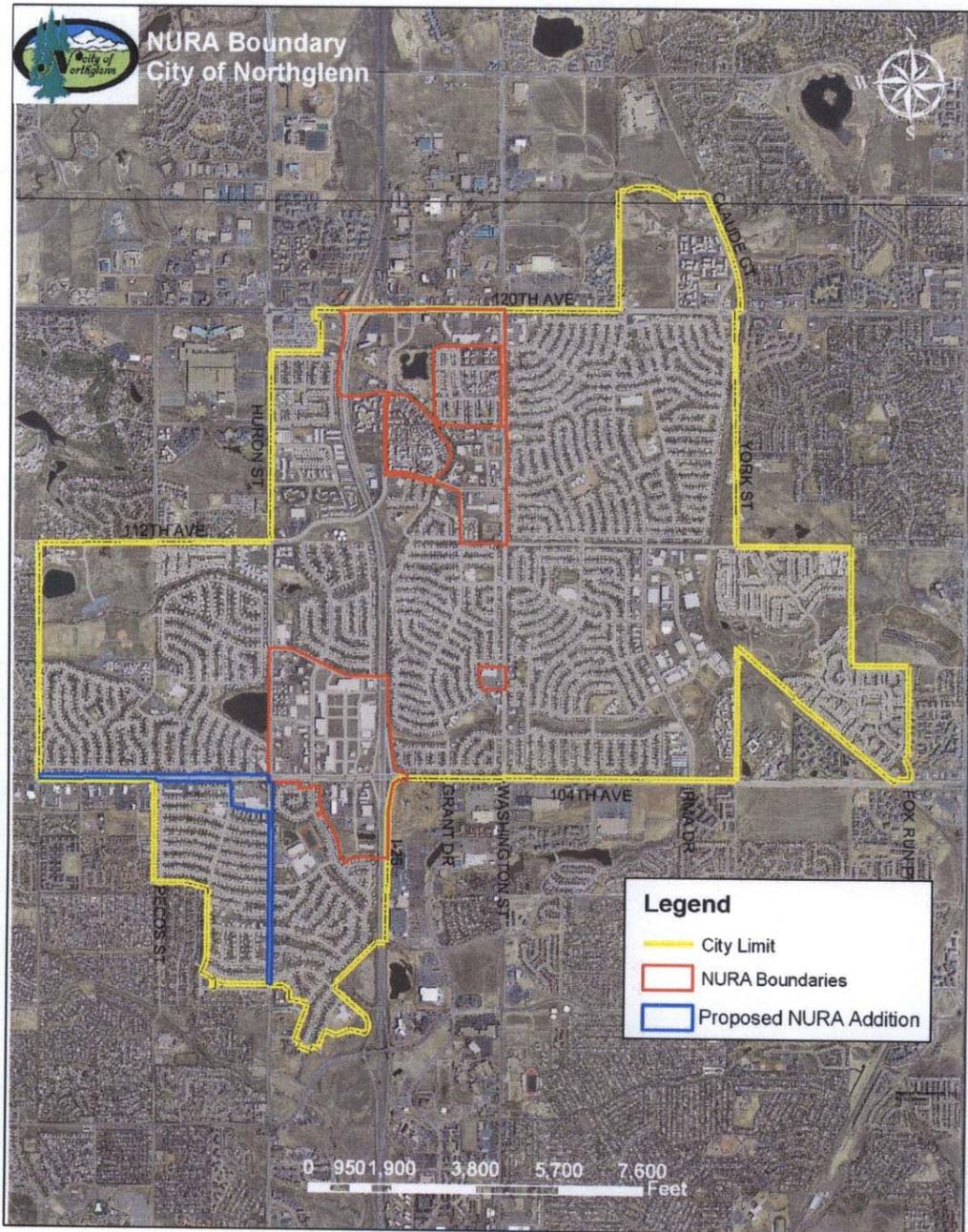
A parcel of land described as: beginning at the northeast corner of Heftler Homes- Hillcrest Sixth Filing, thence west 200 ft; thence south 200 ft.; thence east 200 feet; thence north 200 ft. to the point of beginning.

The above parcels located in the Northeast 1/4 of Section 16, Township 2 South, Range 68 West, of the 6th Principal Meridian, County of Adams, State of Colorado.

Together with all of the street right-of-way for 104th Avenue from the west right-of-way line of Huron Street to the west city limits of the City of Northglenn; and

All of the street right-of-way for Huron Street from the south right-of-way line of 104th Avenue to the south city limits of the City of Northglenn.

The proposed addition would connect with the existing NURA area at the intersection of Huron Street and 104th Ave. The graphic below shows the existing NURA areas throughout the City, as well as the proposed addition.



3.0 AREA BACKGROUND

Construction of the Huron Center started in 1977 and was completed in 1978. The land was undeveloped and vacant before construction of the center. At its peak, the shopping center included an Albertson's grocery store, a Rite Aid drugstore, a Blockbuster video, a regional bank, several restaurants, and a wide variety of retail tenants in the in-line spaces.

Albertson's operated at this location until 2006 when it closed a large number of stores in Colorado and throughout the Rocky Mountain region. The adjacent Rite Aid store remained open until January 2008 when it, too, closed its doors. The anchor space has been vacant since the close of these two stores, despite Albertson's efforts to sublease to another tenant.

The Huron Center currently has two main landowners. Kin Properties, located in Boca Raton, Florida, owns the anchor space where Albertson's and Rite Aid once operated. The Miller Family Limited Partnership, located in Stony Brook, New York, owns the in-line retail on both sides of the former Albertson's space, as well as the parcels where Quizno's and Sconie's are located. The other two parcels in the Huron Center are separately owned. A table and map of the ownership of the Huron Center is included in this report as Appendix A.

4.0 METHODOLOGY

- 4.1. Field Survey. A field survey was conducted on foot between August 1 and October 1, 2008 by a four-person field survey team consisting of Pat Breitenstein, Travis Reynolds, Kristin Sullivan, and Shannon Turk. Blight factors, if any, were noted for the shopping center and street right-of-way. Digital photographs were taken to document any blight factors that were visually evident.

No attempt was made to enter any privately owned structures nor was any attempt made to enter onto private property into secured or screened areas. Survey of private property was made in areas readily visible from public rights-of-way or accessible by the public without restriction.

- 4.2. Interviews. Interviews were conducted with City staff members and various government agency experts including:
- a. Jim Hayes, Director of Planning and Development, City of Northglenn
 - b. Kurt Kowar, P.E., Logistics Center Manager, City of Northglenn
 - c. Joliette Woodson, Civil Engineer I/Traffic Engineer, City of Northglenn
 - d. Rick Davis, Chief Building Official, City of Northglenn
 - e. Bill Volz, Electrical & Building Inspector, City of Northglenn
 - f. Renae Lehr, Northglenn Police Department
 - g. Jennifer Wing, Neighborhood Services Supervisor
 - h. Gary Mote, North Metro Fire Department
 - i. Debbie Staub, Revenue Supervisor
- 4.3. Data Collection and Analysis. Both traffic accident history and crime statistics were gathered for this area. FEMA Flood Insurance Rate Maps applicable to the area, sales tax data, and traffic counts were reviewed.

5.0 SURVEY FINDINGS

Numerous factors of blight were found to exist in the survey area. The study findings are presented in the following sections, 5.1 through 5.11. The factors are grouped according to the blight factors as defined by Colorado State Statutes.

5.1 SLUM, DETERIORATED OR DETERIORATING STRUCTURES

The following photographs show deteriorated or deteriorating structures:



Cracked Wall of Anchor Building



Broken Handrail



Broken & Rusting Stairs



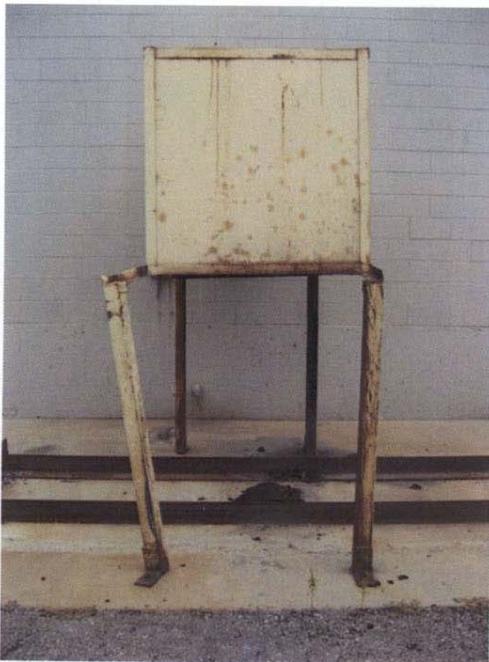
Alleyway of Inline Space



Broken Concrete



Blood on Sidewalk



Broken & Rusting Trash Chute



Broken & Rusting Trash Chute

5.2 PREDOMINANCE OF DEFECTIVE OR INADEQUATE STREET LAYOUT

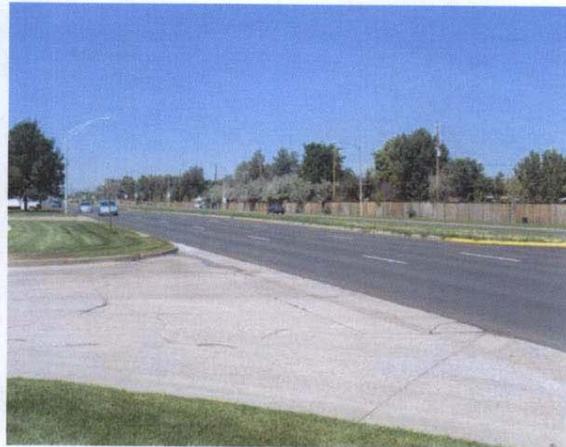
Defective or inadequate street layout. Includes inadequate capacity for current traffic volumes, unsafe intersections and pedestrian crossings, hazardous driveway access and general construction not to current standards.

104th AVE. LANE DESIGN

Along 104th Ave. the number of lanes changes from four total lanes to six total lanes at the corner of Croke Dr. and 104th Ave. The pictures below show the two different lane designs.



104th West of Croke Dr.



104th Between Croke Dr. and Huron St.

The Adams County Transportation Plan calls for 104th Ave. to be extended to six total lanes by 2020. This recommendation is based on 2020 traffic forecasts and the capacities of the existing facilities. As noted traffic portion of Section 5.4 (p. 23) of this report, the intersection of Huron St. and 104th Ave. has one the highest numbers of accidents of all intersections in the city according to data collected by the City of Northglenn Police Department.

In a report prepared for Council in 2006, Capital Improvement staff recommended that this section of 104th Ave be extended to six total lanes. This section of the report is included below.

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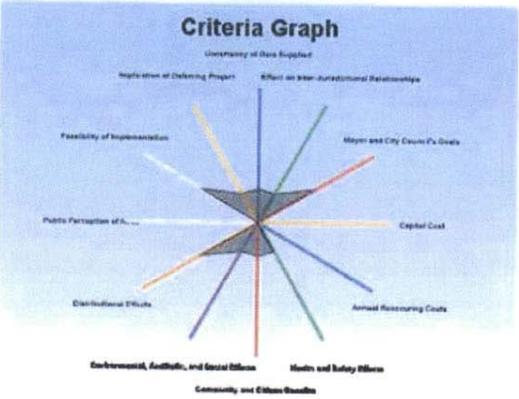
104th Ave Widening (Croke - W. City Limits) - (Budget Not Set)

One Time Project Priority: 60
53 out of 94 projects

Project Description
No description is currently available.
Notes:
• This project is currently ranked 4 out of 4 projects within the Arterial Street Overlay.

Proposed Funding Sources
No current funding sources have been projected for this project.

Project Prioritization Criteria Summary
Capital Cost: Over \$500,000(0)
Annual Recurring Costs: Low(0)
Health and Safety Effects: Medium(5)
Community and Citizen Benefits: Some(5)
Environmental, Aesthetic, and Social Effects: Some(5)
Distributional Effects: Equitable(10)
Public Perception of Need: Low(0)
Feasibility of Implementation: High(10)
Implication of Deferring Project: Medium(5)
Uncertainty of Data Supplied: Medium(5)
Effect on Inter-Jurisdictional Relationships: Not Applicable(5)
Mayor and City Council's Goals: Well Aligned(10)



The Criteria Graph is a radar chart with ten axes representing different project criteria. The scores for each criterion are as follows:

| Criteria | Score |
|--|-------|
| Feasibility of Implementation | 10 |
| Public Perception of Need | 0 |
| Distributional Effects | 10 |
| Environmental, Aesthetic, and Social Effects | 5 |
| Health and Safety Effects | 5 |
| Community and Citizen Benefits | 5 |
| Annual Recurring Costs | 0 |
| Capital Cost | 0 |
| Mayor and City Council's Goals | 10 |
| Effect on Inter-Jurisdictional Relationships | 5 |

104TH AVE MEDIAN IMPROVEMENTS

In the same report prepared for Council in 2006, staff identified the need for median improvements to 104th Ave. west of Huron. In part of this section of the street, a median has been installed, but never landscaped, as shown in the photos on the following page.

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104th Median Improvements (West of Huron) - \$400,000

One Time Project Priority: 62
48 out of 94 projects

Project Description
This project would include installation of landscaping and irrigation in the median on 104th Avenue from Huron St. to the West City limits. Council Beautification Priority Score: 65
Notes:
• This project is currently ranked 2 out of 6 projects within the Citywide Beautification Program.

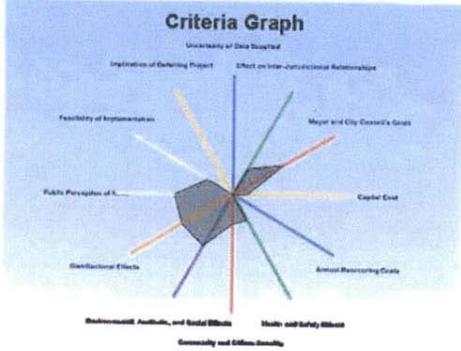
Proposed Funding Sources

2007:
\$225,000 CTF
\$175,000 Unfunded

2008:
\$100,000 ADCOO
\$75,000 CTF

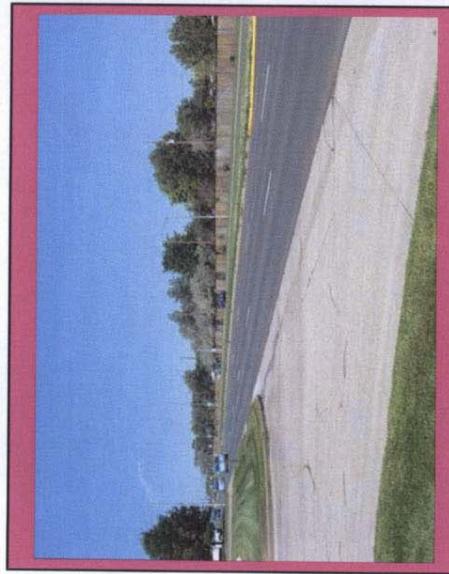
Project Prioritization Criteria Summary

- Capital Cost: \$50,000 - \$500,000(2.5)
- Annual Reoccurring Costs: Low(0)
- Health and Safety Effects: Medium(5)
- Community and Citizen Benefits: Some(5)
- Environmental, Aesthetic, and Social Effects: Many(10)
- Distributional Effects: Equitable(10)
- Public Perception of Need: High(10)
- Feasibility of Implementation: Medium(5)
- Implication of Deferring Project: Low(0)
- Uncertainty of Data Supplied: High(0)
- Effect on Inter-Jurisdictional Relationships: Not Applicable(5)
- Mayor and City Council's Goals: Well Aligned(10)

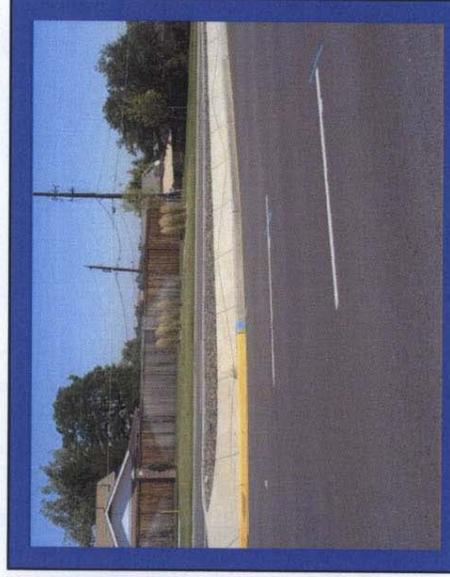


The Criteria Graph is a radar chart with ten axes representing different project criteria. The axes are: Implication of Deferring Project, Effect on Inter-Jurisdictional Relationships, Mayor and City Council's Goals, Capital Cost, Annual Reoccurring Costs, Health and Safety Effects, Community and Citizen Benefits, Environmental, Aesthetic, and Social Effects, Distributional Effects, and Public Perception of Need. The project scores are: Implication of Deferring Project (Low), Effect on Inter-Jurisdictional Relationships (Not Applicable), Mayor and City Council's Goals (Well Aligned), Capital Cost (Medium), Annual Reoccurring Costs (Low), Health and Safety Effects (Medium), Community and Citizen Benefits (Some), Environmental, Aesthetic, and Social Effects (Many), Distributional Effects (Equitable), and Public Perception of Need (High).

104TH AVENUE MEDIAN IMPROVEMENTS (CONT.)



**104th from Zuni St. to Croke St.
No Raised Median**



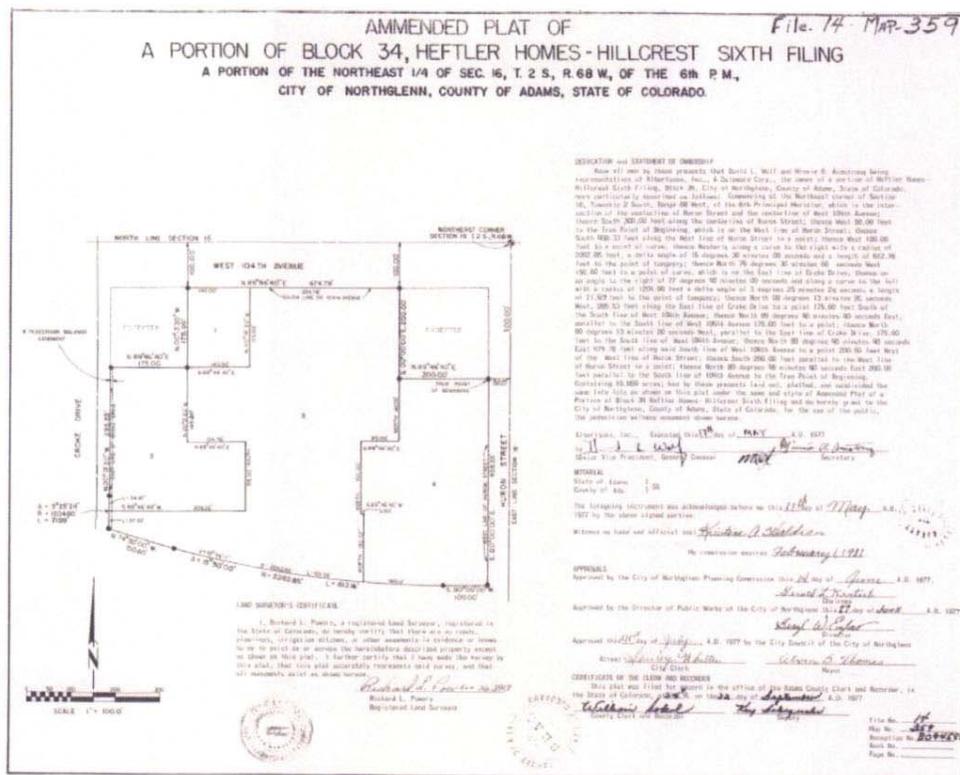
**104th from Croke St. to Huron St.
Unlandscaped Median**



**104th from 104th Ave. to I-25.
Complete Median**

5.3 FAULTY LOT IN RELATION TO SIZE, ADEQUACY, ACCESSIBILITY, OR USEFULNESS

The following scanned images of the subdivision plat show lots which are irregular in shape limiting their utility, inadequate in size either in area or in one dimension, or have limited or inadequate access to public streets.



The Bank of the West lot on the northeast corner of the shopping center has never been legally subdivided according to the City of Northglenn subdivision regulations. As shown in the subdivision plat, the lot was not included in the original subdivision. Unlike the other excepted lot on the northwest corner, this lot never went through the subdivision process.

Chapter 12 of the Northglenn Municipal Code outlines the City's subdivision regulations, and the applicable section is included below for reference:

Article 1, General Provisions

Section 12-1-3. Application of Regulations.

(a) Whoever divides, or participates in the division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether residential, industrial, office, business or other use, shall make the transaction subject to the provisions of this chapter and a plat therefore must be submitted to and accepted by the City of Northglenn according to the terms as herein set forth.

5.4 UNSANITARY OR UNSAFE CONDITIONS

Unsanitary or unsafe conditions depicted below include evidence of crime and criminal activities, trash, refuse and other debris improperly stored, illegally dumped or in such condition as to attract and harbor vermin; broken or inadequate public or private improvements which pose a threat of harm or injury; conditions which pose a threat to public health by spread of disease; and miscellaneous hazards and conditions.

GRAFFITI:

Graffiti, a criminal activity, was noted in many locations throughout the survey area. It was particularly prevalent behind the shopping center on dumpsters and utility boxes.



Graffiti on Trash Receptacle



Graffiti on Dumpster



Graffiti on Dumpster



Graffiti on Utility Box

GRAFFITI (cont.):



Graffiti on Utility Box

TRASH AND DEBRIS:



Debris in Alleyway



Broken Glass in Parking Lot



Trash & Debris Atop Fence Enclosure



Trash Along Sidewalk

STANDING WATER:

There were several areas of standing water observed in the parking lot of the study area. Standing water presents a public health risk because it can serve as a breeding ground for mosquitoes. This can lead to increased risk of exposure to West Nile Virus.

Additionally, the roof drains along the south side of the shopping center release water only inches from the building foundation. This can cause accelerated deterioration of the building.



Standing Water in Main Parking Lot



Makeshift Detention Pond



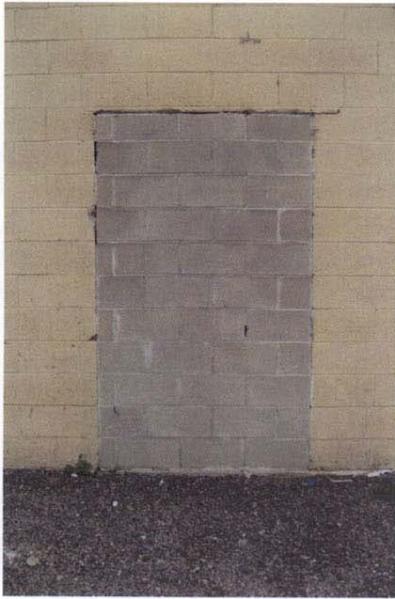
Roof Drain Emptying at Base of Building



Standing Water in Main Parking Lot

SAFETY HAZARDS:

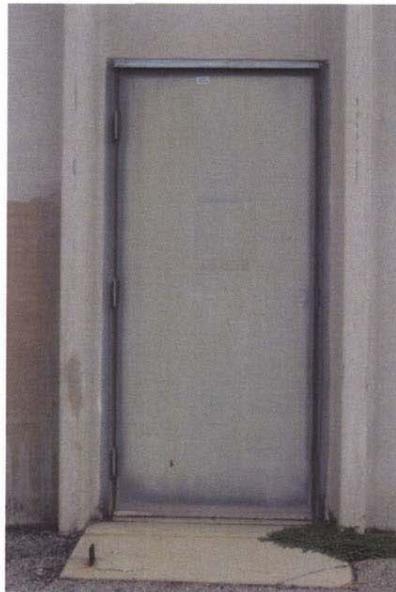
Several doorways have been modified along the back of the shopping center so that entry from the outside is difficult. Many of these doors no longer have doorknobs that would allow them to be opened from the outside in case of emergency. One had been permanently sealed off with cinder blocks where the door opening once was.



Doorway Permanently Sealed



Door Lacking Hardware



Door Welded Closed

SAFETY HAZARDS (CONT.):

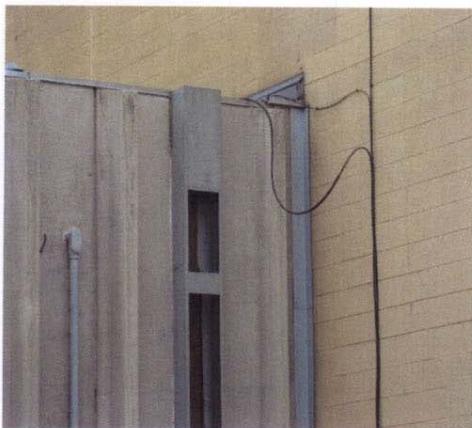
In a large number of locations in the shopping center, there exposed wiring, abandoned electrical, stripped telephone wires, and examples of electrical work that is not up to the standards of the current applicable building code.



Exposed Wiring



**Exposed & Stripped Utility
Box**



Exposed Live Wire



**Cable Antennae Improperly
Installed & Secured**

SAFETY HAZARDS (CONT.):



Exposed Electrical Box & Wiring



**Electrical System Improperly Mounted to
Rotting Plywood**



Exposed Electrical Wiring

TRAFFIC:

Based upon police reports of traffic accidents, the intersection of Huron Street and 104th Ave is one of the highest accident locations in the City. The Police Department tracks accidents and their location as part of an ongoing evaluation and reporting system. For the years 2003 - 2007, the 104th & Huron intersection tallies the highest number of non interstate intersection related accidents within the City. In an ongoing attempt to reduce these accidents, the City has recently allocated resources to a special unit of the Police Support Services Division. Their aim is to implement infrastructure and enforcement programs to reduce the number of accidents at critical intersections throughout the community.

5.5 DETERIORATION OF SITE OR OTHER IMPROVEMENTS

The conditions depicted below include damage, deterioration of, or lack of maintenance of site improvements including parking lots and driveways; signs; building exteriors; damaged or dilapidated accessory buildings; and lack of adequate landscaping or inadequate landscape maintenance;



Exterior Light w/ Bullet Hole



Deteriorating Loading Dock

DETERIORATION OF SITE OR OTHER IMPROVEMENTS (Cont.)



Broken Curb



Broken Curb



Broken Curb & Gutter

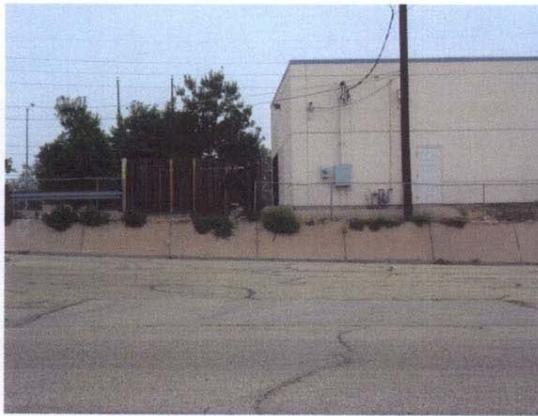


"Alligator" Cracking in Parking Lot

**5.6
UNUSUAL TOPOGRAPHY OR INADEQUATE PUBLIC IMPROVEMENTS OR
UTILITIES:**

The conditions depicted below include unusual topography such as steep slopes and embankments, and or inadequate public improvements or utilities that includes any public owned improvement or utility which is damaged, inoperable, not built to current standards, or otherwise deficient or substandard.

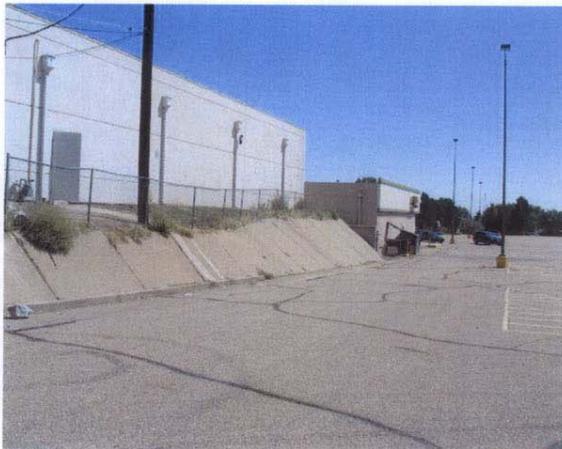
UNUSUAL TOPOGRAPHY:



Slope of Parking Lot



Slope & Grade Separation



Grade Separation



Topographic Map

UTILITIES:

In a report prepared for Council in 2006, staff identified a need for upgrading the storm sewer system at 103rd Ave. and Huron St. The project description is included below.

http://localhost:3000/Intranet/pages/Projects/project/budget_executive_...

Huron & 103rd Storm Sewer Rehabilitation - \$30,000

Must be done by 2007 Priority: Project Has Not Been Prioritized 86 out of 94 projects

Project Description

Tying has shown that this pipe has no bottom under the north bound lanes of Huron and is deteriorating. This pipe is in the South Outfall System and more modeling of the system needs to be done to determine if the pipe needs to be upsized to better address the storm flows in the system. Therefore we are proposing to grout or slipline this portion of the pipe knowing that it may need to be replaced in the future. Project Type Graph

Notes:

- This project must be done in 2007.
- This project is currently ranked 8 out of 8 projects within the Citywide Drainage Improvement Program.

Proposed Funding Sources

2007:
\$30,000 STM

Project Prioritization Criteria Summary

**5.7
DEFECTIVE OR UNUSUAL CONDITIONS OF TITLE RENDERING THE TITLE
NONMARKETABLE**

EXISTING LEASE

Albertson's currently holds a lease interest on the main vacant space in the shopping center. Albertson's continues to pay rent to the owner of the property. The marketing brochure for the property indicates that the lease term extends to 12/31/2032.

FOR SUBLEASE
NWC of 104th Avenue and Huron Street
Northglenn, Colorado



Demographics
(2007 Allocate Data)

| | 1 mile | 3 mile | 5 mile |
|--------------|----------|----------|----------|
| Population | 15,137 | 142,034 | 316,807 |
| Avg. HH Inc. | \$53,543 | \$57,228 | \$60,199 |
| Employees | 5,655 | 40,155 | 93,523 |
| Businesses | 517 | 3,267 | 7,814 |

Traffic Counts
*(CDOT 2007, City of Thornton 2006, *2001)*

| | |
|-------------------------------------|------------------|
| On Interstate 25 north of 104th Ave | 121,000 cars/day |
| On 104th Ave west of Huron St | 52,140 cars/day |
| On 104th Ave east of Huron St | 34,858 cars/day |
| On Huron St north of 104th Ave | 25,279 cars/day* |
| On Huron St north of Thornton Pkwy | 25,279 cars/day* |

Information

- Approximately 64,000 SF AVAILABLE IMMEDIATELY
- Term available through 12/31/2032
- Excellent visibility to 104th Avenue
- Strong retail corridor with excellent traffic volume

Michael Tranula
mtrapula@sullivanhayes.com

Brian Shorter
bshorter@sullivanhayes.com

John Liprando
jliprando@sullivanhayes.com

SullivanHayes
BROKERAGE
2000 S. Colorado Blvd
Tower 1, Suite 8500
Denver, CO 80222
303.534.6969 F 303.531.1333
www.sullivanhayes.com

A MEMBER OF
CHAINLINKS
RETAIL ADVISORS

Term available through 2032

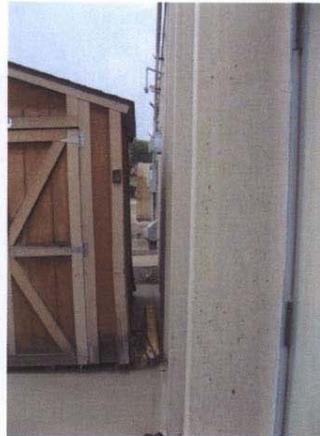
5.8 EXISTENCE OF CONDITIONS THAT ENDANGER LIFE OR PROPERTY BY FIRE OR OTHER CAUSES

COMBUSTIBLE MATERIALS

There is a wooden shed that is less than two feet away from the main building on the south side of the shopping center. This distance does not conform with the requirements set forth in the applicable International Building Code and Fire Code. As a combustible material, it presents a clear fire hazard to the building.



Non-Permitted Wooden Shed



**Inadequate Building
Separation**

5.9 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

Inspection of buildings and structures for building code violations was beyond the scope of this study.

5.10 ENVIRONMENTAL CONTAMINATION OF BUILDINGS OR PROPERTY

None known

5.11

EXISTENCE OF HEALTHY, SAFETY, OR WELFARE FACTORS REQUIRING HIGH LEVELS OF MUNICIPAL SERVICES OR SUBSTANTIAL PHYSICAL UNDERUTILIZATION OR VACANCY OF SITES, BUILDINGS OR OTHER IMPROVEMENTS.

VACANT SPACE - In Line Retail

The center has a large amount of vacant space, including much of the in-line retail on the west side of the anchor space. During the course of the blight study, Fast Bucks closed its doors and vacated its space at 1004 W. 104th and Mail Master closed its doors on August 22nd. Scudder Press has plans to close its location at the center at the end of September. After Scudder Press leaves the center, the west building will have approximately 10,000 square feet of vacant space.



Vacant In-line Space



Vacant In-line Space

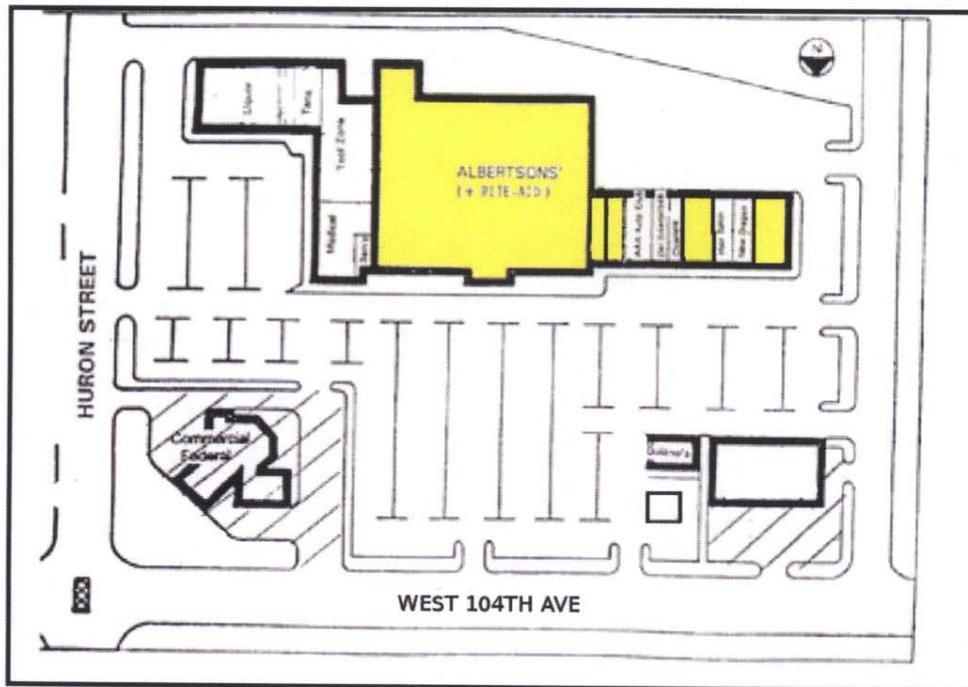
VACANT SPACE (Cont.):



FastBucks Moving Signs



Mail Master Moving Signs



Vacant Tenant Spaces

VACANT SPACE - Anchor Space

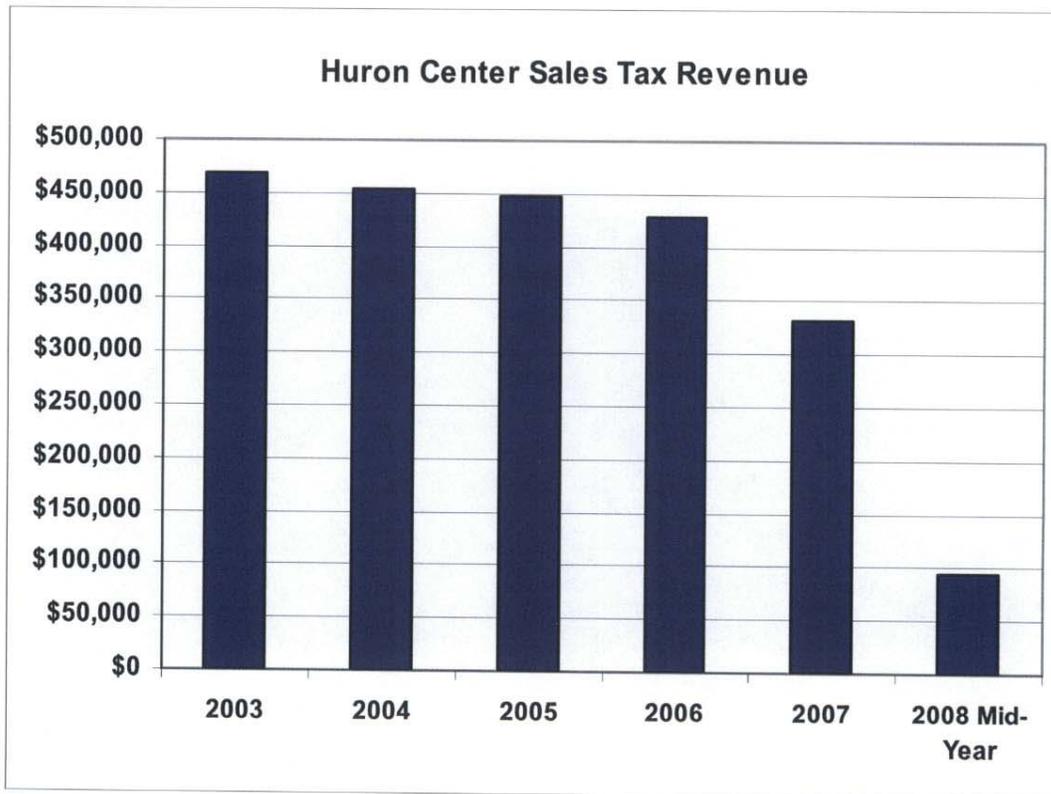
The main anchor space where Albertson's was previously located has been vacant since 2006. The adjacent space where Rite Aid was located has been vacant since January 2008. The size of these two vacant spaces is 57,661 square feet. Inside the space, one can easily observe exposed wiring in the floor where registers once stood.



Vacant Anchor Space

SALES TAX REVENUE

Sales tax revenues for the Huron Center have declined over the last five years from approximately \$469,000 in 2003 to \$331,000 in 2007. The graph below also shows the mid-year sales tax revenue for 2008, which represents the amounts collected through June. However, the 2008 figure does not include businesses that file their returns at year end only. The decline in revenue from 2003-2007 represents a 30% decrease over five years.



HIGH LEVELS OF MUNICIPAL SERVICES

In March, April, and May 2008, the water use at the former Albertson's store increased significantly. Between March 17th and April 17th, there were over 190,000 gallons of water consumed at this address. Then between April 17th and May 19th, there were 196,000 gallons of water consumed. The utility billing department attempted to contact Albertson's a number of times during these months. On June 3, 2008, a contact with the owner got City staff in touch with the Risk Manager at Albertson's who visited the site with City staff to remedy the issue.

| 08/15/08 11:22:25 | | UTILITY SYSTEM | | | | | Page: 1 |
|--------------------------------|-----------|----------------|----------|-------------|----------|---------|---------|
| RUNNING BALANCE HISTORY REPORT | | | | | | | |
| ALBERTSONS LLC # 854/61309 | | Account | | 418301 1 | | | |
| 1000 W 104TH AVE | | | | Current Bal | | .00 | |
| Date | Read Date | Consump | Bill Amt | Pay Amt | Adj. Amt | Balance | |
| 08/11/08 | | 0 | .00 | -132.91 | .00 | .00 | |
| 07/23/08 | 07/18/08 | 17 | 132.91 | .00 | .00 | 132.91 | |
| 07/14/08 | | 0 | .00 | -77.21 | .00 | .00 | |
| 06/25/08 | 06/18/08 | 0 | 77.21 | .00 | .00 | 77.21 | |
| 06/10/08 | | 0 | .00 | -982.11 | .00 | .00 | |
| 05/28/08 | 05/19/08 | 196 | 982.11 | .00 | .00 | 982.11 | |
| 05/12/08 | | 0 | .00 | -963.61 | .00 | .00 | |
| 04/23/08 | 04/17/08 | 190 | 953.61 | .00 | .00 | 963.61 | |
| 04/22/08 | | 0 | 10.00 | -274.31 | .00 | 10.00 | |
| 03/26/08 | 03/17/08 | 24 | 170.07 | .00 | .00 | 274.31 | |
| 02/27/08 | 02/15/08 | 7 | 104.24 | .00 | .00 | 104.24 | |
| 02/26/08 | | 0 | .00 | -94.49 | .00 | .00 | |
| 01/30/08 | 01/17/08 | 4 | 94.49 | .00 | .00 | 94.49 | |
| 01/16/08 | | 0 | .00 | -19.50 | .00 | .00 | |
| 12/27/07 | 12/17/07 | 6 | 19.50 | .00 | .00 | 19.50 | |
| 12/17/07 | | 0 | .00 | -106.90 | .00 | .00 | |
| 11/28/07 | 11/16/07 | 7 | 106.90 | .00 | .00 | 106.90 | |
| 11/01/07 | | 0 | .00 | -120.07 | .00 | 106.99 | |
| 10/31/07 | 10/18/07 | 7 | 106.99 | .00 | .00 | 227.06 | |
| 10/04/07 | | 0 | .00 | -132.16 | .00 | 120.07 | |
| 10/03/07 | 09/17/07 | 11 | 120.07 | .00 | .00 | 252.23 | |
| 09/05/07 | 08/17/07 | 15 | 132.16 | .00 | .00 | 132.16 | |
| 08/30/07 | | 0 | .00 | -128.91 | .00 | .00 | |
| 08/08/07 | 07/18/07 | 14 | 128.91 | .00 | .00 | 128.91 | |
| 08/03/07 | | 0 | .00 | -135.41 | .00 | .00 | |
| 07/11/07 | 06/18/07 | 16 | 135.41 | .00 | .00 | 135.41 | |
| 07/03/07 | | 0 | .00 | -135.41 | .00 | .00 | |
| 06/13/07 | 05/18/07 | 16 | 135.41 | .00 | .00 | 135.41 | |
| 06/12/07 | | 0 | .00 | -195.06 | .00 | .00 | |
| 05/16/07 | 04/18/07 | 29 | 195.06 | .00 | .00 | 195.06 | |
| 05/07/07 | | 0 | .00 | -115.91 | .00 | .00 | |
| 04/18/07 | 03/19/07 | 10 | 115.91 | .00 | .00 | 115.91 | |
| 04/12/07 | | 0 | .00 | -149.26 | .00 | .00 | |
| 03/21/07 | 02/16/07 | 15 | 149.26 | .00 | .00 | 149.26 | |
| 03/15/07 | | 0 | .00 | -153.34 | .00 | .00 | |
| 02/21/07 | 01/18/07 | 16 | 153.34 | .00 | .00 | 153.34 | |
| 01/24/07 | 12/15/06 | 6 | 120.01 | .00 | .00 | 120.01 | |
| 01/19/07 | | 0 | .00 | -111.37 | .00 | .00 | |
| 12/27/06 | 11/16/06 | 6 | 111.37 | .00 | .00 | 111.37 | |
| 12/12/06 | | 0 | .00 | -127.62 | .00 | .00 | |
| 11/22/06 | 10/16/06 | 11 | 127.62 | .00 | .00 | 127.62 | |
| 11/14/06 | | 0 | .00 | -104.87 | .00 | .00 | |
| 10/25/06 | 09/15/06 | 4 | 104.87 | .00 | .00 | 104.87 | |
| 10/16/06 | | 0 | .00 | -108.12 | .00 | .00 | |
| 09/27/06 | 08/16/06 | 5 | 108.12 | .00 | .00 | 108.12 | |
| 09/13/06 | | 0 | .00 | -108.12 | .00 | .00 | |
| 08/23/06 | 07/20/06 | 5 | 108.12 | .00 | .00 | 108.12 | |
| 08/11/06 | | 0 | .00 | -141.52 | .00 | .00 | |
| 07/26/06 | 06/21/06 | 15 | 141.52 | .00 | .00 | 141.52 | |
| 07/17/06 | | 0 | .00 | -117.87 | .00 | .00 | |

The memo below from Debbie Staub, Revenue Supervisor in the Finance Department at the City of Northglenn, outlines the series of events and the associated staff time related to the excessive water use.

Memorandum

To: Kristin Sullivan
From: Debbie Staub
Date: September 8, 2008
Subject: Albertsons Building, 1000 W 104th Ave

On April 17, 2008 a read was collected from the water meter servicing the building formerly occupied by Rite Aide at 1000 W. 104th Avenue. The read indicated that 190,000 gallons of water had passed through the meter since March 17, 2008. Elly Percey requested that the meter tech verify this read. Upon confirmation of a 4 gallon per minute leak, Elly attempted to notify someone in the Albertsons organization of the problem. Messages were left at the contact numbers on file at that time and no one responded or did not have keys.

This situation was unique in that the water meter is located inside the building and we were unable to contact anyone with access to the building and enable us to check the meter. Again on May 19, 2008 a read was collected indicating an additional 196,000 gallons had passed through the meter. Multiple calls were made unsuccessfully to the Albertsons Division office, SullivanHayes Brokerage and SCI Security Consultants. On May 27, 2008, Willie Logan confirmed with a sonophone that water was running through the meter, but an examination of the property revealed no evident structural damage.

At that time I requested information from you about the property owners. Finally on June 3, 2008 an Albertsons' Risk manager contacted me and made arrangements to meet me and Willie Logan at the property. We discovered the meter running but could not locate the source of the problem. We were unable to gain roof access and could only surmise that the HV/AC on the roof had been damaged and was the source of the water draw. The water meter was turned off and consumption dropped to 17,000 gallons and then zero the following months.

We estimate 12-15 hours of time was invested by all the employees involved.

MEMO-ALBERSTON 09-08.DOC

6.0 CONCLUSIONS

Based on the observed and presented evidence and associated photographs, interviews, exhibits and reports included by reference it is our conclusion that the study area has significant examples of the conditions included in the legal definition of blight and does meet the criteria established in C.R.S. Section 31-25-103(2) as amended and is a “blighted area.” This report provides support for nine of the eleven criteria listed in the legal definition of blight.

Submitted by Northglenn City Staff:

Patrick T. Breitenstein

Kristin A. Sullivan

Appendix A

Inventory of Blight Study Area Parcels

| Property Name | Parcel ID Number | Property Address | Parcel Size (Acres) |
|---------------------|------------------|-------------------------------------|---------------------|
| Bank of the West | 171916101015 | 10393 Huron Street | 0.85 |
| In-Line Retail East | 171916101029 | 970 W 104 th Ave | 2.81 |
| In-Line Retail West | 171916101034 | 1020 W 104 th Ave. | 1.81 |
| Former Albertson's | 171916101033 | 1000 W 104 th Ave. | 5.37 |
| Quiznos and Sconies | 171916101035 | 1030 & 1040 W 104 th Ave | 0.64 |
| Future Daz Bog | 171916101036 | 1050 W 104 th Ave. | 0.77 |
| | | TOTAL | 12.25 |



NORTHGLENN URBAN RENEWAL AUTHORITY

RESOLUTION NO.

N/08-11
Series of 2008

A RESOLUTION RECOMMENDING THAT CITY COUNCIL AMEND THE URBAN RENEWAL PLAN OF THE CITY OF NORTHGLENN TO INCLUDE THE HURON SHOPPING CENTER AREA AS A PART OF THE DESIGNATED URBAN RENEWAL AREA.

WHEREAS, the Board of Commissioners of the Northglenn Urban Renewal Authority has reviewed the conditions survey of the Huron Shopping Center Area; and

WHEREAS, the Board concludes that conditions of blight exist at the Shopping Center and on public rights-of-way near the Shopping Center; and

WHEREAS, the Board would like to undertake urban renewal projects at the Huron Shopping Center area to eliminate the conditions of blight found there.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE NORTHGLENN URBAN RENEWAL AUTHORITY, THAT:

The Board of Directors of the Northglenn Urban Renewal Authority recommends that the Northglenn City Council amend the Northglenn Urban Renewal Plan to include the Huron Shopping Center area and adjacent public rights-of-way, as shown and described on Exhibit A to this resolution, as part of the urban renewal area.

DATED this _____ day of September, 2008.

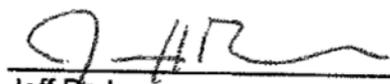
ATTEST:



Patrick T. Breitenstein
Acting Recording Secretary

Phil Carney
Chairman

APPROVED AS TO FORM:



Jeff Parker
Board Attorney

DESCRIPTION
HURON CENTER ADDITION TO
NORTHGLENN URBAN RENEWAL AREA

Lots 1 2, 3, and 4, Amended Plat of a Portion of Block 34, Heftler Homes-Hillcrest Sixth Filing;

Lot 5, Block 34, Minor Subdivision of a Portion of Block 34, Heftler Homes-Hillcrest Sixth Filing;

A parcel of land described as: beginning at the northeast corner of Heftler Homes- Hillcrest Sixth Filing, thence west 200 ft; thence south 200 ft.; thence east 200 feet; thence north 200 ft. to the point of beginning.

The above parcels located in the Northeast 1/4 of Section 16, Township 2 South, Range 68 West, of the 6th Principal Meridian, County of Adams, State of Colorado.

Together with all of the street right-of-way for 104th Avenue from the west right-of-way line of Huron Street to the west city limits of the City of Northglenn; and

All of the street right-of-way for Huron Street from the south right-of-way line of 104th Avenue to the south city limits of the City of Northglenn.



15 May 2015

Ms. Debbie Tuttle
Executive Director
Northglenn Urban Renewal Authority
11701 Community Center Drive
Northglenn, Colorado 80233

RE: Opinion Letter Regarding Presence of Blighting Conditions within the Existing Huron Shopping Center Area

Dear Ms. Tuttle:

During the latter part of April 2015 and early part of May 2015, representatives of Ricker|Cunningham, Urban Economists and Community Strategists (RC), completed an analysis of conditions within a defined area, including the Huron Shopping Center Area and adjacent rights-of-way (herein referred to as the Study Area or Area). As we understand the situation, a similar analysis was completed in 2008 and its findings accepted by the Northglenn City Council in September 2008. The purpose of this letter is to determine whether, and to what extent, conditions identified in that report continue to represent factors contributing to “blight” as defined in the Colorado Urban Renewal Law, Colo. Rev. Stat. § 31-25-101 (the Statute). Further, this assignment determined that the requisite number of factors as per the Statute exist in the Study Area such that the City of Northglenn City Council (City Council) may restate their determination of blight as defined in the law.

Study Area

The Study Area is comprised of 6 parcels, along with 104th Avenue and Huron Street, the latter of which are rights-of-way located adjacent to the Area's northern and eastern borders. The parcels range in size from approximately a half acre to 5.5 acres, and onsite building improvements from 2,990 to 57,744 square feet. There are 4 property owners, including the Authority which purchased the former Albertson's store property.

Methodology

The methodology employed to complete the study described herein involved: review of primary and secondary data sources including the Environmental Protection Agency (EPA) and Federal Emergency Management Administration (FEMA), an investigation of parcels within the Study Area and specifically those areas visible from public rights-of-way, and discussions with representatives of select departments of the City of Northglenn (the City).

Findings

2015 Opinion Letter

It is the conclusion of this work that adverse conditions are present and sufficient (in number) to meet criteria established in the Statute. Specifically, 11 of the 11 eligible factors presented in bold text below and defined in the Statute were found to be present to an extent that could "*substantially impair or arrest the sound growth of the municipality.*" All 11 blighting factors were considered severe or such that they "*constitute an economic or social liability.*"

- (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;**
- (g) Defective or unusual conditions of title rendering the title non-marketable;**
- (h) 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;**
- (k.5) 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;**
- (l) If there is no objection of such property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, 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. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not*

object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

Conditions contributing to the presence of these factors are described as follows.

- (a) Slum, deteriorated, or deteriorating structures – presence of cracked facade / walls, broken and rusting stairs, broken concrete, broken and rusting trash chute;*
- (b) Predominance of defective or inadequate street layout -- deteriorating parking lot is cracked and rife with potholes and lacks appropriate striping making movement confusing; and, Huron Street and 104th Avenue has an accident frequency rate that is among the highest in the city;*
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness -- among the six properties which comprise the improved portion of the Study Area, the majority are irregular in size and shape, limiting their usefulness and making access to public streets inadequate;*
- (d) Unsanitary or unsafe conditions – presence of graffiti, trash and debris; and, frequent occurrence of traffic incidents (as noted above);*
- (e) Deterioration of site or other improvements -- deteriorating loading dock and signage, broken curb and cracking parking lot surface; lack of landscaping; presence of trash and debris; and, poorly maintained;*
- (f) Unusual topography or inadequate public improvements or utilities – presence of overhead utilities; and, inadequate sidewalk width along west side of Huron Street; and*
- (g) Defective or unusual conditions of title rendering the title non-marketable – presence of a Declaration of Restrictions, Grant of Easements, and Maintenance Agreement, dated April 12, 1977, and “running with the land for 75 years (2052), and binding upon and inure to the benefit of each parcel of the Shopping Center and upon the Parties” restricting use of the properties “in the Shopping Center” to only those for “general commercial purposes and only mercantile, business and professional establishments and related facilities.” The Agreement further states, “No part of the Shopping Center other than Parcel 3 shall be used as a supermarket (“supermarket” as used herein is defined as any store or department containing at least 5,000 square feet of floor area, including aisle space and storage, primarily devoted to the retail sale of food or off-premises consumption), nor a bakery, nor a delicatessen, nor*

for the sale of fresh or frozen meat, fish, poultry or produce for off-premises consumption.” Additional use limits include bars, motor vehicle sales, and others. It also limits uses within 135’ of the Center including restaurants, professional offices, training facilities, entertainment facilities, banks and others; and, references the presence of utility easements and explains that they are perpetual;

- (h) Existence of conditions that endanger life or property by fire or other causes – presence of environmental contamination as noted in the context of factor j below;*
- (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 -- presence of environmental contamination as noted in the context of factor j below;*
- (j) Environmental contamination of buildings or property -- presence of environmentally contaminating substances as reported in a November 16, 2011 Phase II Subsurface Investigation Report by APEX, a Phoenix, Arizona-based firm, resulting from operations associated with a former tenant, the Camelot Cleaners. Specific findings included “elevated PCE (Tetrachloroethylene) concentrations above the EPA (Environmental Protection Agency) Generic SL (Screening Level), impacting the sub-slab soil gas to an extent that it could pose unacceptable health and safety risks to tenants or occupants; as well as, elevated VOCs (Volatile Organic Compounds) in the indoor air; and, both requiring remediation prior to occupancy;” and*
- (k.5) 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 -- vacant in-line and anchor space; and, a high incidence of traffic accidents resulting in a disproportionate use of municipal services.*

2008 Conditions Survey

According to the *Huron Shopping Center Conditions Survey, September 2008*, nine of the 11 eligible factors presented in bold text below and defined in the Statute were found to be present to an extent that could "*substantially impair or arrest the sound growth of the municipality.*" Four of the nine blighting factors were considered severe or such that they "*constitute an economic or social liability.*"

- (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;**
- (g) Defective or unusual conditions of title rendering the title non-marketable;**
- (h) 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;*
- (k.5) 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;**
- (l) If there is no objection of such property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, 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. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.*

Conditions contributing to the presence of these factors are described as follows.

- (a) Slum, deteriorated, or deteriorating structures -- cracked facade / walls, broken and rusting stairs, broken handrail, broken concrete, blood on sidewalk, broken and rusting trash chute;*
- (b) Predominance of defective or inadequate street layout -- incomplete*

expansion of roadway from four to six lanes based on 2020 traffic forecasts; Huron Street and 104th Avenue is one of the highest numbers of accidents of all intersections in the city; unimproved medians along 104th Avenue west of Huron Street;

- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness -- among the five properties which comprise the improved portion of the Study Area, all but one is irregular in shape limiting their utility, inadequate in size either in area or in one dimension, or have limited or inadequate access to public streets;*
- (d) Unsanitary or unsafe conditions -- graffiti, trash and debris, standing water, illegal access and egress points, exposed wiring and improperly installed cable antennae; frequent occurrence of traffic incidents;*
- (e) Deterioration of site or other improvements -- exterior light with bullet hole, deteriorating loading dock, broken curb, cracking parking lot surface;*
- (f) Unusual topography or inadequate public improvements or utilities -- slope of parking lot, slope and grade separation; insufficient storm sewer infrastructure;*
- (g) Defective or unusual conditions of title rendering the title non-marketable -- parcel #171916101015 located in the northeast quadrant of Huron Street and West 104th Avenue was never (as of 2008) never legally subdivided as required in Chapter 12 of the Northglenn Municipal Code which describes the City's subdivision regulations; Albertson's lease interest in anchor space;*
- (h) Existence of conditions that endanger life or property by fire or other causes -- non-code-compliant shed located at the rear of the building, inadequate building separation; and*
- (k.5) 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 -- vacant in-line and anchor space; declining sales; disproportionate use of water.*

Comparative Summary of Findings

The following Table No. 1 illustrates those factors found during the analysis that is the subject of this letter, as well as those found and reported on in the 2008 Conditions Survey. Note that factors identified in the 2008 report, but not this 2015 letter, may or may not be present. The methodology used for the purpose of this assignment did not use every means possible to determine the absence or presence of all possible factors. Rather, the only

factors identified were those which could be visibly observed or confirmed through one of the sources identified above in the context of the methodology discussion above.

Table No. 1
Comparative Summary of Factors Present in the Study Area
May 2015

| Factors | 2008 Survey Findings | 2015 Findings |
|--|----------------------|---------------|
| (a) Slum, deteriorated, or deteriorating structures | X | X |
| (b) Predominance of defective or inadequate street layout | X | X |
| (c) <i>Faulty lot layout in relation to size, adequacy, accessibility, or usefulness</i> | X | X |
| (d) <i>Unsanitary or unsafe conditions</i> | X | X |
| (e) Deterioration of site or other improvements | X | X |
| (f) Unusual topography or inadequate public improvements or utilities | X | X |
| (g) <i>Defective or unusual conditions of title rendering the title non-marketable</i> | X | X |
| (h) Existence of conditions that endanger life or property by fire or other causes | X | X |
| (i) <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</i> | | X |
| (j) <i>Environmental contamination of buildings</i> | | X |



| | | |
|---|---|---|
| <i>or property</i> | | |
| (k5) 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 | X | X |
| (l) If there is no objection of such property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area ... | | |

Source: City of Northglenn, Northglenn Urban Renewal Authority and Ricker |Cunningham.

As explained in the Statute, it is not legally necessary for *every* factor to be present in order for it to be considered “blighted”. In addition, a given factor need not be present on each and every parcel or building to be counted, rather, it only needs to be found somewhere in the area of study as a whole. Should the City of Northglenn City Council (the City Council) elect to re-establish their finding of blight, it is the conclusion of this letter that they may precede with creation of an urban renewal plan area and the collection of Tax Increment Financing (TIF) within the Study Area.

If you have any questions regarding this submittal or our approach, please contact either Anne Ricker or Bill Cunningham at 303.458.5800. We look forward to working with you.

Sincerely,

Ricker|Cunningham

Anne B. Ricker
Principal

Bill J. Cunningham
Principal

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-81
Series of 2015

Series of 2015

A RESOLUTION CONFIRMING THAT THE PROPERTY COMMONLY KNOWN AS THE HURON CENTER 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 PROPERTY WITHIN THE HURON CENTER AND SUBSEQUENTLY TRANSFER IT TO A PRIVATE PARTY

WHEREAS, on October 9, 2008, by the adoption of Resolution No. 08-139, the City Council found that the area commonly referred to as the Huron Center is blighted as that term is defined in C.R.S. 31-25-103(2) and C.R.S. § 31-25-105.5(a) (due to the presence of at least five (5) blight factors), and included the Huron Center within the boundaries of the Northglenn Urban Renewal Area;

WHEREAS, a report dated May 15, 2015, which reviewed the condition of the Huron Center was presented to the City Council, which confirmed the continued existence of at least five (5) factors of blight on the Huron Center;

WHEREAS, the Northglenn Urban Renewal Authority wishes to acquire parcels within the Huron Center as more particularly described in **Exhibit A** hereto (the "Property") for the purpose of redevelopment;

WHEREAS, a public hearing was held before the City Council of the City of Northglenn at City Hall Council Chambers at 11701 Community Center Drive, Northglenn, Colorado, 80233, at 7:00 p.m. on June 8, 2015, regarding the current existence of blight on the Huron Center as that term is defined in C.R.S. § 31-25-105.5(5)(a), and regarding the acquisition of the Property by the Northglenn Urban Renewal Authority's use of eminent domain and subsequent transfer of the Property to a private party;

WHEREAS, at the public hearing, the City Council heard and received evidence supporting the findings set forth in this resolution and made the following findings: (1) that the Property is located within a blighted area, as defined in C.R.S. § 31-25-105.5(5)(a); (2) that the project for which the Property is being acquired will commence within seven (7) years of the date the blight determination is made; and (3) that acquisition and redevelopment of all parcels that make up the Property is necessary to eliminate blight from the Huron Center and from the Northglenn Urban Renewal Area #1 as a whole; and

WHEREAS, the City Council desires to authorize the Northglenn Urban Renewal Authority to use eminent domain to acquire the Property and to subsequently transfer it to a private party.

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

Section 1. Based upon testimony and evidence presented to it at a duly noticed public hearing held on June 8, 2015, and after consideration of the factors identified in C.R.S. § 31-25-103(2), and without regard to the economic performance of the Huron Center, the City Council finds and determines that at the time the Huron Center was added to the Northglenn Urban Renewal Plan in October of 2008 the Huron Center constituted a blighted area as that term is defined by C.R.S. § 31-25-105.5(5)(a), and that the Huron Center, in its present condition and use and, by reason of the presence of all of the following factors, 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:

- Slum, deteriorated, or deteriorating structures
- Predominance of defective or inadequate street layout
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- Unsanitary or unsafe conditions
- Deterioration of site or other improvements
- Unusual topography or inadequate public improvements or utilities
- Defective or unusual conditions of title rendering the title non-marketable
- Existence of conditions that endanger life or property by fire or other causes
- 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
- Environmental contamination of buildings or property
- Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization of vacancy of sites, buildings, or other improvements

The City Council expressly finds that eleven (11) of the blight factors listed in C.R.S. § 31-25-103(2) exist on the Huron Center, and consequently the definition of a blighted area set forth in C.R.S. § 31-25-105.5(5)(a) is met.

Section 2. The Property is located within a blighted area, as required by C.R.S. § 31-25-105.5(2)(a)(I).

Section 3. The urban renewal project for which the Property may be acquired shall be commenced no later than seven (7) years from the date the blight determination is made, as required by C.R.S. § 31-25-105.5(2)(a)(I).

Section 4. The Northglenn Urban Renewal Authority has invited proposals for redevelopment, as required by C.R.S. § 31-25-105.5(2)(a)(II).

Section 5. Redevelopment requires inclusion of all of the Property. Specifically, the acquisition and redevelopment of all parcels that make up the Property is necessary to eliminate blight from the Huron Center and from the Northglenn Urban Renewal Area #1 as a whole.

Section 6. To the extent necessary, the Northglenn Urban Renewal Authority has previously adopted relocation assistance and land acquisition policies consistent with C.R.S. § 31-25-105.5(4)(a).

Section 7. The City Council finds that all of the requirements set forth in C.R.S. § 31-25-105.5(2) have been satisfied as it relates to the Property to be acquired.

Section 8. The City Council further finds that the principal purpose of the use of the power of eminent domain in this circumstance is to facilitate redevelopment in order to eliminate or prevent the spread of physically blighted or slum areas within the meaning of C.R.S. § 31-25-107(4.5).

Section 9. For all of the reasons set forth herein, the City Council hereby authorizes the Northglenn Urban Renewal Authority to acquire the Property by eminent domain and to transfer the Property to a private party.

DATED at Northglenn, Colorado, this _____ day of _____, 2015.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

EXHIBIT A – LEGAL DESCRIPTIONS

Parcel I - Street address: 900 through 998 West 104th Avenue, Northglenn, Colorado, and more particularly described as:

Lot 4 and that portion of Lot 3, amended plat of a portion of Block 34 Heftler Homes-Hillcrest Sixth Filing, described as follows:

Beginning at the Northeast corner of Section 16, Township 2 South, Range 68 West of the 6th p.m.;
thence South along the centerline of Huron Street, a distance of 758.33 feet;
Thence West a distance of 150.00 feet;
thence along a curve to the right being tangent to the last described course, having a central angle of 4 degrees 33 minutes 43 seconds and a radius of 2262.85 feet an arc distance of 180.17 feet to the True Point of Beginning;
thence continuing along said curve, through a central angle of 0 degrees 07 minutes 37 seconds an arc distance of 5.01 feet;
thence North a distance of 149.65 feet;
thence North 89 degrees 46 minutes 40 seconds East a distance of 5.00 feet;
thence South a distance of 150.07 feet to the True Point of Beginning;
bearing used herein based on East line of Section 16, assumed true North and South, County of Adams, State of Colorado.

Also known as Adams County Parcel ID#: 0171916101029

Parcel II- Street address: 1004 through 1028 West 104th Avenue, Northglenn, Colorado, and more particularly described as:

Lot 2,
Amended plat of a portion of Block 34 Heftler Homes-Hillcrest Sixth Filing,
Except that portion of said Lot 2 deeded to Albertson's Inc., a Delaware corporation in deed recorded December 8, 1977, in Book 2196 at Page 394, County of Adams, State of Colorado.

Also known as Adams County Parcel ID#: 0171916101034

Parcel III - Street Address: 1030 and 1040 West 104th Avenue, Northglenn, Colorado, and more particularly described as:

All of Lot 1 and that portion of Lot 3, amended plat of a portion of Block 34 Heftler Homes-Hillcrest Sixth Filing, described as follows:

Beginning at the Northeast corner of Section 16, Township 2 South, Range 68 West of the 6th p.m.;
thence South 89 degrees 46 minutes 40 seconds West along the North line of said Section 16, a distance of 725.17 feet;
thence South 00 degrees 13 minutes 20 seconds East a distance of 275.00 feet to the True Point of Beginning of the tract of land herein described;
thence North 89 degrees 46 minutes 40 seconds East a distance of 140.00 feet;
thence South 00 degrees 13 minutes 20 seconds East a distance of 1.00 feet;
thence South 89 degrees 46 minutes 40 seconds West a distance of 140.00 feet to a point 175.00 feet easterly of the East right of way line of Croke Drive;
thence North 00 degrees 13 minutes 20 seconds West a distance of 1.00 feet to the true point of beginning, Adams County, Colorado, bearing used herein based on East line of Section 16, assumed true North and South, County of Adams, State of Colorado.

Also known as Adams County Parcel ID#: 0171916101035

And including the following:

Any easement rights as created in instrument recorded May 24, 1977 in Book 2144 at Page 957 and amendments recorded December 6, 1977 in Book 2195 at Page 391 and November 16, 1978 in Book 2293 at Page 858, County of Adams, State of Colorado.