

**A RESOLUTION OF TOWN COUNCIL OF BASALT, COLORADO,  
AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL  
AGREEMENT WITH THE ROARING FORK TRANSPORTATION AUTHORITY  
REGARDING THE USE OF EMINENT DOMAIN FOR THE ACQUISITION OF  
PROPERTY FOR THE CONSTRUCTION OF BUS RAPID TRANSIT STATIONS  
AND RELATED FACILITIES AND IMPROVEMENTS**

**Town of Basalt, Colorado  
Resolution No. 04  
Series of 2011**

WHEREAS, the Town of Basalt is a member of the Roaring Fork Transportation Authority ("RFTA") and relies on RFTA to provide public transit to its citizens and other residents of the Roaring Fork Valley; and

WHEREAS, the projects and operations of RFTA benefit the transportation programs of the Town of Basalt; and

WHEREAS, RFTA has determined that it is necessary to the public health, safety and welfare to obtain certain interests in real property and to obtain certain permanent and temporary easements for the construction of Bus Rapid Transit ("BRT") Stations and related facilities and improvements within the RFTA jurisdiction of the State Highway 82 corridor (the "Project"); and

WHEREAS, the Town of Basalt has supported RFTA in obtaining federal grants for the Project; and

WHEREAS, the Project will provide direct and immediate transportation benefits to the citizens of the Town of Basalt; and

WHEREAS, a public purpose and public use exists to acquire the Subject Parcels and Minor Easements in order to serve the public transportation needs of the citizens of the Town of Basalt and the Roaring Fork Valley, through the construction of nine (9) BRT Stations and related facilities and improvements; and

WHEREAS, RFTA is receiving funding from the Federal Transit Administration ("FTA") for construction and implementation of a BRT system in order to benefit the general public; and

WHEREAS, the FTA requires local transit agencies to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended; and

WHEREAS, RFTA is authorized by Section 38-1-202(1)(XXXIX) C.R.S., as amended, to acquire property through its power of eminent domain in accordance with Section 38-1-101 et seq.; and

WHEREAS, The Town of Basalt is authorized by Section 1.3(A) of its Charter to acquire property for any public purpose; and

WHEREAS, the Basalt Town Council finds that if acquisition by eminent domain of any Parcel or interest referenced or described in this Resolution is necessary, that the Town of Basalt shall join with RFTA in any condemnation proceeding as co-petitioner authorized to prosecute such action.

WHEREAS, the Town of Basalt and RFTA desire to enter into an intergovernmental agreement regarding the acquisition of property and the construction and operation of the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BASALT, COLORADO, THAT:**

The Mayor and Town Clerk are authorized to execute the Intergovernmental Agreement substantially in the form attached as Exhibit A subject to changes authorized by Town Attorney reasonably necessary to carry out the intent of this Resolution.

Read and approved this 27th day of September, 2011 by a vote of 7 to 0.

TOWN OF BASALT, COLORADO

By \_\_\_\_\_  
Leroy Duroux, Mayor

ATTEST:

\_\_\_\_\_  
Pamela K. Schilling, Town Clerk