

RESOLUTION NO. _____ -22

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE TWO PERMANENT EASEMENTS ON PROPERTIES OWNED BY YOUNT GST IRREVOCABLE TRUST F/B/O LISA GAIL YOUNT U/A/D JULY 1, 2007, A NORTH CAROLINA TRUST NEEDED FOR THE HOMESTAKE WATER PROJECT

WHEREAS, the City of Colorado Springs (“City”), by and through its enterprise Colorado Springs Utilities (“Utilities”), currently provides utility systems, including water distribution systems, as authorized by Article 1, Section 1-20 of the Charter of the City of Colorado Springs; 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, Yount GST Irrevocable Trust F/B/O Lisa Gail Yount u/a/d July 1, 2007, a North Carolina Trust (“Property Owner”) is the fee owner of the real property in Chaffee County, with the address of 41200 N. Highway 24 and 62 Pt. Arkansas River Placer MC and also known as Chaffee County Tax Schedule Numbers 300909300826 and 300917100828 (the “Properties”); and

WHEREAS, as part of the Homestake Water Project (the “Project”), Utilities must repair and replace a water main that cross the Properties; and

WHEREAS, the Project, to repair and replace the water main in place, and the right to conduct ongoing maintenance on the water main are essential for the public health, safety and welfare of the City, which is a valid and necessary public purpose; and

WHEREAS, in order to complete the Project the City must acquire two permanent utility easements that will encumber the Properties and which are further described and depicted on Exhibit 1 and Exhibit 2 attached hereto (the “Permanent Easements”); and

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

WHEREAS, negotiations with the Property Owner have reached an impasse and Utilities has an imminent need to acquire the Permanent Easements in order to allow the work on the water main to avoid a failure due to age, which could have a significant adverse impact on the Properties, the surrounding properties, ratepayers, Utilities, and the City.

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 Permanent

Easements 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 Permanent Easements and to seek immediate relief 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 _____ day of _____, 2022.

ATTEST:

Council President

Sarah B. Johnson, City Clerk

Exhibit 1
Description of Property

Exhibit 2
Description of Property