



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
c3gov.com

Council Communication

File Number: Res 2021-47

Agenda Date: 6/21/2021

Version: 2

Status: Agenda Ready

In Control: City Council

File Type: Resolution

A RESOLUTION APPROVING AN AMENDMENT INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND POTOMAC FARMS METROPOLITAN DISTRICT REGARDING THE SERVICE PLAN FOR THE DISTRICT TO GRANT A LIMITED AUTHORIZATION OF EMINENT DOMAIN USE

Summary

The Potomac Farms Metropolitan District (Potomac Farms) is a metropolitan district within Commerce City formed in 2002. Potomac Farms is now requesting a waiver to section 12 of their District Activities Intergovernmental Agreement (IGA) with the City to enable Potomac Farms to acquire, through eminent domain, certain vacant land and landscaping tracts currently owned by the original developer of the property. In accordance with the district's Service Plan, Section 12 of the District Activities IGA prevents Potomac Farms from exercising eminent domain unless the IGA is amended. According to the district, The developer is no longer operational. Potomac Farms wishes to develop a club house for use of its residents on parts of the land.

Recommendation:

Staff is recommending approval of the waiver. The granting of this waiver will still limit the use of eminent domain only to the land outlined in the waiver; any other use of eminent domain would require subsequent Council approval. This use of eminent domain is limited in scope and a result of unlikely circumstances - the developer is no longer operational, but still owns the land, which therefore prevents the district from developing it further. Exercising eminent domain over this land will not substantially affect the financial plan of Potomac Farms; these parcels are currently considered vacant, and the developer has not paid property taxes on them in ten years. As such, Potomac Farms' ownership of them does not appear to negatively affect the ability of the district to discharge its debt according to the Service Plan. Potomac Farms will bear all financial responsibility for compensation of the property owner and maintenance responsibilities.

Staff Responsible (Department Head): Roger Tinklenberg, City Manager

Staff Member Presenting: John Bourjaily, Management Analyst

Financial Impact:

Funding Source:

Staff Recommendation: Approve resolution authorizing amendment to intergovernmental agreement to allow the limited exercise of eminent domain by Potomac Farms Metropolitan District

Suggested Motion: I move to approve Resolution 2021-47.