



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	July 19, 2022

ITEM

Ordinance 2022-10 – An Ordinance of the City Council for the City of Salida, Colorado Submitting the Question to Electors of Whether to Convey the Real Property Known as the Salida Community Center to Salida Senior Citizens, Inc. for Use as the Salida Community Center or Other Similar Non-Profit Purposes, Second Reading and Public Hearing

BACKGROUND

The City of Salida is the owner of a property located at 305 F Street that houses the Salida Community Center (SCC). The building on the site was constructed in 1983 and has housed numerous non-profit groups and agencies over the years, including the Commodity Supplemental Food Program, the Emergency Food Assistance Program, the Children's Nutrition Program, annual free Thanksgiving and Christmas dinners, and programs for youth and adults regarding music and art. The building was donated to the City by the Salida Senior Citizens organization following a fund drive and DOLA grant of mineral impact monies, which allowed the construction of the facility to occur. The existing SCC organization has operated in the facility under a lease that has been in place since 1984 (renewed in 2010), which expires in 2029.

Recently, the SCC has been successful in applying for grants to do improvements to the building and has received feedback from granting agencies that the term of the lease may not be adequate to justify the grant's investment. This led the City to consider options to assist in the facilitation of grant applications as well as financing options for SCC. Staff discussed this internally and with SCC, during which it was identified that the best course of action would be to allow the SCC to take over ownership of the property, as they have essentially been the owner/operator for the past 39 years.

As a statutory city, the City of Salida is bound by Colorado Revised Statutes in the manner in which it disburses of property. C.R.S. Section 31-15-713(1)(a) allows the City to sell and dispose of public buildings, real property used for parks, or real property used or held for any governmental purpose but only after the sale is considered by the electorate at a regular or special election. As such, the City Council must submit a question for the ballot to be considered by voters in order to convey the property at 305 F Street to Salida Senior Citizens, Inc., which does business as the Salida Community Center. The City will also include language in the ballot measure that will require the property to be used as the SCC or similar non-profit purposes, as well as a right of first refusal should the SCC desire to sell the property to someone else.

FISCAL NOTE

None.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance to submit to voters a ballot question to allow the conveyance of the Salida Community Center to Salida Senior Citizens, Inc., doing business as the Salida Community Center.

SUGGESTED MOTION

A City Councilmember should state, "I move to approve Ordinance 2022-10, submitting a question to the electors of whether to convey the real property known as the Salida Community Center to Salida Senior Citizens, Inc. for use as the Salida Community Center or other similar non-profit purposes", followed by a second and roll call vote.

CITY OF SALIDA, COLORADO
ORDINANCE NO. 10
(Series of 2022)

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO SUBMITTING THE QUESTION TO ELECTORS OF WHETHER
TO CONVEY THE REAL PROPERTY KNOWN AS THE SALIDA COMMUNITY
CENTER TO SALIDA SENIOR CITIZENS, INC. FOR USE AS THE SALIDA
COMMUNITY CENTER OR OTHER SIMILAR NON-PROFIT PURPOSES**

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

WHEREAS, pursuant to C.R.S. § 31-15-713(1)(a), the City possesses the authority “[t]o sell and dispose of... public buildings, real property used or held for park purposes, or any other real property used or held for any governmental purpose;”

WHEREAS, C.R.S. § 31-15-713(1)(a) further provides that “[b]efore any such sale is made, the question of said sale and the terms and consideration thereof shall be submitted at a regular or special election;”

WHEREAS, the City is the owner of real property located at 305 F Street, Salida, Colorado 81201, which is currently being utilized as the Salida Community Center, and is leased and operated by Salida Senior Citizens, Inc.;

WHEREAS, the current building at 305 F Street has been used exclusively as the Salida Community Center since its construction in 1983;

WHEREAS, Salida Senior Citizens, Inc., a registered nonprofit, and local volunteers have worked tirelessly to make the Salida Community Center a much-needed asset for citizens, organizations and nonprofits to meet;

WHEREAS, some of the crucial programs that Salida Senior Citizens, Inc. administers and facilitates at the Salida Community Center include the Commodity Supplemental Food Program, the Emergency Food Assistance Program, the Children’s Nutrition Program, the annual free Thanksgiving and Christmas dinners; and programs for youths and adult regarding music and art; and

WHEREAS, the City Council now finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents convey this property for ten dollars to Salida Senior Citizens, Inc., a Colorado non-profit corporation, to be utilized in perpetuity as the Salida Community Center, or for other similar non-profit purposes, and to not to be conveyed except with right of first refusal approval by the City, and therefore submits the same question to electors of the City in the coordinated general election to be held on November 8, 2022.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE
CITY OF SALIDA, COLORADO AS FOLLOWS:**

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2. The following ballot language is hereby referred to the registered electors of the City of Salida at the coordinated general election to be held on Tuesday, November 8, 2022. The County Clerk shall cause a notice of election for the conveyance of real property ballot question to be published as part of the coordinated general election publication in substantially the same form as set below and add the question to the City's General Election Ballot:

SHALL THE CITY OF SALIDA CONVEY REAL PROPERTY LOCATED AT 305 F STREET, SALIDA, COLORADO, CURRENTLY KNOWN AND IN USE AS THE SALIDA COMMUNITY CENTER, FOR TEN DOLLARS (\$10.00) TO SALIDA SENIOR CITIZENS, INC., A COLORADO NON-PROFIT CORPORATION, TO BE UTILIZED IN PERPETUITY AS THE SALIDA COMMUNITY CENTER, OR FOR OTHER SIMILAR NON-PROFIT PURPOSES, AND TO NOT BE CONVEYED EXCEPT WITH RIGHT OF FIRST REFUSAL APPROVAL BY THE CITY?

Yes: _____ No: _____

Section 3. If a majority of the votes cast on the above ballot question submitted at the general election to be held on Tuesday, November 8, 2022 are in favor such question, then the City Council shall be authorized to proceed with any necessary action to convey the real property located at 305 F Street, Salida, Colorado 81201 to Salida Senior Citizens, Inc. in the manner approved by the electors of the City, and with a deed and all legal instruments in a form approved by the City Attorney.

Section 4. The legal description of the property to be conveyed is as follows: The front 110 feet of Lots Number 25 and 26 of Block 50, Haskell's Addition to the City of Salida, Chaffee County, Colorado which consists of a one-story brick building known as the Salida Senior Citizens Center.

Section 5. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING on this 5th day of July 2022, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this ____ day of _____, 2022, and set for second reading and public hearing on the 19th day of July, 2022.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on this 19th day of July, 2022.

City of Salida

Mayor Dan Shore

ATTEST:

City Clerk/Deputy City Clerk