

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
YORK STREET IMPROVEMENT PROJECT – YORK STREET FROM EAST 78TH AVENUE
TO HIGHWAY 224

WHEREAS, Adams County has proposed the construction of York Street from East 78th Avenue to Highway 224 (the 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, 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, 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, Anton F. Fleith and Ronnie McConnell, are the fee owners of record of the property necessary to be acquired for the Project identified as Parcel 2 and described more specifically in the attached exhibit; and,

WHEREAS, a temporary construction easement will be necessary over certain property identified as Parcel TCE-2 and more specifically described in the attached exhibit; and,

WHEREAS, Adams County sent a Notice of Intent to Acquire Property to Anton F. Fleith and Ronnie McConnell, on November 18, 2016, pursuant to C.R.S. § 38-1-121(1), and sent an Offer of Fair Market Value to purchase Parcel 2, to Anton F. Fleith and Ronnie McConnell, on November 15, 2017, based on an appraisal of such property, but has been unable to acquire 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 exercise of its power of eminent domain any of the property interests necessary for the construction of the Project, including Parcel 2 and Parcel TCE-2 where good faith negotiations have been unsuccessful.

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.