

O-2013-8

AN ORDINANCE

DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTERESTS IN PROPERTY AS NEEDED FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF A ROUNDABOUT AND SIDEWALK IMPROVEMENTS AT W 14TH AVENUE AND LAMAR STREET, AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS

WHEREAS; City of Lakewood has received a safety grant to enhance vehicular and pedestrian safety at the intersection of W 14th Avenue and Lamar Street; and

WHEREAS; in order to construct the roundabout and sidewalk improvements, the City needs to acquire property interests from the owners adjacent to the intersection; and

WHEREAS, in order to build the improvements, the City Council desires to accomplish the following:

A. Declare City of Lakewood's intent to acquire interests in property for public purposes necessary for the project in fulfillment of the requirements of Section 38-1-121, C.R.S.;

B. Authorize negotiations for and acquisitions of such property interests as may be necessary for the project, pursuant to this Ordinance;

C. Accept the instruments of conveyance of the property interests acquired for the project pursuant to this Ordinance; and

D. Authorize the City Attorney to institute condemnation proceedings to acquire the property interests necessary for the project, in the event that the City is unable to acquire the interests despite good faith efforts to do so.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lakewood, State of Colorado, that:

SECTION 1. The City Council of the City of Lakewood hereby finds that the project will serve a public purpose by constructing intersection and pedestrian improvements to improve vehicular and pedestrian safety and furthering the health and welfare of the citizens of Lakewood. The City Council further finds that it is necessary to acquire certain property interests, described in Section 2 herein, to further said public purposes.

SECTION 2. The City Council of the City of Lakewood hereby declares its intent to acquire property interests for public purposes, including but not limited to interests in fee simple, permanent easements, temporary construction easements, and improvements contained therein, as may be necessary for the project. At such time as the City Manager, acting by and through the Property Management Division, identifies with particularity the property interests necessary for the project, notice of an intent to acquire the interests in property shall be given as required by Section 38-1-121, C.R.S.

SECTION 3. The City Manager, by and through the Property Management Division of the Department of Finance of the City of Lakewood, is hereby authorized to negotiate in good faith and to acquire the property interests necessary for the project, pursuant to Chapter 3.04 of the Lakewood Municipal Code. Negotiations shall be based upon appraisal reports and/or valuations which have been approved by the City Manager. The City Manager is hereby authorized to make offers to any property owner based upon the appraisal reports and/or valuations, and to execute agreements for acquisition of property. The City Manager shall obtain City Council approval, by resolution, before executing any agreement for a purchase price which is both in excess of Fifteen Thousand Dollars (\$15,000.00), and in excess of said approved appraisal with any single property owner.

SECTION 4. The City Council, on behalf of the City of Lakewood, hereby accepts, upon recordation, the instruments of conveyance of the property interests acquired for the project pursuant to this Ordinance.

SECTION 5. The Director of Finance is hereby authorized and directed to pay the amounts set forth in the contracts and agreements herein provided for upon receipt of appropriate documentation.

SECTION 6. In the event that the City is unable to negotiate an agreement for the acquisition of any interest in property necessary for the project, despite good faith efforts to do so, the City Attorney is hereby authorized, on behalf of the City of Lakewood, to exercise the power of eminent domain vested in the City pursuant to Section 14.4 of the Charter for the City of Lakewood. At that time, the City Council shall identify by resolution the property interests to be acquired by condemnation pursuant to the authority bestowed upon the City Attorney by this Ordinance, and the City Attorney shall proceed to condemn the interests in the property needed to complete the project.

SECTION 7. The City Attorney is further authorized to apply for immediate possession of the property interests determined necessary for the project, and the City Treasurer and all other officers and agents of the City are authorized and directed to cooperate with the City Attorney in the condemnation, to make any deposits and payments as may be necessary for acquisition of the property interests, and to pay the costs thereof and the condemnation award as it may be finally determined.

SECTION 8. The City Attorney is further authorized to employ such expert witnesses, including appraisers, as the City Attorney determines necessary for the purposes of the condemnation authorized by this ordinance, and the City Treasurer and Director of Finance are directed to pay the costs and expenses of employing the expert witnesses and appraisers.

SECTION 9. Nothing herein is intended to authorize the expenditure of monies in excess of the funds appropriated for the project.

SECTION 10. Effective date. This ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 25th day of March, 2013; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 28th day of March, 2013; set for public hearing on the 8th day of April, 2013, read, finally passed and adopted by the City Council on the ____ day of April, 2013 and, signed and approved by the Mayor on the ____ day of April, 2013.

Bob Murphy, Mayor

ATTEST:

Margy Greer, City Clerk

APPROVED AS TO FORM:

Tim Cox, City Attorney