

**ORDINANCE NO. 2026-\_\_**

**AN ORDINANCE AUTHORIZING THE EXERCISE OF THE TOWN'S  
POWERS OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL  
PROPERTY INTERESTS NECESSARY FOR THE HIGHWAY 85  
WASTEWATER COLLECTION AND TREATMENT SYSTEM PROJECT**

**WHEREAS**, the Town of Castle Rock, Colorado (the “Town”) operates a wastewater collection system and owns wastewater treatment capacity in the Plum Creek Water Reclamation Authority (“PCWRA”) treatment facility to provide retail wastewater service to its customers

**WHEREAS**, the Board of County Commissioners of the County of Douglas (the “County”) desires to utilize American Rescue Plan Act funding to design and construct a wastewater collection and treatment system along the Highway 85 corridor (the “Highway 85 Wastewater Collection and Treatment System” or “System”), extending from the unincorporated Town of Louviers to the PCWRA wastewater treatment facility, which System will allow all treated wastewater to be collected and reused in the County to the maximum extent allowed by law;

**WHEREAS**, on May 22, 2024, the Town and the County entered into an Amended and Restated Intergovernmental Agreement (the “IGA”) for the design, construction, and operation of the Highway 85 Wastewater Collection and Treatment System (the “Project”), which IGA has since been amended by the First Amendment to the IGA dated July 15, 2025, and the Second Amendment to the IGA dated January 20, 2026; and

**WHEREAS**, the Town and the County believe the Project will improve water quality in Plum Creek and Chatfield Reservoir, both of which are drinking water sources for the Town and the County, by eliminating failing wastewater lagoon systems and, eventually, septic systems; and

**WHEREAS**, for this reason, the Town Council has determined that a compelling public need and purpose exists for the Project; and

**WHEREAS**, the Project will require the acquisition of one (1) real estate parcel, approximately 2.5-acres in size, for the construction of a wastewater lift station, eleven (11) permanent utility easements, 20 feet in width, for the installation of a wastewater force main, and fifteen (15) temporary construction easements, up to and including 50 feet in width, to facilitate such construction and installation, which property interests are generally described in the map attached as *Exhibit 1* (the “Property”); and

**WHEREAS**, the exercise of the Town’s powers of eminent domain to acquire the Property for the Project is necessary and serves a valid public purpose.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK AS FOLLOWS:**

**Section 1. Acquisition Authorization.** The Town Attorney is authorized to take necessary and appropriate action to acquire good title to the Property in accordance with Section 38-1-101, et seq., C.R.S., and Section 24-56-101 et seq., C.R.S., subject to compliance with Section 4 of this Ordinance, as applicable. The Town Attorney is further authorized to retain the services of special condemnation counsel for this purpose.

**Section 2. Just Compensation.** The Town Manager is authorized to establish the just compensation to be offered to each Property owner in compliance with applicable laws and regulations.

**Section 3. Good Faith Negotiations.** Town staff is directed to undertake in an expedient manner and in accordance with the requirements of Section 38-1-101, et seq., C.R.S., and Section 24-56-101 et seq., C.R.S., as applicable, good faith negotiations with each Property owner for the acquisition of such owner's Property on the basis of fair and reasonable value.

**Section 4. Filing of Petition in District Court.** Pursuant to the requirements of Section 14.02.070 of the Castle Rock Municipal Code, should good faith negotiations fail to result in agreement with any Property owner on the value of such owner's Property, the Town Attorney shall so advise the Town Council and request Council authorization to institute eminent domain proceedings and acquire immediate possession of the Property. The Town Council shall consider the request at a regular or special Town Council meeting, 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, Town staff will seek to continue negotiations with the Property owner.

**Section 5. Need, Necessity and Public Use.** The Town Council finds and determines it is in the interest of the public's health, safety and welfare for it to acquire, as soon as possible, the Property. The Town further finds and determines there is a public need and necessity for obtaining possession of and acquiring the Property.

**Section 6. Costs.** The Town Manager shall be further authorized to incur reasonable costs associated with acquiring the Property, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the quiet title, acquisition or condemnation of the Property.

**Section 7. Approval and Amendment.** The Director of Castle Rock Water, or such director's designee, is authorized to approve and, if and when necessary, amend the legal descriptions of any Property to be acquired and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement.

**Section 8. 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 9. 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 \_\_\_\_ day of \_\_\_\_\_, 2026, by the Town Council of the Town of Castle Rock, Colorado, by a vote of \_\_ for and \_\_ 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 \_\_\_\_ day of \_\_\_\_\_, 2026, by the Town Council of the Town of Castle Rock, Colorado, 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

\_\_\_\_\_  
Mark Marlowe, Director of Castle Rock Water