

RESOLUTION NO. 153
OF THE BOARD OF COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL
AUTHORITY AUTHORIZING THE USE OF EMINENT DOMAIN FOR 1513 NORTH
COLLEGE AVENUE

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, pursuant to Resolution No. 141, adopted by the Authority on January 23, 2025 (the “Authorizing Resolution”), the Authority determined that the acquisition of certain property located in the North College Plan Area at 1513 North College Avenue (the “Property”) is in the public interest and will further the goals of the North College Plan and the purpose of the Authority to eliminate and prevent blight, and authorized the acquisition of the Property; and

WHEREAS, since the passage of the Authorizing Resolution, the Authority has negotiated in good faith with the owner of the Property and as a result of such negotiations has entered into a purchase and sale agreement for acquisition of the Property with the Property owner (the “Purchase Agreement”); and

WHEREAS, in the course of conducting due diligence investigations pursuant to the Purchase Agreement, the Authority has identified various factors affecting the value of the Property, and based on such factors has continued to negotiate with the Property owner in good faith for the purchase the Property; and

WHEREAS, Authority staff performed a “Condition Survey Update – 1513 North College Avenue” (the “2025 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, including any leasehold interests and covenants recorded against the real property, is in the public interest, and there is an immediate need to acquire the Property, including any leasehold interests and covenants recorded against the real 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 that, should acquisition of the Property by negotiation not prove possible, it should acquire the Property, including any leasehold interests and covenants recorded against the real property, by use of eminent domain.

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 2025 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 the Authority to acquire the Property, including any leasehold interests and covenants recorded against the real property, 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 4. Acquisition of the Property, including any leasehold interests and covenants recorded against the real 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 5. 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 6. 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 7. 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 8. 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 28th day of August, A.D. 2025.

Chair

ATTEST:

Secretary