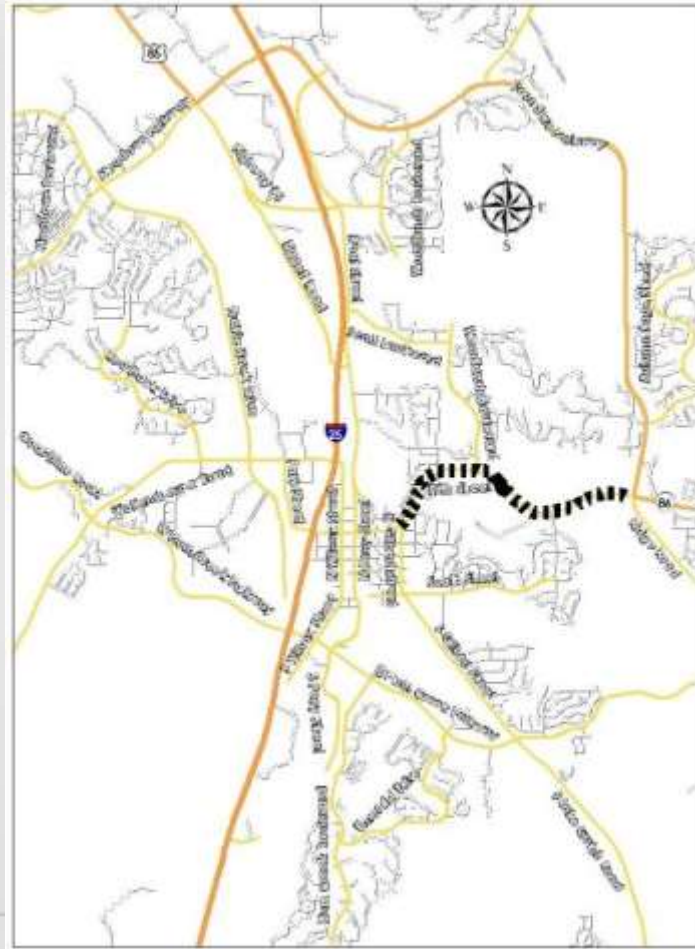


# **ORDINANCE AUTHORIZING THE EXERCISE OF THE TOWN'S POWERS OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR THE FIFTH STREET IMPROVEMENTS PROJECT**

AUGUST 15, 2023



# PROJECT VICINITY



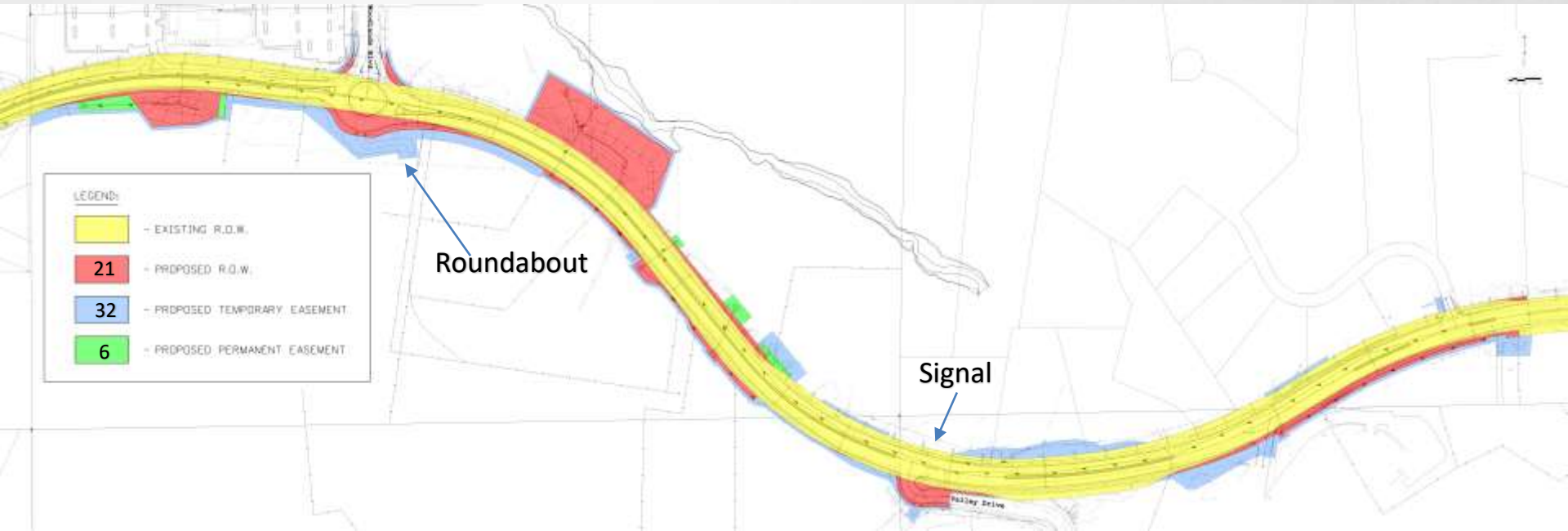
# PUBLIC NEED

- Major East-West facility serving the community and region
- Serves more than 14,000 vehicles per day –expected to increase to over 20,000 vehicles per day by 2040
- Adds pedestrian facilities (sidewalks and bike lanes) where none exist
- Project decreases congestion, increases safety and enhances the Town's transportation network
- Design efforts began in 2021 -- construction tentatively programmed for 2025

# PUBLIC OUTREACH

- Open House: Jan 2022
- Councilmember Open House: Sep 2022
- Open House: Oct 2022
- Several individual meetings with properties

# FIFTH STREET IMPROVEMENTS PROJECT



# EMINENT DOMAIN

- Eminent Domain is authorized under:
  - U.S. Constitution
  - Colorado Constitution
  - Town Charter
- Town is required to engage in good faith negotiations with land owner
- Assures landowner receives just compensation
- Assures capital projects can proceed – schedule/budget

# PRIOR PROJECT ACQUISITIONS

Ordinance	Project	Parcels	Owners	Cases Filed
2008-38	Plum Creek Parkway (SWACR)	6	2	0
2013-08	North Meadows Phase 1	54	42	0
2013-24	North Meadows Phase 2/3	88	11	3
2015-44	WISE Transmission Line	28	11	0
2019-008	Crystal Valley Interchange	32	12	2
2019-009	Plum Creek Parkway Widening/ Roundabout	12	6	1
2019-026	Ridge Road Widening	9	4	1
2021-021	Plum Creek Parkway Widening- Phase 2	4	2	0
2022-005	Four Corners Intersection Improvement Project	27	4	0
	Total	260	94	7

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# POST-ORDINANCE PROCESS

1. Complete, review, and, if necessary, revise appraisal
2. Send Notice of Intent to Acquire informing Owner of statutory rights
3. Owner may elect to obtain own appraisal at Town expense
4. Town makes initial offer
5. Town and Owner engage in negotiations
6. Reach agreement OR seek Council authorization to condemn





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

*“I MOVE TO APPROVE THE ORDINANCE AS INTRODUCED BY TITLE,  
WITH THE FOLLOWING CONDITIONS: (LIST CONDITIONS)”*

*“I MOVE TO CONTINUE THIS ITEM TO THE TOWN COUNCIL MEETING  
ON \_\_\_\_\_ TO ALLOW ADDITIONAL TIME TO (LIST REASON).”*