

CRYSTAL VALLEY INTERCHANGE  
PLUM CREEK PARKWAY  
WIDENING/ROUNDBOUT  
EMINENT DOMAIN ORDINANCES

- Eminent Domain authorization under US and Colorado Constitutions/Town Charter
- Commonly used by CDoT, Douglas County, Town of Castle Rock
- Requires compliance with statutory good faith negotiation protocol
- 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
	Total	116	66	3

\*1 case filed at Owner's request.

All ordinances approved unanimously on second reading.

# Post-Ordinance Process

- 1. Obtain appraisal**
- 2. Appraisal review by project team and special counsel**
  - CVI – Requires CDOT appraisal review**
  - Plum Creek Parkway Project – does not require CDOT oversight**
- 3. Finalize appraisal – revise as necessary**
- 4. Notice of Intent to Acquire informing Owner of statutory rights**
- 5. Initial offer**
- 6. Consultation(s) with Owner**
- 7. Consider any counter-offer**
- 8. Purchase and Sale contract**
- 9. Closing on contract**

# No Agreement on Purchase and Sale

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

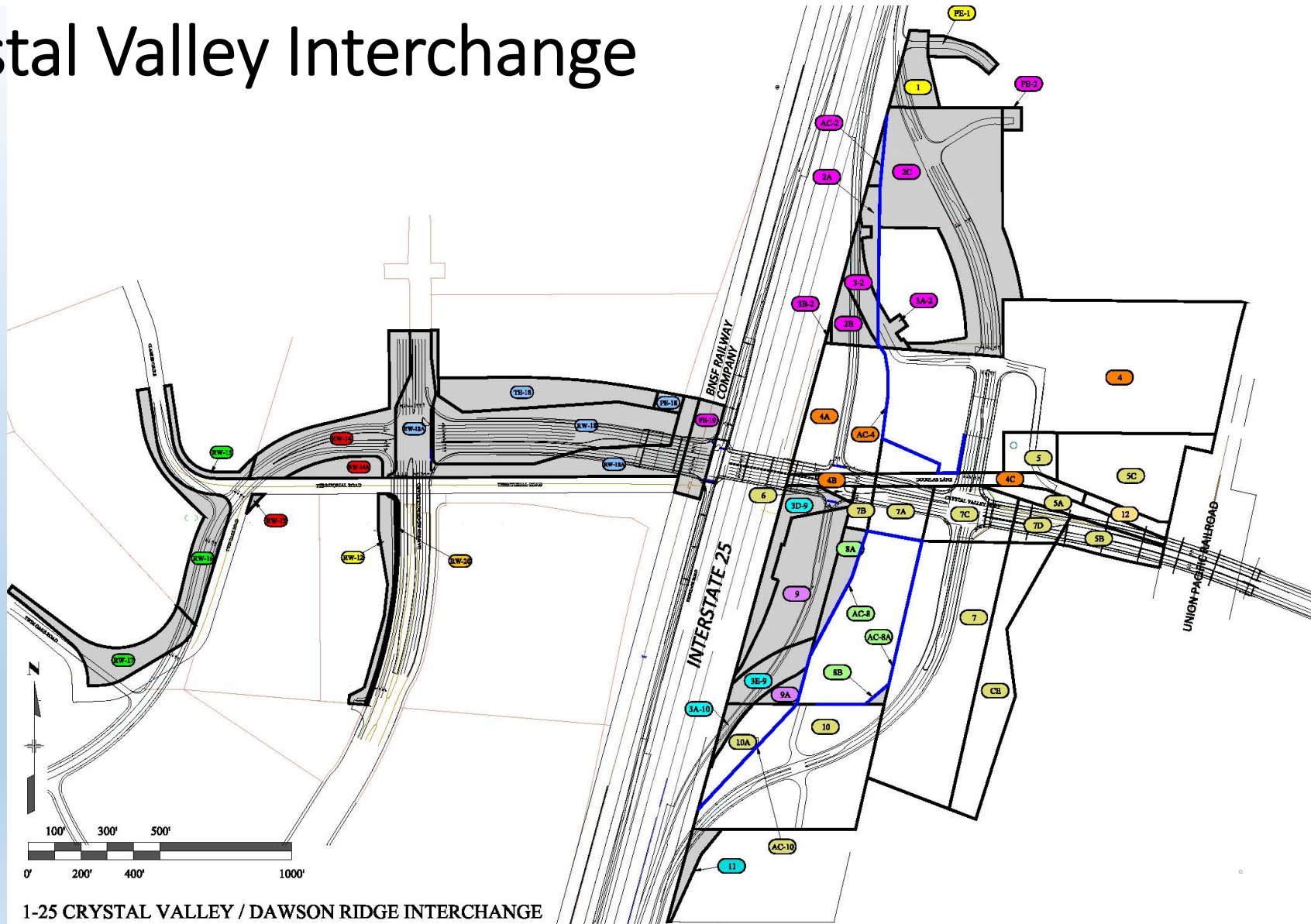
## **Town Council Intervention**

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

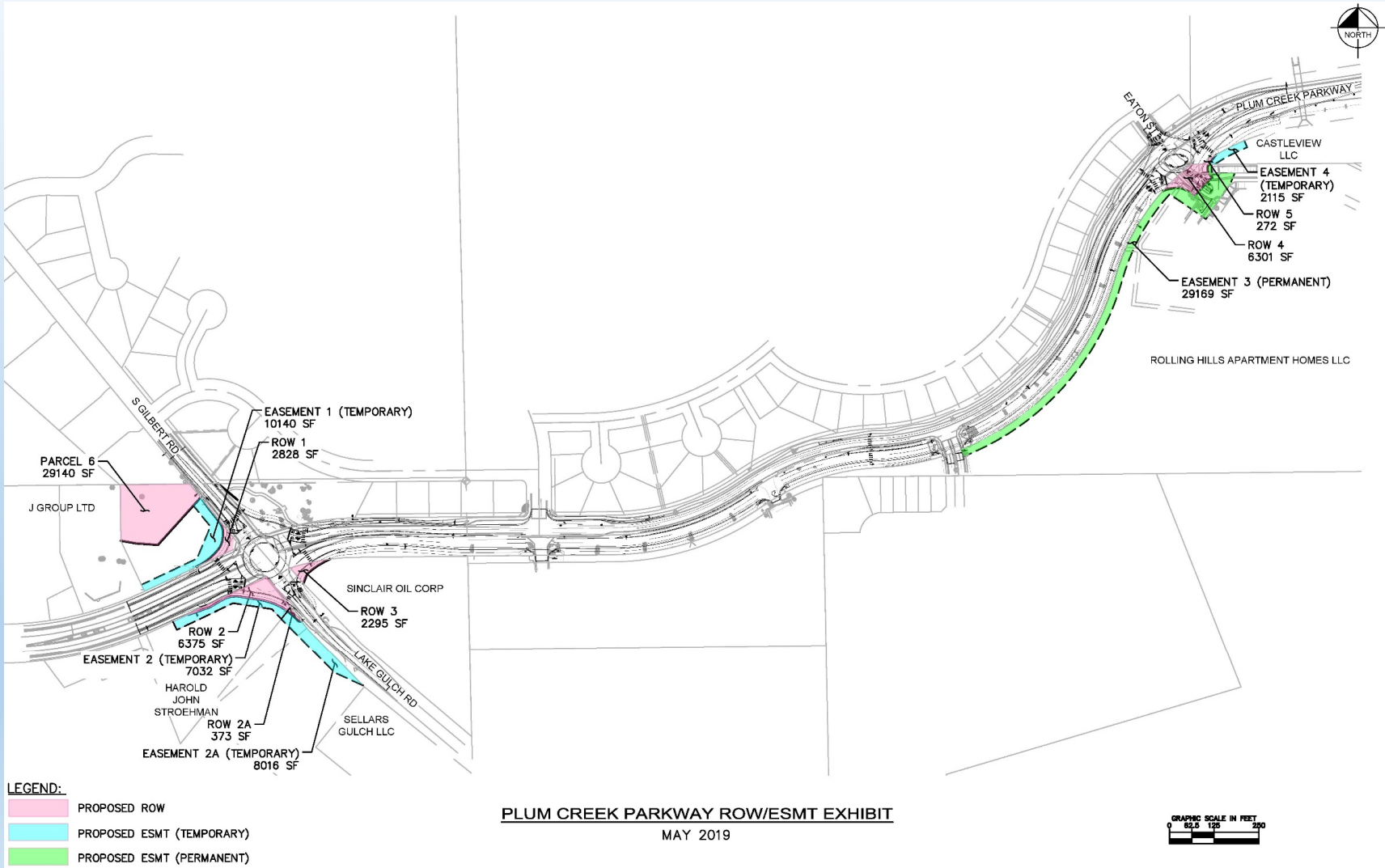
# Ordinance Nos. 2019-008 and 2019-009

- Finds need for the property acquisition to construct the Project
- Authorizes property acquisition to commence under statute
- Authorizes retention of special counsel
- Directs Town Manager to determine fair value
- Requires Council intervention if impasse with owner
- Council decision when condemnation petition should be filed

## 7



# Plum Creek Parkway Widening/Roundabout





# Plum Creek Parkway Widening/Roundabout Utility and Road Work Schedules

## PROPOSED SCHEDULE

TASK	DATE
Utility Work (All work is within existing Right of Way – No acquisition needed)	Ad – August 2019 Award Construction – September 2019 Construction – October to January 2020
Roadwork (Property Acquisition or possession Required prior to Advertisement)	Ad - December 2019 Award Construction - February 2020 Construction - March to October 2020

# Sample Acquisition Schedule - CVI

Task	Deadline
Notice to proceed from Town – all plans, legals and title work completed	April 1, 2019
Notice of Interest letters mailed	April 15, 2019
Appraisal Inspections/Property Owner meetings	June 15, 2019
Appraisals to be completed	August 15 – September 15, 2019
Appraisal Review completed	September 30, 2019
Determination of FMV (CDoT)	October 10, 2019
Initial Offer Letters mailed	October 16, 2019
Possession Agreement / Closings	December 27, 2019
Final Offers w/ APU	December 30, 2019
Determination of Impasse	January 24, 2020
Final offer expiration	January 24, 2020
Files turned over to condemnation counsel	February 14, 2020
File for Immediate Possession Hearing	April 1, 2020
IP Hearings	July – September 2020

\*\*Sample schedule prepared by Right of Way Acquisition Agent

# Acquisition Schedule – PC Parkway

Task	Deadline
Notice of Interest letters mailed	May 8, 2019
Initial offer letters mailed	June 1, 2019
Final Offers with APU	August 1, 2019
Possession Agreement / Closings	September 1, 2019
Determination of Impasse	September 15, 2019
Files turned over to condemnation council	September 20, 2019
File for Immediate Possession Hearing	October 1, 2019
Immediate Possession Hearings	October – November, 2019

# Proposed Motions

## Plum Creek Parkway Widening/Roundabout

*I move to approve Ordinance No. 2019-009 as introduced by title on an emergency basis on second and final reading.*

## Crystal Valley Interchange

*I move to approve Ordinance No. 2019-008 as introduced by title on second and final reading.*