

**RESOLUTION NO.**\_\_\_\_\_ It was moved by Commissioner \_\_\_\_\_ and duly seconded by Commissioner \_\_\_\_\_ to adopt the following Resolution:

WHEREAS, Arapahoe County (the “County”) is a Colorado County and political subdivision of the State of Colorado;

WHEREAS, the County has determined that the installation of traffic signals and related facilities at the southwest corner of the intersection of East Quincy Avenue and South Harvest Road (the “Signal Project”) would be in the public interest, would benefit the health, safety and welfare of the County, its citizens, taxpayers, property owners and developers within the County and the traveling public and would serve a public purpose;

WHEREAS, the County also has determined that such signals and equipment are to be located on that certain real property described in Exhibit A attached hereto and incorporated herein ;

WHEREAS, that certain real property described in Exhibit B attached hereto is to be dedicated to the County for right-of-way for East Quincy Avenue (the ”Right-of-Way Project”) and also would be in the public interest, would benefit the health, safety and welfare of the County, its citizens, taxpayers, property owners and developers within the County and the traveling public and would serve a public purpose (the real property described in Exhibits A and B is collectively referred to herein as the “Property”);

WHEREAS, the County also has determined that the Property is subject to certain easement rights held by others as described in that certain Grant of Easement with Lowry Environmental Protection/Cleanup Trust Fund as Grantor and ADM, KBT – Quincy, LLC as Grantee recorded on February 21, 2002, at Reception No. B2033932, a Partial Assignment and Assumption of Grant of Easement recorded on February 21, 2002 at Reception No. B2033935, a First Amendment to Grant of Easement recorded on November 21, 2002 at Reception No. B2222248, a Partial Assignment and Assumption of Grant of Easement recorded on November 21, 2002 at Reception No. B2222249, a Partial Assignment and Assumption of Grant of Easement recorded on March 19, 2004 at Reception No. B4049067 and a Second Amendment to Grant of Easement recorded on April 13, 2004 at Reception No. B4065778, all in the real property records of the Clerk and Recorder of Arapahoe County, Colorado (the “Easement Rights”);

WHEREAS, the County has determined that it is in the public interest, would benefit the health, safety and welfare of the County, its citizens, taxpayers, property owners and developers within the County and the traveling public and would serve a public purpose to acquire the Property free and clear of the Easement Rights;

WHEREAS, the County also has determined that delays in the acquisition of the right to enter on and take possession of the Easement Rights that encumber the Property will result in increased costs to the County and its taxpayers and delay the Signal Project and the Right-of-Way Project (collectively the “Projects”) which will be detrimental to the County and the general public; and

WHEREAS, C.R.S. § 43-2-112(2) provides that the County has and may exercise the power of eminent domain to acquire property necessary to lay out, widen, alter or change any county road and that the Projects are an integral part of such a road.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado as follows:

#### FINDINGS OF FACT

The Board makes the following findings of fact:

1. The construction and undertaking of the Projects is in the interest of the public health, safety and welfare and is for a public purpose;
2. There is a need and necessity to acquire the Easement Rights that encumber the Property for the Projects;
3. Possession of the Easement Rights encumbering the Property is needed as soon as possible and before any trial in any condemnation proceeding in order to prevent delays of and cost increases to the Projects.

#### DETERMINATION AND DECISION

It is hereby ordered that the County Attorney, Special Counsel and consultants to the County in their respective capacities are authorized to take all action necessary to acquire the Easement Rights encumbering the Property and to obtain the County's right to take immediate possession of the Easement Rights encumbering the Property as soon as possible through voluntary agreement or the exercise of the County's powers of eminent domain.

It is further ordered that the County Attorney, to the extent applicable, is authorized to execute cost-sharing agreements as may be necessary to accomplish the purposes of this order and effectuate the County's exercise of its power of eminent domain.

The vote was:

Commissioner Baker,\_\_\_; Commissioner Campbell,\_\_\_; Commissioner Fields,\_\_\_;  
Commissioner Summey,\_\_\_; Commissioner Warren-Gully,\_\_\_.

The Chair declared the motion carried and so ordered.