

RESOLUTION NO. 62 - 23

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE REAL PROPERTY LOCATED AT 2910 AUSTIN BLUFFS PARKWAY, COLORADO SPRINGS, COLORADO, NEEDED FOR THE CENTRAL BLUFFS SUBSTATION PROJECT

WHEREAS, the City of Colorado Springs ("City"), by and through its enterprise Colorado Springs Utilities ("Utilities"), currently provides utility systems, including electrical systems, as authorized by Article 1, Section 1-20 of the Charter of the City of Colorado Springs; and

WHEREAS, the Central Bluffs Substation Project (the "Project") will modernize the City's electric grid for sustainability and system resiliency, reliability, and efficiency by replacing three aging electric substations with one new facility to accommodate future load growth and contingency; and

WHEREAS, the Project, to replace aging substations is necessary for the public health, safety and welfare of the City, which is a valid and necessary public purpose; and

WHEREAS, JCJK Real Estate, LLC ("Property Owner") is the fee owner of the real property in El Paso County, Colorado, with the address of 2910 Austin Bluffs Parkway and also known as El Paso County Tax Schedule Number 6327206056 (the "Property"), which is described in **Exhibit A** and depicted in **Exhibit B**; and

WHEREAS, the acquisition of the Property is necessary for the construction and maintenance of the Project; and

WHEREAS, despite attempts to negotiate the acquisition of the Property with the Property Owner, Utilities has been unable to reach an agreement for the acquisition; and

WHEREAS, pursuant to the provisions of Article XX, Section 1 of the Colorado Constitution and the City Charter, the City is empowered to acquire property interests within or without its territorial limits through institution of eminent domain proceedings, for all interests necessary for the City, including the interests of Utilities; and

WHEREAS, negotiations with the Property Owner have reached an impasse and Utilities has an imminent need to acquire the Property in order to construct and maintain the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

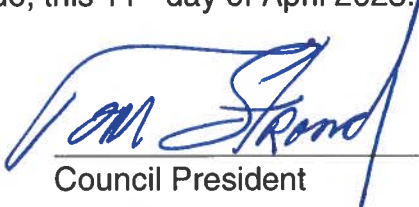
Section 1. City Council hereby finds it to be in the interest of the public health, safety, and welfare, and that the City has a need to, and it is necessary to, acquire the Property from the Property Owner for the public purpose of constructing and maintaining the Project.


Section 2. The City Attorney is hereby authorized to take all action necessary to acquire the Property and to seek immediate possession of the Property by a voluntary Possession and Use Agreement, eminent domain, or other appropriate proceedings.


Section 3. This Resolution shall be in full force and effect immediately upon its adoption.

DATED at Colorado Springs, Colorado, this 11<sup>th</sup> day of April 2023.

ATTEST:

  
\_\_\_\_\_  
Council President

  
\_\_\_\_\_  
Sarah B. Johnson, City Clerk



**Exhibit A**  
**Description of Property**

2910 Austin Bluffs Parkway

TSN: 6327206056

LOT 1 AUSTIN BLUFFS OFFICE PARK FIL NO 2

# Exhibit B Depiction of Property

