

RESOLUTION AUTHORIZING THE ACQUISITION AND IMMEDIATE POSSESSION OF CERTAIN REAL PROPERTY THROUGH THE STATUTORY CONDEMNATION PROCESS IN FURTHERANCE OF THE CONSTRUCTION OF THE RIDGE ROAD WIDENING PROJECT

DECEMBER 7, 2021



CONDEMNATION PROCESS

What happens when the Town is unable to reach an agreement with Landowner

- Non-responsive Owner
- Owner's counter-offer not supported

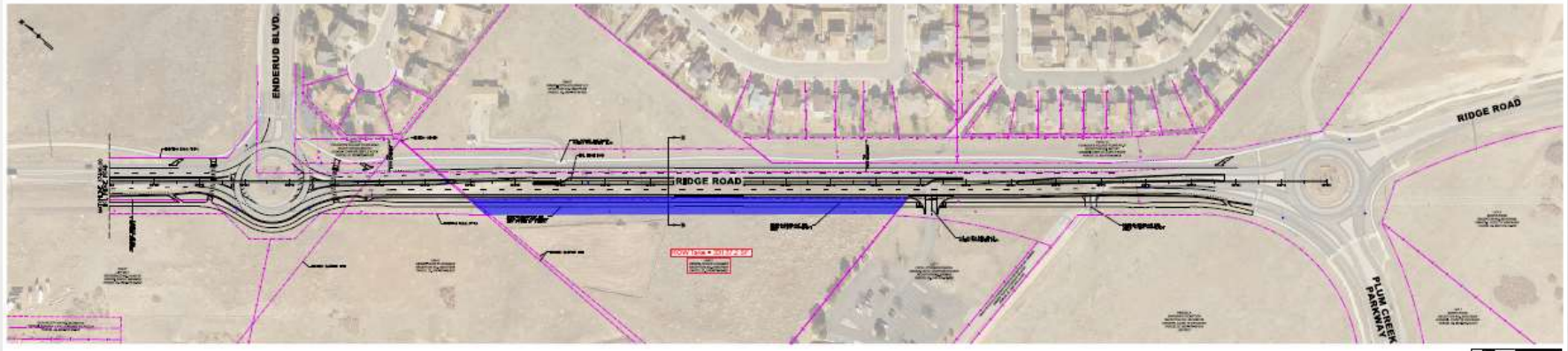
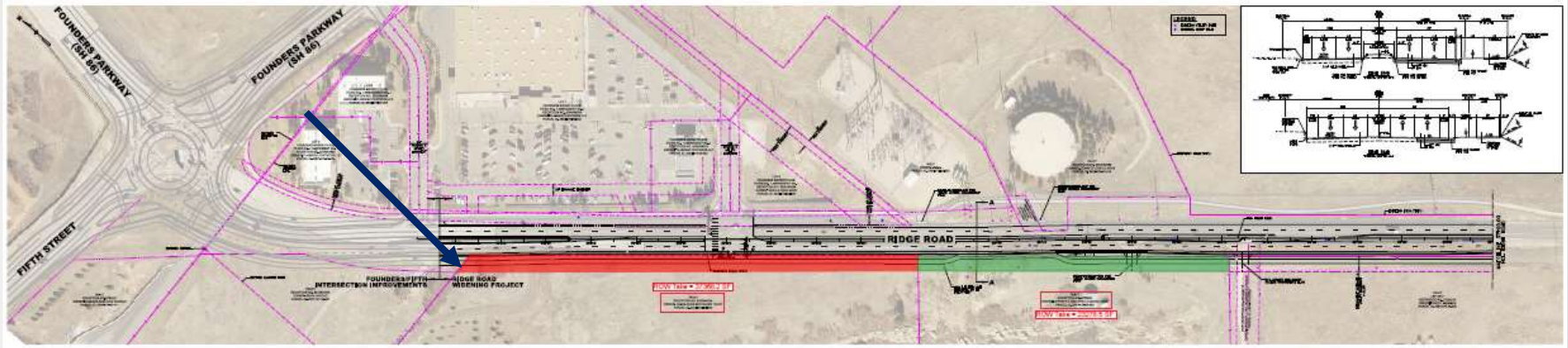
Town Council Intervention

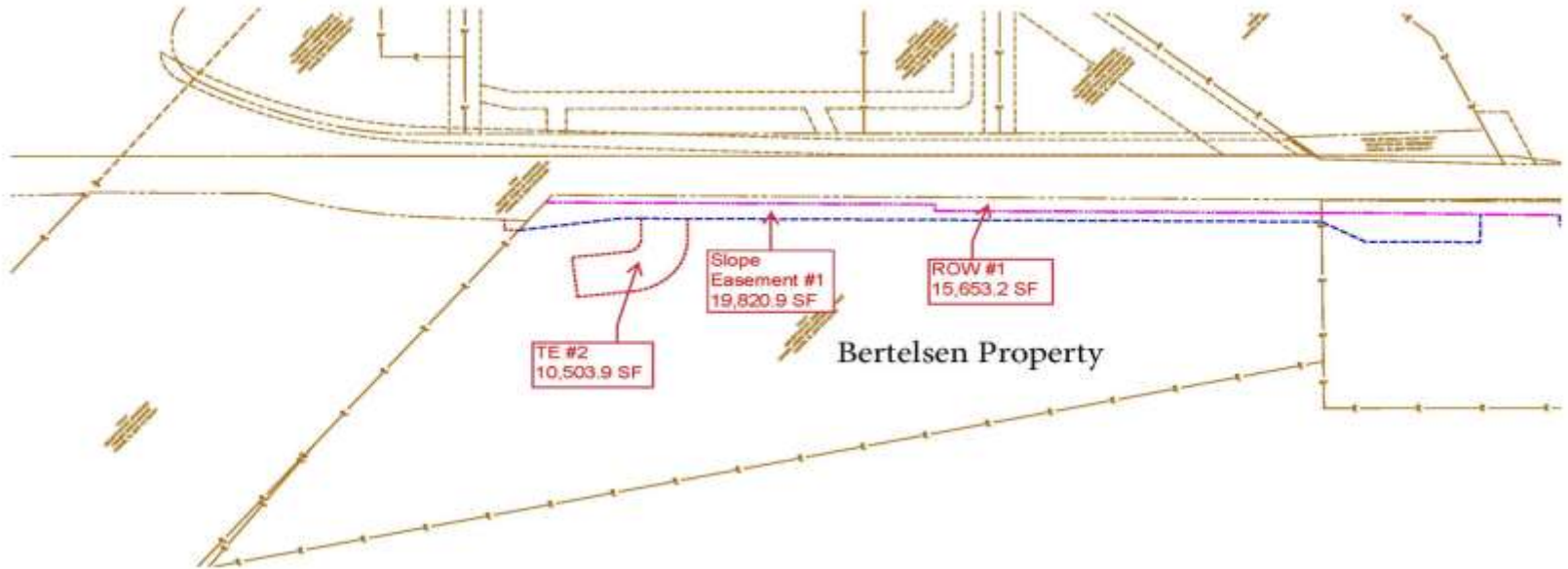
- Advised of negotiations
- On Town Council agenda
- Owner may address Council
- Council votes on authorizing Petition in Condemnation

CURRENT STATUS

- Town obtained eminent domain authorization under Ordinance 2019-026
- No response received after the October 1, 2021 final offer
- Disparity between assessments of the fair market value
- Condemnation will allow Court-appointed commission or jury to determine fair market value of the property
- Enable the Town to acquire possession of the property interest at the outset of the legal process
- Eminent domain of property required to timely proceed with the Ridge Road Widening Project

Project ROW Overview





RECOMMENDATION

- Town wishes to proceed with eminent domain on property owned by the James Dean Berterlsen Trust
- Immediate possession of property interests
- Petition in Condemnation will be filed with Douglas County District Court



“I MOVE TO APPROVE THE RESOLUTION AS INTRODUCED BY TITLE.”

“I MOVE TO APPROVE THE RESOLUTION AS INTRODUCED BY TITLE, WITH THE FOLLOWING CONDITIONS: _____”

“I MOVE TO CONTINUE THIS ITEM TO THE TOWN COUNCIL MEETING ON _____ DATE TO ALLOW ADDITIONAL TIME TO: _____”