

RESOLUTION NO. _____-17

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE REAL PROPERTY OWNED BY AMERCO REAL ESTATE COMPANY 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, the improvements to Tejon Street associated with the Project will benefit the public health, safety, and welfare of the citizens of the City of Colorado Springs, which is a valid and necessary public purpose; 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), the CDOT Right of Way Manual, and CDOT's Policy and Procedural Directives; and

WHEREAS, the acquisition of the real property identified on attached **Exhibit A** (the "Property"), which is owned by AMERCO Real Estate Company, a Nevada corporation, (also known as U-Haul Real Estate Company) ("AMERCO"), 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, pursuant to the provisions of the Charter, the City is empowered to acquire property by lease, purchase, gift, bequest, dedication, or other suitable means of conveyance, or through institution of eminent domain proceedings, for all land necessary for City projects; and

WHEREAS, the City needs to acquire the Property as soon as possible in order to maintain its construction schedule and budget.

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. The City Attorney is hereby authorized to take action as may be necessary to acquire the Property by 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 ____ day of _____, 2017.

Council President

ATTEST:

Sarah B. Johnson, City Clerk

EXHIBIT A

Description of the Property

Right of Way-Fee interest Parcels RW-1
Permanent Easement Parcel PE-1
Permanent Easement Parcel PE-1a
Temporary Construction Easement Parcel TEC-1