

RESOLUTION NO. 51-21

A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY UTILIZING POSSESSION AND USE AGREEMENTS FOR THE BLACK FOREST ROAD, ROADWAY IMPROVEMENTS: WOODMEN ROAD TO RESEARCH PARKWAY PROJECT

WHEREAS, the City of Colorado Springs ("City") currently provides transportation and drainage systems and other public works and ways as authorized by Article 1, § 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, on November 6, 2012, by vote of the public, the PPRTA Sales and Use Tax Extension was approved thereby extending the PPRTA through 2024; and

WHEREAS, the Black Forest Road, Roadway Improvements: Woodmen Road To Research Parkway Project (the "Project") consists of capital improvements to transportation and other systems and rights-of-way within and through the jurisdictional boundaries of City of Colorado Springs, and El Paso County, essential for the public health, safety and welfare of those communities, which is a valid and necessary public purpose; and

WHEREAS, the Project was identified by PPRTA as a Priority "A" Regional Collaborative Project; and

WHEREAS the PPRTA committed funding for final design, plans, and construction of the Project on January 1, 2019; and

WHEREAS, there are approximately 26 properties within the City and El Paso County, as listed in Exhibit A, attached hereto and incorporated herein, from which the Project will need to acquire certain real property interests (the "Parcels"); and

WHEREAS, all negotiations with property owners are conducted in accord with The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests ("RES Manual"), including Chapter 4, § 4.3(l) and Chapter 6, § 6.3(l), wherein City Council may authorize the use of a Possession and Use Agreement to obtain access to a Parcel and to allow construction and additional time for negotiations; and

WHEREAS, expedited acquisition of the Parcels is necessary for the efficient construction and completion of the Project.

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

Section 1. City Council finds and determines that the acquisition of the Parcels is necessary to enable efficient construction and completion of the Project and to minimize the impacts of delayed construction on area residents and travelers.

Section 2. City Council finds and determines that it benefits the public health, safety, and welfare that certain real property interests be acquired for the Black Forest Road, Roadway Improvements: Woodmen Road to Research Parkway Project. The Parcels shall be acquired either by negotiation and purchase or, if necessary, by the exercise of eminent domain. The real property interests are required for the public purpose of constructing and completing the Project.

Section 3. In the event that acquisition of the Parcels will require extended negotiations or, as a last resort, the exercise of eminent domain, City Council finds and determines that immediate possession is necessary and required for the public health, safety, and welfare of the citizens of the City of Colorado Springs. The Public Works Director and the Real Estate Services Manager are authorized to enter into Possession and Use Agreements with those property owners wishing to use the Agreement as a step toward determining fair market value and just compensation while allowing the Project improvements to proceed.

Section 4. Pursuant to RES Manual §§ 4.3(l), (m) and 6.3(l), in the event a property owner chooses not to sign a Possession and Use Agreement, the Public Works Director and the Real Estate Services Manager shall seek City Council approval to file an eminent domain action.

Dated at Colorado Springs, Colorado, this 23<sup>rd</sup> day of March, 2021.



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Council President

ATTEST:



Sarah B. Johnson, City Clerk



## Exhibit A

Parcel Number	Address
Parcel 5 5305300008	N/A
Parcel 6 & 7- 5306400007	N/A
Parcel 8 5306000102	7770 BLACK FOREST RD
Parcel 9 5306000101	7790 BLACK FOREST RD
Parcel 11 5306000099	7830 BLACK FOREST RD
Parcel 12 5306000095	FOXTROT DR
Parcel 13 5306000112	6770 FOXTROT LN
Parcel 14 5306000050	7910 BLACK FOREST RD
Parcel 15 5306000014	7950 BLACK FOREST RD
Parcel 16 5306000119	7960 BLACK FOREST RD
Parcel 17 5306000011	8030 BLACK FOREST RD
Parcel 19 5306000062	8150 BLACK FOREST RD
Parcel 20 5306109033	6871 BLACK SADDLE DR
Parcel 23 5200000429	BLACK FOREST RD
Parcel 24 5200000264	BLACK FOREST RD
Parcel 25 5200000262	8585 BLACK FOREST RD
Parcel 27 5200000416	RESEARCH PKWY
Parcel 30 5232303001	6825-6845 SILVER PONDS HTS
Parcel 31 5232301001	8620 SKIP STONE PT
Parcel 32 5200000076	8895 BLACK FOREST RD
Parcel 10 5305201050	5958 BLACK FOREST RD
Parcel 18 5305201014	8327 BLACK FOREST RD
Parcel 21 5305201013	8865 CANARY CIR
Parcel 22 5305206020	8212 VANDERWOOD RD
Parcel 26 5305206019	8304 CHASEWOOD LOOP