

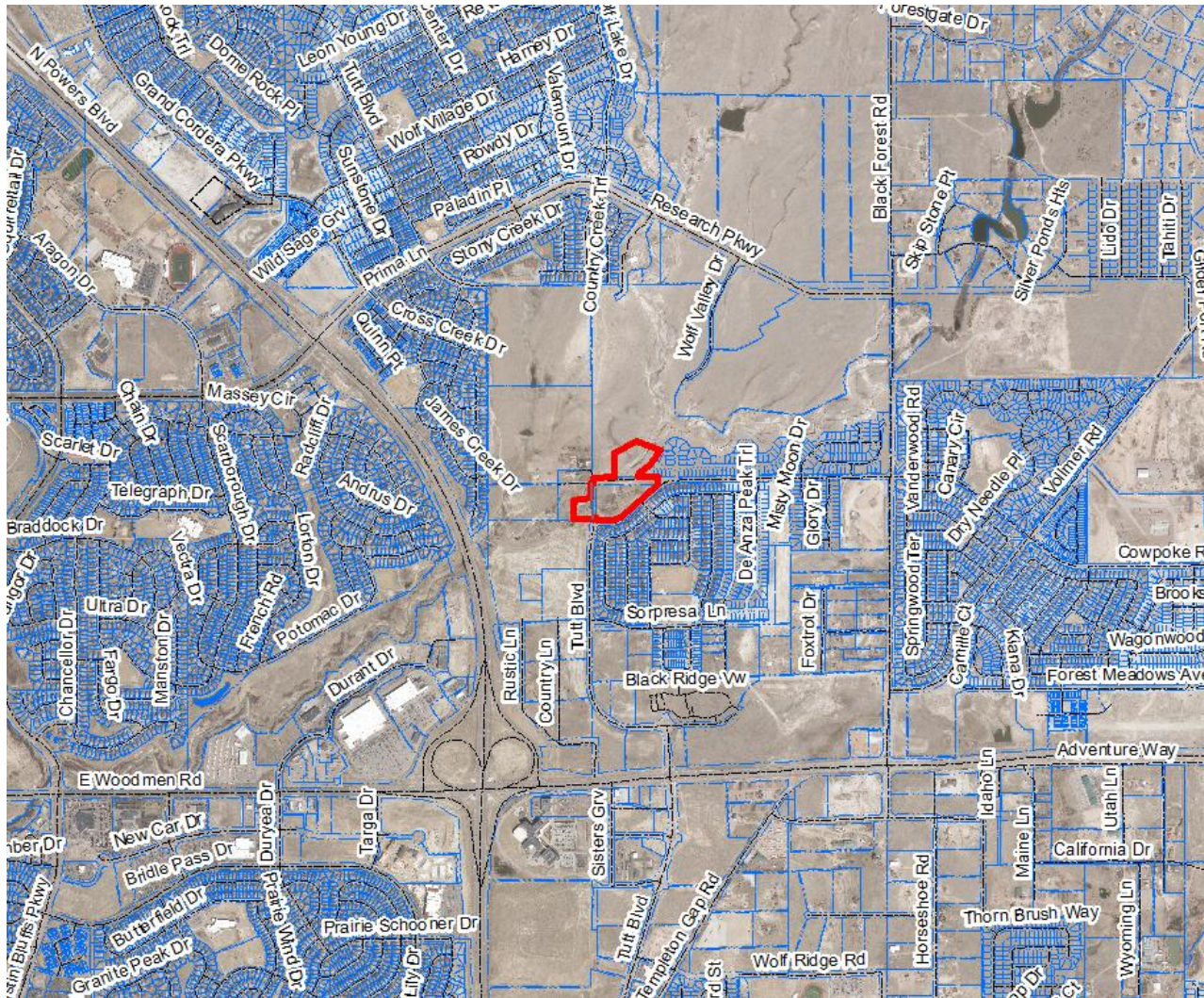
Use of Eminent Domain to acquire Real Property Interests owned by Goetsch Peacock, LLC for the Cottonwood Creek Detention Basin PR-2 Project

August 27, 2019
City Council Meeting



Jeff Dunn, P.E. Stormwater Enterprise

Vicinity Map

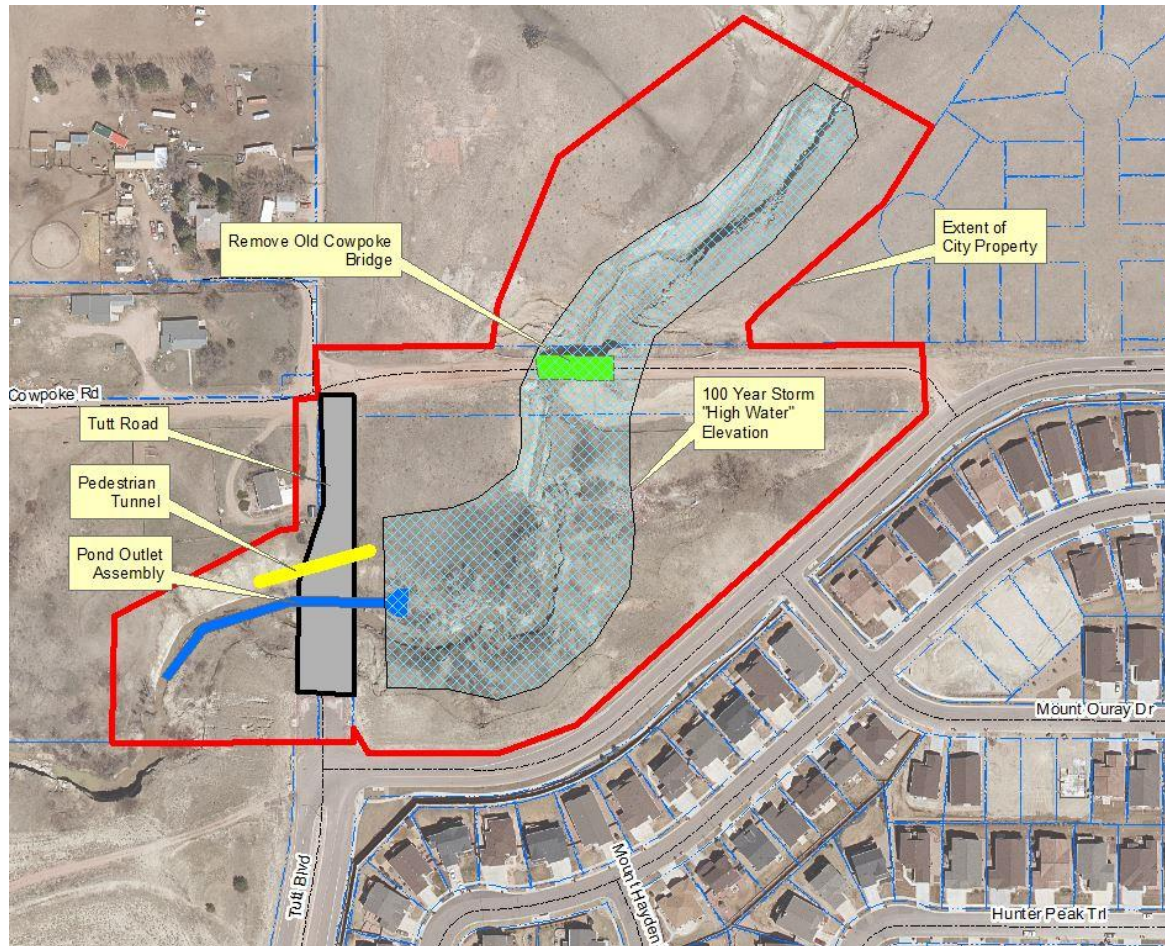


Summary and Benefits



- April 27, 2016: Pond PR-2 was identified in IGA for required storm water detention in Cottonwood Creek Basin.
- Ordinance 18-29 dated April 12, 2018: City Council authorized appropriations from the General Fund totaling \$346,506 to construct the Project.
- Resolution 6-19 dated January 22, 2019: City Council authorized purchase of 1.74 acres of property to construct Pond PR-2.
- Tutt Boulevard will be constructed with Pond PR-2 to replace Old Cowpoke Bridge. Old Cowpoke Bridge must be removed because:
 - It will not adequately serve the future needs of our transportation network in an urban environment.
 - Additional storm water runoff volume is needed for Pond PR-2.
- Pond PR-2 will provide Flood Control in Cottonwood Creek for a 6 square mile watershed.
- Cottonwood Creek Trail Pedestrian Tunnel will be constructed with Pond PR-2.

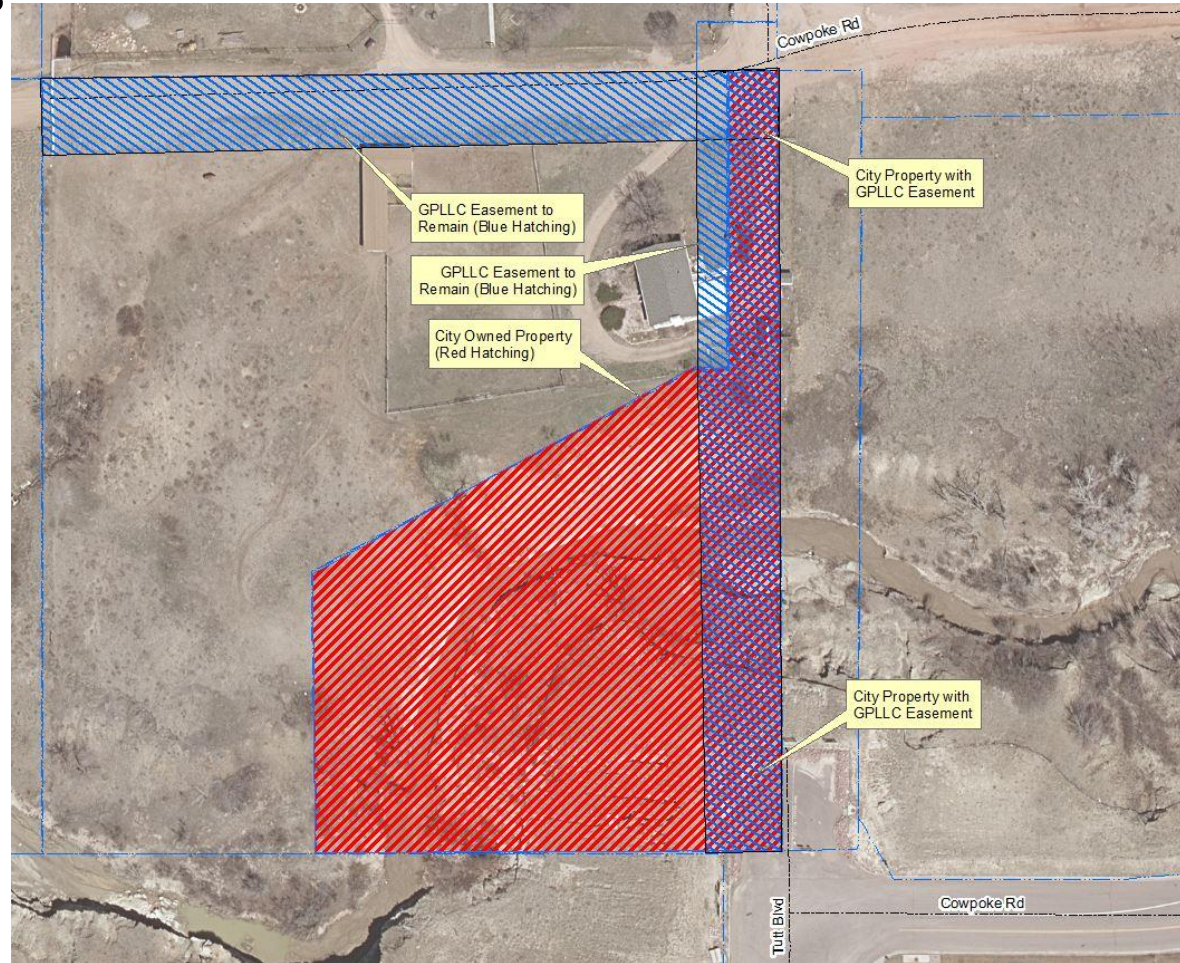
Construction Elements



Existing Interests



- City acquired 1.74 acres of property for Project (Red Hatching)
- Goetsch Peacock, LLC (GPLLC) easements (Blue Hatching)
- Removal of encumbrances required to construct Project (Red/Blue Hatching)



Existing Interests



- GPLLC's Easements restrict City's use of its property
- City may not change grade of ground by more than 1 foot without GPLLC's consent:
 - “ . . . in no event shall [City] change, by excavation or filling, the present grade or ground level of the Easement by more than one foot without the prior written consent of [Goetsch Peacock, LLC].”

Summary of Negotiations



- March 1, 2019: City offered GPLLC \$3,000 to release interests in Easements. No response.
- April 17, 2019: Initial Notice of Intent to Acquire Interests sent to GPLLC. GPLLC received on April 22, 2019.
- May 31, 2019: Reminder Notice of Intent sent to GPLLC.
- June 5, 2019: City Appraisal of Easements, determined value of \$1,900
- July 16, 2019: GPLLC Appraisal of Easements was due. None provided.
- July 17, 2019: City offered GPLLC appraised value. No response.
- July 31 2019: City made last and final offer. No response.