

RESOLUTION NO. \_\_\_\_\_-23

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE REAL PROPERTY INTERESTS OWNED BY JE MARTIN LLC AND JENNIFER RASMUSSEN FOR THE TUTT BOULEVARD EXTENSION: DUBLIN BOULEVARD TO TEMPLETON GAP ROAD 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 Tutt Boulevard Extension: Dublin Boulevard to Templeton Gap Road Project (the "Project"), consists of capital improvements to public roads and stormwater infrastructure within the jurisdictional boundaries of the City, essential for the public health, safety and welfare of the City, which is a valid and necessary public purpose; and

WHEREAS, the Project was identified by PPRTA as a Priority "A" project that was approved by the voters in November 2012;

WHEREAS, the acquisition of real property interests for right-of-way and easements more particularly described on Exhibits A, C, E, G, I, K and depicted on Exhibits B, D, F, H, J, L (the "Property") owned by JE Martin LLC, a Colorado limited liability company, and Jennifer Rasmussen (the "Property Owners") is necessary for construction of the Project; and

WHEREAS, despite repeated attempts by the City to negotiate an amicable acquisition of the Property with the Property Owners, the City has been unable to negotiate an agreement for the purchase of the Property; 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, the City needs to acquire possession of the Property immediately to allow the Project to proceed as scheduled and to avoid delays which could adversely impact this Project 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 it has a need for and it is necessary to acquire the Property from the Property Owners for the purpose of constructing the Project which is for a public purpose.

Section 2. The City Attorney is hereby authorized to take all action necessary to acquire the Property and to seek immediate possession of the Property 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Randy Helms, Council President

ATTEST:

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