

RESOLUTION 2019-031  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SETTING FOR APRIL 16, 2019, A NOTICED PUBLIC HEARING  
FOR THE CITY COUNCIL'S CONSIDERATION OF A RESOLUTION TO  
APPROVE THE DRAKE & COLLEGE URBAN RENEWAL PLAN AND THE  
AUTHORIZATION OF THE USE OF EMINENT DOMAIN TO ACQUIRE  
PROPERTY WITHIN THE DRAKE & COLLEGE URBAN RENEWAL PLAN AREA

WHEREAS, on January 5, 1982, the Fort Collins City Council (the "Council") adopted Resolution 1982-010 establishing the Fort Collins Urban Renewal Authority (the "Authority"); and

WHEREAS, on November 15, 2018, the Fort Collins Planning and Zoning Board adopted Resolution 01-2018 finding that the Drake & College Urban Renewal Plan (the "Plan") conforms with *City Plan*, the Fort Collins comprehensive plan; and

WHEREAS, the Plan identifies and legally describes approximately 30 acres of land as being within the Plan's boundaries as depicted on the map attached as Exhibit "A" (the "Plan Area"), and a tax increment financing district ("TIF District") with the same boundaries; and

WHEREAS, the Plan grants to the Authority the power of eminent domain, pursuant to and in accordance with the Urban Renewal Law, Colorado Revised Statutes ("C.R.S") § 31-25-101, et seq.; and

WHEREAS, C.R.S. § 31-25-107(3)(a) requires the Council to set and hold a public hearing on the Plan not less than thirty (30) days after publishing, in a newspaper of general circulation in the City, a notice describing the time, date, place and purpose of the hearing and such notice must generally identify the Plan Area and outline the general scope of the Plan; and

WHEREAS, the Authority wants to have the ability under the Plan to acquire private property by eminent domain within the Plan Area to be subsequently transferred to a private party in accordance with the requirements of C.R.S. § 31-25-105.5(2); and

WHEREAS, C.R.S. § 31-25-107(3)(b) therefore requires the Council to set and hold a public hearing on whether to authorize such use of eminent domain by the Authority not less than thirty (30) days after providing written notice of that public hearing to all fee title property owners in the Plan Area at their last known address of record and such notice shall contain the information required by C.R.S. § 31-25-107(3)(a) for the published notice; and

WHEREAS, C.R.S. § 31-25-107(4)(c) also requires the Council to make reasonable efforts to provide written notice of that public hearing to all property owners, residents, and owners of business concerns in the Plan Area at their last known address of record at least thirty (30) days before the scheduled hearing and such notice shall contain the information required by C.R.S. § 31-25-107(3)(a) for the published notice.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The Council's noticed public hearing required by C.R.S. § 31-25-107(3) to consider whether the proposed Plan should be approved and whether to authorize the use of eminent domain within the Plan Area is hereby set to be held and conducted at the Council's April 16, 2019 regular meeting.

Section 2. The City Manager is hereby directed to have published in a newspaper having a general circulation in the City a notice for the Plan as required by C.R.S. § 31-25-107(3)(a) and to have such notice published no less than thirty (30) days prior to the April 16, 2019 public hearing set in Section 1 above.

Section 3. The City Manager is further directed to mail to all property owners, residents, and owners of business concerns in the Plan Area at their last known address of record a notice for the Plan as required by C.R.S. §§ 31-25-107(3)(b), -107(4)(c), and to mail such notices at least thirty (30) days prior to the April 16, 2019 public hearing set in Section 1 above.

Section 4. If the City Manager has determined, due to changed circumstances, that he will request that Council approve a motion postponing the April 16, 2019, public hearing, the City Manager is authorized to exercise his judgment to proceed with publication and mailing of notices, or delaying the same, in order to appropriately time the updated published and mailed notices with the new public hearing date.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 5th day of March, A.D. 2019.

  
Mayor

ATTEST:

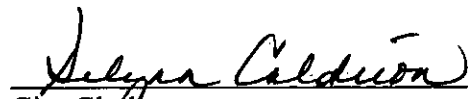
  
City Clerk



Exhibit "A"

