

ORDINANCE NO. 2019-018

**AN ORDINANCE AMENDING CHAPTER 14.02 OF THE CASTLE ROCK
MUNICIPAL CODE CONCERNING EMINENT DOMAIN**

WHEREAS, pursuant to 1-4 of the Castle Rock Home Rule Charter, the Town shall have all powers of eminent domain, within and without the limits of the Town, for all municipal purposes,

WHEREAS, the Town Council wants to insure the inclusion of certain standard provisions in any such ordinance authorizing eminent domain,

WHEREAS, irrespective of the adoption of an ordinance exercising the Town's eminent domain powers, no petition in condemnation shall be filed until it is authorized by a vote of the Town Council.

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

Section 1. Amendment. Chapter 14.02 of the Castle Rock Municipal Code is amended to add a new Section 14.02.070, entitled Eminent Domain, to read as follows:

14.02.070 Eminent Domain

Any ordinance authorizing the exercise of the Town's power of eminent domain shall contain a provision substantially in conformance with the following:

Should good faith negotiations fail to result in an agreement with the property owner on value of the property or other terms of the acquisition, the Town Attorney shall so advise the Town Council and request Town Council authorization to institute eminent domain proceedings and acquire immediate possession of the property. Upon receipt of such request, the Town Council at a regular or special Town Council meeting shall consider the request, at which time the property owner will have the opportunity to be heard. Upon conclusion of the hearing, the Town Council shall approve or deny the request for commencement of filing a petition in condemnation. If the request is denied, the Town Attorney will continue negotiations with the property owner.

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 relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 18th day of June, 2019 by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 2nd day of July, 2019, by the Town Council of the Town of Castle Rock by a vote of __ for and _____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney