STAFF MEMO

DATE OF COUNCIL MEETING: NOVEMBER 23, 2020 / AGENDA ITEM NO. 9
DECEMBER 14, 2020 / AGENDA ITEM NO. 13

To: Mayor and City Council

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

Subject: ACQUISITION ORDINANCE FOR INDEPENDENCE STREET SIDEWALK PROPERTY RIGHTS, US 6 TO LAKEWOOD HIGH SCHOOL

This ordinance was approved on 1st Reading by a vote of 10 ayes 1 nays.

SUMMARY STATEMENT: This ordinance would authorize steps necessary to acquire interests in property for the construction of sidewalk, curb and gutter along the west side of Independence Street from the 6th Avenue Frontage Road to Lakewood High School.

BACKGROUND INFORMATION: This sidewalk will enhance pedestrian safety along Independence Street to and from Lakewood High School, where pedestrians currently walk on the roadway or in yards, including during peak motor vehicle times as school convenes and dismisses. Building the sidewalk along the west side connects into existing sidewalk along Lakewood High School’s Independence Street frontage. Curb and gutter is necessary to distinguish between the pedestrian walk and the motor vehicle travel area and to carry local drainage. Using a roadside swale or ditch for local drainage would require more width and, consequently, more land acquisition than use of curb and gutter.

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 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 Council approval by resolution.

A map is attached that conceptually illustrates the property rights that will be required. It is anticipated that temporary easements for the construction period, illustrated in orange on the map, will be required from seven properties. The temporary easements are required to perform minor re-grading and landscape restoration to blend the area behind the new sidewalk into the surrounding site features and yards.

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

- 605/615 Independence Street – relocate a piped irrigation ditch lateral and comply with the Americans with Disabilities Act (ADA) while providing a smooth driveway transition.

- 635 Independence Street – comply with the ADA while providing a smooth driveway transition.

- 641 Independence Street – comply with the ADA while providing a smooth driveway transition.
• 9700 W 8th Avenue (Lakewood High School) – comply with the ADA while providing a smooth transition to the existing sidewalk and ensuring drainage functions properly.

**BUDGETARY IMPACTS:** This project is funded from TABOR related revenues retained by the city pursuant to the 2018 citizen vote.

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

**ALTERNATIVES:** If this Ordinance is not approved, the sidewalk will not be built. Pedestrians/students will continue to walk in the street or in yards.

**PUBLIC OUTREACH:** City staff has contacted the affected property owners seeking to discuss the project. Notification of City Council’s consideration of this ordinance has been mailed to each property owner. 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-2020-30
- Map

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