



Legislation Details (With Text)

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Title: C15-002; Iliff Avenue Operational Improvement Project - Condemnation Settlement Agreement for Windstream Condominium Association

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Summary Report, 2. Resolution, 3. 2021-08-26 Wind Stream Settlement 8 pm.pdf

Date	Ver.	Action By	Action	Result
8/31/2021	1	Board of County Commissioners Business Meeting	approved	Pass

To: Board of County Commissioners

Through: Bryan D. Weimer, PWLF, Director, Public Works and Development Department

Prepared By:

Bryan D. Weimer, PWLF, Director, Public Works and Development Department

Subject:

C15-002; Iliff Avenue Operational Improvement Project - Condemnation Settlement Agreement for Windstream Condominium Association

Purpose and Request:

The purpose of this consent agenda item is to request approval of a resolution to approve of the condemnation settlement agreement by and between the Windstream Condominium Association and Arapahoe County for the necessary right-of-way and easement needed for the Iliff Avenue Operational Improvement Project. Furthermore, the Public Works and Development Director is authorized to make expenditures to meet the contractual requirements of the settlement.

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 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 is partially funded using federal funds, as such the Uniform Acquisition and Relocation Act requirements must be followed for all right-of-way acquisitions for the project. Parcels 71-79 are required for ROW, PE, and TE's necessary for the project as designed.

The Board of County Commissioners adopt resolution 200251 to establish a public need and authorize the initiation of eminent domain proceedings for Parcels 71-79 for Right-of-Way (ROW), Permanent Easement (PE) and Temporary Easement (TE) to support the Iliff Avenue Corridor Improvements Project, C15-002 (Project). Additionally, the resolution allowed the deposit of just compensation by Arapahoe County for the properties identified as Parcels 71-79.

The attached settlement agreement was reached between the County and Windstream through court appointed mediation that occurred on August 26, 2021.

Alternatives: The Board could deny approval of the agreement. In such event, the condemnation proceeding s would continue and a value find hearing would be scheduled which could result in a significantly higher settlement liability to the County.

Fiscal Impact: The funds for right of way and easement acquisitions for the Iliff Project are being paid out of the project budget.

Alignment with Strategic Plan:

- ☐ Be fiscally sustainable
- ☒ Provide essential and mandated service
- ☐ Be community focused

Concurrence: Sr. Asst. County Attorney has reviewed the settlement agreement and concurs with the staff recommendation of approval.

Resolution: Attach a copy of the draft resolution.