

Chapter 1.12

GENERAL PROVISIONS FOR EXERCISE OF CITY CONDEMNATION POWER

Sections:

1.12.010 Compliance with Statutory Prerequisites.

1.12.020 Adoption of Resolution to Condemn.

1.12.010 Compliance with Statutory Prerequisites. Before authorizing the condemnation of any real or personal property located within or outside the City limits of Delta, Colorado needed for any lawful public propose, the City shall comply with the procedures prescribed by Colorado law, specifically those which presently appear in Title 38, Articles 1 and 6 of the Colorado Revised Statutes, as amended . In particular, the City shall make reasonable efforts to acquire title to the property from the pertinent owner or owners through good faith negotiations for purchase before invoking its power of condemnation (eminent domain).

1.12.020 Adoption of Resolution to Condemn. Upon finding that, despite reasonable efforts, the City has been unable to acquire title to property needed for a public purpose by means of good faith purchase negotiations with the owner(s), the City Council may adopt, by simple majority vote, a formal resolution authorizing acquisition of the property through a condemnation proceeding filed in the District Court for Delta County, Colorado as contemplated by applicable Colorado statutes. Any such resolution adopted by the Council either before or, retroactively, after the actual filing of a condemnation petition shall be valid for all purposes. Other than evidence of the actual adoption of said resolution, no other form or record of authorization shall be required as proof of the Council's decision to exercise the City's power of eminent domain. Neither the adoption of a resolution, nor the filing of a civil action, for the City's condemnation of real or personal property shall be deemed to prevent the City from attempting further negotiations for acquisition of the subject property through a conventional sale and purchase arrangement with the concerned property owner(s). (Ord. 5, 2012)