

RESOLUTION NO. 135
OF THE BOARD OF COMMISSIONERS OF THE FORT COLLINS
URBAN RENEWAL AUTHORITY AUTHORIZING NEGOTIATIONS FOR THE
ACQUISITION OF PROPERTY AND THE USE OF EMINENT DOMAIN

WHEREAS, the Fort Collins Urban Renewal Authority (the “Authority”) was established in 1982 under and in accordance with the Colorado Revised Statutes (“C.R.S.”) § 31-25-101, et seq. (the “Urban Renewal Law”); and

WHEREAS, the City Council of the City of Fort Collins, Colorado (the “City”), by Resolution No. 2004-152 approved and adopted on December 21, 2004, the “North College Urban Renewal Plan” (the “North College Plan”) as an urban renewal plan under the Urban Renewal Law for the area described therein (the “North College Plan Area”); and

WHEREAS, on December 21, 2004, prior to the adoption of Resolution No. 2004-152, City Council conducted a public hearing to consider authorizing the use of eminent domain by the Authority for the acquisition of private property within the North College Plan, and written notice of the time, date, place and purpose of such hearing was mailed or delivered to each owner of property within the North College Plan Area at least thirty days prior to the public hearing, as required by C.R.S. § 31-25-107(3)(b); and

WHEREAS, at the time the North College Plan was adopted, the real property located within North College Plan Area was found, determined and declared to be a blighted area as defined in the Urban Renewal Law (the “Blight Determination”); and

WHEREAS, the North College Plan provides for the Authority to exercise all powers authorized under the Act, including the Authority’s acquisition of real property located within the North College Plan Area, including by eminent domain, as more particularly described therein; and

WHEREAS, based on community feedback and continued and growing issues of blight, the Authority is exploring the potential acquisition of certain property located at 1636 N. College Ave., including any leasehold interests and covenants recorded against the real property (collectively, the “Property”), which Property is located within the North College Plan Area; and

WHEREAS, on June 11, 2024 Authority staff performed a “Condition Survey Update – 1636 N College Ave” (the “2024 Survey”), which confirmed the findings made by City Council in connection with the Blight Determination with respect to the Property; and

WHEREAS, the Authority has determined that acquisition of the Property is in the public interest, and there is a need to acquire the Property for the construction of facilities essential to the North College Plan and for the eradication of blight (the “Project”); and

WHEREAS, in compliance with the North College Plan, the Authority has evaluated and considered other possible alternatives; and

WHEREAS, the Authority has determined there is an immediate need to acquire the Property in order to implement the North College Plan and the Project, and that acquisition of the Property will be in furtherance of a public purpose and public use; and

WHEREAS, the Authority has determined that it should acquire the Property by negotiation, if possible, or by use of eminent domain, if necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL AUTHORITY:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Based on the 2024 Survey, the Board hereby affirms the Blight Determination with respect to the Property and further finds the Property continues to be blighted under the Urban Renewal Law.

Section 3. The Board hereby authorizes Authority staff, consultants, and attorneys to send out good faith offers and engage in good faith negotiations in connection with the acquisition of the Property and to use reasonable efforts to (a) understand and address the property owner's position and his or her desires for the property and for any existing business on the site (of which there are none), and (b) work with the owner to either include the owner in project planning or purchase the property and relocate the owner in accordance with the Urban Renewal Law on terms and conditions acceptable to the owner.

Section 4. The Board hereby authorizes the Authority to acquire the Property within the North College Plan Area by any manner available, including, without limitation, by exercise of the power of eminent domain under the following terms and conditions and any other requirements of applicable law. This ratification is based on City Council's authorization of the use of eminent domain within the North College Plan Area, the Blight Determination, and the 2024 Survey.

Section 5. Acquisition of the Property within the North College Plan Area by eminent domain shall be for the purpose of preventing or eliminating conditions of blight without regard to the economic performance of the property to be acquired.

Section 6. It is not expected or intended that the Authority will need to relocate any individuals or families in connection with the Project, but to the extent that any such relocation may be required, relocation assistance policies have been adopted and a feasible method exists for the relocation of individuals and families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such individuals or families.

Section 7. It is not expected or intended that the Authority will need to relocate any businesses or business concerns in connection with the Project, but to the extent that any such relocation may be required, relocation assistance policies have been adopted and a feasible method exists for the relocation of such business concerns to other areas without undue hardship to such business concerns.

Section 8. The purpose of ratifying and confirming the right of the Authority to use eminent domain within the North College Plan Area is to eliminate and prevent the spread of blight.

Section 9. This Resolution shall be effective upon approval by the Authority.

Passed and adopted at a regular meeting of the Board of Commissioners of the City of Fort Collins Urban Renewal Authority this 27th day of June, 2024.

Jeni Arndt, Chair

ATTEST:

Secretary