

1 RESOLUTION R-2024

2 A RESOLUTION OF THE LONGMONT CITY COUNCIL AUTHORIZING THE EXERCISE
3 OF THE CITY'S POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL
4 PROPERTY INTERESTS NECESSARY FOR PUBLIC PURPOSES IN CONNECTION WITH
5 THE ST. VRAIN GREENWAY TRAIL PROJECT
6

7 WHEREAS, the City of Longmont (the "City") possesses the power of eminent domain
8 pursuant to Article II, section 15 and Article XX, sections 1 and 6 of the Colorado Constitution,
9 Section 13.5 of the City's Home Rule Charter, C.R.S. section 31-25-201, C.R.S. section 38-1-
10 101, *et seq.*, and C.R.S. section 38-6-101, *et seq.*; and

11 WHEREAS, the City may exercise the power of eminent domain for the public purpose
12 of acquiring land for public trails, recreation, and open space; and

13 WHEREAS, the City seeks to acquire a permanent easement across certain real property
14 in order to construct, operate, maintain, use and open to the public a recreational trail as part of
15 the St. Vrain Greenway Trail Project ("Project"); and

16 WHEREAS, the permanent easement is necessary to complete Phase 13 of the Project,
17 the 2.2 mile eastern trail segment extending to St. Vrain State Park's trail network; and

18 WHEREAS, the City has to date been unable to acquire this easement through good faith
19 negotiations with the owner of the real property; and

20 WHEREAS, the City's acquisition of this easement is necessary and serves a public
21 purpose.

22 NOW, THEREFORE, THE COUNCIL OF THE CITY OF LONGMONT, COLORADO
23 RESOLVES:

1 Section 1

2 The above recitals are incorporated herein by reference and adopted as findings of the
3 City Council.

4 Section 2

5 The permanent easement the City seeks to acquire is more particularly described in the
6 attached Exhibit 1 (the “Easement”).

7 Section 3

8 The City Council hereby finds the acquisition of the Easement will serve a proper, public
9 and municipal purpose and use, and that such acquisition is necessary and essential to this public
10 purpose and use. The City Council hereby declares its intent to acquire the Easement for the
11 purposes stated herein and, if necessary, to do so through the exercise of the power of eminent
12 domain.

13 Section 4

14 The City Manager or designee, the City Attorney, and any and all persons retained or
15 employed by the City in the prosecution of this matter are hereby directed to comply with all
16 notice and good faith negotiation requirements set forth in C.R.S. section 38-1-101, *et seq.*

17 Section 5

18 The City Manager or designee is authorized to make one or more additional reasonable
19 and good faith offers to purchase the Easement from the landowner, and the City Manager or
20 designee is further authorized to execute agreements in furtherance of this acquisition and related
21 matters.

1 Section 6

2 If, after engaging in further good-faith negotiations, the City is unable to acquire the
3 necessary property rights by agreement, the City Attorney and the City's special counsel are
4 hereby authorized to institute and prosecute to conclusion eminent domain proceedings in the
5 name of the City so as to acquire the Easement by condemnation. In the prosecution of any
6 eminent domain action to acquire the Easement, the City shall have and retain all rights and
7 powers lawfully delegated to it by Article II, section 15 and Article XX, sections 1 and 6 of the
8 Colorado Constitution, the City's Home Rule Charter, C.R.S. section 31-25-201, C.R.S. section
9 38-1-101, *et seq.*, and C.R.S. section 38-6-101, *et seq.*

10 Section 7

11 If eminent domain proceedings are instituted, the City Manager or designee, in
12 consultation with the City Attorney and the City's special counsel, is authorized to retain such
13 expert witnesses, including appraisers, and to incur such other expenses as the City reasonably
14 determines are necessary for the eminent domain proceedings.

15 Section 8

16 The City Manager or designee, in consultation with the City Attorney and the City's
17 special counsel, are hereby authorized to make such reasonable or necessary amendments and
18 corrections to the Easement Agreement, including authorization to include such additional or
19 other property rights necessary or desirable for the City. The City Manager and City Clerk are
20 hereby authorized and directed to execute an acceptance of the interests in real property when
21 acquired.

1 Section 9

2 The City Council hereby finds, determines, and declares that this Resolution is
3 promulgated under the general police power of the City, that it is adopted for the health, safety
4 and welfare of the public, and that this Resolution is necessary for the preservation of health and
5 safety and for the protection of public convenience and welfare. The City Council further
6 determines that the Resolution bears a rational relation to the proper legislative object sought to
7 be obtained.

8 Section 10

9 If any clause, sentence, paragraph or part of this Resolution or the application thereof to
10 any person or circumstances shall for any reason be adjudged by a court of competent
11 jurisdiction invalid, such judgment shall not affect any other clause, sentence, paragraph, or part
12 of this Resolution.

13 Section 11

14 This Resolution shall become effective immediately upon adoption.

15 Section 12

16 The Council repeals all resolutions or parts of resolutions in conflict with this resolution,
17 but only to the extent of such inconsistency.

18 Passed and adopted this _____ day of _____, 2024.

19
20
21
22
_____ MAYOR

1 ATTEST:

2

3

4

5 _____
CITY CLERK

6

7

8 APPROVED AS TO FORM:

9

10

11

12 _____
ASSISTANT CITY ATTORNEY

_____ DATE

13

14

15

16 _____
PROOFREAD

_____ DATE

17

18

19 APPROVED AS TO FORM AND SUBSTANCE:

20

21

22

23 _____
ORIGINATING DEPARTMENT

_____ DATE

24

25

CA File: 24-002969

Exhibit 1

PROJECT CODE: 23924
PROJECT NUMBER: MTF M820-032
PERMANENT EASEMENT NUMBER: PE-2
DATE: JANUARY 19, 2024

PROPERTY DESCRIPTION

A Permanent Easement No. PE-2 of the City of Longmont LPA CDOT Project Code 23924, Project Number MTF M820-032, containing 25,562 square feet (0.587 acre), more or less, being part of Lot A, Recorded Exemption No. 1313-9-2 RE-3232, recorded April 15, 2002 as Reception No. 2942710 of the records of the Weld County Clerk and Recorder, located in the Northwest Quarter (NW1/4) of Section Nine (9), Township Two North (T.2N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 9; **THENCE** South 55°13'25" East a distance of 602.61 feet to the intersection with the Southwesterly line of said Lot A, said point being the **POINT OF BEGINNING**;

1. **THENCE** leaving the Southwesterly line of said Lot A and along the arc of a curve, which is concave to the Southeast and non-tangent to aforesaid line, a distance of 83.64 feet to a Point of Tangency (PT), said curve having a radius of 55.00 feet, a central angle of 87°08'06" and a long chord bearing North 67°24'09" East a distance of 75.81 feet;
2. **THENCE** South 69°01'48" East a distance of 85.50 feet to a Point of Curvature (PC);
3. **THENCE** along the arc of a curve, which is concave to the North, a distance of 46.36 feet to a Point of Tangency (PT), said curve having a radius of 45.00 feet, a central angle of 59°01'50" and a long chord bearing North 81°27'17" East a distance of 44.34 feet;
4. **THENCE** North 51°56'22" East a distance of 164.99 feet to a Point of Curvature (PC);
5. **THENCE** along the arc of a curve, which is concave to the Northwest, a distance of 164.97 feet to a Point of Tangency (PT), said curve having a radius of 215.00 feet, a central angle of 43°57'50" and a long chord bearing North 29°57'27" East a distance of 160.95 feet;
6. **THENCE** North 07°58'32" East a distance of 1.74 feet to a Point of Curvature (PC);



7. THENCE along the arc of a curve, which is concave to the Southeast, a distance of 26.92 feet to the intersection with a Northerly curve of said Lot A, said curve having a radius of 70.00 feet, a central angle of 22°02'17" and a long chord bearing North 18°59'41" East a distance of 26.76 feet;
8. THENCE along said Northerly curve of said Lot A, which is concave to the North and non-tangent to aforesaid curve, a distance of 71.11 feet to the Northeast corner of said Lot A, said curve having a radius of 11,580.00 feet, a central angle of 00°21'07" and a long chord bearing South 89°27'27" East a distance of 71.11 feet;

The following Two (2) courses and distances are along Southeasterly lines of said Lot A:

9. THENCE South 30°38'09" West a distance of 171.68 feet;
10. THENCE South 50°19'09" West a distance of 297.57 feet to a Southeasterly corner of said Lot A;
11. THENCE North 68°46'07" West along the Southwesterly line of said Lot A a distance of 179.72 feet to the **POINT OF BEGINNING**.

The above described Permanent Easement contains 25,562 square feet (0.587 acre), more or less.

The purpose of the above described Permanent Easement is for permanent placement, construction and maintenance of trail improvements and related activities and facilities.

Basis of Bearings: The basis of bearings for project reference is the North line of the Northwest Quarter (NW1/4) of Section Nine (9), Township Two North (T.2N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being monumentalized by a #6 rebar with a 3 ¼" diameter cap stamped "LS34977, 2017" in a monument box at the West end and by a witness monument, being a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS24305, 2014," at the East end, as bearing North 88°37'09" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/11, a distance of 2678.64 feet, with all other bearings contained herein relative thereto.

Lineal Unit Definition: The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

For and on the behalf of
City of Longmont
Michael Chad Dilka, PLS 38106
King Surveyors (Job # 20220085)
650 East Garden Drive
Windsor, CO 80550
(970) 686-5011



PROJECT CODE: 23924
PROJECT NUMBER: MTF M820-032
PERMANENT EASEMENT NUMBER: PE-2A
DATE: JANUARY 19, 2024

PROPERTY DESCRIPTION

A Permanent Easement No. PE-2A of the City of Longmont LPA CDOT Project Code 23924, Project Number MTF M820-032, containing 15,387 square feet (0.353 acre), more or less, being part of Lot A, Recorded Exemption No. 1313-9-2 RE-3232, recorded April 15, 2002 as Reception No. 2942710 of the records of the Weld County Clerk and Recorder, located in the Northwest Quarter (NW1/4) of Section Nine (9), Township Two North (T.2N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 9; **THENCE** South 55°13'25" East a distance of 602.61 feet to the intersection with the Southwesterly line of said Lot A, said point being the **POINT OF BEGINNING**;

1. **THENCE** leaving the Southwesterly line of said Lot A and along the arc of said curve, which is concave to the Southeast and non-tangent to aforesaid line, a distance of 83.64 feet to a Point of Tangency (PT), said curve having a radius of 55.00 feet, a central angle of 87°08'06" and a long chord bearing North 67°24'09" East a distance of 75.81 feet;
2. **THENCE** South 69°01'48" East a distance of 85.50 feet to a Point of Curvature (PC);
3. **THENCE** along the arc of a curve, which is concave to the North, a distance of 46.36 feet to a Point of Tangency (PT), said curve having a radius of 45.00 feet, a central angle of 59°01'50" and a long chord bearing North 81°27'17" East a distance of 44.34 feet;
4. **THENCE** North 51°56'22" East a distance of 164.99 feet to a Point of Curvature (PC);
5. **THENCE** along the arc of a curve, which is concave to the Northwest, a distance of 164.97 feet to a Point of Tangency (PT), said curve having a radius of 215.00 feet, a central angle of 43°57'50" and a long chord bearing North 29°57'27" East a distance of 160.95 feet;



6. THENCE North $07^{\circ}58'32''$ East a distance of 1.74 feet to a Point of Curvature (PC);
7. THENCE along the arc of a curve, which is concave to the Southeast, a distance of 26.92 feet to the intersection with a Northerly curve of said Lot A, said curve having a radius of 70.00 feet, a central angle of $22^{\circ}02'17''$ and a long chord bearing North $18^{\circ}59'41''$ East a distance of 26.76 feet;
8. THENCE along said Northerly curve of said Lot A, which is concave to the North and non-tangent to aforesaid curve, a distance of 47.53 feet, said curve having a radius of 11,580.00 feet, a central angle of $00^{\circ}14'07''$ and a long chord bearing North $89^{\circ}09'51''$ West a distance of 47.53 feet;
9. THENCE South $13^{\circ}25'41''$ West leaving said Northerly curve of said Lot A and non-tangent to aforesaid curve, a distance of 89.22 feet;
10. THENCE South $45^{\circ}20'48''$ West a distance of 252.91 feet;
11. THENCE North $73^{\circ}35'00''$ West a distance of 125.49 feet;
12. THENCE South $59^{\circ}11'19''$ West a distance of 73.51 feet to the intersection with the Southwesterly line of said Lot A;
13. THENCE South $68^{\circ}46'07''$ East along the Southwesterly line of said Lot A a distance of 20.12 feet to the **POINT OF BEGINNING**.

The above-described Permanent Easement contains 15,387 square feet (0.353 acre), more or less.

The purpose of the above described Permanent Easement is for construction and permanent maintenance of trail improvements and related activities and facilities.

Basis of Bearings: The basis of bearings for project reference is the North line of the Northwest Quarter (NW1/4) of Section Nine (9), Township Two North (T.2N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being monumentalized by a #6 rebar with a 3 ¼" diameter cap stamped "LS34977, 2017" in a monument box at the West end and by a witness monument, being a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS24305, 2014," at the East end, as bearing North $88^{\circ}37'09''$ East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/11, a distance of 2678.64 feet, with all other bearings contained herein relative thereto.

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