

URBAN RENEWAL AUTHORITY BOARD

June 27, 2024

5:00 PM

- **CALL MEETING TO ORDER**

Vice Chair Stephens called the meeting to order at 5:03 p.m.

- **ROLL CALL**

PRESENT: Stephens, Gutowsky, Canonico, Potyondy, Francis, Draper, Ohlson, Sapienza, and Schild

ABSENT: Arndt, and Pignataro

- **AGENDA REVIEW**

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

Vice Chair Stephens outlined the public participation options.

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

None.

- **PUBLIC PARTICIPATION FOLLOW-UP**

None.

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

- **ADOPTION OF CONSENT CALENDAR**

***Commissioner Ohlson made a motion, seconded by Commissioner Francis, to adopt the consent calendar as presented.***

**RESULT:** Consent Calendar Items 1-2 APPROVED (UNANIMOUS: 9-0)  
**MOVER:** Kelly Ohlson  
**SECONDER:** Emily Francis  
**AYES:** Stephens, Gutowsky, Canonico, Potyondy, Ohlson, Francis, Draper, Sapienza, and Schild  
**NAYS:** None.  
**EXCUSED:** Arndt and Pignataro

- **COMMISSIONER REPORTS**

None.

- **DISCUSSION ITEMS**

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.

*Commissioner Potyondy made a motion, seconded by Commissioner Gutowsky, 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.*

**RESULT:** MOTION APPROVED (UNANIMOUS: 9-0)  
**MOVER:** Melanie Potyondy  
**SECONDER:** Susan Gutowsky  
**AYES:** Stephens, Gutowsky, Canonico, Potyondy, Ohlson, Francis, Draper, Sapienza, and Schild  
**NAYS:** None.  
**EXCUSED:** Arndt and Pignataro

*(\*\*Secretary's Note: The Board adjourned into Executive Session at this point in the meeting.)*

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.*

Acting Executive Director Andy Smith noted this process started in 2018 when an analysis of North College was completed related to the North College Urban Renewal Plan Area, followed by a public process in 2019, and adoption of the community investment plan in 2020, which identified objectives including the

formation of a complete and vibrant neighborhood, a community hub, and infrastructure improvements. Smith discussed the former Albertson's site and noted staff started discussion with the property owner in 2022 for a potential sale between a willing seller and a willing buyer, and in 2023, the URA Board authorized the URA staff to undertake negotiations to acquire the property, which culminated in in September of 2023 with a non-binding letter of intent signed by both parties. Since that time, the discussions between the owner and the tenant have taken considerably longer than anticipated and blight conditions at the property have not improved.

Caitlin Quander, counsel to the URA, discussed the power for Urban Renewal Authorities to acquire property, and to do so my eminent domain. Quander stated the first step an Authority would take is not condemnation; there are a number of steps that would happen before that action is actually filed with a court. She stated this action would authorize all of those steps, though staff will be checking in with the Board along the way. Additionally, she reiterated that eminent domain is used as a last resort in rare and exceptional circumstances where reasonable efforts to acquire the private property consensually have failed. If eminent domain is used, the property owner must be paid fair market value for the property. Quander further detailed the necessary steps that must occur in order for an Authority to utilize eminent domain.

Rich Rodriguez, special counsel to the URA related to eminent domain, stated this resolution would be just the beginning of the process to authorize eminent domain and give staff the ability to move the eminent domain process along if efforts to acquire the property cannot be done consensually. Rodriguez noted there are many steps that the Board can take through the process to either end it or modify it. Additionally, he noted a written offer made to the property owner also requires reimbursement to the property owner should they want to get an appraisal for use in negotiations.

#### PUBLIC INPUT

None.

#### COMMISSION QUESTIONS/DISCUSSION

Commissioner Draper asked if renovation work could begin as soon as the title was handed over or if that work would need to wait until the trial is complete if it were to go to trial. Quander replied renovation and repair work could begin as soon as the title is received. Rodriguez concurred.

***Commissioner Francis made a motion, seconded by Commissioner Sapienza, to adopt Resolution No. 135 Authorizing Negotiations for the Acquisition of Property and the Use of Eminent Domain.***

Commissioner Francis stated she would support the item as much due diligence has been done to purchase the property. Additionally, she noted the property has been vacant for many years and is blighted.

Commissioner Draper concurred and reiterated there are many options that could occur besides the use of eminent domain.

Commissioner Sapienza stated this resolution would allow acquisition of the property by any means necessary and will allow for more negotiations.

Vice Chair Stephens stated she would support the motion as a way to get things moving for the property's purchase.

<b>RESULT:</b>	<b>RESOLUTION NO. 135 APPROVED (UNANIMOUS: 9-0)</b>
<b>MOVER:</b>	<b>Emily Francis</b>
<b>SECONDER:</b>	<b>Dan Sapienza</b>
<b>AYES:</b>	<b>Gutowsky, Canonico, Potyondy, Francis, Draper, Sapienza, Schild, and Stephens</b>
<b>NAYS:</b>	<b>Ohlson</b>
<b>EXCUSED:</b>	<b>Arndt and Pignataro</b>

- **ADJOURNMENT**

The meeting adjourned at 6:07 p.m.

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Chair

ATTEST:

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Secretary