



BOARD OF TRUSTEES
June 17, 2025
6:00 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Regular Meeting Agenda

Individuals wishing to make public comments must attend the meeting in person or may submit comments by sending an email to hillha@wellingtoncolorado.gov. The email must be received by 4:00 p.m. on the day of the meeting. The comments will be provided to the Trustees and added as an addendum to the packet. Emailed comments will not be read during the meeting.

The Zoom information below is for online viewing and listening only.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/84871162393?pwd=UkVaaDE4RmhJaERnallEK1hvNHJ5Zz09>

Passcode: 726078

Or One tap mobile :

US: +17207072699,,84871162393# or +17193594580,,84871162393#

Or Telephone:

Dial US: +1 720 707 2699 or +1 719 359 4580 or +1 669 444 9171 or +1 253 205 0468

Webinar ID: 848 7116 2393

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Amendments to Agenda
4. Conflict of Interest

B. COMMUNITY PARTICIPATION

1. Public Comment

C. ACTION ITEMS

1. Resolution No. 25-2025: A Resolution of the Town of Wellington Board of Trustees Authorizing the Acquisition of Certain Properties and Easements Along the Cleveland Avenue Right of Way
 - Presentation: Bob Gowing and Nathan Ewert, Public Works. Dan Sapienza, Town Attorney

D. ADJOURN

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.

Board of Trustees Meeting

Date: June 17, 2025

Subject: Resolution No. 25-2025: A Resolution of the Town of Wellington Board of Trustees Authorizing the Acquisition of Certain Properties and Easements Along the Cleveland Avenue Right of Way

- **Presentation: Bob Gowing and Nathan Ewert, Public Works. Dan Sapienza, Town Attorney**

EXECUTIVE SUMMARY

Presentation of the status of the Cleveland Avenue Improvements Project, discussion of the right-of-way acquisition process, and consideration of a resolution authorizing the purchase of certain properties needed for the project.

BACKGROUND / DISCUSSION

The Cleveland Avenue Improvements Project (the "Project") is a signature project set to transform downtown Wellington. With aging street infrastructure, insufficient drainage, limited pedestrian amenities, and safety concerns, this project represents a critical investment in the downtown core.

The project's primary goals include:

- Enhancing pedestrian and vehicular safety through redesigned intersections, crosswalks, and traffic-calming measures.
- Creating a more accessible and inclusive streetscape, including ADA-compliant sidewalks.
- Installing new street and sidewalk lighting for improved visibility and ambiance.
- Expanding on-street parking to support downtown businesses, including ADA-compliant parking.
- Upgrading the storm drainage system to prevent flooding and protect public and private assets.
- Adding landscaping and placemaking elements to create a more attractive and welcoming downtown environment.
- Additionally, this project is a strategic initiative for economic development. A vibrant and accessible downtown encourages foot traffic, supports small businesses, attracts new investment, and enhances the community's appeal to visitors, entrepreneurs, and potential residents. By investing in the backbone of Wellington's commercial corridor, the Town is creating the conditions for long-term economic vitality, increased property values, and enhanced quality of life for all who live, work, and visit here.

Significant Steps in the Project:

- 2023 – The Town of Wellington (Town) applied for several grant opportunities for federal funding through the Colorado Department of Transportation (CDOT), focusing on Colorado Highway 1, also known as Cleveland Avenue. Several of those were successful, totaling \$4,444,086 in grant monies with a required \$32,736 local match.
 - \$1,800,000 - Revitalizing Main Street grant (RMS)
 - \$1,349,462 - Multi-Model Opportunity grant (MMOF)
 - \$294,624 - Highway Safety Improvement grant (HSIP)

- \$1,000,000 - National Highway Performance Program (NHPP)
- \$4,444,086 - Total

- On 12/7/2023, following Wellington Board of Trustees approval, an Intergovernmental Agreement (IGA) was executed between the Town and CDOT regarding the project and the grants.
- In 2024, the Town solicited engineering design and construction management proposals, and subsequently contracted with JUB Engineers for civil, hydrologic/hydraulic, traffic, geotechnical and subsurface utility engineering. Surveying, landscape architecture, archeological consulting, and land consulting were also included.
- Currently, the project team has completed most of the design phase tasks and is working towards completion of the 90% complete design documents.

Right-of-Way Acquisition:

The project as designed requires the purchase of additional property and temporary construction easements to create a consistent 90-foot Right-of-Way (ROW) throughout the corridor. Currently, the ROW is only 75 feet in a few areas and 90 feet in others. The purchase of 15 feet of ROW width from four properties along the north side of Cleveland Avenue will allow the creation of a consistent corridor from west of 1st Street to east of 6th Street. The Project goals from 3rd Street to 5th Street will only be possible with these acquisitions.

Due to the project's use of federal funding and its involvement of CDOT ROWs, the Town must follow the CDOT Right of Way Manual and its acquisition process, which includes many proscribed steps. These must be performed in order and lie on the critical path for this project. The process is intended to assure that the Town property owner is able to receive the full market value for the property needed for the ROW improvements and requires multiple appraisals and good faith negotiations by the Town. The CDOT process generally assumes that if negotiations are unfruitful that the acquiring entity will proceed to use eminent domain to gain title to complete the Project, although it is the Town's goal to avoid this if possible. Generally, the CDOT acquisition steps are as follows:

- ROW clearances (complete)– includes environmental and archeological clearances.
- ROW Plans (complete) – A series of property maps that document the boundary information for the existing properties, and show the legal descriptions for the property to be purchased.
- Notice of Intent (pending) – A notice sent to the property owners stating that the Town finds it necessary to acquire the property and the ROW purchase process has begun.
- Property appraisals (pending) – The properties are appraised for fair market value by the Town and the Town will compensate property owners for the cost of having their own appraisal completed.
- Determination of the Fair Market Value (FMV) (pending) – An appraiser at CDOT evaluates the appraisal(s) and determines the FMV.
- Offer of Purchase (pending) – Negotiations for purchase of the property begins with the property owners based on the FMV determined by CDOT. If a mutually agreeable deal is struck, the purchase is executed and the Town takes possession of the property.

If eminent domain must be pursued, additional steps are required.

- Petition for Possession – The Town files a petition in Larimer County District Court, including a request for immediate possession. The Town would receive title and possession within 60-90 days, paying a bond for the estimated property value.



- Hearings for Value - The court would hold a trial to determine the value of the property to be acquired, which is paid by the Town.

Resolution No. 25-2025 authorizes Town staff to take steps to acquire property lying in the expanded ROW and temporary construction easements that are necessary to tie the Project together. If the Resolution is adopted, the Town will immediately proceed with sending to property owners the Notices of Intent to Acquire, which commence the CDOT ROW acquisition processes.

CONNECTION WITH ADOPTED MASTER PLANS

This project supports the following Strategic Plan Goals:

- Grow Responsibly - Proactively maintain and improve utilities, streets, and the built environment
- Foster Economic Vitality - Align and develop visions related to economic development
- Cultivate Community Space - Retain, revitalize and invest in meeting and gathering spaces

FISCAL IMPLICATIONS

This project is partially funded by \$4,444,086 from awarded grants, and is included in the approved 2025 budget and 5-year CIP plan.

STAFF RECOMMENDATION

Staff recommends approving Resolution No. 25-2025.

MOTION RECOMMENDATION

Motion to adopt Resolution No. 25-2025, a Resolution of the Town of Wellington Board of Trustees Authorizing the Acquisition of Certain Properties and Easements Along the Cleveland Avenue Right of Way

ATTACHMENTS

1. Res. 25-2025 Presentation - Final PP
2. Resolution 25-2025 - Authorizing the Acquisition of Certain Properties and Easements Along the Cleveland Avenue Right of Way
3. Resolution No. 25-2025 EXHIBIT
4. Notice of Intent Template Draft

Cleveland Avenue Improvements

Project Status and Right-of-Way Discussion
June 17, 2025





Project Vision and Goals

- The Cleveland Avenue Improvements Project is a signature, legacy project set to transform our downtown. The project's primary goals include:
 - Enhancing pedestrian and vehicular safety.
 - Creating a more accessible and inclusive streetscape.
 - Installing new street and sidewalk lighting.
 - Expanding on-street parking to support downtown businesses.
 - Upgrading the storm drainage system to prevent flooding.
 - Adding landscaping and placemaking elements.
 - This project is a strategic initiative for economic development.

Recap of Past Significant Events and Advances

- 2023 - The Town successfully secured several grants through the Colorado Department of Transportation (CDOT).
 - \$1,800,000 - Revitalizing Main Street grant (RMS)
 - \$1,349,462 - Multi-Model Opportunity grant (MMOF)
 - \$294,624 - Highway Safety Improvement grant (HSIP)
 - \$1,000,000 - National Highway Performance Program (NHPP)
 - \$4,444,086 - Total
- 12/7/2023 – An Intergovernmental Agreement (IGA) was executed between the Town and CDOT regarding the project and the grants.
- 4/9/2024 – The Town awarded a contract to JUB Engineers for engineering, survey, landscape architecture and other professional services.
- Current status - Project team is working towards completion of the 90% design documents.

Current Design

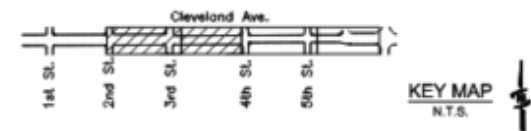
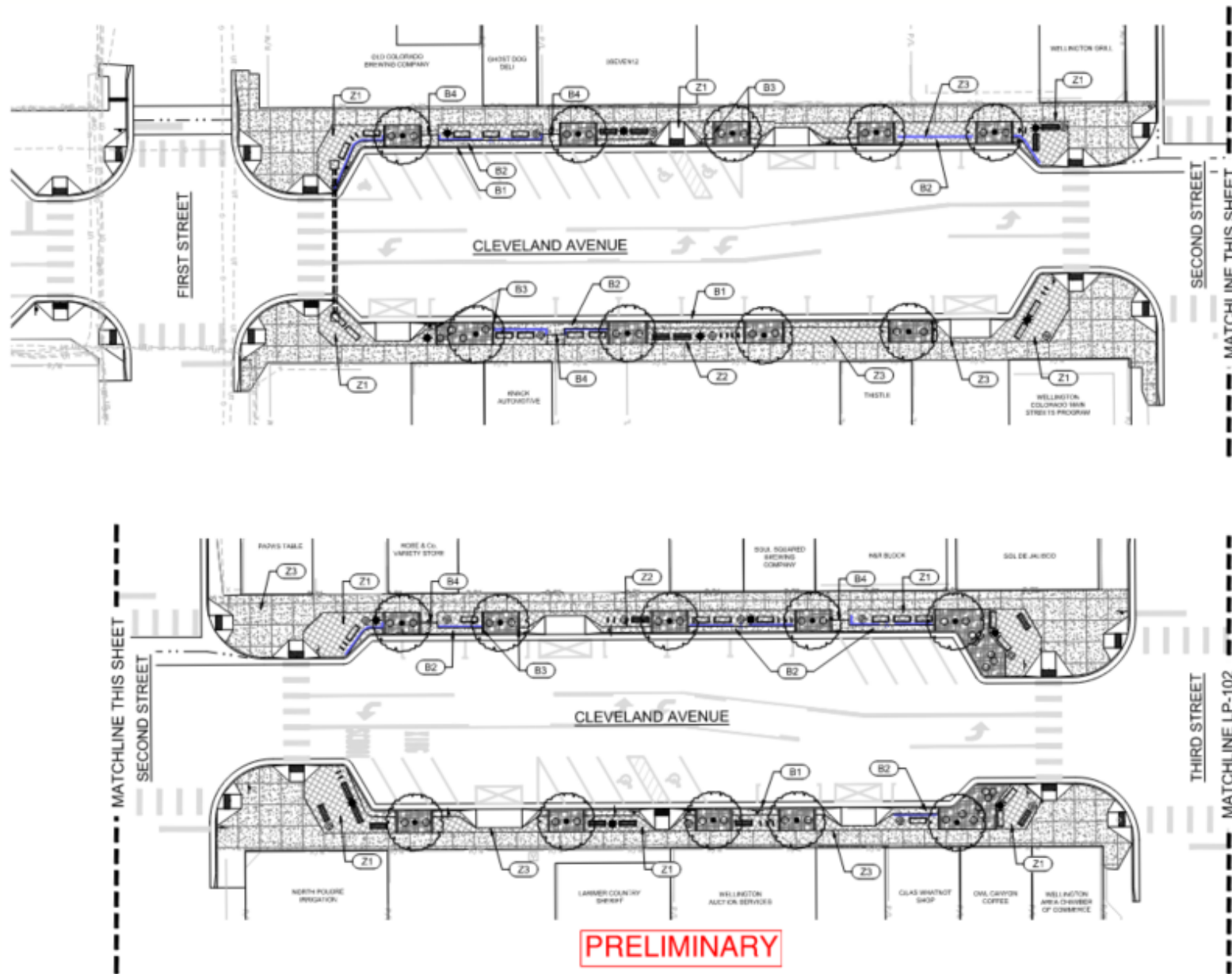
The 60% design (shown on the next two slides) achieves many of the initial design goals for the Project between 1st St. and 5th St.

Please note this information is subject to change as the design is finalized:

- Increases on-street parking from 46 spaces to 91 spaces (pending final design), including 8 van accessible spaces.
- Provides fully ADA accessible sidewalks.
- Provides 37 new street trees - most existing trees in very poor condition.
- Replaces all existing lighting - current lighting inadequate in some areas.
- Provides many amenities such as benches, bike racks, and trash receptacles.
- Provides more gathering areas and “programmable” space for business use.
- Creates a seamless, consistent backdrop for main street for the coming decades.
- Several property acquisitions are required along the north side of Cleveland, between 3rd Street and 5th Street.
 - Four ROW purchases – each 15 feet deep along the fronts of 4 properties.
 - Five temporary construction easements - enables improvements to tie to existing features.

(Next two slides depict the 60% design)

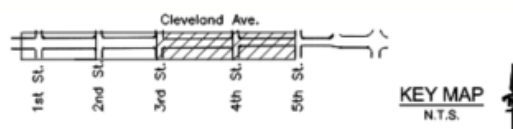
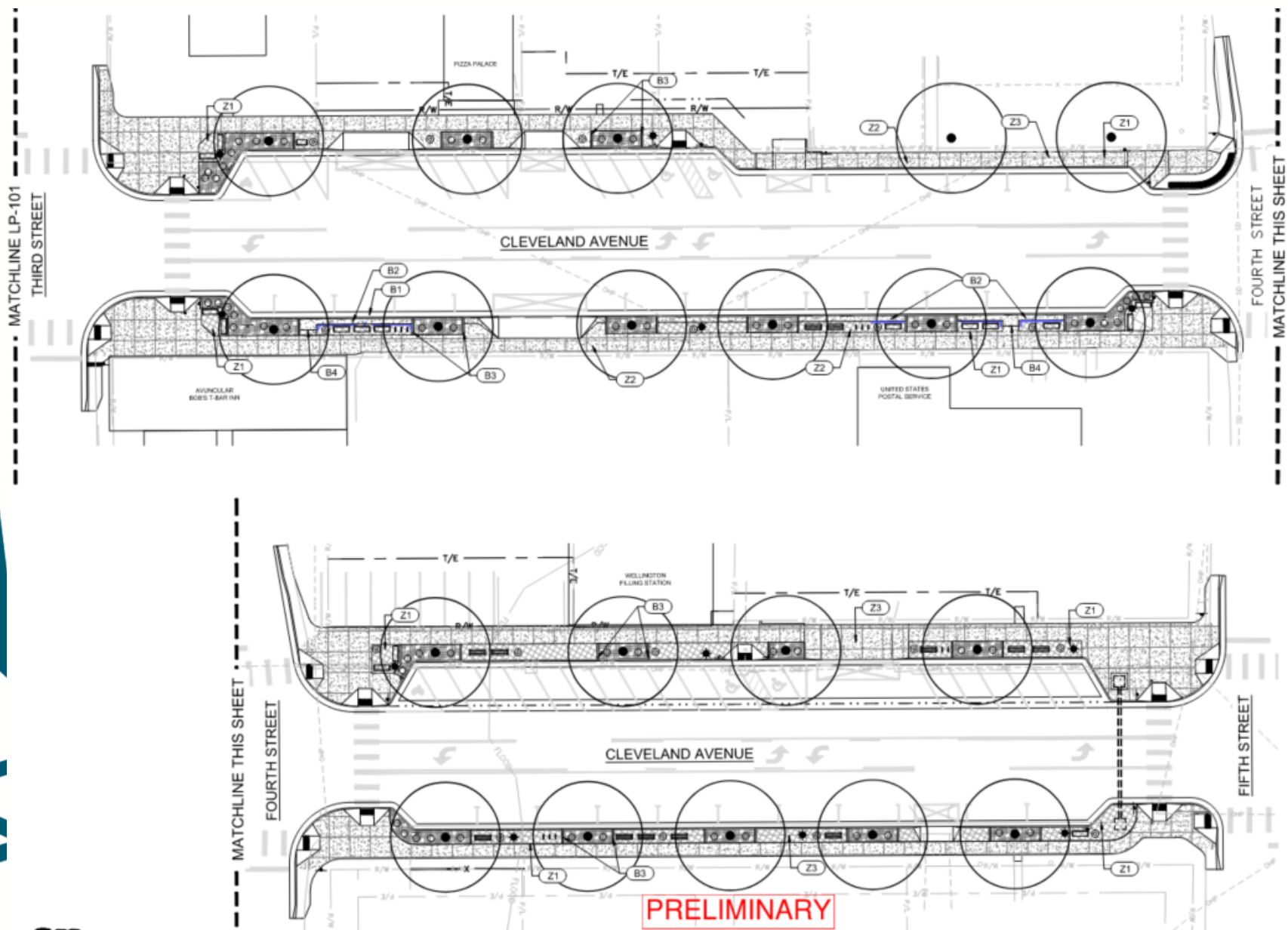
Current Design, 1st Street to 3rd Street



KEY NOTES AND LEGEND

- SITE AMENITIES**
- 6' BACKLESS BENCH (TYP.) | SEE DETAIL
 - 6' BENCH WITH BACK (TYP.) | SEE DETAIL
 - 4' BENCH WITH BACK (TYP.) | SEE DETAIL
 - BIKE RACK (TYP.) | SEE DETAIL
 - LIGHT POLE (TYP.) | SEE DETAIL
 - PEDESTRIAN GUARDHANDRAIL | 2-RAIL STYLE, 40" HEIGHT | SEE DETAIL
 - TRASH RECEPTACLE | SEE DETAIL
- SITE IMPROVEMENTS**
- ROCK MULCH | 1" - 2" CRUSHED | SEE DETAIL
 - STANDARD CONCRETE | SEE DETAIL
 - SPECIALTY CONCRETE | SAW-CUT JOINTS AND BROOM FINISH TEXTURE PATTERN | SEE DETAIL
 - EXPANSION JOINT | SEE DETAIL
 - B1 CURB AND GUTTER | SEE DETAIL
 - B2 GRADE STRIP | 1% - 2% SLOPE W/ CURB WALL | SEE DETAIL
 - B3 MOWCURB (TYP.) | SEE DETAIL
 - B4 SINGLE STAIR | SEE DETAIL
- AMENITY ZONES**
- Z1 PRIMARY AMENITY ZONE, MULTIPLE BENCHES, SPACE FOR FUTURE AMENITIES, PUBLIC ART, SHADE, ETC.
 - Z2 SECONDARY AMENITY ZONE, SINGLE BENCH -- FLEXIBLE SPACE FOR AMENITIES/ADDITIONAL SEATING
 - Z3 FLEXIBLE SPACE FOR AMENITIES, BISTRO TABLES, BENCHES, ETC.

Current Design, 3rd Street to 5th Street



KEY NOTES AND LEGEND

SITE AMENITIES		
	6' BACKLESS BENCH (TYP.)	SEE DETAIL
	6' BENCH WITH BACK (TYP.)	SEE DETAIL
	4' BENCH WITH BACK (TYP.)	SEE DETAIL
	BIKE RACK (TYP.)	SEE DETAIL
	LIGHT POLE (TYP.)	SEE DETAIL
	PEDESTRIAN GUARD/HANDRAIL 2-RAIL STYLE, 40" HEIGHT	SEE DETAIL
	TRASH RECEPTACLE	SEE DETAIL
SITE IMPROVEMENTS		
	ROCK MULCH 1" - 2" CRUSHED	SEE DETAIL
	STANDARD CONCRETE	SEE DETAIL
	SPECIALTY CONCRETE SAW-CUT JOINTS AND BROOM FINISH TEXTURE PATTERN	SEE DETAIL
	EXPANSION JOINT	SEE DETAIL
	B1 CURB AND GUTTER	SEE DETAIL
	B2 GRADE STRIP 1% - 2% SLOPE W/ CURB WALL	SEE DETAIL
	B3 MOWCURB (TYP.)	SEE DETAIL
	B4 SINGLE STAIR	SEE DETAIL
AMENITY ZONES		
	Z1 PRIMARY AMENITY ZONE, MULTIPLE BENCHES, SPACE FOR FUTURE AMENITIES, PUBLIC ART, SHADE, ETC.	
	Z2 SECONDARY AMENITY ZONE, SINGLE BENCH -- FLEXIBLE SPACE FOR AMENITIES/ADDITIONAL SEATING	
	Z3 FLEXIBLE SPACE FOR AMENITIES, BISTRO TABLES, BENCHES, ETC.	

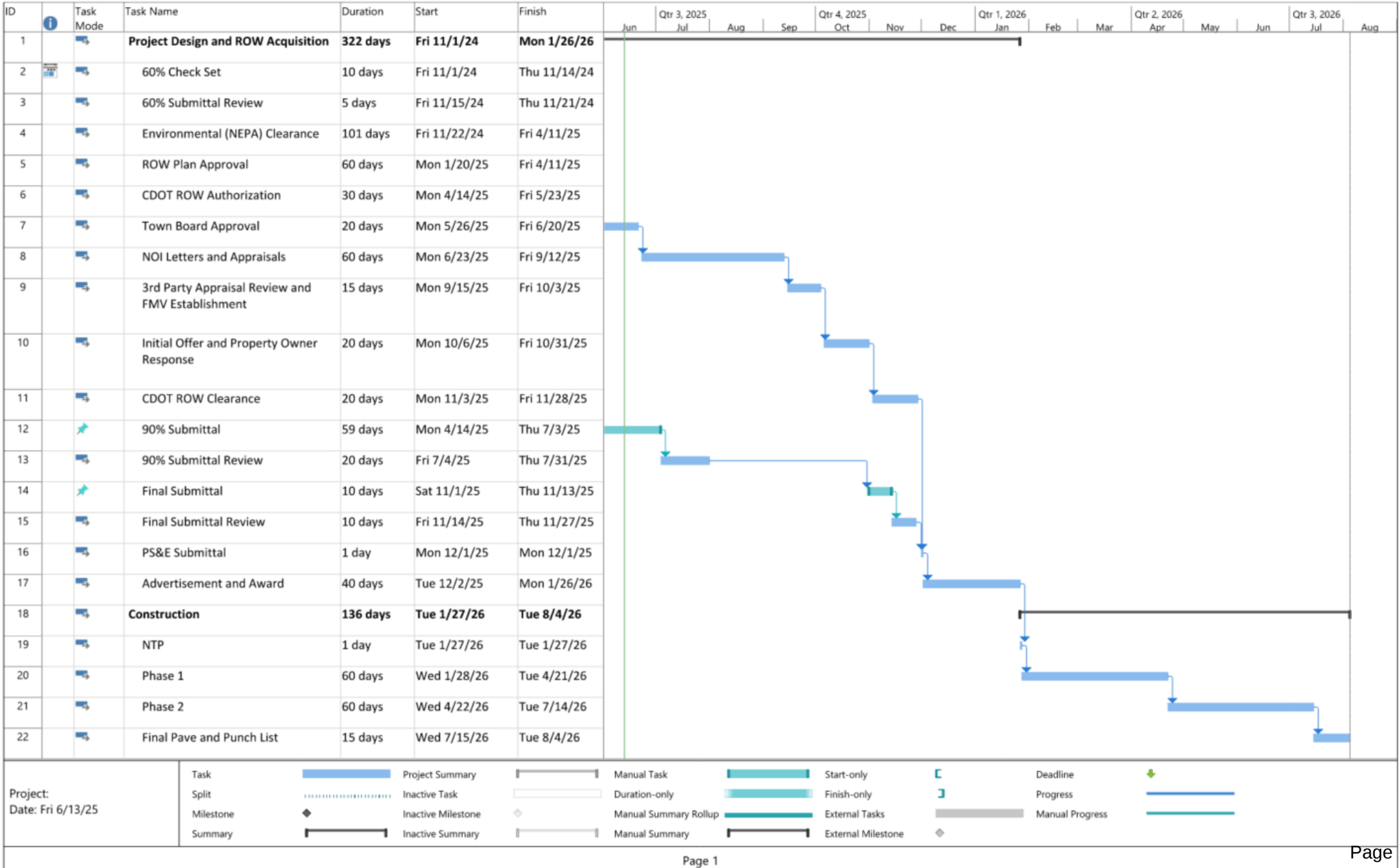


Current Schedules

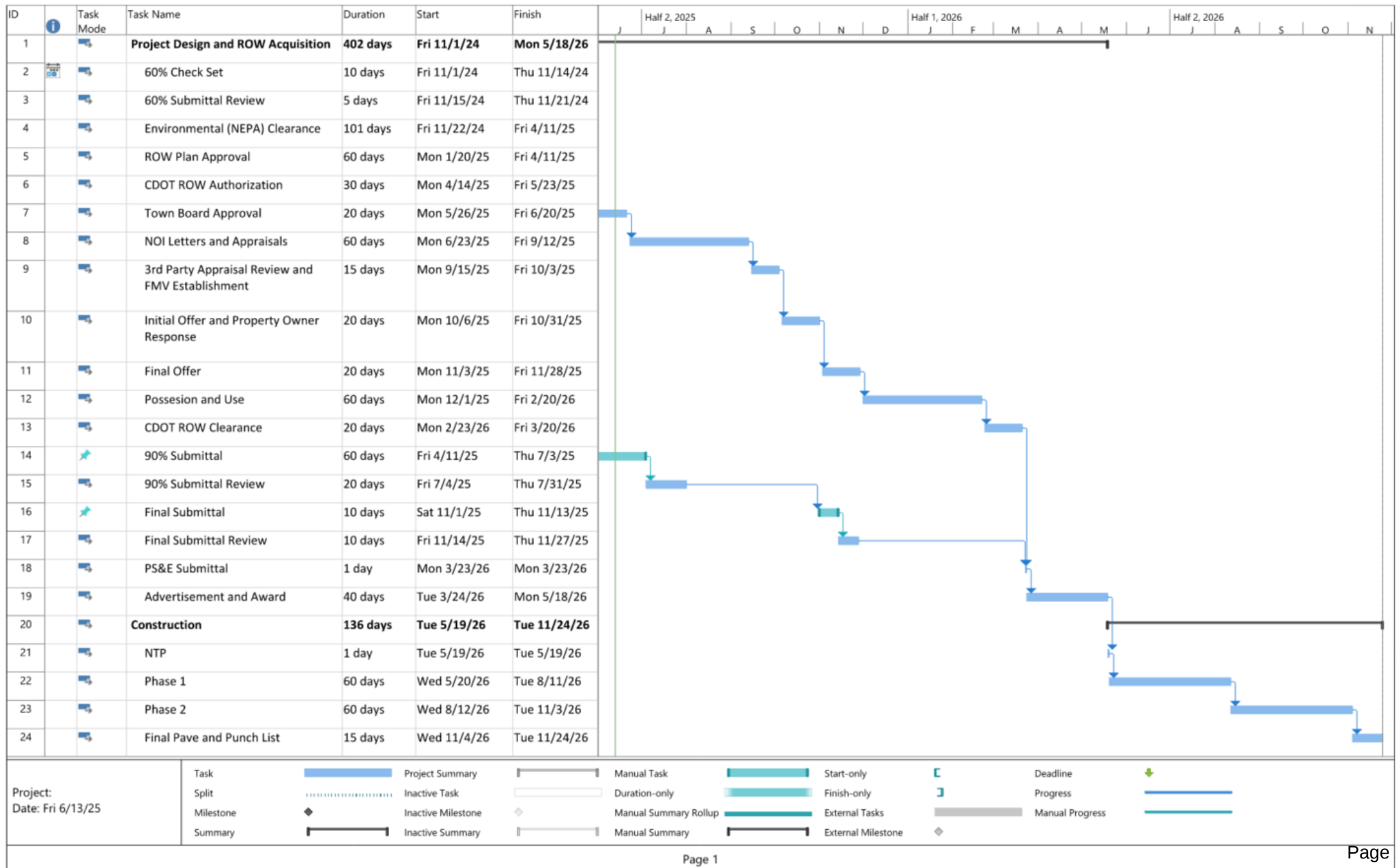
- Grant monies must be spent before the end of 2026, a key driver of the schedule
- Two schedules are provided in the next two slides.
 - Without eminent domain – Construction start in late January 2026.
 - With eminent domain – Construction start in May 2026.
- Eminent domain takes time and presents schedule risk!
- The project team desires to avoid eminent domain at all reasonable cost.

(See next two slides for schedule details)

Project Schedule, without eminent domain



Project Schedule, with eminent domain



Right-of-Way Acquisition Process

Several acquisitions along the north side of Cleveland, between 3rd St. and 5th St., are required to meet project goals.

Several temporary construction easements are also required. These are to be used to tie the project improvements into

1. ROW clearances (complete) – includes environmental and archeological clearances.
2. ROW Plans (complete) – A series of property maps that document the boundary information for the existing properties.
3. Notice of Intent (pending)
Property appraisals (pending) – Town Appraisal and Property Owner Appraisal
4. CDOT Determination of the Fair Market Value (FMV) (pending)
5. Purchase Negotiations (pending)

(Continued on Next Page)



If negotiations are unsuccessful, eminent domain is pursued

1. Town files a petition in condemnation with District Court.
2. Town requests vesting of title or immediate possession. If so, a hearing will be held usually within 30 to 90 days. At the hearing, the government bears the burden to prove certain elements.
3. If Town satisfies its burden, it gets immediate title or possession pending a final determination as to value.
4. A valuation trial is set usually 6 to 18 months after immediate title or possession hearing.

(See attachments for additional ROW information)

Questions and Discussion



RESOLUTION NO. 25-2025

A RESOLUTION OF THE TOWN OF WELLINGTON BOARD OF TRUSTEES
AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTIES AND EASEMENTS
ALONG THE CLEVELAND AVENUE RIGHT OF WAY

WHEREAS, the Town of Wellington, Colorado (“Wellington” or the “Town”) is a Colorado statutory municipality;

WHEREAS, Wellington has entered into an Intergovernmental Agreement (IGA) with the Colorado Department of Transportation for the Wellington Avenue Improvement Project (the “Project”);

WHEREAS, the Town was awarded up to \$4,444,086 in grant funds through the IGA to construct the project;

WHEREAS, the Town has appropriated and planned for future funding for the Project and has evaluated and considered other possible alternatives;

WHEREAS, the Project addresses many infrastructure needs along Cleveland Avenue, including storm drainage systems, accessible pedestrian walkways and parking, safety improvements for pedestrians, additional parking, paving rehabilitation, and improved safety lighting;

WHEREAS, Wellington finds it necessary to acquire certain real property to allow it to utilize such property for purposes of Project;

WHEREAS, Wellington has identified portions of multiple parcels where fee simple and temporary construction easement interests will need to be acquired on certain parcels for the Project (the “Properties”), with the property interests identified as RW-01 through RW-04 and TE-01 through TE-05 on the attached excerpts of the Project’s Right of Way plans (the “Property Interests”);

WHEREAS, Wellington has the authority to acquire the Property Interests for the Project through eminent domain as set forth in, among other law, C.R.S. §§ 38-6-101, 38-5-105, and 38-1-101 et seq.;

WHEREAS, Wellington has determined that acquisition of the Property Interests is in the public interest, and there is a need to acquire the Property Interests for the construction of the Project

WHEREAS, Wellington has determined there is an immediate need to acquire the Property Interests in order to implement the Project, and that acquisition of the Property Interests will be in furtherance of a public purpose and public use; and

WHEREAS, Wellington has determined that it should acquire the Property Interests by negotiation, if possible, or by use of eminent domain, if necessary.

NOW, THEREFORE, be it resolved by the Board of Trustees for the Town of Wellington, Colorado, as follows:

Section 1. The foregoing Recitals are incorporated herein.

Section 2. The Board of Trustees hereby authorizes Town staff, consultants, and attorneys to negotiate in good faith and make offer(s) of compensation in connection with the acquisition of the Property Interests in the Properties.

Section 3. If negotiations for the acquisition of the Property Interests in the Properties voluntarily proves unsuccessful, the Town's staff, consultants, and attorneys are authorized to acquire the Property Interests in the Properties by any manner available, including, without limitation, by exercise of the power of eminent domain under the terms and conditions and any other requirements of applicable law.

Section 4. In any condemnation action filed by the Town, the Town may employ all necessary persons for this purpose, including special condemnation counsel and, if necessary, appraisers, surveyors, engineers, and other experts and the Town is authorized to obtain immediate possession of the Property Interests in the Properties, if necessary for construction of the Project.

Section 5. The Town's staff, consultants, and attorneys shall have the authority to amend or modify the legal descriptions of the Property Interests to be acquired, the nature of the interests to be acquired, and may add or delete parcels or property interests, in whole or in part, as deemed necessary for the Project, and any such amendments shall be included in the definitions of Property Interests and Properties contained herein;

Section 6. It is not expected or intended that the Town will need to relocate any individuals or families in connection with the Project, but to the extent that any such relocation may be required, the Town will comply with all Federal and State law concerning relocation.

Section 7. It is not expected or intended that the Town will need to relocate any businesses or business concerns in connection with the Project, but to the extent that any such relocation may be required, the Town will comply with all Federal and State law concerning relocation.

Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted by the Board of Trustees this 19th day of June, 2025.

TOWN OF WELLINGTON, COLORADO

Calar Chaussee, Mayor

ATTEST:

Hannah Hill, Town Clerk



June __, 2025

PROJECT: SH0 M340-006
LOCATION: Pedestrian Safety Improvements
CODE: 25044
COUNTY: Larimer
PARCEL:

**NOTICE OF INTEREST TO ACQUIRE PROPERTY/
AUTHORITY TO OBTAIN APPRAISAL
DELIVERED VIA US MAIL, CERTIFIED, RETURN RECEIPT REQUESTED**

Name
Address
Ad

Dear Landowner:

The Town of Wellington (the "Town") is in the process of planning and designing road improvements on Cleveland Ave from First Street to Sixth Street. (the "Project"). To accomplish this in accordance with CDOT standards, the Project will require that additional property be conveyed to the Town. My company, Western States Land Services, LLC, has been hired by the Town to assist with the acquisitions on this Project.

Design has progressed to a point that The Town has determined it will need to acquire property interests from you for this Project for the purposes of construction, use and maintenance of intersection, roadway improvements and all related activities. Enclosed are the Right of Way plans and legal descriptions delineating the interests necessary to achieve this objective.

The identified parcels are:

- Right of Way-RW- (xxx square feet or xx acres)
- Temporary Easement TE- (xxx acres or xxx acres)

The Project will receive federal funding; therefore the acquisition of interests in real estate must conform to the provisions of The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 as Amended (Public Law 91-646) (Uniform Act) and the right of way procedures required by the Colorado Department of Transportation (CDOT). Enclosed is a CDOT Right of Way pamphlet. I have also enclosed a CDOT Demographic Information form for you to consider. It is not required that you provide this information to CDOT; however, you may do so and return it directly to CDOT using the enclosed, self-addressed, stamped envelope.

It is the Town's policy to pay fair market value for the interests in your property that the Town needs to acquire, and any damages that are a direct consequence of this acquisition, pursuant to Colorado

Revised Statute §38-1-114. Section 38-1-121 of the Colorado Revised Statutes requires that this Notice of Interest to Acquire be provided to the property owners.

APPRAISAL:

We will coordinate with an independent appraiser engaged by the Town to value the above referenced property interests and develop a basis of value for an offer to purchase these property interests. You will be invited to accompany the appraiser on an inspection of your property and to provide information and other details about your property that may not be readily identified during the inspection.

Per C.R.S. 38-1-121, you are hereby notified of your right to obtain an independent appraisal, in addition to the Town's appraisal. Subsection (1) of C.R.S. 38-1-121 addresses property owner notification and appraisal requirements, and states that within 90 days from the date of this notice you may submit to the Town, a copy of an appraisal completed by an appraiser of your choosing. The date by which you will need to supply the Town with your appraisal and appraiser's invoice is **JULY __, 2025 by 5pm.**

This notice does not imply a value for the property interests. It does, however, provide that the Town will pay the reasonable cost for your independent appraisal of the property interests to be acquired by the Town, provided:

1. The appraisal is made using sound, fair and recognized appraisal practices consistent with law. The enclosed Minimum Appraisal Requirements contains basic appraisal format guidelines. Please give these guidelines to the appraiser you retain.
2. Three copies of your appraisal are submitted to the Town along with the appraiser's invoice, within 90 days of the date of receipt of this notice. **PLEASE NOTE: THE TOWN IS NOT OBLIGATED TO PAY FOR APPRAISALS RECEIVED AFTER JULY __, 2025 by 5PM.**

You are not required to obtain your own appraisal, however, if you wish to obtain your own appraisal, we strongly suggest that you contact an appraiser of your choice as soon as possible so that you can comply with the 90-day period referenced above.

At your request, the Town's survey crew can stake your property to identify the proposed interests required to build the Project. If you would like the property interests to be staked, please complete and return the enclosed permission to enter form.

Enclosed you will find:

1. Right of Way plan sheet depicting all Parcel(s), including -RW-__,TE-__
2. CDOT Right of Way Information booklet
3. Legal Description(s) for Parcel(s) including RW-__,TE-__
4. Colorado Revised Statutes Section 38-1-121
5. Minimum Appraisal Requirements for property owner appraisal reports
6. Demographic Information Form

If you have questions regarding the acquisition, please do not hesitate to contact me via email at kallison@ws-ls.net or phone (970) 215-0493. I look forward to discussing this project with you, and hopefully answering any questions you may have.

Thank you for your courtesy and consideration.

Sincerely,

Kerri Allison
Western States Land Services, LLC
505 Denver Avenue
Loveland, CO 80537
(970) 667-7602