

RESOLUTION NO. 164
OF THE BOARD OF COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL
AUTHORITY AUTHORIZING THE USE OF EMINENT DOMAIN FOR 1630 N.
COLLEGE AND ADOPTING A SUPPLEMENTAL 2026 BUDGET RESOLUTION

A. 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

B. In 2004, the Fort Collins City Council adopted Resolution 2004-152 approving the North College Avenue Urban Renewal Plan, which it amended in 2015 in Resolution 2015-106 (the “North College Plan”) as an urban renewal plan for the area described therein (the “North College Plan Area”); and

C. On December 21, 2004, prior to the adoption of Resolution 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

D. At the time the North College Plan was adopted, the real property located within the 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

E. For purposes of the prevention and elimination of blight, the Authority is exploring the potential acquisition of certain property located at 1630 North College Avenue, 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

F. Authority staff performed a “Condition Survey Update – 1630 North College Avenue” (the “2026 Survey”), which confirmed the findings made by City Council in connection with the Blight Determination with respect to the Property; and

G. 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

H. Pursuant to Resolution 2023-124, adopted by the Authority on February 23, 2023, the Authority authorized negotiations for the acquisition of the Property; and]

I. In compliance with the North College Plan, the Authority has evaluated and considered other possible alternatives; and

J. The Authority has engaged in good faith negotiations with the owner of the Property and in connection therewith used reasonable efforts to understand and address the Property owner's position and his or her desires for the Property and for any existing business on the site, but such good faith negotiations have not resulted in an executed purchase and sale agreement relating to the Property; and

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

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

M. The Authority on August 28, 2025 adopted the annual budget for the fiscal year beginning January 1, 2026 and ending December 31, 2026 per Fort Collins Urban Renewal Authority Resolution No. 152, pursuant to and in accordance with Colorado local budgeting requirements and Colorado statute; and

N. A need exists to allocate funds from the 2026 revenues received by the Authority to acquire the Property; and

O. The amended 2026 budget, as revised by this Resolution, remains in balance as required by law; and

P. Allocating funds to the acquisition of the Property is within the existing Authority obligations and revenue funds available, is appropriate and necessary, and furthers the objectives of the Authority to prevent and/or eliminate slum and blight.

In light of the foregoing recitals, which the Authority hereby makes and adopts as its determinations and findings, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL AUTHORITY as follows:

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

Section 2. Based on the 2026 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 affirms the authorization of 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 authorizes Authority staff, consultants, and attorneys to continue 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 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 2026 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 implementation of the North College Plan, 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 implementation of the North College Plan, 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. The 2026 appropriation for the North College Plan Area is hereby modified to provide for the \$1,050,000.00 budget request for the acquisition of 1630 North College Avenue, and the remittance and reappropriation of the funds set forth in this Resolution is hereby authorized.

Section 10. The Board finds that the required notice and opportunity for public inspection, were properly made and held in accordance with C.R.S. §§ 29-1-106 and 29-1-109.

Section 11. This Resolution is enacted as a supplemental budget and appropriation pursuant to C.R.S. § 29-1-109.

Section 12. If necessary, the Secretary of the Authority is directed to file a certified copy of this Resolution with the Division of Local Government, Department of Local Affairs, State of Colorado.

Passed and adopted at a regular meeting of the Fort Collins Urban Renewal Authority this 28th day of May, 2026.

FORT COLLINS URBAN RENEWAL
AUTHORITY

By:

Chair

ATTEST:

Acting Secretary