

DATE: July 20, 2010
STAFF: Kyle Lambrecht,
Lindsay Kuntz, Helen Matson

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

12

SUBJECT

Second Reading of Ordinance No. 085, 2010, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the North College Avenue Roadway Improvement Project, Phase II.

EXECUTIVE SUMMARY

The North College Avenue Roadway Improvement Project, Phase II is a road improvement project that extends from Vine Drive on the south to the intersection of Conifer Street on the north and is to be constructed in 2011. The purpose of the project is to construct interim improvements in accordance with the City of Fort Collins North College Corridor Plan and the US 287/SH 14 Access Management Report. The City needs to acquire certain lands adjacent to the project area for the improvements. These acquisitions include both fee simple acquisitions and permanent and temporary easements. Timely acquisition of the property interests is necessary, given the anticipated construction schedule for the project. This Ordinance, unanimously adopted on First Reading on July 6, 2010, authorizes the acquisition of the property interests by eminent domain proceedings, if necessary.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - July 6, 2010
(w/o attachments)

DATE: July 6, 2010
STAFF: Kyle Lambrecht, Lindsay Kuntz
 Helen Matson

AGENDA ITEM SUMMARY
 FORT COLLINS CITY COUNCIL

18

SUBJECT

First Reading of Ordinance No. 085, 2010, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the North College Avenue Roadway Improvement Project, Phase II.

EXECUTIVE SUMMARY

The North College Avenue Roadway Improvement Project, Phase II (the "Project") is a road improvement project that extends from Vine Drive on the south to the intersection of Conifer Street on the north and is to be constructed in 2011. The purpose of the project is to construct interim improvements in accordance with the City of Fort Collins North College Corridor Plan and the US 287/SH 14 Access Management Report. This project will also improve the safety, operations, and aesthetics between Vine Drive and the Hickory/Conifer intersection. The City will need to acquire certain lands adjacent to the project area for the improvements. These acquisitions include both fee simple acquisitions and permanent and temporary easements. Timely acquisition of the property interests is necessary, given the anticipated construction schedule for the project.

BACKGROUND / DISCUSSION

The purpose of the project is to improve the safety, operations, and aesthetics between Vine Drive and the Hickory/Conifer intersection. The project includes curb, gutter and minor street patching, redefinition and consolidation of driveways, bike lanes and sidewalks, new streetscape, and other necessary improvements.

The area of the acquisitions needed for this project runs from the intersection of Conifer Street and College Avenue south to Vine Drive. The property interests required by this project include fee-simple, permanent, and temporary easements. City staff has identified 38 project parcels requiring acquisition.

Since the project is located on a Colorado Department of Transportation ("CDOT") facility (State Highway 287) and is partially funded by CDOT, all aspects of the project, including property acquisitions, must comply with procedures for federally funded projects. The acquisition phase of this project will conform to the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 as Amended (Public Law 91-646). In accordance with these regulations, the City must inform property owners about the possible use of eminent domain and their rights pursuant to Colorado Statute in the official Notice of Intent Letter. Prior to appraisals, this letter is the first official step in the acquisition phase. Authorization from City Council is needed prior to sending this information to property owners.

City staff has begun meeting with property owners to discuss the project and impacts to their properties. At those meetings, City staff notified property owners that staff would be presenting an ordinance to City Council requesting approval to use eminent domain to acquire necessary property interests, if needed and received no objections to this proposed request. Staff is optimistic that all property negotiations can be completed in good faith prior to the start of the project. Given the recommended construction schedule for the project and the fact that the City must conduct acquisitions under procedures for federally funded projects, timely acquisition of the property interests is necessary. Staff is requesting authorization of eminent domain, only if such action is deemed necessary, for all property acquisitions for the Project.

City staff notified all affected property owners by certified mail of this request to Council for authorization of eminent domain prior to First Reading of this Ordinance.

FINANCIAL / ECONOMIC IMPACTS

The total Project cost estimate is \$10.8 million, including design, construction, and acquisition. Property acquisition costs will be covered by available project funds, whether or not eminent domain is required. This project is funded by various sources, including Building on Basics ("BOB") funds, residual funds from the Northern Colorado Truck Route Relocation Project, state and federal funds, and potentially, Urban Renewal Authority funds.

ENVIRONMENTAL IMPACTS

With the project adjacent to a state facility and federal dollars as part of the overall project budget, several environmental and historical assessments were conducted on the properties affected by the project as required by CDOT. Assessments evaluating the project's impacts to air quality, noise pollution, hazardous waste, lead based paint, threatened or endangered species, wetlands, archaeology, paleontology, historic bridges, and history were conducted.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

PUBLIC OUTREACH

City staff has held numerous public meetings during the past year. These meetings began in the conceptual phase of the project to include public input as to what improvements were most desirable in the area. City staff met with individual property and business owners in the area to discuss the project and any concerns related to the upcoming improvements. City staff has been present at a number of North Fort Collins Business Association meetings to present the project and discuss the planned changes in the area.

ATTACHMENTS

1. Location map

COPY

COPY

ORDINANCE NO. 085, 2010
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN PROCEEDINGS OF
CERTAIN LANDS NECESSARY TO CONSTRUCT PUBLIC IMPROVEMENTS
IN CONNECTION WITH THE NORTH COLLEGE AVENUE ROADWAY
IMPROVEMENT PROJECT, PHASE II

WHEREAS, the North College Avenue Roadway Improvement Project, Phase II (the "Project") is scheduled to begin construction in the spring of 2011; and

WHEREAS, the Project involves the construction of curbs, gutters, driveway, bike lanes, sidewalks, streetscape, and other necessary improvements; and

WHEREAS, the Project will improve the safety, operations, and aesthetics of North College between Vine Drive and the Hickory/Conifer intersection; and

WHEREAS, it is necessary for the City to acquire certain property rights hereinafter described on Exhibits "A" through "EE", attached hereto and incorporated herein by this reference (the "Exhibits"), for the purpose of constructing the Project; and

WHEREAS, the City will negotiate in good faith for the acquisition of said property rights from the owners thereof; and

WHEREAS, the acquisition of the property rights is desirable and necessary for the construction of the Project, is in the City's best interest and enhances public health, safety, and welfare; and

WHEREAS, the acquisition of such property rights may, by law, be accomplished through eminent domain.

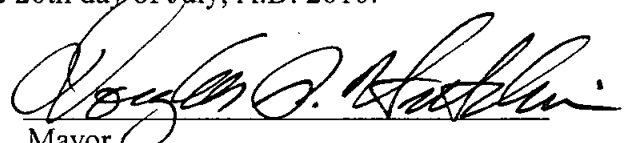
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

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

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

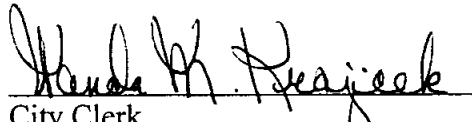
Section 3. The City Council finds, in the event that acquisition by eminent domain of the property rights described in this Ordinance is commenced, that immediate possession is necessary for the public health, safety and welfare.

Introduced, considered favorably on first reading, and ordered published this 6th day of July, A.D. 2010, and to be presented for final passage on the 20th day of July, A.D. 2010.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading on the 20th day of July, A.D. 2010.

Mayor

ATTEST:

City Clerk