

RESOLUTION NO. _____-15

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE REAL PROPERTY OWNED BY DELORES ART NEEDED TO COMPLETE THE WOODMEN ROAD CORRIDOR IMPROVEMENT PROJECT

WHEREAS, the City of Colorado Springs (the "City") currently provides transportation and drainage systems as authorized by Article 1, Section 1-20(d) of the Charter of the City of Colorado Springs; and

WHEREAS, on November 2, 2004, the voters approved the formation of the Pikes Peak Rural Transportation Authority ("PPRTA"), for the purpose of providing improved funding for expansion and maintenance of regional roadways and transit systems; and

WHEREAS, the list of PPRTA capital projects, which included the Woodmen Road Corridor Improvement Project, was approved by the voters of El Paso County, the City, the City of Manitou Springs, and the Town of Green Mountain Falls; and

WHEREAS, pursuant to the provisions of the Charter and the PPRTA intergovernmental agreement, the City is empowered to acquire property by lease, purchase, gift, bequest, dedication or other suitable means of conveyance, or through institution of eminent domain proceedings, for all land necessary for PPRTA projects; and

WHEREAS, on January 24, 2006, City Council approved Resolution No. 7-06 identifying the Woodmen Road Corridor Improvements as necessary to address traffic safety and congestion that is limiting the mobility of the citizens of the City and needed for the public safety and endorsing the proposed action plan to improve Woodmen Road through the Colorado Springs urbanized area as detailed in the Woodmen Road Corridor Improvement Environmental Assessment (EA) document; and

WHEREAS, the acquisition of certain real property, including the property owned by Delores Art ("Ms. Art") identified on attached Exhibit A, (the "Property") is necessary for the completion of the Woodmen Road Corridor Improvement Project; and

WHEREAS, acquisition of the Property is subject to the procedures of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("Real Estate Manual"), and State and Federal Guidelines; and

WHEREAS, the City has negotiated with Ms. Art for the acquisition of the Property in accordance with the applicable requirements; and

WHEREAS, Ms. Art has entered into a Real Estate Purchase Agreement with the City and has given the City possession and use of the Property; and

WHEREAS, the Property is subject to a deed of trust in favor of Plaza Home Mortgage LLC and the deed of trust holder is unwilling to release the Property from the lien created by the deed of trust which makes it impossible for the City to complete the acquisition of the Property from Ms. Art; and

WHEREAS, the negotiations with the deed of trust holder have reached an impasse.

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

Section 1. The City Council finds it to be in the interest of the public health, safety and welfare to acquire the Property from Ms. Art for the purpose of constructing the Woodmen Road Corridor Improvement Project.

Section 2. The City Attorney is hereby authorized to take action as may be necessary to acquire the Property by eminent domain or other appropriate proceedings.

DATED at Colorado Springs, Colorado, this _____ day of _____ 2015.

ATTEST:

Merv Bennett, Council President

Sarah B. Johnson, City Clerk

EXHIBIT A

Description of the Property

Right of Way-fee interest Parcels RW-246, RW-246A
Permanent Easement Parcel PE-246
Temporary Construction Easement Parcel TEC-246