

RESOLUTION NO. \_\_\_\_\_ - 21

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE A PERMANENT EASEMENT ON REAL PROPERTY OWNED BY THE GARDEN VALLEY WATER AND SANITATION DISTRICT NEEDED FOR THE CIRCLE DRIVE BRIDGE REPLACEMENT PROJECT

WHEREAS, the City of Colorado Springs (“City”), by and through its Department of Public Works, provides public roads, bridges, stormwater infrastructure and other works and ways, as authorized by Article 1, Section 1-20(d) of the Charter of the City of Colorado Springs; and

WHEREAS, the voters of the City, along with other participating governments, approved the establishment of the Pikes Peak Rural Transportation Authority (“PPRTA”) to fund infrastructure and capital projects within an area which includes the City; and

WHEREAS, the Circle Drive Bridge Replacement Project consists of capital improvements to the eastbound and westbound lanes of Circle Drive over Fountain Creek, and the eastbound and westbound lanes of Circle Drive over Hancock Expressway, and related drainage improvements for this roadway project (the “Project”); and

WHEREAS, the Project is named on the PPRTA Priority “A” Project List that was approved by the voters in November 2012; and

WHEREAS, the Project is essential for the public health, safety and welfare of the City, which is a valid and necessary public purpose; and

WHEREAS, the acquisition of a permanent easement on the real property owned by the Garden Valley Water and Sanitation District (“Garden Valley”) identified on Exhibit 1 attached hereto (the “Permanent Easement”) is necessary for the construction and maintenance of the Project; and

WHEREAS, despite attempts to negotiate the acquisition of the Permanent Easement from Garden Valley, the City has been unable to reach an agreement for acquisition of the Permanent Easement; 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; and

WHEREAS, negotiations with Garden Valley have reached an impasse and the City has an imminent need to acquire the Permanent Easement in order to allow the

Project to proceed as scheduled and to avoid delays which could have a significant adverse impact on the City of Colorado Springs.

**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 Easement from Garden Valley 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 Easement and to seek immediate possession of the Permanent Easement 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 \_\_\_\_\_, 2021.

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

ATTEST:

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