



## Board Summary Report

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**File #:** 22-591

**Agenda Date:** 10/25/2022

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**To:** Board of County Commissioners

**Through:** Bryan Weimer, PWLF, Director, Public Work & Development

**Prepared By:**

Ryan Seacrist, PE, CIP Engineer III

**Presenter:** Robert Hill, Sr. Assistant County Attorney

**Subject:**

Ratify Execution of MOA & Acceptance of Right of Way for Iliff Avenue Operational Improvements Project

**Purpose and Request:**

The purpose of this report is to request that the Board of County Commissioners (BoCC) approve resolution, attached, to ratify the execution of the attached MOA by the Director of Public Works and Development and accept the conveyance to Arapahoe County of the specified deeds from the property owners for right-of-way (ROW), permanent easement and temporary construction easement along East Iliff Avenue and to authorize the Clerk and Recorder to record the respective deed document(s) following closing on the property or properties. These property acquisitions are agreed to in Memorandum of Agreements (MOA) executed for each parcel pursuant to the signature authority of Resolution No. 22-049 earlier in the project timeframe.

Staff has reviewed the ROW and easements and has determined that they meet Arapahoe County requirements. Staff recommends said ROW and easements, granted by the property owners or Courts, be accepted by the BoCC. Each parcel shall have a separate resolution for acceptance and the parcels in this action are as follows.

**Background and Discussion:** The Iliff Project will add drainage facilities, new and wider sidewalks, turn lanes, bicycle lanes, and intersection improvements with new traffic signals along with telecommunications 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. The Project requires a total of 80 parcels to be acquired.

Since federal dollars were utilized for this project, a formal appraisal was prepared and then reviewed and approved by CDOT ROW staff to establish the Fair Market Value (FMV). The FMV was agreed to by County Staff and an offer made based on the FMV. Good faith negotiations ensued with the owners and an agreed to amount was established. See attached map for location of parcels.

The parcels of land requested for ROW acceptance are located at various locations along the north and south side of East Iliff Avenue between South Quebec Street and South Parker Road. The parcel land sizes, and types of acquisitions are listed below. See the attached ROW plans for exact locations. The BoCC action is for acceptance of the following parcels.

Parcel #	Owner	Size (SF)
RW-8 Rev	CP Denver REH, LLC	12,412
RW-9 Rev2	CP Denver REH, LLC	5,153
RW-10	CP Denver REH, LLC	3,563
RW-19	CP Denver REH, LLC	146
PE-8	CP Denver REH, LLC	5,736
PE-9A	CP Denver REH, LLC	1,073
PE-9B	CP Denver REH, LLC	506
PE-9C	CP Denver REH, LLC	356
PE-10	CP Denver REH, LLC	2,929
PE-19	CP Denver REH, LLC	800
TE-8Rev	CP Denver REH, LLC	10,609
TE-9 Rev2	CP Denver REH, LLC	4,151
TE-10 Rev2	CP Denver REH, LLC	2,205
TE-19	CP Denver REH, LLC	1,245

**Fiscal Impact:** Compensation for these ROW acquisitions is as follows. The County paid an appraised amount, but not the full final amount determined as just compensation through settlement negotiations, in advance of closing in order to obtain a possession and use agreement for the property interests. The remaining funds for the total compensation for the ROW acquisition were expended previously at time of the execution of the MOA for each owner. The funds were held in closing escrow and ultimately a check was or will be issued by the closing/title insurance agent for presentation to the property owner (Grantor) at time of closing.

**Alternatives:** Approving of these ROWs from property owners will allow the Project to install improvements as planned. Alternatively, taking no action would result in the Project not being able to acquire ROW and construct needed improvements at additional expense to the Project and great impact to the Project schedule.

#### Alignment with Strategic Plan:

Be fiscally sustainable

Provide essential and mandated service

Be community focused

**Staff Recommendation:** Staff recommends said ROW and easements, granted by the property owners or Courts, be accepted by the BoCC.

**Concurrence:** The Transportation Division recommends that ROW from property owners be approved for acceptance.

**Suggestion Motion(s):** N/A

**Resolution:** Attach a copy of any recommended draft resolution.