



## Legislation Details (With Text)

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**Title:** A Resolution Authorizing The Acquisition Of Property Owned By Mark T. Elliott And Jodene M. Elliott Pursuant To The Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP)

**Presenter:**  
Tim Mitros, Engineering Program Manager, Office of Emergency Management

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit C 1522 Custer - Site Map referenced in memo, 2. Final Resolution Acquisition ELLIOTT-FEMA Grant-2016-03-28, 3. Exhibit A 1522 Custer - referenced in Resolution, 4. Exhibit B 1522 Custer - referenced in Resolution, 5. Resolution 45-16.pdf

Date	Ver.	Action By	Action	Result
5/10/2016	1	City Council	adopted	Pass
4/25/2016	1	City Council Work Session	referred	

A Resolution Authorizing The Acquisition Of Property Owned By Mark T. Elliott And Jodene M. Elliott Pursuant To The Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP)

**Presenter:**

Tim Mitros, Engineering Program Manager, Office of Emergency Management

**Summary:**

The attached Resolution authorizes staff to proceed with the acquisition of a 0.331-acre parcel of land known as 1522 Custer Avenue owned by Mark T. Elliott and Jodene M. Elliott. A map of the parcel is attached as Exhibit C. This property is currently vacant because in September 2013, Shooks Run severely undercut the easterly bank adjacent to the Elliott's home, creating a dangerous condition. Should the bank collapse, the Elliott's home is in danger of significant damage.

**Previous Council Action:**

N/A

**Background:**

Mark T. Elliott and Jodene M. Elliott are the owners of the 0.331-acre parcel of land known as 1522 Custer Avenue (the "Property"). The home on this property was constructed in 1955 adjacent to Shooks Run. Over the years Shooks Run has deepened and migrated onto the Elliott's property

from property to the west (Taylor Elementary School and Patty Jewett Golf Course). In September 2013, Shooks Run undercut the easterly bank adjacent to the Elliott's home. Because of this, there are concerns that if the bank collapses the Elliott's home may receive significant damage.

In order to correct the situation, Shooks Run will need to be stabilized and relocated to the west onto Taylor Elementary School and Patty Jewett Golf Course. The construction cost is estimated at \$250,000, which does not include property acquisition costs to relocate the creek to the west.

Unprecedented flooding in September 2013 led to a Presidential Federal disaster declaration for Colorado on September 14, 2013 (DR-4145). Because of that FEMA HMGP funds were made available for flood mitigation through property acquisition. The City submitted and was awarded a grant to acquire and remove the Elliott's home. The total cost to purchase (including closing costs) and demolish the home is approximately \$345,000. The Federal share is approximately \$259,000, State share is approximately \$43,000 and the City's share is approximately \$43,000. Acquisition is a more cost effective option for the City than relocating the creek to the west.

Following Federal, State and City acquisition regulations, the Elliotts and the City have agreed on a Fair Market Value for the property of \$278,333. Applicable laws were followed for this determination. The State of Colorado's FEMA NEPA Environmental Report states that no extraordinary environmental conditions exist upon the property.

This item supports the City's strategic goal relating to investing in infrastructure. By obtaining the property, the City can perform needed repairs and ongoing maintenance in Shooks Run to prevent further damage.

**Financial Implications:**

In a previous year, the City appropriated funding to the project titled "High Priority Projects - Grant Match". The City has earmarked from the balance in this project its share of approximately \$43,000. Therefore, no new appropriation is required.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

N/A

**Alternatives:**

Do not approve the acquisition of the property located at 1522 Custer Avenue and instead relocate/stabilize the creek at a higher cost to the City.

**Proposed Motion:**

Motion to approve the attached Resolution authorizing the purchase of the property located at 1522 Custer Avenue.

N/A