

RESOLUTION NO. 19-16

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CASTLE PINES, COLORADO, AUTHORIZING THE ACQUISITION OF
CERTAIN INTERESTS IN REAL PROPERTY THROUGH EMINENT DOMAIN
PROCEEDINGS FOR THE CASTLE PINES PARKWAY AND LAGAE ROAD
INTERSECTION IMPROVEMENTS PROJECT AND DELEGATING AUTHORITY TO
THE CITY MANAGER TO ACCEPT DEEDS OR EASEMENTS FOR SUCH
PROPERTY INTERESTS ON BEHALF OF THE CITY**

WHEREAS, the City of Castle Pines, a municipal corporation of the State of Colorado (“City”) is authorized to exercise the power of eminent domain pursuant to C.R.S. § 38-1-202(1)(e) and C.R.S. § 38-6-101; and

WHEREAS, the City has determined that it is necessary to acquire fee simple title to certain real property, and to acquire certain temporary construction easements for certain other real property, all as more particularly described in **Exhibit A** attached hereto (collectively, the “Property Interests”), in order to complete the Castle Pines Parkway and Lagae Road Intersection Improvements Project (the “Project”); and

WHEREAS, the City has determined that the Project is a public project and that acquiring the Property Interests is necessary to successfully complete the Project; and

WHEREAS, a public purpose exists as the Property Interests will be acquired to permit the construction of the Project and, upon completion, the Project will be utilized by the public; and

WHEREAS, City Council finds and declares that the Project is being undertaken for public advantage and public benefit; and

WHEREAS, the City intends to acquire the Property Interests identified in **Exhibit A** for the Project; and

WHEREAS, H.C. Peck & Associates, Inc. (“Peck”) has been retained to act as the City’s representative in the acquisition of the Property Interests; and

WHEREAS, City Council desires to authorize Peck and the City Manager, or his designee, to continue to conduct good faith negotiations with the property owners in accordance with applicable law; and

WHEREAS, in the event that good faith negotiations are successful, and the Property Interests may be acquired by the City without commencing formal condemnation proceedings, City Council desires to delegate all necessary authority to the City Manager to accept right-of-way deeds, permanent easements, and temporary easements for the Project on behalf of the City; and

WHEREAS, City Council desires to authorize condemnation proceedings to acquire the Property Interests, if necessary, if such good faith negotiations prove unsuccessful; and

WHEREAS, the timely completion of the Project is necessary for the continued health, safety, and welfare of the residents of the City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:

Section 1. The acquisition of the Property Interests described in **Exhibit A** is needed and required for public use and public purposes.

Section 2. The City Manager, or his designee, and Peck shall be authorized to continue to conduct good faith negotiations with the property owners of the Property Interests in accordance with applicable law and shall be further authorized to make offers of just compensation to the owners of the Property Interest for the voluntary acquisition thereof. In the event that good faith negotiations are successful, the City Manager, or his designee, and Peck shall be authorized to schedule and conduct closings with the property owners of the Property Interests. The City Manager shall be authorized to cause compensation to be paid to the property owners of the Property Interests, in such amounts as may be negotiated between the City and the property owners of the Property Interests, provided that such amounts in the aggregate shall not exceed the amount(s) appropriated for said purpose in the City's approved 2019 budget, as the same may be amended from time to time.

Section 3. If compensation to be paid for any of the Property Interests cannot be agreed upon by the interested parties, or in case the owner or owner(s) of any of the Property Interests are incapable of consenting, then the City Attorney shall be authorized to institute and prosecute to conclusion such proceedings as are available under Article 1 of Title 38, Colorado Revised Statutes, through the exercise of the power of eminent domain. In the event that acquisition by eminent domain is deemed necessary, the City Attorney shall be authorized to request immediate possession of the Property Interests in furtherance of the purpose of this Resolution.

Section 4. If eminent domain proceedings are commenced, the City shall be authorized to employ all necessary persons for this purpose including special eminent domain counsel, appraisers, surveyors, engineers, and other experts as deemed necessary.

Section 5. The City Manager, or the City's consultants, consistent with the intent of the Project, shall have the authority to amend or modify the legal descriptions of the Property Interests to be acquired, the nature of the interests to be acquired, and may add or delete parcels, in whole or in part, as deemed necessary for the timely completion of the Project, and that any such amendment(s) shall be included in the definition of the Property Interests described in **Exhibit A**.

Section 6. The City Manager shall be authorized to execute and the City Clerk to attest any document necessary for the acquisition of the Property Interests required for the Project. The City Manager or his designee shall also be authorized to execute any "acceptance" signature block

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on any right-of-way deeds related to the Project, or approve any permanent or temporary easements required for the Project, following review and approval as to the form of such documents by the City Attorney. The City Manager or his designee shall also be authorized to execute possession and use agreements, or other similar or related documents necessary to permit the Project to remain on schedule. Following execution, the City Clerk or Peck shall cause a copy of any right-of-way deed(s) related to the Project to be recorded in the real property records of Douglas County, Colorado.

Section 7. Effective Date. This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES by a vote of 7 in favor, 0 against and none absent this 26th day of March, 2019.

DocuSigned by:

Tera Stave Radloff

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Tera Stave Radloff, Mayor

ATTEST:

DocuSigned by:

Tobi Basile

AD03A3B02032499...

Tobi Basile, City Clerk

Approved as to form:

DocuSigned by:

Linda C. Michow

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Linda C. Michow, City Attorney



EXHIBIT A
Property Interests

Castle Pines Parkway and Lagae Road Intersection Improvements Project

Parcel ID	SF	Site Address	Owner Name
RW	115 SF	N side E. Castle Pines Parkway	Castle Pines North Metropolitan District
RW TE	1,193 SF 6,292 SF	7369 Lagae	Hal M. Sears Revocable Trust u/t/d June 18, 1993
RW TE	3,843 SF 7,360 SF	7379 Lagae	Castle Pines IV, LLC
RW TE	2,574 SF 2,734 SF	250 Max Drive	J.O. Realty Partners, LLC, Portercare Adventist Health System, AJD OrthoCondo, LLC, Scheich Dental Group, LLC, Rolfson Investments, LLC
RW	60 SF	250 Max Drive	Charter Oaks Property Owners Association, Inc.
RW UT TE	3,505 SF 978 SF 22,804 SF	Vacant Land at SW Corner Castle Pines Parkway and Lagae Road	Lagae Family Limited Partnership

