



# Urban Renewal Authority Board Meeting Agenda

**June 27, 2024 at 5:00 PM**

Jeni Arndt, Chair  
Kristin Stephens, Vice Chair  
Susan Gutowsky  
Julie Pignataro  
Tricia Canonico  
Melanie Potyondy  
Kelly Ohlson  
Emily Francis  
Kristen Draper  
Dan Sapienza  
Matt Schild

Council Information Center (CIC)  
in City Hall, 300 Laporte Ave, Fort  
Collins, CO and via Zoom at  
<https://zoom.us/j/98687657267>

Cablecast on FCTV  
Channel 14 on Connexion  
Channel 17 and 881 on Comcast

Caitlin Quander  
Brownstein Hyatt Farber Schreck, LLP

Josh Birks  
Acting Executive Director

Delynn Coldiron  
Secretary

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## URBAN RENEWAL AUTHORITY BOARD MEETING 5:00 PM

### A) CALL MEETING TO ORDER

### B) ROLL CALL

### C) AGENDA REVIEW

Executive Director's Review of Agenda.

### D) PUBLIC PARTICIPATION

### E) PUBLIC PARTICIPATION FOLLOW-UP

#### CONSENT CALENDAR

**1. Consideration and Approval of the Minutes of the May 23, 2024 Urban Renewal Authority Board Meeting.**

The purpose of this item is to approve the minutes of the May 23, 2024 regular meeting.

**2. Motion to accept corrections made to the titling of the Resolutions Nos. 130, 131, and 132, from the April 25, 2024 board meeting.**

This is an administrative matter, "housekeeping" in nature. At the April 25, 2024, URA Board meeting, three resolutions were passed that were later determined to contain minor, immaterial errors. The motion approves corrections to each of the previously passed resolutions.

#### END OF CONSENT CALENDAR

## F) ADOPTION OF CONSENT CALENDAR

## G) COMMISSIONER REPORTS

## H) DISCUSSION ITEMS

The method of debate for discussion items is as follows:

- Chair introduces the item number and subject; asks if formal presentation will be made by staff.
- Staff and/or Applicant presentation (optional).
- Chair requests public comment on the item (three-minute limit for each person).
- Board questions of staff on the item.
- Board motion on the item.
- Board discussion.
- Final Board comments.
- Board vote on the item.

Note: Time limits for individual agenda items may be revised, at the discretion of the Chair, to ensure all have an opportunity to speak. **If attending in person, please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

### 3. **Consideration of a motion to go into executive session to discuss the potential purchase or acquisition of real property interests, including eminent domain, to receive legal advice on specific legal questions, and to determine positions relative to matters that may be subject to negotiations related to the former Albertsons' site and nearby properties.**

"I move that the Fort Collins Urban Renewal Authority go into Executive Session pursuant to: C.R.S. § 24-6-402(4)(a), (b) and (e) For the purpose of discussing with the Authority's attorneys and appropriate management staff the following items, all related to the former Albertsons' site and nearby properties:

- Potential Purchase or Acquisition of Real Property Interests, including Eminent Domain,
- Specific Legal Advice on Specific Legal Questions, and
- Determine Positions Relative to Matters that may be Subject to Negotiations, Develop Strategy for Negotiations, and Instruct Negotiators."

### 4. **Resolution No. 135 Authorizing Negotiations for the Acquisition of Property and the Use of Eminent Domain.**

The purpose of this item is to authorize Urban Renewal Authority (URA) staff and legal counsel to use eminent domain to acquire the vacant former Albertsons' store at 1636 North College Avenue.

## I) OTHER BUSINESS

## **J) ADJOURNMENT**

*Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs, and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours' advance notice when possible.*

*A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.*

June 27, 2024

# AGENDA ITEM SUMMARY

Urban Renewal Authority



## STAFF

Delynn Coldiron, Secretary

## SUBJECT

**Consideration and Approval of the Minutes of the May 23, 2024 Urban Renewal Authority Board Meeting.**

## EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the May 23, 2024 regular meeting.

## STAFF RECOMMENDATION

Staff recommends approval of the minutes.

## ATTACHMENTS

1. Draft Minutes, May 23, 2024



## URBAN RENEWAL AUTHORITY BOARD

May 23, 2024

5:00 PM

- **PLEDGE OF ALLEGIANCE**
- **CALL MEETING TO ORDER**

Chair Arndt called the meeting to order at 5:04 p.m.

- **ROLL CALL**

PRESENT: Arndt, Gutowsky (remote, non-voting), Pignataro, Canonico, Potyondy, Ohlson, Francis, Sapienza, and Schild (added after Item #2)

ABSENT: Stephens and Draper

- **AGENDA REVIEW**

Acting Executive Director Birks reviewed the agenda noting there were no changes to the published agenda.

Item #1: Approving the meeting minutes from the April 25, 2024, board meeting.

Item #2: Resolution No. 133 Accepting the Appointment of a Commissioner to the Urban Renewal Authority.

Item #3: Resolution No. 134 Appointing a New Member to the Board Finance Committee.

- **PUBLIC PARTICIPATION**

None.

- **COMMISSIONER REPORTS**

None.

- **DISCUSSION ITEMS**

1. Consideration and Approval of the Minutes for the April 25, 2024 Urban Renewal Authority Board Meeting.

*The purpose of this item is to approve the minutes of the April 25, 2024 Urban Renewal Authority Board meeting.*

*Commissioner Pignataro made a motion, seconded by Commissioner Ohlson, to approve the April 25, 2024, meeting minutes.*

- **PUBLIC PARTICIPATION – No public in attendance.**

None.

Commissioner Pignataro made a motion, seconded by Commissioner Ohlson, to approve the April 25, 2024, meeting minutes.

<b>RESULT:</b>	<b>April 25, 2024 Minutes APPROVED (UNANIMOUS: 7-0)</b>
<b>MOVER:</b>	<b>Julie Pignataro</b>
<b>SECONDER:</b>	<b>Kelly Ohlson</b>
<b>AYES:</b>	<b>Arndt, Pignataro, Canonico, Potyondy, Ohlson, Francis, and Sapienza</b>
<b>EXCUSED:</b>	<b>Stephens and Draper</b>
<b>REMOTE:</b>	<b>Gutowsky</b>

**2. Resolution No. 2024-133 Accepting the Appointment of a Commissioner to the Urban Renewal Authority.**

*The purpose of this item is to accept the appointment of a Commissioner representing the special districts to the Authority Board. In March 2024, Fred Colby's term on the Poudre River Library District Board of Trustees ended. This change of status created a vacancy on the Board representing the special districts levying a mill levy within the boundaries of the Urban Renewal Authority (URA). On April 23, 2024, the special districts appointed Matt Schild from the Poudre River Library District Board of Trustees to the URA Board.*

- **PUBLIC PARTICIPATION** – No public in attendance.

None.

Matt Schild introduced himself as the president of the Poudre Library Board of Trustees and Communications Manager for the Colorado State University (CSU) College of Business.

Commissioner Ohlson made a motion, seconded by Commissioner Canonico, to adopt Resolution No. 2024-133.

<b>RESULT:</b>	<b>Resolution No. 2024-133 APPROVED (UNANIMOUS: 7-0)</b>
<b>MOVER:</b>	<b>Kelly Ohlson</b>
<b>SECONDER:</b>	<b>Tricia Canonico</b>
<b>AYES:</b>	<b>Arndt, Pignataro, Canonico, Potyondy, Ohlson, Francis and Sapienza</b>
<b>EXCUSED:</b>	<b>Stephens and Draper</b>
<b>REMOTE:</b>	<b>Gutowsky</b>

Interim Secretary Walls administered the oath of office to Matt Schild.

**3. Resolution No. 2024-134 Appointing a New Member to the Board Finance Committee.**

*The purpose of this item is to appoint a new member to the Urban Renewal Authority (URA) Finance Committee. The Board has a vacancy on the Finance Committee due to Fred Colby's term on the Poudre River Library District Board of Trustees ending in March 2024. As a result, Colby's term on the URA Board of Commissioners and the Finance Committee also came to an end.*

Acting Executive Director Birks reviewed the role of the Board Finance Committee and noted Chair Arndt and Commissioners Ohlson, Stephens, and Draper, currently serve on the Committee.

Commissioner Sapienza expressed interest in serving on the Committee.

Commissioner Francis made a motion, seconded by Commissioner Potyondy, to adopt Resolution No. 2024-134 adding Dan Sapienza’s name to Section 2.

<b>RESULT:</b>	<b>APPROVED (UNANIMOUS: 8-0)</b>
<b>MOVER:</b>	<b>Emily Francis</b>
<b>SECONDER:</b>	<b>Melanie Potyondy</b>
<b>AYES:</b>	<b>Pignataro, Canonico, Potyondy, Ohlson, Francis, Sapienza, Schild, and Arndt</b>
<b>EXCUSED:</b>	<b>Stephens and Draper</b>
<b>REMOTE:</b>	<b>Gutowsky</b>

● **OTHER BUSINESS**

**A. Consideration of a motion to go into executive session to discuss the potential purchase or acquisition of real property interests, including eminent domain, to receive legal advice on specific legal questions, and to determine positions relative to matters that may be subject to negotiations related to the former Albertsons’ site and nearby properties.**

*“I move that the Fort Collins Urban Renewal Authority go into executive session pursuant to: C.R.S. § 24-6-402(4)(a), (b) and (e) for the purpose of discussing with the Authority’s attorneys and appropriate management staff the following items, all related to the former Albertsons’ site and nearby properties:*

- *Potential Purchase or Acquisition of Real Property Interests, including Eminent Domain,*
- *Specific Legal Advice on Specific Legal Questions, and*
- *Determine Positions Relative to Matters that may be Subject to Negotiations, Develop Strategy for Negotiations and Instruct Negotiators.”*

Commissioner Potyondy made a motion, seconded by Commissioner Francis, that the Fort Collins Urban Renewal Authority go into executive session pursuant to: C.R.S. § 24-6-402(4)(a), (b) and (e) for the purpose of discussing with the Authority’s attorneys and appropriate management staff the following items, all related to the former Albertsons’ site and nearby properties:

- Potential Purchase or Acquisition of Real Property Interests, including Eminent Domain,
- Specific Legal Advice on Specific Legal Questions, and
- Determine Positions Relative to Matters that may be Subject to Negotiations, Develop Strategy for Negotiations and Instruct Negotiators.

<b>RESULT:</b>	<b>APPROVED (UNANIMOUS: 8-0)</b>
<b>MOVER:</b>	<b>Melanie Potyondy</b>
<b>SECONDER:</b>	<b>Emily Francis</b>
<b>AYES:</b>	<b>Pignataro, Canonico, Potyondy, Ohlson, Francis, Sapienza, Schild, and Arndt</b>
<b>EXCUSED:</b>	<b>Stephens and Draper</b>
<b>REMOTE:</b>	<b>Gutowsky</b>

(\*\*Secretary’s Note: The Board adjourned to Executive Session at this point in the meeting and returned at 6:48 p.m.)

Commissioner Francis made a motion, seconded by Commissioner Potyondy, to direct URA staff to prepare a resolution for the Board’s consideration at the next Fort Collins Urban Renewal Authority meeting authorizing the use of eminent domain to acquire interest in real property in furtherance of the North College Plan related to the former Albertsons’ site including any leasehold interest.

<b>RESULT:</b>	<b>APPROVED (UNANIMOUS: 8-0)</b>
<b>MOVER:</b>	<b>Emily Francis</b>
<b>SECONDER:</b>	<b>Melanie Potyondy</b>
<b>AYES:</b>	<b>Pignataro, Canonico, Potyondy, Ohlson, Francis, Sapienza, Schild, and Arndt</b>
<b>EXCUSED:</b>	<b>Stephens and Draper</b>
<b>REMOTE:</b>	<b>Gutowsky</b>

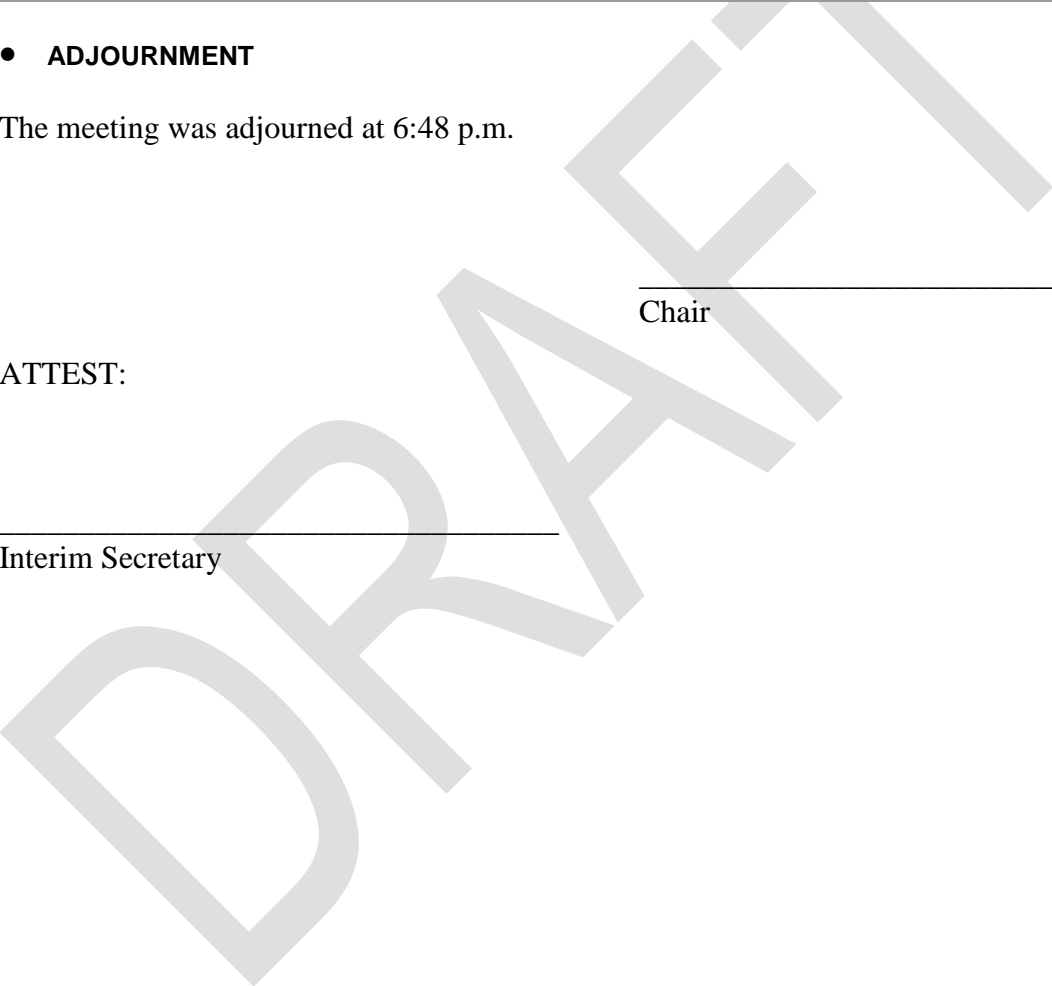
• **ADJOURNMENT**

The meeting was adjourned at 6:48 p.m.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Interim Secretary



June 26, 2024

# AGENDA ITEM SUMMARY

## Urban Renewal Authority



### STAFF

Andy Smith, Redevelopment Manager  
Amani Chamberlin, Acting Secretary

### SUBJECT

**Motion to accept corrections made to the titling of the Resolutions Nos. 130, 131, and 132, from the April 25, 2024 board meeting.**

### EXECUTIVE SUMMARY

This is an administrative matter, “housekeeping” in nature. At the April 25, 2024, URA Board meeting, three resolutions were passed that were later determined to contain minor, immaterial errors. The motion approves corrections to each of the previously passed resolutions.

### STAFF RECOMMENDATION

Staff recommends approval of the motion.

### BACKGROUND / DISCUSSION

At the April 25, 2024, URA Board meeting, three resolutions were passed that were later determined to contain minor, immaterial errors. The motion approves corrections to each of the previously passed resolutions.

1. Resolution No. 130: The title of the original resolution was erroneously listed as “Resolution No. 2024-130”. The correct title is simply “Resolution No.130” as reflected on the revised Resolution.
2. Resolution No. 131: The title of the original resolution was erroneously listed as “Resolution No. 2024-131”. The correct title is simply “Resolution No. 131” as reflected in the revised Resolution. Additionally, the title of the original resolution did not contain language specific to the subject matter, which was a supplemental budget request for bicycle and pedestrian improvements in the Prospect South Plan Area. Finally, the last sentence of the original resolution stated that the resolution was approved by an “*affirmative vote of at least two-thirds of the eleven (11) Commissioners*”, which is only a requirement when amending the by-laws. The revised resolution contains a subject specific title and deletes the two-thirds statement.
3. Resolution No. 132: The title of the original resolution was erroneously listed as “Resolution No. 2024-132”. The correct title is simply “Resolution No. 132” as reflected in the revised Resolution. Additionally, the title of the original resolution did not contain language specific to the subject matter, which was a supplemental budget request for on-call consultant services. Finally, the last sentence of the original

resolution stated that the resolution was approved by an “*affirmative vote of at least two-thirds of the eleven (11) Commissioners*”, which is only a requirement when amending the by-laws. The revised resolution contains a subject specific title and deletes the two-thirds statement.

**URA FINANCIAL IMPACTS**

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None.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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1. Revised Resolution Nos. 130, 131, and 132.

RESOLUTION NO. 131  
OF THE BOARD OF COMMISSIONERS OF THE FORT COLLINS  
URBAN RENEWAL AUTHORITY ADOPTING A SUPPLEMENTAL  
BUDGET RESOLUTION FOR BICYCLE AND PEDESTRIAN  
IMPROVEMENTS IN THE PROSPECT SOUTH PLAN AREA

**WHEREAS**, the Fort Collins Urban Renewal Authority (“Authority”) on December 4, 2023, adopted the annual budget for the fiscal year beginning January 1, 2024, and ending December 31, 2024, per Fort Collins Urban Renewal Authority Resolution No. 129, pursuant to and in accordance with Colorado local budgeting requirements and Colorado statute; and

**WHEREAS**, a need exists to allocate funds from the 2024 revenues received by the Authority to prepare 30% design documents for bicycle and pedestrian improvements in the Prospect South Plan Area; and

**WHEREAS**, the amended 2024 budget, as revised by this Resolution, remains in balance as required by law; and

**WHEREAS**, this Resolution allocating funds to prepare 30% design documents for bicycle and pedestrian improvements in the Prospect South Plan Area is within the existing Authority obligations and revenue funds available and is appropriate and necessary.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL AUTHORITY:**

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. That the 2024 appropriation for the Prospect South Plan Area is hereby modified to provide for the \$275,000 budget request leaving approximately \$1,149,814 in reserves, and the remittance and reappropriation of the funds set forth in this Resolution is hereby authorized.

Section 3. The Board finds that the required notice and opportunity for public inspection, were properly made and held in accordance with C.R.S. §§ 29-1-106 and 29-1-109.

Section 4. This Resolution is enacted as a supplemental budget and appropriation pursuant to C.R.S. § 29-1-109.

Section 5. If necessary, the Secretary of the Authority is directed to file a certified copy of this Resolution with the Division of Local Government, Department of Local Affairs, State of Colorado.

Passed and adopted at a regular meeting of the Board of Commissioners of the City of Fort Collins Urban Renewal Authority this 25th day of April, 2024.

\_\_\_\_\_  
Kristin Stephens, Vice Chair

ATTEST:

\_\_\_\_\_  
Interim Secretary



RESOLUTION NO. 132  
OF THE BOARD OF COMMISSIONERS OF THE FORT COLLINS  
URBAN RENEWAL AUTHORITY ADOPTING A  
SUPPLEMENTAL BUDGET RESOLUTION FOR ON-CALL CONSULTANTS

**WHEREAS**, the Fort Collins Urban Renewal Authority (“Authority”) on December 4, 2023, adopted the annual budget for the fiscal year beginning January 1, 2024, and ending December 31, 2024, per Fort Collins Urban Renewal Authority Resolution No. 129, pursuant to and in accordance with Colorado local budgeting requirements and Colorado statute; and

**WHEREAS**, a need exists to allocate additional funds from the 2024 revenues received by the Authority towards several on-call technical consultant services for real estate related matters and website improvements; and

**WHEREAS**, the amended 2024 budget, as revised by this Resolution, remains in balance as required by law; and

**WHEREAS**, this Resolution allocating additional funds for on-call technical consultant services is within the existing Authority obligations and revenue funds available and is appropriate and necessary.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL AUTHORITY:**

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. That the 2024 budget appropriation is hereby modified to allocate an additional \$180,000 towards on-call technical consultant services, being apportioned and paid through several existing Plan Area Districts at different percentages, and the remittance and reappropriation of the funds set forth in this Resolution is hereby authorized.

Section 3. The Board finds that the required notice and opportunity for public inspection, were properly made and held in accordance with C.R.S. §§ 29-1-106 and 29-1-109.

Section 4. This Resolution is enacted as a supplemental budget and appropriation pursuant to C.R.S. § 29-1-109.

Section 5. If necessary, the Secretary of the Authority is directed to file a certified copy of this Resolution with the Division of Local Government, Department of Local Affairs, State of Colorado.

Passed and adopted at a regular meeting of the Board of Commissioners of the City of Fort Collins Urban Renewal Authority this 25th day of April, 2024.

\_\_\_\_\_  
Kristin Stephen, Vice Chair

ATTEST:

\_\_\_\_\_  
Interim Secretary

RESOLUTION NO. 130  
OF THE BOARD OF COMMISSIONERS OF THE FORT COLLINS  
URBAN RENEWAL AUTHORITY ACCEPTING THE  
APPOINTMENT OF A COMMISSIONER TO THE AUTHORITY

**WHEREAS**, the Fort Collins Urban Renewal Authority (the “Authority”) was established in 1982 under and in accordance with the Colorado Revised Statutes (“C.R.S.”) § 31-25-101, et seq. (the “Urban Renewal Law”); and

**WHEREAS**, H.B. 15-1348 effected changes to Urban Renewal Law, C.R.S. § 31-25-101, et. seq., including the provisions establishing membership of the boards of urban renewal authorities; and

**WHEREAS**, C.R.S. § 31-25-104(2.5) provides: “When the governing body of a municipality designates itself as the authority or transfers an existing authority to the governing body pursuant to section 31-25-115(1), an authority consists of the same number of commissioners as the number of members of the governing body. In addition, in order to represent the collective interests of the county and all taxing bodies levying a mill levy within the boundaries of the urban renewal authority area other than the municipality, one additional commissioner on the authority must be appointed by the board of county commissioners of the county in which the territorial boundaries of the urban renewal authority area are located, one additional commissioner must also be a board member of a special district selected by agreement of the special districts levying a mill levy within the boundaries of the urban renewal authority area, and one additional commissioner must also be an elected member of a board of education of a school district levying a mill levy within the boundaries of the urban renewal authority area. If the number of members of the governing body causes the authority to have an even number of commissioners, the mayor shall appoint an additional commissioner to restore an odd number of commissioners to the authority. As applicable, the appointment of the county, special district, and school district representatives on the authority pursuant to this subsection (2.5) must be made in accordance with the procedures specified in subsection (2) of this section”; and

**WHEREAS**, the City Council of the City of Fort Collins (the “City”) has designated itself as the Authority pursuant to Urban Renewal Law, C.R.S. § 31-25-115(1), along with other Commissioners; and

**WHEREAS**, the number of members of the City Council of the City of Fort Collins (the “City Council”) causes the Authority Board to have an even number of Commissioners following appointment of the Commissioners representing the county, school district, and special districts, thereby creating the need for the Mayor to appoint an additional Commissioner to restore an odd number of Commissioners to the Authority Board; and

**WHEREAS**, by Resolution 2022-056, the City Council re-appointed Andy Smith to serve as a Commissioner on the Authority as the mayoral appointee for a second four-year term until May 25, 2026, which was accepted by the Authority by Resolution No. 120; and

**WHEREAS**, Commissioner Andy Smith resigned from the Authority Board effective February 4, 2024; and

**WHEREAS**, pursuant to City Council Resolution 2015-105, the City advertised the vacant position on the Authority Board and interviewed potential candidates; and

**WHEREAS**, by Resolution 2024-063, the City Council confirmed the appointment of Dan Sapienza to serve as a Commissioner on the Authority Board as the mayoral appointee to complete the remaining days in the term and, thus, expiring on May 25, 2026.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL AUTHORITY:**

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Pursuant to C.R.S. § 31-25-104(2.5), the Authority accepts and recognizes the appointment of Dan Sapienza to this Authority for the term prescribed by the City Council or until ineligible to serve as a Commissioner on the Authority in accordance with C.R.S. § 31-25-104.

Section 3. A copy of this Resolution on file with the Authority Secretary shall serve as a certificate of such appointment pursuant to C.R.S. § 31-25-104(2)(b).

Section 4. This Resolution shall be effective upon approval by the Authority.

Passed and adopted at a regular meeting of the Board of Commissioners of the City of Fort Collins Urban Renewal Authority this 25th day of April, 2024.

\_\_\_\_\_  
Kristin Stephens, Vice Chair

ATTEST:

\_\_\_\_\_  
Interim Secretary

June 27, 2024

# AGENDA ITEM SUMMARY

Urban Renewal Authority



## STAFF

Andy Smith, Redevelopment Manager

## SUBJECT

**Resolution No. 135 Authorizing Negotiations for the Acquisition of Property and the Use of Eminent Domain.**

## EXECUTIVE SUMMARY

The purpose of this item is to authorize Urban Renewal Authority (URA) staff and legal counsel to use eminent domain to acquire the vacant former Albertsons’ store at 1636 North College Avenue.

## STAFF RECOMMENDATION

Staff recommends approval and adoption of the resolution.

## BACKGROUND / DISCUSSION

Beginning in late 2022, the Fort Collins URA entered discussions with the owner (or, “Seller”) of 1636 North College Avenue regarding a potential sale of the property from a willing seller to a willing buyer. In September 2023, a non-binding Letter of Interest (or, “LOI”) was signed by both parties, establishing mutually acceptable terms to form a forthcoming Purchase and Sale Agreement (or, “PSA”). The LOI has since expired. A draft PSA was circulated for review by the Fort Collins URA and the Seller, however it has not been mutually agreed upon or signed primarily due to ongoing lease termination discussions between the Seller and Albertsons’, the “Tenant”.

According to the Seller, their discussions with Tenant have been progressing slowly but positively. No material progress has been reported by the Seller since the LOI was signed in September 2023.

At the Fort Collins URA May 23, 2024, meeting, the URA Board instructed URA Staff to prepare a resolution to authorize the use of eminent domain to acquire the vacant former Albertsons’ property and associated interests. It is understood that negotiations between a willing seller and willing buyer are to continue and remain the preferred manner of acquisition by the URA Board, however an alternative process was desired to proceed to ensure timely progress.

Finally, on June 11, 2024, URA Staff conducted a visual survey of the property located at 1636 North College Avenue to determine if blight conditions remain. According to the attached memo (“Condition Survey Update”), blight conditions continue to exist at the property.

## FINANCIAL IMPACTS

Undetermined, but believed to be negligible given the scope of ongoing acquisition activities.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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1. Resolution for Consideration
2. Condition Survey Update
3. Presentation

RESOLUTION NO. 135  
OF THE BOARD OF COMMISSIONERS OF THE FORT COLLINS  
URBAN RENEWAL AUTHORITY AUTHORIZING NEGOTIATIONS FOR THE  
ACQUISITION OF PROPERTY AND THE USE OF EMINENT DOMAIN

**WHEREAS**, the Fort Collins Urban Renewal Authority (the “Authority”) was established in 1982 under and in accordance with the Colorado Revised Statutes (“C.R.S.”) § 31-25-101, et seq. (the “Urban Renewal Law”); and

**WHEREAS**, the City Council of the City of Fort Collins, Colorado (the “City”), by Resolution No. 2004-152 approved and adopted on December 21, 2004, the “North College Urban Renewal Plan” (the “North College Plan”) as an urban renewal plan under the Urban Renewal Law for the area described therein (the “North College Plan Area”); and

**WHEREAS**, on December 21, 2004, prior to the adoption of Resolution No. 2004-152, City Council conducted a public hearing to consider authorizing the use of eminent domain by the Authority for the acquisition of private property within the North College Plan, and written notice of the time, date, place and purpose of such hearing was mailed or delivered to each owner of property within the North College Plan Area at least thirty days prior to the public hearing, as required by C.R.S. § 31-25-107(3)(b); and

**WHEREAS**, at the time the North College Plan was adopted, the real property located within North College Plan Area was found, determined and declared to be a blighted area as defined in the Urban Renewal Law (the “Blight Determination”); and

**WHEREAS**, the North College Plan provides for the Authority to exercise all powers authorized under the Act, including the Authority’s acquisition of real property located within the North College Plan Area, including by eminent domain, as more particularly described therein; and

**WHEREAS**, based on community feedback and continued and growing issues of blight, the Authority is exploring the potential acquisition of certain property located at 1636 N. College Ave., including any leasehold interests and covenants recorded against the real property (collectively, the “Property”), which Property is located within the North College Plan Area; and

**WHEREAS**, on June 11, 2024 Authority staff performed a “Condition Survey Update – 1636 N College Ave” (the “2024 Survey”), which confirmed the findings made by City Council in connection with the Blight Determination with respect to the Property; and

**WHEREAS**, the Authority has determined that acquisition of the Property is in the public interest, and there is a need to acquire the Property for the construction of facilities essential to the North College Plan and for the eradication of blight (the “Project”); and

**WHEREAS**, in compliance with the North College Plan, the Authority has evaluated and considered other possible alternatives; and

**WHEREAS**, the Authority has determined there is an immediate need to acquire the Property in order to implement the North College Plan and the Project, and that acquisition of the Property will be in furtherance of a public purpose and public use; and

**WHEREAS**, the Authority has determined that it should acquire the Property by negotiation, if possible, or by use of eminent domain, if necessary.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL AUTHORITY:**

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Based on the 2024 Survey, the Board hereby affirms the Blight Determination with respect to the Property and further finds the Property continues to be blighted under the Urban Renewal Law.

Section 3. The Board hereby authorizes Authority staff, consultants, and attorneys to send out good faith offers and engage in good faith negotiations in connection with the acquisition of the Property and to use reasonable efforts to (a) understand and address the property owner’s position and his or her desires for the property and for any existing business on the site (of which there are none), and (b) work with the owner to either include the owner in project planning or purchase the property and relocate the owner in accordance with the Urban Renewal Law on terms and conditions acceptable to the owner.

Section 4. The Board hereby authorizes the Authority to acquire the Property within the North College Plan Area by any manner available, including, without limitation, by exercise of the power of eminent domain under the following terms and conditions and any other requirements of applicable law. This ratification is based on City Council’s authorization of the use of eminent domain within the North College Plan Area, the Blight Determination, and the 2024 Survey.

Section 5. Acquisition of the Property within the North College Plan Area by eminent domain shall be for the purpose of preventing or eliminating conditions of blight without regard to the economic performance of the property to be acquired.

Section 6. It is not expected or intended that the Authority will need to relocate any individuals or families in connection with the Project, but to the extent that any such relocation may be required, relocation assistance policies have been adopted and a feasible method exists for the relocation of individuals and families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such individuals or families.

Section 7. It is not expected or intended that the Authority will need to relocate any businesses or business concerns in connection with the Project, but to the extent that any such relocation may be required, relocation assistance policies have been adopted and a feasible method exists for the relocation of such business concerns to other areas without undue hardship to such business concerns.



Section 8. The purpose of ratifying and confirming the right of the Authority to use eminent domain within the North College Plan Area is to eliminate and prevent the spread of blight.

Section 9. This Resolution shall be effective upon approval by the Authority.

Passed and adopted at a regular meeting of the Board of Commissioners of the City of Fort Collins Urban Renewal Authority this 27th day of June, 2024.

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Jeni Arndt, Chair

ATTEST:

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Secretary

**MEMORANDUM**

**DATE:** June 27, 2024  
**TO:** Urban Renewal Authority Board  
**FROM:** Andy Smith, Redevelopment Manager  
**RE:** Condition Survey Update – 1636 N College Ave

**BACKGROUND**

Per Colorado Revised Statute, the creation of an urban renewal area first requires a finding of blight. “Blighted area” is a specific, legal term defined in Colorado Revised Statute Section 31-25-103 as: *“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*
- (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.”*

A study that finds four or more “blighting conditions” may make an area appropriate for urban renewal, as declared by the Fort Collins City Council after a public hearing.

On December 21, 2004, the Fort Collins City Council adopted Resolution 2004-151, finding that 10 of the 11 potential factors described by the Statute above were identified by the “North College Avenue Existing Conditions Study” as being apparent and evident in an area of Fort Collins that would form the boundaries of the “North College Urban Renewal Plan”, also

adopted by a City Council resolution on December 21, 2004. At that time, the only factor not found to exist in the plan area was “(g), *Defective or unusual conditions of title rendering the title nonmarketable*”.

**UPDATED CONDITION SURVEY**

On June 11, 2024, Fort Collins URA staff conducted a visual survey of a portion of the study area to determine if blight factors identified in the 2004 North College Avenue Existing Conditions Study (or, “Blight Study”) remain present. Because the Fort Collins URA Board of Commissioners may consider eminent domain to acquire property and associated interests of the vacant former Albertson’s grocery store located at 1636 N College Avenue (or, “Albertson’s”), this Condition Survey Update is focused entirely on blight factors that were evident at the vacant former Albertson’s on the day of the visual survey.

The Condition Survey Update consisted of a visual inspection of the area and search for new information which could indicate a change of blighting factors. A blight factor is deemed to be present if there is no evidence of changing conditions related to the original determination of blight. It is not necessary for a property to have all potential blighting factors for the property to still be considered blighted.

**BOTTOM LINE**

The findings from the Condition Survey Update indicate the continuing presence of blight at the vacant former Albertson’s property location within the North College Urban Renewal Plan Area, with six (6) specific factors readily apparent and evident.

**Summary of Blight Reconfirmation: 1636 North College Avenue, Fort Collins, CO**

<b>Blight Factor</b>	<b>Evident</b>
<i>Slum, deteriorated, or deteriorating structures</i>	✓
<i>Unsanitary or unsafe conditions</i>	✓
<i>Deterioration of site or other improvements</i>	✓
<i>The existence of conditions that endanger life or property by fire or other causes</i>	✓
<i>Environmental contamination of buildings or property</i>	✓
<i>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</i>	✓

**Slum, Deteriorated, or Deteriorating Structures**

The vacant former Albertson’s building shows clear evidence of damage from vandalism and fire (possibly intentional). Additionally, water damage from possible roof leaks was observed.







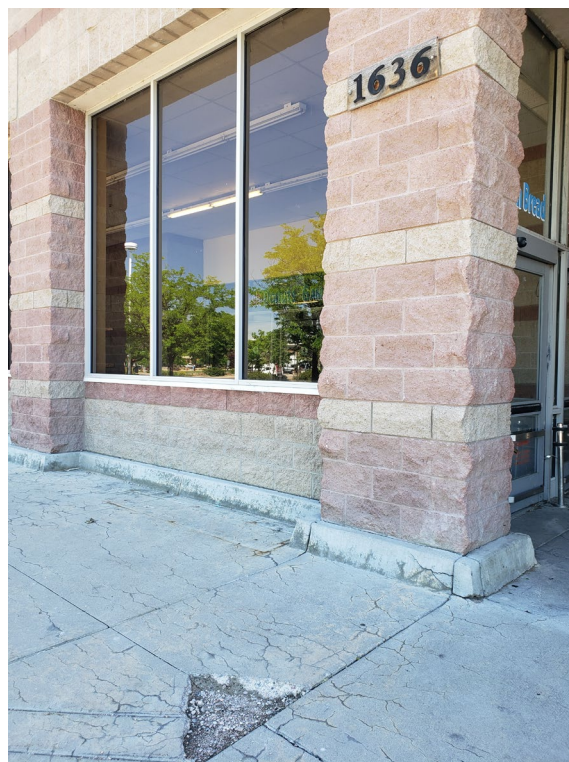
### Unsanitary or Unsafe Conditions

The vacant former Albertson's property has feces, potential bio-hazardous medical waste, exposed electrical wires, tripping hazards, broken glass, discarded undergarments, and other general rubbish on the property.



### Deterioration of Site or Other Improvements

The parking lot, curb and gutter, and sidewalks at the vacant former Albertson's are damaged and in poor condition. Stormwater drainage appears to be impaired, and some drains appear to be blocked by rubbish. Landscaping is unkempt, and trees appear damaged.







**The Existence of Conditions that Endanger Life or Property by Fire or Other Causes**

At the vacant former Albertson's property, evidence of a recent fire (potentially intentional) was apparent and evident, as well as presumable electrical shock risks.





**Environmental Contamination of Buildings or Property**

At the vacant former Albertson's site, evidence of automobile repair is apparent, with used parts and several patches of potentially spilled oil observed in the parking lots. Broken computer parts were also observed.









**North College Property Acquisition  
1636 North College Avenue**

**Acquisition of Property  
By Urban Renewal Authorities**

2018

- Economic Planning Systems analysis

2019

- Economic Planning Systems report
- Community workshop series begins

2020

- Workshop series completed
- Engagement report completed
- Adoption of Community Investment Plan



**COMPLETE & VIBRANT  
NEIGHBORHOOD**



**COMMUNITY HUB**



**INFRASTRUCTURE  
IMPROVEMENTS**

# 1636 N College Avenue

- Vacant former Albertsons' store
- Closed in 2014
- 50,907 square feet on 4.68 acres
- Owned by Vereit Real Estate, L.P.  
Albertsons' LLC has a lease



## 1636 N College Avenue

- In 2022, URA Staff began discussions with property owner for a sale between “willing” seller and buyer.
- URA Board Resolution Feb 2023 authorized URA staff to undertake negotiations to acquire properties.
- Signed a non-binding Letter of Intent (not a contract) in September 2023.
- Discussions between Owner and Tenant have taken considerably longer than anticipated.
- Blight conditions confirmed June 2024.



## Acquisition of Property By Urban Renewal Authorities

The Urban Renewal Law authorizes an Urban Renewal Authority, as one of its powers “**to acquire any property by purchase**, lease, option, gift, grant, bequest, devise, or otherwise to acquire any interest in property by condemnation, including a fee simple absolute title thereto, in the manner provided by the laws of this state for the exercise of the power of eminent domain by any other public body”. *C.R.S. 31-25-105(1)(e)*.



Most Urban Renewal Authorities will attempt to acquire property initially by utilizing the typical offer, counteroffer, letter of intent, and purchase and sale agreement process that private property owners use to sell or acquire property.

Sometimes, property owners ignore or resist offers to purchase. When that happens, the government may initiate steps to notify the property owner that the property may be acquired without the owner's consent if a consensual sale cannot be accomplished.



When the government initiates steps to allow or authorize condemnation, it is not an actual condemnation. It is merely the first of many steps.

Eminent domain is used as a last resort only, usually in rare and exceptional circumstances where all reasonable efforts to acquire the private property consensually have failed.

By law, the Urban Renewal Authority is required to pay the landowner fair market value for the property.

For an Urban Renewal Authority to exercise eminent domain, generally the following requirements must be met:

- Eminent domain must be approved as part of an urban renewal plan; *C.R.S. § 31-25-105(1)(e)*. [COMPLETED 2004]
- City Council must make a determination that the property is located in a blighted area, or the property itself is blighted. *C.R.S. § 31-25-105.5(2)(a)(I)* [COMPLETED 2004; URA staff prepared condition survey update 2024]
- AND, where the Authority proposes to transfer private property acquired by eminent domain for private redevelopment it may only subsequently transfer to a private party upon satisfaction of the following conditions:
  - The urban renewal project for which the property is being acquired shall be commenced no later than seven years from the date the blight determination is made. [City Council should make affirming blight determination based on condition study or updated condition study depending on timing of next step] *C.R.S. § 31-25-105.5(2)(I)*
  - Provide notice and invite proposals for redevelopment or rehabilitation from all property owners, residents, and owners of business concerns located on the property. *C.R.S. § 31-25-105.5(2)(a)(II)*
  - The Authority must adopt relocation assistance and land acquisition policies to benefit displaced persons. *C.R.S. § 31-25-105.5(4)(a)*. [COMPLETED]

1. Authority staff approaches property owner to discuss or negotiate potential consensual acquisition.
2. If efforts for consensual acquisition fail, Authority authorizes acquisition of real property by eminent domain.
3. Notice of Intent to Acquire is sent to all parties with a record interest in the property.
4. Authority obtains appraisal and makes one or more offer(s) to purchase.
5. Notice of relocation eligibility to property owner.

1. Authority files a petition in condemnation with District Court.
2. Usually, an authority requests vesting of title or immediate possession.
  1. If so, a hearing will be held usually within 30 to 90 days.
  2. At the hearing, the government bears the burden to prove certain elements (see next slide).
3. If the authority satisfies its burden, it gets immediate title or possession pending a final determination as to value.
4. A valuation trial is set usually 6 to 18 months after immediate title or possession hearing.