



75 South Frontage Road West
Vail, Colorado 81657
vailgov.com

Town Manager's Office
970.479.2106
970.479.2157 fax

May 13, 2022

Via e-mail, wrock@vailresorts.com, and USPS regular mail

Bill Rock
The Vail Corporation
390 Interlocken Crescent
Broomfield, CO 80021

Re: Notice of Intent to Acquire Real Property by Eminent Domain and Authorization to Obtain Appraisal

Dear Bill,

The Town of Vail (Town) seeks to acquire from The Vail Corporation (TVC) clear title to a fee interest in real property for use as open space. The legal description of the real property at issue is attached as Exhibit 1 (the "Subject Property" or "Booth Heights Parcels"). The Town Council has found and determined that the acquisition of unencumbered fee title to the Booth Heights Parcels for open space is necessary and serves a public use and purpose.

It is the Town's goal and obligation to pay reasonable market value for the Booth Heights Parcels. Because the Town estimates the reasonable market value of a fee simple interest in the Subject Property to be greater than \$5,000.00, pursuant to Colorado Revised Statute § 38-1-121 (copy attached), you are entitled to obtain your own appraisal of the property rights at issue. The Town will, in accordance with that statute, reimburse TVC for the reasonable costs of one appraisal, if the appraisal is submitted to the Town within ninety (90) days of the date of this letter, and if the appraisal is made using sound, fair and recognized appraisal practices consistent with the law.

The Town would prefer to acquire the Booth Heights Parcels from TVC through good faith negotiations and a voluntary transfer. However, if we cannot agree on a purchase price, the Town may acquire the Booth Heights Parcels through eminent domain.

I am available to discuss this Notice of Intent with you. I may be reached at (970) 479-2105 or Szemler@vail.com.

Sincerely,

Stan Zemler
Town Manager

EXHIBIT 1

Legal Description of Real Property to be Condemned as Open Space:

East Vail Workforce Housing Subdivision; Lot 1 East Vail Workforce Housing Subdivision, Tract A (see attached arial map)

Physical address: 3700 North Frontage Road East, Vail, Colorado 81657



West's Colorado Revised Statutes Annotated
Title 38. Property--Real and Personal (Refs & Annos)
Eminent Domain
Article 1. Proceedings (Refs & Annos)
Part 1. Proceedings--Requirements and Limitations--Determination of Just Compensation

C.R.S.A. § 38-1-121

§ 38-1-121. Appraisals--negotiations

Currentness

(1) As soon as a condemning authority determines that it intends to acquire an interest in property, it shall give notice of such intent, together with a description of the property interest to be acquired, to anyone having an interest of record in the property involved. If the property has an estimated value of five thousand dollars or more, such notice shall advise that the condemning authority shall pay the reasonable costs of an appraisal pursuant to subsection (2) of this section. Such notice, however, need not be given to any of such persons who cannot be found by the condemning authority upon the exercise of due diligence. Upon receipt of such notice, such persons may employ an appraiser of their choosing to appraise the property interest to be acquired. Such appraisal shall be made using sound, fair, and recognized appraisal practices which are consistent with law. The value of the land or property actually taken shall be the fair market value thereof. Within ninety days of the date of such notice, such persons may submit to the condemning authority a copy of such appraisal. The condemning authority immediately upon receipt thereof shall submit to such persons copies of its appraisals. If the property interest is being acquired in relation to a federal aid project, then the appraisals submitted by the condemning authority shall be those which have been approved by it pursuant to applicable statutes and regulations, if such approval is required. All of these appraisals may be used by the parties to negotiate in good faith for the acquisition of the property interest, but neither the condemning authority nor such persons shall be bound by such appraisals.

(2) If an appraisal is submitted to the condemning authority in accordance with the provisions of subsection (1) of this section, the condemning authority shall pay the reasonable costs of such appraisal. If more than one person is interested in the property sought to be acquired and such persons cannot agree on an appraisal to be submitted under subsection (1) of this section, the condemning authority shall be relieved of any obligation herein imposed upon it to pay for such appraisals as may be submitted to it pursuant to this section.

(3) Nothing in this section shall be construed as in any way limiting the obligation of the condemning authority to negotiate in good faith for the acquisition of any property interest sought prior to instituting eminent domain proceedings or as in any way limiting the discovery rights of parties to eminent domain proceedings.

(4) Nothing in this section shall prevent the condemning authority from complying with federal and state requirements to qualify the authority for federal aid grants.

(5) Nothing in this section shall be construed to limit the right of the condemning agency to institute eminent domain proceedings or to obtain immediate possession of property as permitted by law; except that an eminent domain proceeding may not proceed to trial on the issue of valuation until the ninety-day period provided in

subsection (1) of this section has expired or the owner's appraisal has been submitted to the condemning authority, whichever is sooner.

(6) If the parties involved in the negotiations fail to reach agreement on the fair market value of the property being acquired, the condemning authority, prior to proceeding to trial on the issue of valuation, shall furnish all owners of record a written final offer.

Credits

Added by Laws 1975, H.B.1170, § 1. Amended by Laws 1978, S.B.70, § 100; Laws 1985, H.B.1357, § 5.

Notes of Decisions (6)

C. R. S. A. § 38-1-121, CO ST § 38-1-121

Current through signed legislation effective May 3, 2022 of the Second Regular Session, 73rd General Assembly (2022). Some statute sections may be more current. See credits for details.