DATE OF COUNCIL MEETING: NOVEMBER 23, 2020 / AGENDA ITEM NO. 10

To: Mayor and City Council

From: Jay N. Hutchison, Director of Public Works, 303-987-7901

Subject: ACQUISITION ORDINANCE FOR KIPLING STREET TRAFFIC SIGNALS AT 8TH PLACE AND AT 13TH PLACE/LAKEWOOD HEIGHTS DRIVE

SUMMARY STATEMENT: This ordinance would authorize steps necessary to acquire interests in property for replacement of traffic signals and limited intersection improvements on Kipling Street at 8th Place and at 13th Place/Lakewood Heights Drive.

BACKGROUND INFORMATION: The traffic signals at these locations are old, structurally deficient, have substandard displays and the associated curb ramps do not meet current Americans with Disabilities Act (ADA) standards.

This ordinance declares the city’s intent to acquire property interests necessary for the project and initiates the negotiation process between the City and the property owners for the necessary property rights. It also authorizes acceptance of conveyance instruments and, if needed, condemnation of property interests. However, condemnation would not occur prior to additional City Council approval by resolution.

Maps are attached that conceptually illustrate the property rights that are anticipated to be needed. It is anticipated that temporary easements for the construction period, illustrated in orange on the maps, will be required from three properties, two at 8th Place and one at Lakewood Heights Drive. The temporary easements are required to blend the construction into surrounding site features and yards through minor re-grading and landscape restoration.

It is anticipated that permanent easements, shown in red on the maps, will be required from four properties as follows:

- 10015 W 8th Place – accommodate traffic signal equipment and new curb ramps necessary to comply with the ADA.
- 830 Kipling Street – accommodate traffic signal equipment and new curb ramp necessary to comply with the ADA.
- 1345 Kipling Street – accommodate traffic signal equipment and the new curb ramps necessary to comply with the ADA.
- 10000 W 13th Place – accommodate traffic signal equipment and new curb ramps to comply with the ADA.
It is anticipated that fee simple interest, shown in blue on the map, along with a temporary easement will be required from 1300 Kipling Street. The purchase of fee simple interest is necessary to improve the intersection with Kipling of Lakewood Heights Drive and 13th Place, which are offset from each other but are served by a single traffic signal. Lakewood Heights Drive is planned to be realigned to the south to match 13th Place. To accomplish this re-alignment, property acquisition is required at 1300 Kipling Street.

The property at 1300 Kipling Street is vacant and owned by the Regional Transportation District (RTD). RTD is requesting this acquisition ordinance (with the conditional condemnation authorization) be in place prior to starting any negotiations.

Concurrent with the traffic signal replacements described above, the signals on Kipling at Federal Center Gate 1 and at 13th Avenue will be replaced. Those replacements can be completed within existing public property and no acquisition of property rights is necessary.

**BUDGETARY IMPACTS:** The project is funded with federal and state grant funds along with City Capital Improvements Funds.

**STAFF RECOMMENDATION:** Approval of the ordinance.

**ALTERNATIVES:** If this ordinance is not approved, the City may lose grant funds. The signals at 8th Place and 13th Place/Lakewood Heights Drive would likely not be replaced because replacement requires compliance with the ADA, which is not possible within the publicly owned land at those locations. The offset intersection at 13th Place/Lakewood Heights Drive would remain in its current configuration.

**PUBLIC OUTREACH:** City staff has contacted the affected property owners seeking to discuss the project. Notification of the City Council’s consideration of this ordinance has been mailed to each owner of property where acquisition is anticipated. The notification includes clear language that there will be no discussion of value during the City Council hearing about this ordinance because this is the very start of the acquisition process and no values have yet been determined.

**NEXT STEPS:** Begin the acquisition process and complete preparation of construction bid documents.

**ATTACHMENTS:** Ordinance O-2020-31

Maps

**REVIEWED BY:** Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Timothy P. Cox, City Attorney