



BOARD SUMMARY REPORT

Date: February 4, 2020

To: Arapahoe County Board of County Commissioners

Through: Bryan Weimer, Director
Public Works and Development *BW*

Through: James Katzer, Division Manager
Public Works and Development – Transportation Division *JK*

Through: Cathy Valencia, CIP Manager
Public Works and Development – Transportation Division *CAV*

From: Ryan Seacrist, CIP Engineer III
Public Works and Development – Transportation Division *RS*

Subject: **C15-002 & C15-026: ILIFF AVENUE CORRIDOR IMPROVEMENTS, AUTHORIZATION TO INITIATE EMINENT DOMAIN PROCEEDINGS FOR PARCEL 99**

Request and Recommendation:

The purpose of this report is to request and recommend that the Board of County Commissioners adopt a resolution to authorize the initiation of eminent domain proceedings by County Staff and Agents for Parcel 99 for Right-of-Way (ROW) to support the Iliff Avenue Corridor Improvements project (Project).

Background:

The Iliff Project will add drainage facilities, new and wider sidewalks, turn lanes, bicycle lanes, and intersection improvements with new traffic signals from Quebec Street to Parker Road (SH 83) all with the purpose of improving operations and safety along the corridor. The Project will also resurface the roadway and provide some lighting as a pilot project for Arapahoe County.

Parcel 99

The parcel of land requested for right-of-way is located along the south side of East Iliff Avenue between Cherry Creek and Valentia Street. The parcel of land to be acquired for ROW is 0.010 acres adjacent to current East Iliff Avenue Right-of-Way.

County Staff and Agents have notified, coordinated, and negotiated in accordance with the Uniform Relocation Act with the Property Owner(s) and have determined that ownership of this parcel is in question. A survey discrepancy creating a 10 ± foot gap (Parcel 99) between the boundaries of Parcel 32 and Parcel 33 appears to be related to the description of Parcel No. A in the quit claim deed recorded at Reception # 1975863 in Book 3234 at Page 180 in the Office of the Arapahoe County Recorder.

The process will be to condemn the parcel for quieting the title and putting the property into Arapahoe County's name.

Links to Align Arapahoe

Quality of Life

This Project will improve operation and reduce congestion on Iliff Avenue and adjacent roadways. In addition, the project will provide multimodal improvements such as sidewalks, bike lanes and transit elements. Storm water and air quality will also be improved by the Project.

Fiscally Responsible

Leveraging federal and/or outside funding increases the impact of Arapahoe County investment for needed public infrastructure improvements, which allows the County funds to accomplish more. In addition, investments in County infrastructure improves the County's economic environment.

Service First

This project will provide excellent customer service to the users of Iliff Avenue and adjacent facilities by improving operation and the overall experience of using the corridor. In particular, safety and efficiency improvements will optimize the corridor and its performance.

Discussion:

If approved by the Board of County Commissioners, the condemnation process in this case will help clarify the ownership of this parcel and allow the Iliff Avenue Corridor Improvement project to continue on schedule. See attached map for location of parcel.

Alternatives

Approving of the condemnation process to proceed will allow the Project to widen the Iliff Avenue and tie into existing driveway entrance. Alternatively, taking no action would result in the Project having to redesign and probably decrease the capacity and safety that the project is trying to achieve. This would also be at additional expense to the Project and great impact to the Projects schedule.

Fiscal Impact

Compensation for this ROW currently have no costs associated since ownership is in question. It is possible that during the eminent domain process that a previous owner could make a claim to this parcel. Funding source would be determined and follow our current ROW process if this occurs.

Concurrence:

The Transportation Services Division recommends that authorization of eminent domain process be granted.

Attorney Comments:

County legal staff have reviewed this Board Summary Report and has no comments.

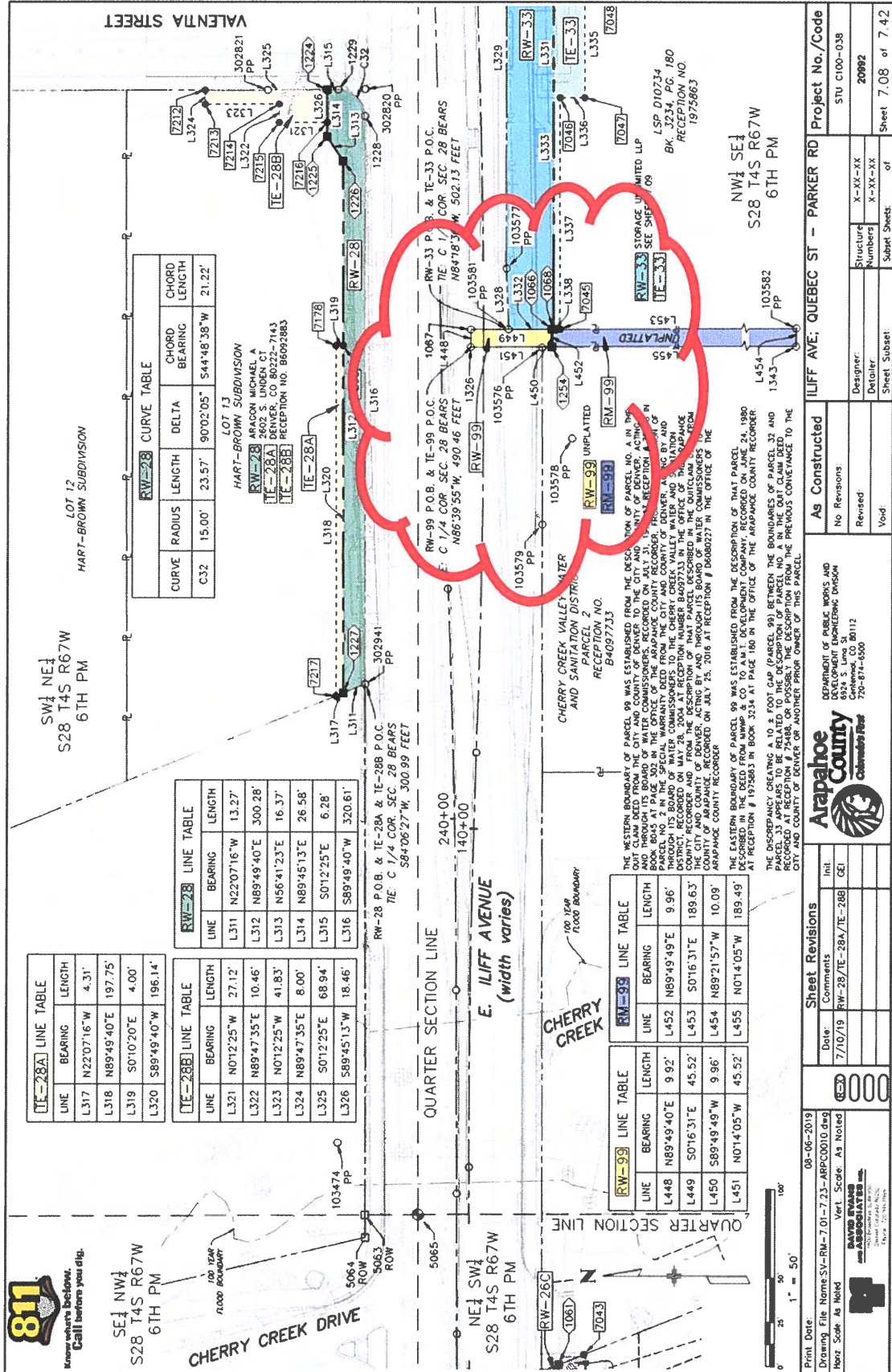
Reviewed by:

Robert Hill, Assistant County Attorney
John Svehovsky, Mapping Manager

Actions Requested:

1. Adopt a resolution to authorize legal counsel to commence eminent domain proceedings in court for Parcel 99 for Iliff Avenue Corridor Improvements project in the best interest of the public.

cc:	Email	Hard Copy
	Ron Carl, Arapahoe County Attorney	C15-002
	Robert Hill, Assistant County Attorney	Rhonda Robinson, Budget Analyst
	James Katzer, Transportation Div. Manager	File
	Cathleen Valencia, CIP Program Manager	
	Ryan Seacrist, CIP Engineer III	
	Keith Ashby, Purchasing Division (RFP #15-65)	
	Leanna Quint, Finance Budget Analyst	
	Loren Kohler, Fixed Asset Accountant	
	Kim Lynch, Administration	
	Scan to Files (Listed under hard copy)	



LOT 12
HART-BROWN SUBDIVISION

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C32	15.00'	23.57'	90°02'05"	S44°48'38"W	21.22'

TE-28A LINE TABLE

LINE	BEARING	LENGTH
L317	N22°07'16"W	4.31'
L318	N89°49'40"E	197.75'
L319	S01°10'20"E	4.00'
L320	S89°49'40"W	196.14'

TE-28B LINE TABLE

LINE	BEARING	LENGTH
L321	N01°12'25"W	27.12'
L322	N89°47'35"E	10.46'
L323	N07°12'25"W	41.83'
L324	N89°47'35"E	8.00'
L325	S01°12'25"E	68.94'
L326	S89°45'13"W	18.46'

RW-99 LINE TABLE

LINE	BEARING	LENGTH
L448	N89°49'40"E	9.92'
L449	S01°16'31"E	45.52'
L450	S89°49'49"W	9.96'
L451	N01°14'05"W	45.52'

RW-28 LINE TABLE

LINE	BEARING	LENGTH
L311	N22°07'16"W	13.27'
L312	N89°49'40"E	300.28'
L313	N56°41'23"E	16.37'
L314	N89°45'13"E	26.58'
L315	S01°12'25"E	6.28'
L316	S89°49'40"W	320.61'

811
Know what's below. Call before you dig.

SE 1/4 NW 1/4 S28 T4S R67W 6TH PM

SW 1/4 NE 1/4 S28 T4S R67W 6TH PM

NW 1/4 SE 1/4 S28 T4S R67W 6TH PM

ILIFF AVE, QUEBEC ST - PARKER RD

Project No./Code
STU C100-038

As Constructed
No Revisions
Revised
Void

Sheet Revisions

Date	Comments
7/10/19	RW-28/TE-28A/TE-28B

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DAVID STANLEY ASSOCIATES INC.
Professional Engineer
No. 22468-0001

ARAPAHOE COUNTY
DEPARTMENT OF PUBLIC WORKS AND DEVELOPMENT ENGINEERING DIVISION
Central Office
720-874-6500

Print Date 08-06-2019
Drawing File Name SV-RM-7.01-7.23-ARPC0010.dwg
Vert. Scale As Noted
Horiz. Scale As Noted

RESOLUTION NO. _____ It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, Arapahoe County (the “County”) is a Colorado County and political subdivision of the State of Colorado; and

WHEREAS, the County has determined that the expansion and improvements to Iliff Avenue from Quebec Street to Parker Road (the “Project”) would be in the public interest and would benefit the health, safety and welfare of the County, its citizens, taxpayers, property owners and developers within the County and the traveling public; and

WHEREAS, the County also has determined that certain property and property rights as are needed and necessary for the Project; and

WHEREAS, the necessary property consists of the fee simple interest in that property known as Parcel Number: RW-99 as more particularly described in Exhibit A attached hereto and incorporated herein (the “Property”); and

WHEREAS, the County also has determined that delays in the acquisition of the right to enter on and take possession of the Property will result in increased costs to the County and its taxpayers and delay the Project which will be detrimental to the County and the general public; and

WHEREAS, C.R.S. § 43-2-112(2) provides that the County has and may exercise the power of eminent domain to acquire property necessary to lay out, widen, alter or change any county road.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado as follows:

FINDINGS OF FACT

The Board makes the following findings of fact:

1. The construction and undertaking of the Project is in the interest of the public health, safety and welfare and is for a public purpose;
2. There is a need and necessity to acquire the Property for the Project;
3. Possession of the Property is needed as soon as possible and before any trial in any condemnation proceeding in order to prevent delays of and cost increases to the Project.

DETERMINATION AND DECISION

It is hereby ordered that the County Attorney, Special Counsel and consultants to the County in their respective capacities are authorized to take all action necessary to acquire the Property and to obtain the County's right to take immediate possession of the Property as soon as possible through voluntary agreements or the exercise of the County's powers of eminent domain.

The vote was:

Commissioner Baker,___; Commissioner Conti,___; Commissioner Holen,___; Commissioner Jackson,___; Commissioner Sharpe,___.

The Chair declared the motion carried and so ordered.

EXHIBIT "A"

PROJECT NUMBER: STU C100-038

PARCEL NUMBER: RW-99

PROJECT CODE: 20992

DATE: July 10, 2019

DESCRIPTION

A tract or parcel of land No. RW-99 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 453 sq. ft. (0.010 acres), more or less, located in Northwest Quarter the Southeast Quarter of Section 28, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the northeast corner of that parcel of land described in the Quitclaim Deed from the City and County of Denver, acting by and through its Board of Water Commissioners to the County of Arapahoe, recorded on July 25, 2016 at Reception Number D6080227 in the office of the Arapahoe County Recorder, from whence the Northwest Corner of the said Southeast Quarter of Section 28 (monumented by a 3 ¼ inch brass cap in a range box near the intersection of Iliff Avenue and Cherry Creek stamped "DMWW LS7104 1977") bears North 86°39'55" West for a distance of 490.46 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence North 89°49'40" East, along a line parallel with and offset 30.00 feet southerly from the north line of said Southwest Quarter of Section 28 for a distance of 9.92 feet to the northwest corner of that parcel described in the deed from MWWP & CO. to A.M.T. Development Company recorded on June 24, 1980 at Reception Number R1975863 in the office of said Arapahoe County Recorder;
2. Thence South 00°16'31" East, along the west line of said parcel described in the deed recorded at Reception Number R1975863, for a distance of 45.52 feet;
3. Thence South 89°49'49" West for a distance of 9.96 feet to a point on the east line of that parcel described as Parcel Number 2 in the Special Warranty Deed from the City and County of Denver, acting by and through its Board of Water Commissioners to the Cherry Creek Valley Water and Sanitation District recorded on May 28, 2004 at Reception Number B4097733 in the office of said Arapahoe County Recorder;
4. Thence North 00°14'05" West, along said east line of Parcel Number 2 described in the Special Warranty Deed recorded at Reception Number B4097733 and the east line of said parcel described in the Quit Claim Deed recorded at Reception Number D6080227, for a distance of 45.52 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 453 sq. ft. (0.010 acres), more or less.

BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Kevin B. McGuire 07-10-2019

Kevin McGuire, Colorado Licensed Surveyor, PLS 38490

I, Kevin B. McGuire, hereby state that my certification applies only to those items revised after the certification date of the previous version of this Legal Description made by Bradley J. Danielson, PLS 25622, on 05/07/19. See Sheet 1.01 of the ROW Plan of this project for full statement.

For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO 80202

