

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 54**

4
5 **Series, 2014**

6
7 **INTRODUCED BY COUNCILMEMBERS: BRINKMAN & STEIN**

8
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**
10 **COLORADO, SUBMITTING A CHARTER AMENDMENT**
11 **TO THE ELECTORS OF THE CITY FOR THE MARCH 3,**
12 **2015 SPECIAL ELECTION AMENDING SECTION 64 OF**
13 **THE CITY CHARTER REGARDING EMINENT DOMAIN**
14

15 **WHEREAS**, a special election has been set for March 3, 2015 due to an initiated
16 charter amendment concerning, in part, a requirement that any use of use of eminent domain and
17 condemnation for the purposes of urban renewal must receive voter-ratification;
18

19 **WHEREAS**, the city council, through the adoption of a resolution, has stated that
20 condemnation and eminent domain will not be used for the acquisition of property as part of an
21 urban renewal project, unless requested by a property owner;
22

23 **WHEREAS**, a group of concerned Littleton citizens and business owners have
24 requested city council consider an additional ballot question for the March 3, 2015 special
25 election;
26

27 **WHEREAS**, the city council wants the electorate to consider directing the use
28 of eminent domain and condemnation by the city's urban renewal authority through a new
29 provision in the city's charter; and
30

31 **WHEREAS**, the ballot question being presented to the electorate of the City of
32 Littleton provides that, if approved, the city charter will be amended to preclude Littleton's urban
33 renewal authority from conducting any condemnation or eminent domain proceedings for the
34 purposes of urban renewal, unless requested by a property owner;
35

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

39 **Section 1:** There is hereby submitted to the vote of the electors of the City of
40 Littleton at the special election to be conducted on March 3, 2015, the following proposed
41 amendment to section 64 of the Littleton City Charter regarding eminent domain (material to be
42 added to the charter is shown by underlining):
43

44 **Sec. 64. Right of Eminent Domain.** The City shall have the right of eminent domain as
45 provided by the Statutes of the State of Colorado; provided, however, the use of eminent
46 domain and condemnation in an urban renewal plan by the Littleton urban renewal
47 authority shall be prohibited except at the request of a property owner.
48

49 **Section 2:** The official ballot shall contain the following ballot title, which shall

1 also be the designation and submission clause for the measure:

2
3 SHALL THE LITTLETON CITY CHARTER BE AMENDED SO THAT THE USE OF
4 EMINENT DOMAIN AND CONDEMNATION IN AN URBAN RENEWAL PLAN
5 BY THE LITTLETON URBAN RENEWAL AUTHORITY (LIFT) BE PROHIBITED
6 EXCEPT AT THE REQUEST OF A PROPERTY OWNER?

7
8 Yes ☐

9
10 No ☐

11
12 **Section 3:** The city council hereby authorizes and directs the officers of the city
13 to certify on or before January 2, 2015 the ballot title in substantially the form set forth in
14 Section 2 to the County Clerks in Arapahoe, Douglas and Jefferson Counties. Such ballot title
15 shall be submitted to the eligible electors of the city at the March 3, 2015 special election.

16
17 **Section 4:** The officers of the city are authorized and directed to take all other
18 action necessary or appropriate to effectuate the provisions of this ordinance.

19
20 **Section 5:** The charter shall be amended if a majority of the registered voters
21 voting at the election on March 3, 2015 vote “yes” in response to the ballot title in Section 2.

22
23 **Section 6:** Severability. If any part, section, subsection, sentence, clause or
24 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
25 validity of the remaining sections of this ordinance. The City Council hereby declares that it
26 would have passed this ordinance, including each part, section, subsection, sentence, clause or
27 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
28 clauses or phrases may be declared invalid.

29
30 **Section 7:** Repealer. All ordinances or resolutions, or parts thereof, in
31 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the
32 repealer clauses of such ordinance nor revive any ordinance thereby.

33
34
35 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
36 of the City of Littleton on the 16th day of December, 2014, passed on first reading by a vote of 7
37 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
38 Municipal Courthouse and on the City of Littleton Website.

39 PUBLIC HEARING on the Ordinance to take place on the 30th day of December,
40 2014, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
41 at the hour of 4:00 p.m., or as soon thereafter as it may be heard.

42

PASSED on second and final reading, following public hearing, by a vote of _____FOR
and _____ AGAINST on the 30th day of December, 2014 and ordered published by posting at
Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Colleen L. Norton
ACTING CITY CLERK

Phil Cernanec
PRESIDENT OF CITY COUNCIL

APPROVED AS TO FORM:

Kristin Schledorn
CITY ATTORNEY