



Legal Notice

Date: 02/08/2024

Subject: An ordinance of the City of Littleton, Colorado, authorizing the acquisition of certain property at and near the southwest corner of Mineral Avenue and Santa Fe Drive, for the construction of street, sidewalk, utility, drainage, and/or related improvements as part of the City of Littleton Santa Fe Drive and Mineral Avenue Operational Improvements Project

Passed/Failed: Passed on first reading

CITY OF LITTLETON, COLORADO

**ORDINANCE 03
SERIES 2024**

1 CITY OF LITTLETON, COLORADO

2
3 ORDINANCE NO. 03

4
5 Series, 2024

6
7 AN ORDINANCE AUTHORIZING THE ACQUISITION OF
8 CERTAIN PROPERTY AT AND NEAR THE SOUTHWEST
9 CORNER MINERAL AVENUE AND SANTA FE DRIVE,
10 FOR THE CONSTRUCTION OF STREET, SIDEWALK,
11 UTILITY, DRAINAGE, AND/OR RELATED
12 IMPROVEMENTS AS PART OF THE CITY OF LITTLETON
13 SANTA FE DRIVE AND MINERAL AVENUE
14 OPERATIONAL IMPROVEMENTS PROJECT

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16 WHEREAS, the City of Littleton is a Colorado home rule municipality, under the authority
17 of the Constitution of the State of Colorado; and

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19 WHEREAS, it is vested with all powers of eminent domain and condemnation pursuant to
20 Article XX of the Colorado Constitution and Chapter 13 of the Littleton City Charter Section 64;
21 and

22
23 WHEREAS, it is desirous of making certain street, sidewalk, utility, drainage, and/or
24 related improvements as part of the City of Littleton Santa Fe Drive and Mineral Avenue
25 Operational Improvements Project (the "Project"); and

26
27 WHEREAS, to the best knowledge of the city, Evergreen – Mineral & Santa Fee, LLC, is
28 the fee owner of record of the property necessary to be acquired for the Project identified as
29 PARCEL: EVERGREEN-MINERAL & SANTA FE LLC and described more specifically in the
30 attached **Exhibit A**; and

31
32 WHEREAS, to the best knowledge of the city, De Pietro Limited Partnership is the fee
33 owner of record of certain property necessary to be acquired for the Project identified as CDOT
34 Project Code: AQC M810-017 CDOT Project Number 23574 and described more specifically in
35 the attached **Exhibit B** (collectively with Exhibit A the Properties).

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37 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
38 LITTLETON, COLORADO:

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40 Section 1. It is hereby determined that it is necessary to the public health, safety, and
41 welfare to acquire the Properties for the Project and to construct the Project.

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43 Section 2. The Properties may be acquired by donation or negotiation and purchase if
44 possible, and by condemnation if necessary, such Project being for and constituting a public
45 purpose.

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47 Section 3. In furtherance of the Project, the City Attorney and his designees, and outside
48 counsel hired by the City Attorney, are hereby specifically authorized to take any necessary
49 measures to acquire by condemnation the Properties, or any portion thereof, as may be determined
50 necessary for construction of the Project. If the Properties cannot be acquired by negotiation and
51 purchase, it is necessary for the public health, safety, and welfare of the property owners and
52 residents of the city for the city to exercise its power of eminent domain to acquire the Properties
53 for the Project.

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55 Section 4. In the event of condemnation, immediate possession of the Properties is
56 necessary and required for the reasons and purposes described above.

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58 Section 5. The City Attorney and his designees are hereby authorized to amend the legal
59 description of the parcels to be acquired, or any interest therein, as may be necessary in the course
60 of acquiring the Properties, or any portion thereof, necessary for the aforementioned Project. Any
61 substantial changes will be brought back to City Council for approval.

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63 Section 6. The City Manager or his designee is authorized to execute purchase and sale
64 agreements, memoranda of agreement, or related documents in furtherance of the acquisition(s)
65 authorized herein.

66
67 Section 7. Severability. If any part, section, subsection, sentence, clause or phrase of this
68 ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the
69 remaining sections of this ordinance. The City Council hereby declares that it would have passed
70 this ordinance, including each part, section, subsection, sentence, clause or phrase hereof,
71 irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases
72 may be declared invalid.

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74 Section 8. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this
75 ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of
76 such ordinance nor revive any ordinance thereby.

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80 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
81 of the City of Littleton on the 6th day of February, 2024, passed on first reading by a vote of 7
82 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library,
83 the Municipal Courthouse and on the City of Littleton Website.

84 PUBLIC HEARING on the Ordinance to take place on the 5th day of March, 2024,
85 in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the

86 hour of 6:30 p.m., or as soon thereafter as it may be heard.

87 PASSED on second and final reading, following public hearing, by a vote of ____
88 FOR and ____ AGAINST on the 5th day of March, 2024 and ordered published by posting at
89 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

90 ATTEST:

91 _____
92 Colleen L. Norton
93 CITY CLERK

Kyle Schlachter
MAYOR

94 APPROVED AS TO FORM:

96 _____
97
98 Reid Betzing
99 CITY ATTORNEY

