

# **ORDINANCE AUTHORIZING THE EXERCISE OF THE TOWN'S POWERS OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR THE PLUM CREEK PARKWAY WIDENING PHASE 2 PROJECT**

SEPTEMBER 7, 2021



## PHASE 2 - PLUM CREEK PARKWAY WIDENING PROJECT



# EMINENT DOMAIN

- Eminent Domain is authorized under:
  - U.S. Constitution
  - Colorado Constitution
  - Town Charter
- Commonly used by CDOT, Douglas County, Town of Castle Rock
- 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	0**
2019-009	Plum Creek Parkway Widening/ Roundabout	12	6	0
2019-026	Ridge Road Widening	9	4	0
	Total	229	88	3

\*1 case filed at Owner's request.

\*\*Request to file 1 case pending at tonight's meeting

Note: All ordinances approved unanimously on second reading

# POST-ORDINANCE PROCESS

1. Complete appraisal
2. Appraisal review by special counsel
3. Revise appraisal (as necessary)
4. Notice of Intent to Acquire informing Owner of statutory rights
5. Owner may elect to obtain own appraisal at Town expense
6. Initial offer
7. Consultation(s) with Owner
8. Consider any counter-offer
9. Purchase and Sale contract
10. Closing on contract

# ORDINANCE

- 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



# THANK YOU

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