

RESOLUTION NO. \_\_\_\_\_ - 24

A RESOLUTION AUTHORIZING THE USE OF POSSESSION AND USE AND/OR EMINENT DOMAIN TO ACQUIRE CERTAIN EASEMENTS NEEDED FOR THE ACADEMY BOULEVARD: FOUNTAIN TO JET WING PROJECT

WHEREAS, the City of Colorado Springs (“City”), by and through its Public Works Department (“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 City is proceeding with the Academy Boulevard: Fountain to Jet Wing Project (the “Project”) which includes the removal and replacement of asphalt, curb and gutter, and sidewalk to create a multi-modal path; and

WHEREAS, the Project is necessary for the public health, safety and welfare of the City, which is a necessary public purpose; 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 jurisdiction through institution of eminent domain proceedings, for all interests necessary for the City; and

WHEREAS, negotiations with the two (2) Property Owners to purchase permanent easements (“Easements”) have reached an impasse and Public Works has an imminent need to acquire the Easements in order to perform the necessary construction included in the Project; and

WHEREAS, the City will need to acquire rights on the following properties as set forth below and in the legal descriptions attached hereto to allow the Project to proceed as scheduled and to avoid delays which could adversely impact this Project and the City.

<b>Assessor’s Parcel Number (APN)</b>	<b>Property Owner</b>	<b>Property Interest</b>	<b>Exhibits</b>
6427111050	J H Foods Ltd.	Permanent Easement 2,158 square feet; Temporary Easement 1,415 square feet	Exhibits A and B
6435216005	5710 South Highway LLC	Permanent Easement 381 square feet; Temporary Easements 533 and 67 square feet	Exhibits C and D

**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 public health, safety and, welfare, and that the City has a need to, and it is necessary to, acquire the Easements from the Property Owners for constructing and maintaining the Project which is for a public purpose.

Section 2. The City Attorney is hereby authorized to take all action necessary to acquire the Easements and to seek immediate possession of the Easements 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 \_\_\_\_\_, 2024.

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

ATTEST:

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