

**CITY OF WHEAT RIDGE
RESOLUTION NO. 55
Series of 2014**

TITLE: A RESOLUTION DETERMINING THAT THE PARCEL COMMONLY REFERRED TO AS A STRIP OF LAND ADJACENT TO 12525 W. 32ND AVENUE IS BLIGHTED AS THAT TERM IS DEFINED AT C.R.S. § 31-25-105.5(5)(a), AND AUTHORIZING THE WHEAT RIDGE URBAN RENEWAL AUTHORITY TO USE EMINENT DOMAIN TO ACQUIRE THE PARCEL AND TO SUBSEQUENTLY TRANSFER IT TO A PRIVATE PARTY

WHEREAS, on August 10, 2009, by the adoption of Resolution No. 39-2009, the City Council initially found that the I70/Kipling Corridors Urban Renewal Plan area was blighted as that term is defined in C.R.S. 31-25-103(2);

WHEREAS, the property described in **Exhibit A** hereto, commonly referred to as the "a strip of land adjacent to 12525 W. 32nd Avenue" (the "Property"), is located;

WHEREAS, a public hearing was held before the Wheat Ridge City Council at City Hall, 7500 W. 29th Avenue, Wheat Ridge, Colorado 80033, at 7:00 p.m. on November 3, 2014, regarding the current existence of blight on the Property as that term is defined in C.R.S. § 31-25-105.5(5)(a), and regarding the acquisition of the Property by the Authority's use of eminent domain and subsequent transfer of the Property to a private party; and

WHEREAS, at the public hearing, the City Council heard and received evidence supporting the findings set forth in this Resolution and wishes to make the following findings: (1) that blight as defined in C.R.S. § 31-25-105.5(5)(a) exists on the Property without regard to the economic performance of the Property; (2) that the Property will be developed within seven (7) years of the date of the original blight finding; and (3) that the Authority is authorized to use eminent domain to acquire the Property and to subsequently transfer it to a private party.

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

Section 1. Based upon testimony and evidence presented to it at a duly noticed public hearing held on November 3, 2014, and after consideration of the factors identified in C.R.S. § 31-25-103(2), and without regard to the economic performance of the Property, the City Council finds and determines that the Property, 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:

- (c) faulty lot layout in relation to size, adequacy, accessibility, or usefulness, section
- (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, and
- (l) if there are no objections by the property owner(s).

The City Council expressly finds that six (6) of the blight factors listed in C.R.S. § 31-25-103(2) exist on the Property, and consequently the definition of blight set forth in C.R.S. § 31-25-105.5(5)(a) is met. The Property 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. The urban renewal project for which the Property may be acquired shall be commenced no later than seven (7) years from the date of this resolution, as is required by C.R.S. § 31-25-105.5(2)(a)(I).

Section 3. The Wheat Ridge Urban Renewal Authority has invited proposals for redevelopment as required by C.R.S. § 31-25-105.5(2)(a)(II).

Section 4. Redevelopment requires inclusion of the Property as more particularly described in **Exhibit A**.


Section 5. To the extent necessary, the Wheat Ridge Urban Renewal Authority has previously adopted relocation assistance and land acquisition policies consistent with C.R.S. § 31-25-105.5(4)(a)

Section 6. The City Council further 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 7. 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 8. For all of the reasons set forth herein, the City Council hereby authorizes the Wheat Ridge Urban Renewal Authority to acquire the Property by eminent domain and may transfer the Property to a private party.

DATED this 27th day of October, 2014.



 Joyce Jay, Mayor

ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk



APPROVED AS TO FORM:

Gerald Dahl
Gerald Dahl, City Attorney

EXHIBIT A LEGAL DESCRIPTION

The parcel is a long narrow rectangle, measuring 5.0001 feet north to south and 155.0036 feet east to west for a total site area of 775.0335 square feet.

The parcel is shown highlighted below:

