

**ORDINANCE NO. 2022-\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE NO. 2019-008 REGARDING  
THE EXERCISE OF THE TOWN'S POWERS OF EMINENT DOMAIN  
TO ACQUIRE CERTAIN REAL PROPERTY INTERESTS NECESSARY  
FOR THE CRYSTAL VALLEY INTERCHANGE PROJECT**

**WHEREAS**, the construction of a new interchange at Interstate 25 and Crystal Valley Parkway (the "Project") is the primary transportation priority for the Town of Castle Rock, Colorado (the "Town"), having been the subject of local and regional planning efforts for more than 35 years and

**WHEREAS**, the Project will (i) improve access to Interstate 25 for one of the fastest growing areas of the Town and Douglas County, (ii) enhance emergency response and the resilience of existing highway infrastructure, (iii) improve safety by removing an at-grade railroad crossing, and (iv) increase regional mobility by providing a local roadway crossing of Interstate 25 within the seven-mile segment between the Plum Creek Parkway and Tomah Road interchanges; and

**WHEREAS**, on May 7, 2019, the Town Council adopted Ordinance No. 2019-008 (the "Ordinance"), finding that there is a compelling public need and purpose for the Project's construction and authorizing the Town to exercise its powers of eminent domain for the acquisition of real property interests necessary for the Project; and

**WHEREAS**, among the real property interests to be acquired pursuant to the Ordinance was a portion of a parcel owned by Hyperion Fund, L.P., and located near the southeast corner of the intersection of the East Frontage Road and Crystal Valley Parkway (the "Hyperion Property"); and

**WHEREAS**, earlier this year, for the purpose of improving the operational efficiencies of the Project, Town staff, working in partnership with its consultants, Jacobs Engineering Group, Inc., and Pinyon Environmental, Inc., recommended a preferred alternate design for the Project; and

**WHEREAS**, the preferred alternate design includes a roundabout at the intersection of the East Frontage Road and Crystal Valley Parkway, as well as a loop on-ramp from the west side of the Interstate to northbound Interstate 25; and

**WHEREAS**, as a result of these design changes, the Town will need to acquire the entire Hyperion Property, which property is more specifically described in the attached *Exhibit A*; and

**WHEREAS**, as the Project serves a valid public purpose, the exercise of the Town's powers of eminent domain may be necessary to acquire the Hyperion Property.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Amendment to Ordinance No. 2019-008.** Ordinance No. 2019-008 is hereby amended to further authorize the Town Attorney to take all necessary and appropriate action

to acquire good title to the Hyperion Property, as described in the attached **Exhibit A**, in accordance with Section 38-1-101, *et seq.*, C.R.S., and Section 24-56-101, *et seq.*, C.R.S., subject to compliance with the terms and conditions set forth in said Ordinance, as the same may apply. To this end, it is the intent of the Town Council that Ordinance No. 2019-008 shall remain in full force and effect except, and to the extent as, said Ordinance is amended by this Section 1.

**Section 2. Severability.** If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

**Section 3. Safety Clause.** The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relationship to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 1st day of November, 2022, by the Town Council of the Town of Castle Rock, Colorado by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, after publication; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the Town Council of the Town of Castle Rock, Colorado by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Michael J. Hyman, Town Attorney

\_\_\_\_\_  
David L. Corliss, Town Manager