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November 25, 2014

Littleton City Council
City of Littleton, Colorado
2255 West Berry Avenue
Littleton, Colorado 80120

Re: North Broadway Urban Renewal Plan

Dear Council Members:

The Board of County Commissioners for Arapahoe County, Colorado has received the North Broadway Urban Renewal Plan for review pursuant to Colorado Revised Statutes ("C.R.S.") § 31-25-107. Please consider this letter Arapahoe County's official comments and objections to the North Broadway Urban Renewal Plan (the "N. Broadway Plan").

While we are excited about the prospect of additional growth occurring in Littleton, we are concerned with and object to several aspects of the N. Broadway Plan. First, the County Impact Report ("Report") accompanying the N. Broadway Plan is deficient. C.R.S. § 31-25-107(3.5)(a)(III) requires that for every plan which utilizes property taxes for tax increment financing the county shall be provided with an estimate of the cost and extent of additional county infrastructure and services required to serve development within the plan area. The Report presented here only states that "there is anticipated to be minimal impact on County services." Because the type and amount of development occurring within the plan area is generally described and the locations are undefined, the County is unable to estimate the impact to its services and infrastructure. The purpose of the Report is to provide information to the County concerning the urban renewal project so that the County may assess the impact and plan for it and, if necessary, enter into agreements with the City and Authority. As a result of the N. Broadway Plan being so vague as to the development that is to occur within the plan area, the County is unable to evaluate impacts on County revenue or services. The Authority has a statutory obligation to provide certain information to the County and it has not provided that information. Thus, we object to the N. Broadway Plan and question whether the Authority has complied with C.R.S. § 31-25-107(3.5).

Second, we are concerned with the use of tax increment financing ("TIF") for unidentified projects. The N. Broadway Plan does not mention any specific work to be performed, only general statements to describe the Plan Purpose and Vision, including "The Purpose of this Plan is to reduce, eliminate and prevent the spread of blight and to stimulate growth and investment within the Area boundaries."¹ At this point, we disagree with your assessment that the taking of County taxes is necessary to entice development to the N. Broadway Area. Especially when the proposed plan area includes the Stevenson Imports car dealership and the King Soopers shopping center, which is currently renovating and expanding, along with CarMax, Sprouts and Advanced Auto Parts developments in the close vicinity. To that end, we request that you reconsider the TIF area currently proposed.

¹ See the N. Broadway Plan Section 3.0 Plan Purpose and Vision, pages 9 – 12.

Third, if you are determined to use County property taxes to subsidize development, we are concerned that the N. Broadway Plan anticipates use of TIF for twenty-five (25) years. As you are aware, C.R.S. § 31-25-107(9) provides that a TIF may not exceed a period of 25 years, meaning that it can be a time period less than 25 years. Because this area has already seen growth without the need of developer incentives, we request that short of eliminating the TIF areas, you specifically state within the N. Broadway Plan that the TIF is limited to a time period substantially less than 25 years.

Finally, we are concerned that the City Council has declared this area to be blighted. In its present condition, it does not substantially impair or arrest the sound growth of the municipality (as evidenced by the inclusion of the King Soopers shopping center, Stevinson Imports car dealership, and national fast food chains Chipolte, Taco Bell and Starbucks), it does not retard the provision of housing accommodation (housing is proposed in the plan), nor does it constitute an economic or social liability (again, the Stevinson Imports car dealership, King Soopers shopping center, CarMax, Sprouts and Advanced Auto Parts). Importantly, there is no evidence that these properties are a menace to the public health, safety, morals or welfare. Further, the N. Broadway Plan includes the entire list of factors (at least four of which are required to be present) for determining blight stating that all of the blight factors are present. The plan fails to describe in any detail where in the plan area the blight factors are located. We urge the City Council to review requests for blight designation more carefully.

Again, we thank you for the opportunity to comment on the N. Broadway Plan.

Sincerely,

A handwritten signature in black ink that reads "Nancy A. Doty". The signature is written in a cursive, flowing style.

Arapahoe County Board of County Commissioners
Nancy A. Doty, Chair

Cc: Rod Bockenfeld, Commissioner
Bill Holen, Commissioner
Nancy Jackson, Commissioner
Nancy Sharpe, Commissioner
Corbin Sakdol, Assessor
Monica Babbitt, Deputy Assessor
Ron Carl, County Attorney