

RESOLUTION NO. _____ - 25

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE A PERMANENT EASEMENT ON REAL PROPERTY KNOWN AS EL PASO COUNTY TAX SCHEDULE NUMBER 6433102038 OWNED BY WESTON ROAD HOLDINGS COMPANY LLC NEEDED FOR THE KELKER TO SOUTH PLANT TRANSMISSION PROJECT

WHEREAS, the City of Colorado Springs ("City") on behalf of its enterprise Colorado Springs Utilities ("Utilities") 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 pursuant to the provisions of Article XX, Section 1 of the Colorado Constitution and the City Charter; and

WHEREAS, a permanent easement on the property located at 2565 Weston Road, Colorado Springs, Colorado, also known as El Paso County Tax Schedule Number 6433102038 (the "Property") and owned by Weston Road Holdings Company LLC (the "Property Owner") has been identified as necessary for the Kelker to South Plant Transmission Project ("Project"); and

WHEREAS, the permanent easement to be acquired for this Project is more particularly described and depicted on the attached exhibits (the "Easement"); and

WHEREAS, the acquisition of the Easement is in the public interest and is necessary for the Project; and

WHEREAS, the City has commenced good faith negotiations with the Property Owner; and

WHEREAS, if the City and the Property Owner cannot reach agreement on the purchase and sale of the Easement, City Council may authorize the City to enter into a possession and use agreement with the Property Owner and/or commence condemnation proceedings to acquire the Easement, pursuant to section 4.3 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interest, Revised 2021*.

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

Section 1. That City Council hereby finds the acquisition of the Easement as described in the attached legal description to be necessary for the construction of the Project.

Section 2. That City Council hereby finds the acquisition of the Easement serves the public purpose of providing grid reliability, resiliency and redundancy for the City's electric system.

Section 3. That Utilities and the City's Real Estate Services Manager are hereby authorized to enter into a possession and use agreement with the Property Owner regarding the acquisition of the Easement.

Section 4. That the City Attorney is hereby authorized to take all action necessary to acquire the Easement, and to seek immediate relief by a voluntary possession and use agreement, eminent domain, or other appropriate proceedings.

Section 5. This Resolution shall be in full force and effect immediately upon its adoption.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2025.

ATTEST:

Lynette Crow-Iverson, Council President

Sarah B. Johnson, City Clerk