

**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 6 to 0.



CITY OF SALIDA, COLORADO

By: 
P.T. Wood, Mayor

ATTEST: 
City Clerk/Deputy City Clerk