



## Agenda Item Summary

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MEETING DATE: February 26, 2024

SUBJECT: **Resolution No. 21-R-2024** – A Resolution of the Town of Mead, Colorado, Authorizing the Acquisition of Certain Interests in Real Property through Eminent Domain Proceedings for 2024-25 Capital Projects and Delegating Authority to the Town Manager to Accept Deeds, Easements or License Agreements for Such Property Interests on behalf of the Town

PRESENTED BY: Erika Rasmussen, Town Engineer/Public Works Director

THROUGH: Marcus McAskin, Town Attorney

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### SUMMARY

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Resolution No. 21-R-2024 (“Resolution”) delegates authority to the Town Manager (or designee) to acquire certain temporary construction easements, permanent easements, License Agreements (as that term is defined below), or to acquire fee simple title for certain real property (collectively, “Property Interests”) as necessary for the successful completion of the following four (4) capital projects to be undertaken by the Town:

1. WCR 34 Bridge Replacement Project, as more particularly described in **Exhibit A** to the Resolution,
2. Town of Mead Regional Trail Extension, Safe Routes to School (SRTS) Project, as more particularly described in **Exhibit B** to the Resolution,
3. SH 66 / WCR 7 Pedestrian Crossing Project, as more particularly described in **Exhibit C** to the Resolution, and
4. WCR 26 Multipurpose Trail Project, as more particularly described in **Exhibit D** to the Resolution,

(collectively, the “Town Projects”).

As contemplated in the Resolution, the Town may be required to acquire a “*License to Enter Private Property*” or similar right to enter property from certain property owners in the vicinity of the Town Projects (together, the “License Agreements”) in order to support certain surveying and investigatory work related to the Town Projects (the “Project-Related Work”).

If the Resolution is approved, Town Staff, in coordination with the Town’s Property Acquisition Consultant (as defined in the Resolution) and the Town Attorney, will continue negotiations with the owner(s) of the Property Interests. In the event that good faith negotiations are successful, the Resolution authorizes the Town Manager to schedule and conduct closings and take other actions as are necessary to effect the transfer of deeds, easements or License Agreements on behalf of the Town of Mead. The

Resolution also authorizes the initiation of condemnation proceedings in the event that good faith negotiations are unsuccessful, but only if the condition set forth in Section 4 of the Resolution is satisfied.

Specifically, Section 4 of the Resolution states, in relevant part, that “[t]he Town Attorney shall not be authorized to proceed under this Section 4 unless and until the Board of Trustees has considered and approved a separate resolution (or resolutions) identifying the specific Property Interests to be acquired through the power of eminent domain.”

## FINANCIAL CONSIDERATIONS

The costs to the Town related to the approval of the Resolution may include the costs for acquiring the Property Interests as necessary for the Town Projects, which costs will be determined through negotiation. Additional costs may include assistance from the Town’s special eminent domain counsel on an as-needed basis. Section 3 of the Resolution contains the following limitation:

“The Town Manager shall be authorized to cause compensation to be paid to the property owners of the Property Interests, in such amounts as may be negotiated between the Town and the property owners of the Property Interests, provided that such amounts in the aggregate shall not exceed the amount(s) appropriated for said purpose in the Town’s approved 2024 and 2025 budgets, as the same may be amended from time to time.”

## STAFF RECOMMENDATION/ACTION REQUIRED

Staff recommends approval of the Resolution. A motion to approve the February 26, 2024 consent agenda will approve the Resolution. If the Board decides to remove this item from the consent agenda for questions or additional discussion, staff recommends the following motion:

### Suggested Motion:

“I move to approve Resolution No. 21-R-2024, A Resolution of the Town of Mead, Colorado, Authorizing the Acquisition of Certain Interests in Real Property through Eminent Domain Proceedings for 2024-25 Capital Projects and Delegating Authority to the Town Manager to Accept Deeds, Easements or License Agreements for Such Property Interests on behalf of the Town.”

## ATTACHMENTS

Resolution No. 21-R-2024

**Exhibit A** (WCR 34 Bridge Replacement Project)

**Exhibit B** (Town of Mead Regional Trail Extension, Safe Routes to School (SRTS) Project)

**Exhibit C** (SH 66 / WCR 7 Pedestrian Crossing Project)

**Exhibit D** (WCR 26 Multipurpose Trail Project)