
OPINION

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Our views

Settlement the right way to resolve Harmony suit

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While there is a philosophical satisfaction in seeing one's beliefs and actions vindicated, there are also times when practicalities may dictate a different course.

The city found itself in such a situation over the lawsuit filed by Denver developer James Sullivan. He had sought in 1994 to build a King Soopers store along Harmony Road and claimed in his suit that City Council actions cost him the chance to do so. Sullivan was seeking \$3 million.

The city has resolved the suit by agreeing to pay \$125,000 and returning to Sullivan \$1,850 in development application fees.

City Manager John Fishbach said the settlement was not an indication that the city thought it could not win the suit. Rather, city officials estimated fighting the suit would cost at least \$100,000 and the settlement was "pretty much a straight tradeoff."

All in all, the settlement was the wisest course of action.

Pursuing the Sullivan suit in court would have tied up staff time and resources and could have

The background

Developer James Sullivan had proposed a 100,000-square-foot shopping center near the intersection of Harmony Road and McMurray Avenue, anchored by King Soopers.

A month after Sullivan filed a development application, the City Council adopted a six-month moratorium for commercial development along Harmony, effectively shutting down Sullivan's plans.

The council later adopted a comprehensive development plan for Harmony Road, but made it retroactive to six days before Sullivan filed the development application.

exposed the city to much higher monetary liabilities, both in expenses and damages. The city is fortunate is to have resolved the matter in a relatively inexpensive manner.

So while there may have been an emotional satisfaction in fighting through the courts to vindicate the moratorium, the money-driven decision to settle was the right one.

The Harmony Road moratorium is in the past and it's good to have this lingering remnant resolved.
