



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 2, 2020

	ORIGINATING DEPARTMENT: Administration	PRESENTED BY: Joseph Rivera, Esq.
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ITEM: Resolution 2020-39: A Resolution of the City Council of the City of Salida, Colorado, Authorizing the Exercise of the City's Power of Eminent Domain to Acquire Real Property for the Public Purpose of Constructing Affordable Housing

BACKGROUND:

Like many communities throughout Colorado, the residents of the City of Salida would benefit from additional stock of affordable housing. To serve this need, the City is considering whether to condemn the properties generally known as 102 D Street and 233 East First Street (together, noted as the "Subject Properties") to construct and maintain affordable housing, and related facilities and improvements.

Council approval of Resolution No. 2020-39 is the required first step in a condemnation action. Should the City Council approve Resolution No. 2020-39, the City will then attempt to purchase the Subject Properties from the affected landowners through good-faith negotiations. If the City and the affected landowners cannot agree on the reasonable market value of the Subject Properties, the City may then file with the court a petition in condemnation. If the City files a condemnation action, after a valuation hearing, a jury or commission would determine the fair market value of the Subject Properties.

STAFF RECOMMENDATION: Administration and legal recommend approval of this Resolution and process for these purposes.

SUGGESTED MOTION: "I move to approve Resolution 2020-39 Authorizing the Exercise of the City's Power of Eminent Domain to Acquire Real Property for the Public Purpose of Constructing Affordable Housing"

CITY OF SALIDA, COLORADO
RESOLUTION NO. 39
(Series of 2020)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO
AUTHORIZING THE EXERCISE OF THE CITY'S POWER OF EMINENT DOMAIN TO
ACQUIRE REAL PROPERTY FOR THE PUBLIC PURPOSE OF CONSTRUCTING
AFFORDABLE HOUSING

WHEREAS, the City of Salida, Colorado (City) is a statutory municipality, duly organized and existing under the laws of the State of Colorado;

WHEREAS, pursuant to C.R.S. § 38-6-101, so long as it serves a public purpose, the City may condemn private property to build, acquire, construct or establish any public building or any other public work or improvement.

WHEREAS, it is necessary and in the public interest for the City to acquire the real properties generally known as 102 D Street and 233 East First Street (together, the "Subject Properties") to construct and maintain affordable housing, and related facilities and improvements;

WHEREAS, acquiring the Subject Properties to construct and maintain affordable housing serves a public purpose and public use and benefits the residents of the City of Salida and the general public;

WHEREAS, the Subject Properties are necessary for the construction of affordable housing, and there is an immediate need to take possession of same; and

WHEREAS, prior to the commencement of any condemnation action, the City will comply with all applicable provisions of C.R.S. § 38-1-101, et. seq., including, but not limited to, engaging in good faith negotiations with the affected landowners.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO THAT:

Section 1. The above recitals are incorporated herein by reference and adopted as findings of the City Council.

Section 2. The term "Subject Properties" means the real property, or certain interests in same, necessary for the construction of affordable housing. The Subject Properties are more particularly described in the attached **Exhibit A**.

Section 3. The City Council hereby finds and determines that the acquisition of a fee interest in the Subject Properties to construct and maintain affordable housing is necessary and serves a public purpose and public use.

Section 4. That if the compensation to be paid for the Subject Properties cannot be agreed upon by the parties through good faith negotiation, then the City Attorney is authorized to institute and prosecute to conclusion such proceedings as are available under Article 1 of Title 38, Colorado Revised Statutes, through the exercise of the power of eminent domain.

Section 5. The City Administrator or his designee, in consultation with the City Attorney, is authorized to seek and to take immediate possession of the Subject Properties as may be necessary for the efficient or timely construction of the affordable housing, and to make such deposits or other payments as may be necessary in connection therewith. If eminent domain proceedings are instituted, the City Administrator or his designee, in consultation with the City Attorney, is authorized to retain such expert witnesses, including appraisers, as the City determines are necessary for the eminent domain proceedings.

RESOLVED, APPROVED, AND ADOPTED on November 2, 2020 by a vote of ____ to ____.

CITY OF SALIDA, COLORADO

By: _____
P.T. Wood, Mayor

ATTEST: _____
City Clerk/Deputy City Clerk

Exhibit A

TO

**Salida City Council Resolution 2020-39 AUTHORIZING THE EXERCISE OF
THE CITY'S POWER OF EMINENT DOMAIN TO ACQUIRE REAL
PROPERTY FOR THE PUBLIC PURPOSE OF CONSTRUCTING
AFFORDABLE HOUSING**

