

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 10

DATE: February 5, 2008

STAFF: Dean Klingner
Pat Hyland

SUBJECT

Second Reading of Ordinance No. 004, 2008, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements and Widen West Harmony Road from South College Avenue to Seneca Street.

RECOMMENDATION

Staff recommends adoption of this Ordinance on Second Reading.

EXECUTIVE SUMMARY

Improvements to Harmony Road between College Avenue and Seneca Street have been prioritized by the City of Fort Collins. To meet the proposed construction schedule for the Project, timely acquisition of the property interests along West Harmony Road is necessary. This Ordinance, unanimously adopted on First Reading on January 15, 2008, authorizes the approval to use eminent domain to acquire necessary property interests, if needed.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - January 15, 2008.

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 14

DATE: January 15, 2008

STAFF: Dean Klingner
Pat Hyland

COPY

SUBJECT

First Reading of Ordinance No. 004, 2008, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements and Widen West Harmony Road from South College Avenue to Seneca Street.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

Street improvements are necessary for West Harmony Road from College Avenue to Seneca Street, including the intersection of West Harmony Road and South Shields Street. Funds have been appropriated to begin this project as follows:

Use Tax Carryover Reserve	\$ 750,000
Street Oversizing Contribution	\$ 104,977
General Fund - Reserve for Trans. Capital	\$ 955,371
Federal Grant – Congestion Mitigation and Air Quality (CMAQ)	\$ 698,538
Sales and Use Tax – Building on Basics (BOB)	<u>\$3,000,000</u>
Total	<u>\$5,508,886</u>

In addition, it is anticipated that there will be an additional 2008 appropriation to the project from the Street Oversizing Program.

Preliminary construction plans and legal descriptions have been completed showing the real estate necessary for the street widening and the project is for the benefit of and in the best interests of the public.

EXECUTIVE SUMMARY

West Harmony Road is a major east-west arterial route in the City of Fort Collins. Numerous sections of this corridor have been widened, but there are some portions that remain two lanes. As a result, the roadway generally functions as a two-lane between College Avenue and Seneca Street.

The Harmony/Shields intersection produces long delays and has one of the highest accident rates in the City. For these reasons, improvements to this corridor have been prioritized by the City of Fort Collins. To meet the proposed construction schedule for the Project, timely acquisition of the property interests along West Harmony Road is necessary.

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BACKGROUND

West Harmony Road is a major east-west arterial route in the City of Fort Collins. The project area has seen substantial residential and commercial development in recent years and also serves the major destinations of Front Range Community College and the City of Fort Collins Public Library. Numerous sections of the corridor have been widened, but due to substantial gaps, the roadway generally functions as a two-lane street through most of this section. Many sections also lack adequate sidewalks and bike lanes. The Harmony/Shields intersection produces long delays and has one of the highest accident rates in the City. For these reasons, improvements to this corridor have been prioritized by the City.

The proposed improvements include widening West Harmony Road between Seneca and College Avenue to 4-lane arterial street standards including bike lanes, sidewalks and a reconstruction of the Harmony/Shields intersection. Construction is planned in 2008 for West Harmony from Seneca to the Burlington Northern Railroad, including the Harmony/Shields intersection.

To meet the proposed construction schedule for the Project, timely acquisition of the property interests along West Harmony Road is necessary. All property owners having any interest in this project, or whose property lies along West Harmony Road between College Avenue and Seneca Street, have been contacted and are aware of the project. All property owners were notified that City staff would be requesting approval to use eminent domain to acquire necessary property interests, if needed. City staff received no objections to this proposed request. Also, one of the affected property owners is a homeowners association (HOA). The covenants for the HOA are so restrictive that the only way to acquire the needed property may most reasonably be obtained through the eminent domain process. Staff is still discussing and negotiating with landowners, but has not obtained agreements from at least six of them. Staff is optimistic that all property negotiations can be completed in good faith prior to the start of the Project. However, given the construction schedule for the Project, timely acquisition of the property interests is necessary. Staff is requesting authorization of eminent domain for all property acquisitions needed for the Project, if such action is necessary.

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ATTACHMENTS

1. Location Map

ORDINANCE NO. 004, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN
PROCEEDINGS OF CERTAIN LANDS NECESSARY TO
CONSTRUCT PUBLIC IMPROVEMENTS AND WIDEN WEST HARMONY
ROAD FROM SOUTH COLLEGE AVENUE TO SENECA STREET

WHEREAS, the preliminary design and construction plans for the widening of West Harmony Road from South College Avenue to Seneca Street (the "Project") have been completed; and

WHEREAS, the Project includes improving the safety and efficiency of the intersection of West Harmony Road and South Shields Street as a joint City and Colorado Department of Transportation project; and

WHEREAS, it is necessary for the City to acquire certain property interests (the "Property") including rights-of-way, slope easements, utility easements, drainage and utility easements, and temporary construction easements described on Exhibits "A" through "Z" attached and incorporated herein by this reference (the "Exhibits"), for the purpose of constructing the Project; and

WHEREAS, the City will continue to negotiate in good faith with the landowners for the acquisition of the Property; and

WHEREAS, the acquisition of the Property is desirable and necessary for the construction of the Project and is in the City's best interest in order to promote public health, safety, and welfare; and

WHEREAS, the acquisition of the Property may, by law, be accomplished through eminent domain.

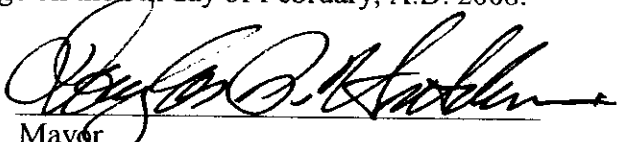
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby finds and determines that it is necessary in the public interest to acquire the Property described on the Exhibits for the purpose of constructing the Project.

Section 2. That the City Council hereby authorizes the City Attorney and other appropriate officials of the City to acquire the Property for the City by eminent domain.

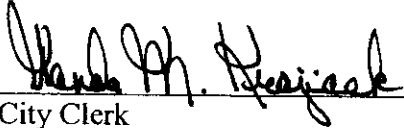
Section 3. That the City Council finds, in the event that acquisition of the Property described in this Ordinance is commenced by eminent domain, that immediate possession is necessary for the public health, safety and welfare.

Introduced, considered favorably on first reading, and ordered published this 15th day of January, A.D. 2008, and to be presented for final passage on the 5th day of February, A.D. 2008.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading on the 5th day of February, A.D. 2008.

Mayor

ATTEST:

City Clerk