

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY INTERESTS
NECESSARY FOR THE CONSTRUCTION OF IMPROVEMENTS FOR THE LOWELL
BOULEVARD IMPROVEMENTS PROJECT – CLEAR CREEK TO WEST 62ND AVENUE

Resolution 2018-

WHEREAS, Adams County has proposed the construction of Lowell Boulevard for the Lowell Boulevard Improvements Project – Clear Creek to West 62nd Avenue (“Project”); and,

WHEREAS, Adams County, through engineering studies and design, has deemed it necessary to construct improvements as part of the Project consisting of the construction of a roadway and its appurtenances, including but not limited to roadway pavement, curb, gutter and sidewalk, pedestrian paths, drainage infrastructures, and streetscaping required for the Project; and,

WHEREAS, the Adams County Public Works Department has submitted the Project to the Adams County Board of County Commissioners for the consideration of funds to construct the Project; and,

WHEREAS, the Adams County Board of County Commissioners has approved funding for the Project; and,

WHEREAS, Adams County has also budgeted funds for the acquisition of the necessary property interests required for the Project; and,

WHEREAS, right-of-way and design plans for the Project are available upon request from the Adams County Public Works Department; and,

WHEREAS, to the best knowledge of Adams County, TDSO Holdings, LLC (“TDSO”), is the fee owner of record of property necessary to be acquired for the Project identified as ROW #4 and described more specifically in the attached exhibit; and,

WHEREAS, a temporary construction easement will be necessary over certain property identified as TCE #14 and more specifically described in the exhibit attached to the Temporary Construction Easement and Right-of-Entry attached hereto; and,

WHEREAS, Adams County sent a Notice of Interest to Acquire Property to TDSO, on May 5, 2017, pursuant to C.R.S. § 38-1-121(1), and sent an Offer of Fair Market Value to purchase TCE#14 on July 2, 2018, based on an appraisal of such property, but has been unable to acquire the property through negotiation; and,

WHEREAS, after the Notice of Interest to Acquire Property was sent, the legal descriptions of the ROW #4 and TCE #14 changed. Thus, Adams County sent a Notice of Intent to Acquire and Final Offer to TDSO, on August 29, 2018, pursuant to C.R.S. § 38-1-121(1), with the accurate

legal descriptions, offering to purchase such property interests for the appraised value, but to date has been unable to acquire the property through negotiation; and,

WHEREAS, the construction of the Project will serve the general public and is necessary for the health, safety and welfare of the citizens of Adams County; and,

WHEREAS, Adams County has the authority to use the power of eminent domain to condemn private property for county road purposes pursuant to C.R.S. § 43-2-112.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that it is in the interest of the general public's health, safety and welfare to acquire the property interests necessary for the Project and to construct the Project.

BE IT FURTHER RESOLVED, that the Public Works Department or its designee is hereby authorized and directed to acquire the property interests necessary for the Project as identified herein above based on good faith negotiations.

BE IT FURTHER RESOLVED, that the County Attorney's Office, or outside counsel hired by the County Attorney's Office, is authorized to acquire by means of eminent domain any of the property interests necessary for the construction of the Project, including, but not limited to, ROW #4 and TCE#14.

BE IT FURTHER RESOLVED, that immediate possession of the property interests necessary for the construction of the Project is necessary and required for the reasons and purposes described herein.