



Legislation Text

File #: ID-28-22, **Version:** 1

Department of Community Development and City Attorney's Office

Reference: Metro District Brighton Crossing No. 7 Request for Use of Eminent Domain

To: Mayor Gregory Mills and Members of City Council

Through: Michael Martinez, City Manager

Prepared By: Marv Falconburg, Deputy City Manager

Date Prepared: January 7, 2022

PURPOSE

In accordance with the Service Plan for Brighton Crossing Metropolitan Districts Nos. 5-8, the City Council is asked to approve the use of eminent domain for the purpose of regional detention facilities and associated improvements. The Service Plan states that the Districts are authorized to utilize the power of eminent domain only after prior consent from the City Council, and the consent shall be evidenced by resolution.

STRATEGIC FOCUS AREA

Recognizable and Well-Planned Community
Supportive, Sustainable Infrastructure

BACKGROUND

Brighton Crossing Metropolitan District No. 7 ("Metro District") has requested City Council approval for the use of its eminent domain powers. The City Attorney's Office provided the legal background for this request on January 11, 2022. The Service Plan sets out the powers, improvements, and services to be provided by the Metro District. Representatives of the Metro District sent a letter to the Deputy City Manager requesting City Council's consideration of approval for the use of eminent domain. The Metro District will present on the necessity of the project and why this may be necessary. The public improvements include a regional detention pond (Pond 308) and associated connections, including a drainage swale to an existing culvert, an access easement, and temporary construction easements. The Metro District request is attached. The Board of the Metro District passed a resolution finding a public need and necessity for a permanent drainage easement and to construct other drainage related infrastructure in October of 2021. The Board of County Commissioners for Adams County passed a resolution granting the request to exercise eminent domain authority on November 16, 2021.

ATTACHMENTS

Resolution
Letter and Attachments from Metro District