## CITY OF LAFAYETTE RESOLUTION NO. 2013-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, DECLARING THE INTENT TO ACQUIRE INTEREST IN REAL PROPERTIES FOR THE IMPROVEMENT OF DRAINAGE WAY NO. 2 AND 111<sup>TH</sup> STREET, AND AUTHORIZING THE STAFF, CONSULTANTS, AND CITY ATTORNEY TO INITIATE NEGOTIATIONS AND PROCEEDINGS, INCLUDING LITIGATION IF NECESSARY, FOR SUCH ACQUISITION

WHEREAS, the City of Lafayette is a home rule municipality organized and existing pursuant to the Constitution of the State of Colorado; and

WHEREAS, the City of Lafayette, in conjunction with the Urban Drainage and Flood Control District, intends to construct storm drainage and flood control improvements to Drainage Way No. 2, street improvements to 111<sup>th</sup> Street at its intersection with Drainage Way No. 2, and recreation trail improvements within the drainage way, and said project is referenced herein as the "111<sup>th</sup> Street/Drainage Way No. 2 Improvements"; and

WHEREAS, construction of the 111th Street/Drainage Way No. 2 Improvements will require acquisition of fee title and easement rights to several parcels of property, including those parcels described in Exhibits A, B, C and D attached hereto; and

WHEREAS, City Council finds that the 111th Street/Drainage Way No. 2 Improvements serves a public purpose by facilitating flood control and storm drainage, improving the movement of vehicular traffic within the City of Lafayette, and providing recreation facilities; and

WHEREAS, the acquisition of the property described in Exhibits A, B, C and D, is essential for the public purpose as described above; and

WHEREAS, the City of Lafayette is vested with the power of eminent domain, pursuant to Section 16.8 of the City of Lafayette Charter, the Constitution of the State of Colorado, and the provisions of the Colorado Revised Statutes.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lafayette, Colorado as follows:

<u>Section 1</u>. The City Council hereby declares its intent to acquire fee title interest to the parcels of real property described in Exhibits A and B attached hereto and made a part hereof.

- Section 2. The City Council hereby declares its intent to acquire easement rights to the parcels of real property described in Exhibits C and D attached hereto and made a part hereof.
- <u>Section 3</u>. Acquisition of such interests are necessary for the public purpose of improving flood control, storm drainage, improving and municipal streets, and providing public recreation facilities.
- <u>Section 4</u>. The City of Lafayette will, to the extent required by law, pay the reasonable cost of an appraisal of the property interest described in Exhibits A, B, C and D to the owner.
- Section 5. City staff and consultants, and the City attorney, are authorized to take all necessary steps, as required by all applicable laws, rules, regulations and requirements, for acquisition of all interest in the real property described in Exhibits A, B, C and D attached hereto, including without limitation, good faith negotiations with the owners of the properties, or their representative(s), and the initiation of legal proceedings, including eminent domain or other legal actions, if required, for such acquisition.

RESOLVED AND PASSED THIS 20<sup>TH</sup> DAY OF AUGUST, 2013.

CITY OF LAFAYETTE, COLORADO

## ATTEST: Carolyn D. Cutler, Mayor Susan Koster, CMC City Clerk APPROVED AS TO FORM:

David S. Williamson, City Attorney