

**RESOLUTION NO. 2020-**

**A RESOLUTION AUTHORIZING THE ACQUISITION AND POSSESSION OF  
CERTAIN REAL PROPERTY THROUGH THE STATUTORY  
CONDEMNATION PROCESS IN FURTHERANCE OF CONSTRUCTION OF  
THE 2020 PLUM CREEK PARKWAY WIDENING AND ROUNDABOUT  
TRANSPORTATION PROJECT**

**WHEREAS**, The Town Council has budgeted an appropriated sufficient funds in 2020 for construction of the Plum Creek Parkway Widening and Roundabout Project (the “Project”) and the Project is scheduled to commence construction when all necessary property interests have been acquired; and

**WHEREAS**, by Ordinance 2019-009 (the “Ordinance”) the Town Council exercised the power of eminent domain in order to acquire the property interests necessary for the Project, subject to the further condition of Section 3.B. of the Ordinance which condition was also codified in 14.02.070 of the Castle Rock Municipal Code; and

**WHEREAS**, Town staff has negotiated in good faith to acquire by agreement with the landowner (i) “Right-of-Way No. 4” and (ii) “Permanent Easement No. 3”, as those properties are described and depicted in *Exhibit A* to the Ordinance (collectively, the “Property Interests”); and

**WHEREAS**, Town staff and the landowner are in agreement on just compensation for the Property Interests, however despite concerted efforts, agreement has not been reached on the terms of the conveyance of the Property Interests to the Town which will assure the timely start of construction of the Project and the acquisition of good title to the Property Interests; and

**WHEREAS**, the Town Attorney has requested that Town Council authorize the filing of a petition in condemnation and to seek immediate possession of the Property Interests, and the landowner of the Property Interests was given the opportunity to address Town Council when this matter was heard at the regular Town Council meeting on January 7, 2020; and

**WHEREAS**, the Town Council finds that the request of the Town Attorney for proceeding under the statutory process for acquisition and immediate possession of the Property Interests is merited pursuant to the Ordinance and 14.02.070.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:**

**Section 1. Authorization.** Pursuant to the Ordinance and the findings contained therein, the Town has immediate need for the Property Interests so the Town Attorney is authorized to forthwith commence statutory eminent domain proceedings to pursue the acquisition and immediate possession of the Property Interests to enable the timely commencement of construction of the Project.

**PASSED, APPROVED AND ADOPTED** this 7th day of January 2020, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading, 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:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

\_\_\_\_\_  
Dan Sailer, Director of Public Works