



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	December 20, 2022

ITEM

Resolution 2022-59 – A Resolution of the City Council for the City of Salida, Colorado, Authorizing the Conveyance of 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

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 such, the City Council submitted a question for the ballot considered by voters during the November 8, 2022 General Election in order to convey the property at 305 F Street to Salida Senior Citizens, Inc., which does business as the Salida Community Center. 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. The measure was approved by voters to transfer the property to Salida Senior Citizens, Inc., and attached are a Resolution and Special Warranty Deed that will execute the transfer of property per the will of the electorate. The Deed does include two provisions considered: 1) to require the property be used into perpetuity as the Salida Community Center or similar non-profit; and 2) that the City shall have a right of first refusal if the property is put up for sale and a reversion clause in the event that non-profit services cease at the property.

FISCAL NOTE

None.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution to allow the conveyance of the Salida Community Center to Salida Senior Citizens, Inc., doing business as the Salida Community Center.



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	December 20, 2022

SUGGESTED MOTION

A City Councilmember should state, "I move to approve Resolution 2022-59 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
RESOLUTION NO. 59
(Series 2022)

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO, AUTHORIZING THE CONVEYANCE OF 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” after a regular or special election;

WHEREAS, pursuant C.R.S. § 31-15-713(1)(a), the sale was submitted to and approved by a majority of registered City of Salida electors voting in the regular election held on November 8, 2022;

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, on November 8, 2022, said ballot measure was passed by the electors of Salida to convey the real property located at 305 F Street, Salida, Colorado, and in use as the Salida Community Center for ten dollars to the Salida Senior Citizens, Inc., a Colorado Non-Profit Corporation, to be utilized in perpetuity as the Salida Community Center, or for other similar nonprofit purposes, and not to be conveyed except with right of first refusal approval by the City; 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 nonprofit corporation, to be utilized in perpetuity as the Salida Community Center, or for other similar nonprofit purposes, and to not to be conveyed except with right of first refusal approval by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Salida that:

Section 1. The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations and findings.

Section 2. The Salida City Council hereby authorizes the City to 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.

Section 3. The Salida City Council authorizes the Mayor to execute a Special Warranty Deed conveying the real property located at 305 F Street, Salida, Colorado, currently known and in use as the Salida Community Center to Salida Senior Citizens, Inc., a Colorado Non-Profit Corporation, attached hereto as **Exhibit A** and incorporated herein, and additionally authorizes the Mayor to execute all applicable documents associated with the transfer of the property or necessary to formalize such transaction.

RESOLVED, APPROVED, AND ADOPTED on this 20th day of December, 2022.

CITY OF SALIDA, COLORADO

Mayor Dan Shore

(SEAL)

ATTEST:

City Clerk

Exhibit A
Special Warranty Deed

SPECIAL WARRANTY DEED

THIS DEED is dated December 20, 2022, and is made between the CITY OF SALIDA, COLORADO, a Colorado municipal corporation, the “Grantor,” whose legal address is 448 East First Street, Salida, Colorado 81201, and Salida Senior Citizens, Inc., a Colorado Nonprofit Corporation, the “Grantee,” whose legal address is 305 F Street, Salida, CO 81201.

WITNESS, that the Grantor, for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys, and confirms unto the Grantee and the Grantee’s heirs and assigns forever, all the real property, together with any improvements thereon, located in the County of Chaffee and State of Colorado, and more particularly described 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

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or in equity of, in and to the above-bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee’s heirs forever. The Grantor, for itself and its successors and assigns, does covenant and agree that the Grantor shall and will **WARRANT THE TITLE AND DEFEND** the above-described premises, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor,

PROVIDED, HOWEVER, that the above-described property is being conveyed under the strict condition, which Grantee and Grantor acknowledge and agree, that the above-described property shall be utilized in perpetuity as the “Salida Community Center” or for other similar nonprofit purposes,

EXCEPTING AND RESERVING UNTO GRANTOR, its successors, and assigns, a right of first refusal in and to the above-described property, which shall apply if Grantee shall attempt to sell the above-described property,

EXCEPTING AND RESERVING UNTO GRANTOR, its successors and assigns, a reversionary interest in and to the above-described property which shall apply if, at any point, the property shall stop operating for nonprofit purposes, or use of the property shall cease nonprofit

operations, or the property shall be sold to an entity other than a registered nonprofit organization. If any of these events occur, title to the above-described property shall thereupon revert to and become revested in Grantor or its successors and assigns for the sum of ten dollars (\$10.00).

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its president, vice-president, or other head officer, and its corporate seal to be affixed, attested by its secretary or other appropriate officer, on the date set forth above.

City of Salida, Colorado,
a Colorado Municipal Corporation

By: _____

Name: Dan Shore

Title: Mayor

STATE OF COLORADO)
) ss.
COUNTY OF CHAFFEE)

The foregoing instrument was acknowledged before me this 20th day of December, 2022 by Dan Shore, as Mayor of the City of Salida, Colorado, a Colorado municipal corporation.

Witness my hand and official seal,
My commission expires:

Notary Public