

EXECUTIVE SUMMARY

WEIR GULCH REACH 1 – DECATUR STREET LAO

The full acquisition of five commercial properties is required to support the Weir Gulch project, which is a key project in a high priority basin that will reduce flood risk to the Sun Valley neighborhood, as well as increase ped/bike mobility, restore natural habitat, and increase recreation along Weir Gulch.

The scope includes replacement of the existing culvert at Decatur with a bridge, and channel modifications along Weir Gulch from the South Platte River to Decatur Ave. The channel modifications will incorporate a multi-stage, stream channel and floodplain to appropriately convey the base-flow, bank full flow, and overbank flows, and promote a vibrant and sustainable riparian and wetland community that will be an aesthetic benefit to the surrounding neighborhood. The design will also incorporate redesign of the adjacent trail to increase mobility along the corridor

This project is a partnership among Parks and Recreation, the Mile High Flood District and DOTI-Infrastructure.

The City uses a Land Acquisition Ordinance (LAO) to acquire land for transportation projects, including roadway and pedestrian projects, and other key City projects which provide a public purpose.

General Specifics of LAOs:

- LAO must have a public purpose.
- A LAO grants authority to acquire needed property through negotiated purchase or condemnation and can include full or partial property acquisition or temporary or permanent easements.
- The City cannot acquire more property than is anticipated for use. Occasionally, the City will acquire a whole property when only a portion is needed if the remainder property would become useless to the landowner.
- Funding for acquisition is included as part of the project budget.
- Large roadway projects typically use vesting deeds to describe a broader area within which acquisitions will occur. This is due to timing of the engineering design and approval and construction schedule.
- Smaller sidewalk and pedestrian projects are often more precise and limited to a more specific area for acquisition and use legal descriptions in the right of way plans to describe the LAO area.

Right of Way Process:

1. Property owner and tenant, if applicable, are notified in writing of the project through a Letter of Intent.

2. City orders an appraisal to determine fair market value based upon the engineering plans and legal descriptions defining the required area.
3. City sends a Relocation General Information Notice, if applicable, and the Acquisition Offer Letter Packet based upon the fair market value.
 - Owner has the right to obtain its own appraisal at City's expense.
4. City negotiates with Owner to come to a settlement agreement:
 - If Owner accepts offer, City prepares Purchase Agreement and moves forward with acquisition, relocation and closing.
 - If owner rejects offer or does not respond to offer, City moves forward with condemnation.
5. City sends a Final Offer and Last and Final Offer Letter if there has been no response from the owner during the initial 30 day period.

Business Relocation

- City is required to reimburse businesses the cost of moving personal property and the business, if required (includes actual move, deposits, utility hookups, etc).
- Relocation counselors work with owner/tenant to establish what is required for the move.
- Owner/tenant has up to 18 months to claim benefits from last acquisition payment or date of the move, whichever is the later.