

SPECIAL WESTMINSTER CITY COUNCIL MEETING

FRIDAY, DECEMBER 11, 1998 AT 4:00 P.M.

1. Pledge of Allegiance
2. Roll Call
3. Purpose of Special Meeting:
  - A. Councillor's Bill No. 81 re Annexation Agreement re Foster Property
4. Adjournment

December 10, 1998

To All Members of City Council:

A special meeting of the City Council has been set for Friday, December 11, 1998 at 4:00 P.M. in the City Council Chambers at City Hall for the following purposes:

Annexation Agreement re Foster Property

Sincerely,

Michele Kelley, CMC  
City Clerk

December 10, 1998

Michele Kelley, City Clerk  
City of Westminster  
4800 West 92nd Avenue  
Westminster, CO 80030

Dear Michele:

Please call a special meeting of the City Council for Friday, December 11, 1998 at 4:00 P.M. to be held in the City Council Chambers at City Hall for the following purposes:

Annexation Agreement re Foster Property

Sincerely,

Nancy M. Heil, Mayor

**Date:** December 11, 1998

**Subject:** Councillor's Bill No. 81 re Preannexation Agreement with Charles E. Foster

**Prepared by:** John Carpenter, Director of Community Development

### **Introduction**

City Council is requested to take action on Councillor's Bill No. 81 approving a Preannexation Agreement involving approximately 160 acres of land owned by Charles E. Foster at the northeast corner of 136th Avenue and Huron Street. The property has approximately 1/2 mile of frontage each on Huron Street, 136th Avenue and I-25.

### **Summary**

The proposed Preannexation Agreement establishes the terms and conditions under which the Foster property would be annexed to the City. The agreement provides that annexation and zoning of the property will occur within 90 days of the execution of the preannexation agreement. The agreement contemplates that the zoning will allow a variety of retail, office and business park uses.

The agreement is consistent with the City's proaction to support the construction of a new interchange along I-25 at 136th Avenue. The agreement also contemplates the formation of one or more types of special districts to help to finance construction of the interchange.

### **Staff Recommendation**

Adopt Councillor's Bill No. 81 as an emergency ordinance approving the preannexation agreement with Charles E. Foster for property located at the northeast corner of Huron Street and 136th Avenue and authorizing the City Manager to sign this agreement.

### **Background Information**

The Foster property extends from Huron Street to I-25 along 136th Avenue. The property is bordered on the south, west and east by the City of Westminster. The property has the potential for development into a high quality office/retail/business park planned development.

Colorado law allows municipalities to execute preannexation agreements with land owners to prescribe the circumstances under which annexation will occur. The primary features of the Foster Preannexation Agreement include:

1. Within 90 days after execution of this agreement, the owner shall submit an annexation petition and application for zoning.
2. The zoning will be vested for a period of 10 years after the approval.
3. Foster agrees to participate in special districts for financing interchanges at 128th Avenue, 136th Avenue and 144th Avenue.
4. The City agrees to support the 136th Avenue as the first priority interchange to be constructed north of 120th Avenue.



Some alternatives to this action include:

- a) Do not approve the Preannexation Agreement and do not pursue annexation of the Foster property.
- b) Seek to renegotiate the terms of the Preannexation Agreement.

Staff does not support either alternative. The Foster property is highly desirable to annex to the City given its great economic development potential. Staff has spent many hours negotiating what it believes to be a fair and equitable agreement with Ed Sutton, the agent for Mr. Foster.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1998

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE APPROVING AN AGREEMENT FOR THE ANNEXATION OF THE FOSTER PROPERTY AT 136TH AND HURON

WHEREAS, the final form of the terms and conditions for the future annexation and development of the Foster property at 136th and Huron to the City of Westminster has been agreed to by the parties; and

WHEREAS, the City Council finds that the timely approval of such agreement is necessary to secure the economic development benefits of this strategic parcel of land, and that the approval of this agreement will serve the public health, safety and welfare interests of the City and its citizens.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The agreement between the City and Foster setting forth the terms and conditions for the annexation of the Foster property at 136th and Huron to the City is approved in substantially the same form as attached as Exhibit "A" and the City Manager is hereby authorized to execute the same on behalf of the City.

Section 2. Because the final form of the agreement needs to be approved in a timely fashion to secure the economic development benefits of this strategically located development parcel and to provide the property owner the assurances needed with respect to the future annexation and development of his property, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on December 11, 1998, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 11th day of December, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

CITY OF WESTMINSTER, COLORADO  
SPECIAL CITY COUNCIL MEETING  
FRIDAY, DECEMBER 11, 1998 AT 4:20 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Heil led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Dixon, and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent were Councillors Atchison and Scott.

PURPOSE OF SPECIAL MEETING:

The Mayor stated that the purpose of the special City Council meeting was to consider an emergency ordinance approving a Preannexation Agreement with Charles Foster.

ORDINANCE NO. 2646 - FOSTER PROPERTY PREANNEXATION AGREEMENT:

A motion was made by Allen and seconded by Dixon to adopt Councillor's Bill No. 81 as an emergency ordinance approving the preannexation agreement with Charles E. Foster for property located at the northeast corner of Huron Street and 136th Avenue and authorizing the City Manager to sign the agreement. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 4:35 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk