

**TOWN OF BUENA VISTA, COLORADO  
ORDINANCE NO. 28  
(SERIES OF 2022)**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA  
AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL  
PROPERTY THROUGH EMINENT DOMAIN PROCEEDINGS FOR PUBLIC  
PURPOSES FOR AFFORDABLE HOUSING**

**WHEREAS**, the Town possesses the power of eminent domain pursuant to the provisions of Colorado law including without limitation, Sections 29-4-104 through 106 of the Colorado Revised Statutes (“C.R.S.”);

**WHEREAS**, the Town of Buena Vista, Colorado (the “Town”) wishes to acquire fee title interest in vacant land with unknown ownership to construct and operate and make available for use an affordable housing project;

**WHEREAS**, C.R.S. §§ 29-4-105 and 106 specifically authorize the Town to exercise eminent domain to acquire “any property, real or personal, which it may deem necessary for any housing project being constructed or operated by a government or an authority” and C.R.S. § 29-4-104(1)(d) similarly authorizes the Town to condemn any real property or any right or interest in any such property “in connection with any housing project of the city, whether subject to mortgages, liens, charges, or other encumbrances”;

**WHEREAS**, the Board of Trustees (the “Board”) has therefore determined that it is necessary for the Town to acquire fee simple title to the property set forth in **Exhibit A** (the “Property”) for public uses and purposes, including for affordable housing to serve the Town and its residents;

**WHEREAS**, the Board finds and determines that acquisition of the Property, as soon as possible, is necessary for the aforementioned public uses and public purposes and for the continued health, safety and welfare of the residents and taxpayers of the Town; and

**WHEREAS**, the Town has attempted to negotiate in good faith with the owners of the Property, however, these owners remain unknown.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, THAT:**

**Section 1.** The foregoing recitals and findings are incorporated herein as findings and conclusions of the Board of Trustees.

**Section 2.** The Town hereby authorizes its Town Attorney to institute and prosecute to conclusion such proceedings as are available under Article 1 of Title 38, C.R.S., through the exercise of eminent domain to acquire clear title to the Property described in Exhibit A. The Town further authorizes the Town Attorney to effectuate service upon all parties with interest as necessary and required, including without limitation, service by publication for unknown parties.

**Section 3.** The Town Administrator shall be authorized to incur reasonable costs associated with acquiring the Property, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the condemnation of the Property.

**Section 4.** The Town Administrator or their designee, is authorized to provide legal descriptions and to hereafter amend or clarify the Property to be acquired and the nature of the interests to be acquired.

**Section 5.** Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

**Section 6.** Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED** this 25<sup>th</sup> day of October, 2022.

**THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.**

TOWN OF BUENA VISTA, COLORADO

By: Libby Fay  
Libby Fay, Mayor

ATTEST:

Paula Barnett  
Paula Barnett, Town Clerk

