

RESOLUTION NO. 2021-__

**A RESOLUTION AUTHORIZING THE ACQUISITION AND IMMEDIATE
POSSESSION OF CERTAIN REAL PROPERTY THROUGH THE
STATUTORY CONDEMNATION PROCESS IN FURTHERANCE OF THE
CONSTRUCTION OF THE CRYSTAL VALLEY PARKWAY
INTERCHANGE PROJECT**

WHEREAS, the Town Council has budgeted and appropriated sufficient funds in 2021 for property acquisition necessary to construct and maintain the Crystal Valley Parkway Interchange (the “Project”); and

WHEREAS, by Ordinance 2019-008 (the “Ordinance”), the Town Council authorized the exercise of 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 is also codified in Section 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. 2A, 2B, 2C, 3-2, 3A-2, 3B-2”, (ii) “Permanent Easement No. PE-2”, and (iii) “Access Control No. AC-2AC -3”, as those property interests are described and depicted in *Exhibit A* to the Ordinance and on *Exhibit 1* to this Resolution (collectively, the “Property Interests”); and

WHEREAS, Town staff and the landowner are unable to reach agreement on just compensation for the Property Interests; and

WHEREAS, the Town Attorney has requested that Town Council authorize the filing of a petition in condemnation to acquire the Property Interests through the statutory process and to seek immediate possession of the Property Interests, and

WHEREAS, 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 September 7, 2021; 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 Section 14.02.070 of the Castle Rock Municipal Code.

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 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 September, 2021, 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:

Michael J. Hyman, Town Attorney

Daniel Sailer, Director of Public Works