



Arapahoe County

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Board Summary Report

File #: 25-473

Agenda Date: 9/9/2025

Agenda #: 6.j.

To: Board of County Commissioners

Through: Ron Carl, County Attorney, County Attorney's Office

Prepared By:

Matt Hader, Senior Assistant County Attorney, County Attorney's Office

Subject:

Resolution Approving Eminent Domain Proceedings for Property at E Quincy Ave and S Harvest Rd
Necessary for Right of Way

Purpose and Request:

The Board of County Commissioners is requested to adopt a resolution authorizing the exercise of eminent domain to acquire two small parcels of land burdened by easements that are necessary to support the buildout of infrastructure associated with two adjacent developments. In association with this, the Board is asked to authorize the County Attorney to enter into cost-sharing agreements associated with the underlying action. If adopted, and upon the conclusion of a condemnation action, the resulting parcels will become right-of-way. One will support the foundation of a traffic light, while the other will be used for right-of-way and walkway purposes.

Alignment with Strategic Plan: Sustainable Growth and Infrastructure - Implement smart growth policies to align housing, transportation, open spaces and economic development.

Background and Discussion: In recent months, land use applications have been approved for developments in the area of E. Quincy Ave. and S. Harvest Rd. These developments, including the expansion of operations by Waste Management to the north, and the battery solar development to the southwest, both required, *inter alia*, dedication of right-of-way to the County. The right of way dedication is necessitated by the impacts of these developments on the infrastructure of the county. Specifically, a full traffic light at the intersection and the widening of E Quincy Ave. The right-of-way dedication was frustrated by residual interests in the easements preventing the underlying owner, KDB Homes, a subsidiary of D.R. Horton, from transferring the property to the County. The exercise of eminent domain authority will accomplish the purpose of securing the necessary right of way, which will benefit the public and increase safety. Of note, D.R. Horton, is not opposed to this course of action, making this a "friendly condemnation." Moreover, because the underlying obligation for dedication of the right-of-way belongs to the developers, those developers have agreed to reimburse

the County for all expenses and costs associated with the condemnation action. For this reason, cost-sharing agreements, which are actually cost allocation agreements, will be necessary. This has necessitated the request to authorize the County Attorney to enter into such agreements.

Alternatives: There are limited alternatives. The applicants of the associated approved development could be forced to purchase the properties, but a possible result is that each transaction could exceed an appropriate market rate, pushing up the costs of these otherwise approved developments. Alternatively, the County could pay the costs. The costs, however, are necessitated by the projects and generally it is the policy that development should pay its own way.

Fiscal Impact: This item will have no fiscal impact unless the authority to enter cost-sharing agreements is denied. The required right of way is the obligation of the various developers. As such, those developers have agreed to reimburse the County for the costs incurred in exercising eminent domain authority.

Alignment with Strategic Implementation Strategies: The attached framework helps Arapahoe County institutionalize values-based, transparent decision-making, documenting how we make decisions and carry out actions to achieve the county's strategic plan.

Concurrence: The Public Works Department supports this action.