

RESOLUTION NO. _____-16

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT FOR THE PROPERTY OWNED BY AMERCO REAL ESTATE COMPANY THAT IS NEEDED FOR THE TEJON ROUNDABOUT PROJECT

WHEREAS, the City of Colorado Springs ("City") currently provides transportation and drainage systems as authorized by Article 1, Section 1-20(d) of the Charter of the City of Colorado Springs; and

WHEREAS, on October 25, 2011 City Council adopted Resolution No. 177-11 to accept a grant from the Colorado Department of Transportation ("CDOT"), for the purpose of providing Federal Highway Administration ("FHWA") funding for design, plans, and construction of the Tejon Roundabout Project ("Project"); and

WHEREAS, acquisition of real property is subject to the procedures of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("Real Estate Manual"); and

WHEREAS, because federal funds are being used for the Project and CDOT is the oversight agency, the acquisition of real property for the Project must also comply with all applicable federal and state laws, regulations, and guidelines, including but not limited to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the regulations promulgated thereunder (42 U.S.C. Chapter 61; 49 C.F.R. Part 24), CDOT's Right of Way Manual, and CDOT's Policy and Procedural Directives; and

WHEREAS, the acquisition of the real property owned by AMERCO Real Estate Company (also known as U-Haul Real Estate Company) ("AMERCO") identified on attached **Exhibit A**, (the "Property") is necessary for the completion of the Project; and

WHEREAS, despite repeated attempts by the City to negotiate an amicable acquisition settlement for the Property with AMERCO, the City has been unable to negotiate a settlement with AMERCO; and

WHEREAS, under the real property acquisitions procedures provided in the Real Estate Manual and the federal and state laws, regulations, and guidelines, the City desires to enter into a Possession and Use Agreement with AMERCO to allow construction of the Project to commence while negotiations with AMERCO are ongoing; and

WHEREAS, the use of a Possession and Use Agreement must be approved by City Council pursuant to section 4.3 of the Real Estate Manual.

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 to acquire the Property from AMERCO for the purpose of constructing the federally-funded Project.

Section 2. City Council authorizes the Public Works Department to enter into a Possession and Use Agreement with AMERCO to obtain possession of the Property for the Project and to continue negotiations with AMERCO in an attempt to reach a final negotiated settlement for the City to acquire the Property.

Section 3. City Council authorizes the Real Estate Services Manager and the Director of Public Works Department to execute a Possession and Use Agreement in accord with the Real Estate Manual and federal and state laws, regulations, and guidelines.

DATED at Colorado Springs, Colorado, this ____ day of _____ 2016.

Council President

ATTEST:

Sarah B. Johnson, City Clerk

EXHIBIT A

Legal Descriptions

Right of Way-fee interest Parcels RW-1
Permanent Easement Parcel PE-1
Permanent Easement Parcel PE-1a
Temporary Construction Easement Parcel TE-1