

NOTICE OF ADOPTED ORDINANCE

Pursuant to Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council did adopt the following named and described Ordinance during a Regular Meeting on July 2, 2019, which commenced at 6:00 P.M. at the Castle Rock Town Council Chambers, 100 N. Wilcox St. Castle Rock, CO 80104

Title of Adopted Ordinance:

Ordinance No. 2019-018

An Ordinance Amending Chapter 14.02 of the Castle Rock Municipal Code Concerning Eminent Domain

Subject Matter Summary:

The proposed ordinance amends the Castle Rock Municipal Code to require Council authorization prior to the filing of a petition in condemnation.

The entire text of the proposed ordinance is contained herein, and copies of all documents are available for public inspection at the office of the Town Clerk, 100 North Wilcox, Castle Rock, Colorado 80104 during normal working hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Publication Date: July 3, 2019

ORDINANCE NO. 2019-018

AN ORDINANCE AMENDING CHAPTER 14.02 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING EMINENT DOMAIN

WHEREAS, pursuant to 1-4 of the Castle Rock Home Rule Charter, the Town shall have all powers of eminent domain, within and without the limits of the Town, for all municipal purposes,

WHEREAS, the Town Council wants to insure the inclusion of certain standard provisions in any such ordinance authorizing eminent domain,

WHEREAS, irrespective of the adoption of an ordinance exercising the Town's eminent domain powers, no petition in condemnation shall be filed until it is authorized by a vote of the Town Council.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Chapter 14.02 of the Castle Rock Municipal Code is amended to add a new Section 14.02.070, entitled Eminent Domain, to read as follows:

14.02.070 Eminent Domain

Any ordinance authorizing the exercise of the Town's power of eminent domain shall contain a provision substantially in conformance with the following:

Should good faith negotiations fail to result in an agreement with the property owner on value of the property or other terms of the acquisition, the Town Attorney shall so advise the Town Council and request Town Council authorization to institute eminent domain proceedings and acquire immediate possession of the property. Upon receipt of such request, the Town Council at a regular or special Town Council meeting shall consider the request, at which time the property owner will have the opportunity to be heard. Upon conclusion of the hearing, the Town Council shall approve or deny the request for commencement of filing a petition in condemnation. If the request is denied, the Town Attorney will continue negotiations with the property owner.

Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. Safety Clause. The Town Council finds and declares that this ordinance is

promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 18th day of June, 2019 by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and


PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 2nd day of July, 2019, by the Town Council of the Town of Castle Rock by a vote of 7 for and 0 against.

ATTEST:

TOWN OF CASTLE ROCK

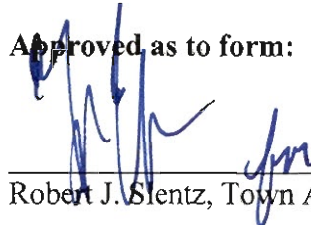


Lisa Anderson, Town Clerk



Jason Gray, Mayor

Approved as to form:



Robert J. Stentz, Town Attorney

