



# City Council Communication

**AGENDA DATE:** September 15, 2025    **LEGISTAR ITEM #:** Res 2025-142

**SUBMITTED BY:** Jenna Hahn

**DEPARTMENT:** Public Works

<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Presentation
<input type="checkbox"/> Admin Business	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Other

## REQUEST

A Resolution Authorizing Negotiations, Purchase, and the Exercise of the City's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the East 96<sup>th</sup> Avenue Pedestrian Underpass Project.

## BACKGROUND

96<sup>th</sup> Avenue was identified within the City of Commerce City's 2010 Transportation Master Plan as a recommended candidate for highway widening to provide capacity improvements. 96<sup>th</sup> Avenue is classified as a minor arterial throughout the study area, and was subsequently planned to be a four-lane roadway with a landscaped median. The two westbound lanes were constructed in 2013 from Chambers Road to Tower Road. After the initial project was scoped, the need to also construct a pedestrian underpass as a part of the project was identified by City Council during the 2023 Winter Retreat.

To be able to construct the pedestrian underpass a portion, 0.216 Acres, from Tract W from the Buffalo Highlands Homeowners Association is required to construct the pedestrian underpass. An offer was made to the Homeowners Association on July 29, 2025. The board believes the offer to be fair, is in favor of the project and wants it to go forward, however the HOA bylaws require that 75% of members have to vote and agree on the sale. The HOA has been unsuccessful in the past to get 75% of the members to vote on anything. The HOA has suggested the city move forward with a friendly condemnation of the property.

## CITY COUNCIL COMMUNICATION CONTINUED

Time is of the essence to acquire this property to allow for the construction of the pedestrian underpass. The City currently has JHL Constructors under contract to construct the widening of E. 96<sup>th</sup> Avenue, which the pedestrian underpass is an integral part of. To keep the contractor on schedule and not incur costly construction delay costs, the City will need to gain rights to construct the pedestrian underpass.

### FINANCIAL IMPACT

Contractor	N/A
Amount of Request/Contract	\$79,100.00
Amount Not To Exceed	\$79,100.00
Amount Budgeted	\$79,100.00
Budget Year	FY 2025
Funding Source	CIP Fund
Additional Funds Needed	N/A
Funding Source (if funds needed)	N/A

### PROJECT TIMELINE

Estimated Start Date	Estimated End Date
September 16, 2025	February 28, 2026
Years and Months of Contract	Number of Times Renewable
N/A	N/A

### JUSTIFICATION

<input checked="" type="checkbox"/> Council Goal	<input type="checkbox"/> Strategic Plan	<input type="checkbox"/> Work Plan	<input type="checkbox"/> Legal
Citation	Council Goal: Infrastructure and Transportation. The City of Commerce City will develop and maintain public infrastructure, facilities, and transportation to improve community appearance and encourage continued development.		

### PUBLIC OUTREACH

The City has held public meetings for this project since July of 2024. The next public meeting will be held on October 1, 2025.

# CITY COUNCIL COMMUNICATION CONTINUED

## AVAILABLE ACTIONS

- Available Action #1: Approve resolution 2025-142 authorizing the City Manager to negotiate, purchase, and exercise the City's powers of Eminent Domain to acquire certain real property interests necessary for the East 96th Avenue Pedestrian Underpass Project.
- Available Action #2: Maintain status quo. Not passing resolution 2025-142 will delay the construction of the pedestrian underpass will likely cause costs to construct the underpass.

## STAFF RECOMMENDATION

Staff recommends available action #1: Approve Resolution 2025-142 authorizing the City Manager to negotiate, purchase, and exercise the City's powers of Eminent Domain to acquire certain real property interests necessary for the East 96th Avenue Pedestrian Underpass Project.