

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING THE ACQUISITION OF PROPERTY INTERESTS
NECESSARY FOR THE CONSTRUCTION OF IMPROVEMENTS FOR THE
YORK STREET IMPROVEMENTS PROJECT – EAST 78TH AVENUE TO EAST 88TH
AVENUE

WHEREAS, Adams County has proposed the construction of York Street from East 78th Avenue to East 88th Avenue (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, to the best knowledge of Adams County, Zayac Properties I LLLP, is the fee owner of record of property necessary to be acquired for the Project identified as Parcel RW-273 and TE-273, described specifically in the attached exhibit; and,

WHEREAS, Adams County sent a General Information Letter to Acquire Property to Zayac Properties I LLLP, on September 29, 2020, pursuant to C.R.S. § 38-1-121(1), and sent a Final Offer to Purchase to acquire Parcel RW-273 and TE-273, to Zayac Properties I LLLP, on July 23, 2021, 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 means of eminent domain any of the property interests necessary for the construction of the Project, including Parcel RW-273 and TE-273.

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.