

RESOLUTION NO. 153-17

A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY UTILIZING THE USE OF POSSESSION AND USE AGREEMENTS FOR THE WEST COLORADO AVENUE RECONSTRUCTION PROJECT (WESTSIDE AVENUE ACTION PLAN)

WHEREAS, the City of Colorado Springs ("City") currently provides transportation and drainage systems and other public works and ways as authorized by Article 1, § 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, on November 6, 2012, by vote of the public, the PPRTA Sales and Use Tax Extension was approved thereby extending the PPRTA through 2024; and

WHEREAS, the West Colorado Avenue Reconstruction, 31<sup>st</sup> Street to U.S. Highway 24, Project (the "Project") consists of capital improvements to transportation and other systems and rights-of-way within and through the jurisdictional boundaries of City of Colorado Springs, the City of Manitou Springs, and El Paso County, essential for the public health, safety and welfare of those communities, which is a valid and necessary public purpose; and

WHEREAS, the Project was identified by PPRTA as a Priority "A" Regional Collaborative Project; and

WHEREAS the PPRTA committed funding for final design, plans, and construction of the Project on January 1, 2015; and

WHEREAS, there are approximately 58 properties within the City, as listed in Exhibit A, attached hereto and incorporated herein, from which the Project will need to acquire certain real property interests (the "Parcels"); and

WHEREAS, all negotiations with property owners are conducted in accord with The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests ("RES Manual"), including Chapter 4, § 4.3(l) and Chapter 6, § 6.3(l), wherein City Council may authorize the use of a Possession and Use Agreement to obtain access to a Parcel and to allow construction and additional time for negotiations; and

WHEREAS, expedited acquisition of the Parcels is necessary for the efficient construction and completion of the Project.

**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 Parcels is necessary to enable efficient construction and completion of the Project and to minimize the impacts of delayed construction on area residents and travelers.

Section 2. City Council finds and determines that it benefits the public health, safety, and welfare that certain real property interests be acquired for the West Colorado Avenue Reconstruction Project. The Parcels shall be acquired either by negotiation and purchase or, if necessary, by the exercise of eminent domain. The real property interests are required for the public purpose of constructing and completing the Project.



Section 3. In the event that acquisition of the Parcels will require extended negotiations or, as a last resort, the exercise of eminent domain, City Council finds and determines that immediate possession is necessary and required for the public health, safety, and welfare of the citizens of the City of Colorado Springs. The Public Works Director and the Real Estate Services Manager are authorized to enter into Possession and Use Agreements with those property owners wishing to use the Agreement as a step toward determining fair market value and just compensation while allowing the Project improvements to proceed.

Section 4. Pursuant to RES Manual §§ 4.3(l), (m) and 6.3(l), in the event a property owner chooses not to sign a Possession and Use Agreement, the Public Works Director and the Real Estate Services Manager shall seek City Council approval to file an eminent domain action.

Dated at Colorado Springs, Colorado, this 12<sup>th</sup> day of December, 2017.

  
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Council President

ATTEST:

  
Sarah B. Johnson, City Clerk  


**EXHIBIT A**

<b>PARCEL APN</b>	<b>Address</b>	<b>Agency</b>
74033-23-006	3632 W. Colorado Ave.	City of Colorado Springs
74033-23-007	3626 W. Colorado Ave.	City of Colorado Springs
74033-23-014	3620 W. Colorado Ave.	City of Colorado Springs
74033-23-009	3612 W. Colorado Ave.	City of Colorado Springs
74033-23-010	3602 W. Colorado Ave.	City of Colorado Springs
74033-24-008	3501 W. Colorado Ave.	City of Colorado Springs
74033-21-007	3440 W. Colorado Ave.	City of Colorado Springs
7403321020	3434 W. Colorado Ave.	City of Colorado Springs
7403321021	3428 W. Colorado Ave.	City of Colorado Springs
7403321024	3410, 3414 and 3420 W. Colorado Ave.	City of Colorado Springs
7403324078	3401 W. Colorado Ave.	City of Colorado Springs
7403321012	3406 W. Colorado Ave.	City of Colorado Springs
7403321013	3404 W Colorado Ave.	City of Colorado Springs
7403324064	3327 W. Colorado Ave.	City of Colorado Springs
7403320008	3320 W. Colorado Ave.	City of Colorado Springs
7403324083	3317 W. Colorado Ave.	City of Colorado Springs
7403415002	3314 W. Colorado Ave.	City of Colorado Springs
7403400056	3315 W. Colorado Ave.	City of Colorado Springs
7403415003	3310 W. Colorado Ave.	City of Colorado Springs
7403415004	3306 W. Colorado Ave.	City of Colorado Springs
7403415005	3302 W. Colorado Ave.	City of Colorado Springs
7403422005	3175 W. Colorado Ave.	City of Colorado Springs
7403416026	3216 W. Colorado Ave.	City of Colorado Springs
7403416012	3208 W. Colorado Ave.	City of Colorado Springs
7403416006	3204 W. Colorado Ave.	City of Colorado Springs
7403416008	0 W. Pikes Peak Ave.	City of Colorado Springs
7403420025	31 S. 32nd St	City of Colorado Springs
7403420024	3178 W. Colorado Ave.	City of Colorado Springs
7403420023	3174 W. Colorado Ave.	City of Colorado Springs
7403422004	3167 W. Colorado Ave.	City of Colorado Springs
7403422003	0 W. Colorado Ave.	City of Colorado Springs
7403422001	3167 W. Colorado Ave.	City of Colorado Springs
7403420022	3164 W. Colorado Ave.	City of Colorado Springs
7403422002	3157 W. Colorado Ave.	City of Colorado Springs
7403420021	3162 W. Colorado Ave.	City of Colorado Springs
7403400021	3143 W. Colorado Ave.	City of Colorado Springs
7403420020	3150 W. Colorado Ave.	City of Colorado Springs
7403420018	3146 W. Colorado Ave.	City of Colorado Springs
7403420015	3143 W. Pikes Peak Ave.	City of Colorado Springs
7403420016	3142 W. Colorado Ave.	City of Colorado Springs
7403420014	3138 W. Colorado Ave.	City of Colorado Springs
7410100024	3107 W. Colorado Ave.	City of Colorado Springs
7403420012	3134 W. Colorado Ave.	City of Colorado Springs
7403420011	3132 W. Colorado Ave.	City of Colorado Springs
7403420029	3126 W. Colorado Ave.	City of Colorado Springs
7410100023	3115 W. Colorado Ave.	City of Colorado Springs

**EXHIBIT A**

<b>PARCEL APN</b>	<b>Address</b>	<b>Agency</b>
7403420008	3120 W. Colorado Ave.	City of Colorado Springs
7403420032	3118 W. Colorado Ave.	City of Colorado Springs
7410107004	3101 W. Colorado Ave.	City of Colorado Springs
7403420005	3116 W. Colorado Ave.	City of Colorado Springs
7403420026	3104 W. Colorado Ave.	City of Colorado Springs
7410102011	3044 W. Colorado Ave.	City of Colorado Springs
7410102012	3040 and 3042 W. Colorado Ave.	City of Colorado Springs
7410102027	3036 W. Colorado Ave.	City of Colorado Springs
7403323012	3629 W. Pikes Peak Ave.	City of Colorado Springs
7403318012	3528 W. Pikes Peak Ave.	City of Colorado Springs
7403318005	2 Ridge Road	City of Colorado Springs
7403314059	5 Ridge Road	City of Colorado Springs