

AN ORDINANCE

DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF HIGHWAY AND PEDESTRIAN FACILITIES FROM WEST VASSAR AVE TO THE MORRISON ROAD INTERCHANGE ON BOTH SIDES OF SOUTH WADSWORTH BOULEVARD AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

WHEREAS, to enhance motor-vehicle safety and pedestrian and bicycle connectivity along both sides of South Wadsworth Boulevard, the City of Lakewood (the "City") desires to implement the South Wadsworth Boulevard and Morrison Road Improvement Project (the "Project"), which will widen Wadsworth Boulevard and install sidewalk improvements from the existing sidewalk on the north end of the Project at the Green Gables development south to West Vassar Avenue (the "Improvements");

WHEREAS, in order to install the Improvements, the City must acquire certain property interests from the owners of property adjacent to the Project (the "Property Interests");

WHEREAS, in order to acquire the Property Interests in compliance with State law, the City Council desires to:

- a. Declare the City's intent to acquire the Property Interests for public purposes in fulfillment of the requirements of Section 38-1-121, C.R.S.;
- b. Authorize negotiations for, and acquisitions of, the Property Interests;
- c. Accept the instruments of conveyance for the Property Interests; and
- d. Authorize the City Attorney to initiate condemnation proceedings (subject to further Council approval) to acquire the Property Interests in the event the City is unable to acquire the Property Interests despite good faith efforts to do so;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal identified herein; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies any particular proposal related to this proposal identified herein.

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

SECTION 1. City Council hereby finds that the Project will serve a public purpose by enhancing motor vehicle safety and improving pedestrian and bicycle connectivity along both sides of South Wadsworth Boulevard from the existing sidewalk at the Green Gables development south to West Vassar Avenue. The City Council further finds it necessary to acquire certain Property Interests, further described in Section 2 herein, to advance such public purpose.

SECTION 2. City Council hereby declares its intent to acquire the Property Interests in the form of (i) fee simple parcels, (ii) permanent easements; (iii) temporary construction easements; or (iv) any other interests as may be warranted for the Project, with any improvements contained herein. The properties from which the Property Interests are currently anticipated to be acquired are identified in Exhibit A, attached hereto and incorporated herein by this reference. At such time as the City Manager or designee (the "City Manager") identifies the particular Property Interests necessary for the Project, the City Manager may revise Exhibit A and give notice of intent to acquire the Property Interests as required by Section 38-1-121, C.R.S.

SECTION 3. The City Manager is hereby authorized to negotiate in good faith to acquire the Property Interests. Negotiations shall be based upon appraisal reports or valuations approved by the City Manager. The City Manager is hereby authorized to make offers to any property owner based upon such appraisal reports or valuations to execute agreements for the acquisition of the Property Interests.

SECTION 4. The City Council hereby accepts on behalf of the City, upon recordation, the instruments of conveyance of the Property Interests acquired hereunder.

SECTION 5. The City's Chief Financial Officer is hereby authorized and directed to pay, upon receipt of appropriate documentation, the amounts set forth in the contracts and agreements provided for herein.

SECTION 6. In the event the City Manager is unable to negotiate an agreement for the acquisition of any necessary Property Interest, despite good faith efforts to do so, the City Manager shall bring to the City Council a resolution identifying the Property Interests to be acquired by condemnation, and the City Council shall thereby authorize or deny the exercise of the City's eminent domain power over such Property Interests pursuant to Section 14.4 of the City of Lakewood home rule charter.

SECTION 7. If the City Council approves the exercise of the City's eminent domain power over one or more Property Interests identified in such resolution, the City Attorney, on behalf of the City, shall commence condemnation proceedings with respect to such Property Interests and shall be authorized to apply to the proper court of immediate possession of the Property Interests to be acquired by condemnation, and the City's Chief Financial Officer and all other officers and agents of the City shall cooperate with the City Attorney in the condemnation action, make any deposits and payments as may be necessary for acquisition of the Property Interests, and pay the costs thereof and any condemnation award as it may be finally determined. The City Attorney shall

additionally be 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 aforesaid resolution, and the City's Chief Financial Officer is directed to pay the costs and expenses of employing such expert witnesses and appraisers.


SECTION 8. Nothing herein is intended to authorize the expenditure of monies in excess of the funds appropriated for the Project.

SECTION 9. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

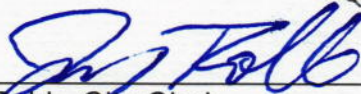
SECTION 10. This Ordinance shall take effect 30 days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular hybrid meeting of the Lakewood City Council on the 11th day of July, 2022; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 14th day of July, 2022; set for public hearing on the 25th day of July, 2022, read, finally passed and adopted by the City Council on the 25th day of July, 2022 and, signed and approved by the Mayor on the 26th day of July, 2022.




Adam Paul, Mayor

ATTEST:


Jay Robb, City Clerk

APPROVED AS TO FORM:


Alison McKenney Brown, City Attorney

EXHIBIT A

Property Interests for the following addresses:

**49-263-01-001
2323 South Wadsworth Boulevard**

**49-263-01-002
2525 South Wadsworth Boulevard**

**49-263-01-059
2565 South Wadsworth Court**

**49-263-01-058
2574 South Wadsworth Court**

**49-264-00-005 & 009
6900 West Lakeridge Road**

**49-264-01-001
7595 West Vassar Avenue**