

RESOLUTION NO. \_\_\_\_\_ -26

A RESOLUTION AUTHORIZING THE USE OF POSSESSION AND USE AGREEMENTS AND EMINENT DOMAIN TO ACQUIRE REAL PROPERTY, PERMANENT AND TEMPORARY EASEMENTS FOR THE BROOKSIDE REALIGNMENT PROJECT USING PPRTA FUNDS

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 Pikes Peak Rural Transportation Authority (“PPRTA”) has approved the Brookside Realignment Project (“Project”); and

WHEREAS, there are five (5) properties, as listed in **Exhibit A** (the "Parcels"), from which the Project will need to acquire real property, permanent and temporary easements that are depicted in the attached **Exhibit B** (“Property Interests”); and

WHEREAS, the Project includes the realignment of the Brookside right-of-way at its intersection with Nevada Avenue, along with associated capital improvements within the right-of-way, including traffic signal reconfiguration, roadway reconstruction, installation of pedestrian accessibility enhancements, and the undergrounding of existing overhead power lines and other utilities; and

WHEREAS, if the Property Interests cannot be obtained voluntarily, the City is authorized to enter into Possession and Use Agreements and/or commence condemnation proceedings to acquire the Property Interests; and

WHEREAS, pursuant to section 4.3 of The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interest, Revised 2021, the City must obtain approval from City Council to enter into a Possession and Use Agreement and to utilize Eminent Domain for the acquisition of the Property Interests; and

**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 Property Interests located on the Parcels and as depicted in **Exhibit B** to be necessary for the construction of the Project.

Section 2. City Council hereby finds that acquisition of the Property Interests serves the public purpose of enhancing public safety by correcting the existing misaligned, signalized intersection, and thereby, reducing conflict points and the potential for crashes. The Project will provide meaningful safety improvements for motorists, pedestrians, and cyclists through enhanced intersection geometry, upgraded traffic control, and improved pedestrian facilities. In addition, the Project will enhance traffic operations and progression along the corridor, address increasing transportation demands associated with continued growth, and provide new sidewalks and accessibility improvements to support safe and efficient multimodal travel.

Section 3. The City Attorney is hereby authorized to take all action necessary to acquire the Property Interests, and to seek immediate relief by a voluntary Possession and Use Agreement, Eminent Domain, or other appropriate proceedings.

Section 4. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Lynette Crow-Iverson, Council President

ATTEST:

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

**EXHIBIT A**

	<b>Parcel</b>	<b>Address</b>	<b>Owner</b>	<b>RW</b>	<b>PE</b>	<b>TE</b>
1	6419307007	126 E. Brookside St., Colorado Springs, CO 80905	Mientka	425 sf	916 sf	4,519 sf
2	6419307008	130 E. Brookside St., Colorado Springs, CO 80905	Mientka	1,694 sf	761 sf	1,295 sf
3	6419307009	134 E. Brookside St., Colorado Springs, CO 80905	Mims	2,446 sf	710sf	594 sf
4	6419307010	138 E. Brookside St., Colorado Springs, CO 80905	Mientka	2,560 sf	700 sf	490 sf
5	6419307012	1424 S. Nevada Ave., Colorado Springs, CO 80905	Ringler	4,191 sf	946 sf	637 sf