



## Legislation Details (With Text)

**File #:** 24-007      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Mayor's Office  
**File created:** 12/22/2023      **In control:** City Council  
**On agenda:** 1/23/2024      **Final action:** 1/23/2024  
**Title:** 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

**Presenter:**  
 Gayle Sturdivant, PE, PMP Acting Public Works Director/City Engineer  
 Darlene Kennedy, Real Estate Services Manager

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. PW-EminentDomainRES-2023-12-28, 2. 1\_Parcel 56\_80 Location Map, 3. 3\_Resolution - Exhibit A - JH Foods Permanent Easement, 4. 4\_Resolution - Exhibit B - JH Foods Temporary Easement, 5. 5\_Resolution - Exhibit C - 5710 South Highway Permanent Easement, 6. 6\_Resolution - Exhibit D - 5710 South Highway Temporary Easements, 7. 7\_Academy - 56-80 Presentation 20240108, 8. Signed Resolution No. 05-24.pdf

Date	Ver.	Action By	Action	Result
1/23/2024	1	City Council	adopted	Pass
1/8/2024	1	Council Work Session	referred	

A Resolution Authorizing the Use of Possession and Use and/or Eminent Domain to Acquire Certain Easements Needed for Academy Boulevard: Fountain to Jet Wing Project

**Presenter:**

Gayle Sturdivant, PE, PMP, Acting Public Works Director/City Engineer  
 Darlene Kennedy, Real Estate Services Manager

**Summary:**

The proposed resolution would authorize the use of possession and use agreements and/or eminent domain to acquire easements (“Easements”) from J H Foods Ltd. and 5710 South Highway LLC, (collectively the “Property Owners”) needed in connection with the Academy Boulevard: Fountain to Jet Wing Project (the “Project”).

**Background:**

The City of Colorado Springs (“City”) is working to complete the Project. The Project was identified by the Pikes Peak Rural Transportation Authority (“PPRTA”) as an “A-list” priority project, and the PPRTA committed funding for construction of the project in the amount of \$59,497,800.00 at its Board meeting on July 6, 2022. Construction started in February 2023 and is anticipated to be completed in July 2025. The Project includes the removal and replacement of asphalt, curb and gutter, and sidewalk and adjustments of the traffic signals at Chelton Road. (See Project Location Map).

Negotiations with two Property Owners with respect to the required easements are at an impasse.

Staff requests that City Council approve the Resolution for acquisition of the Easements through the use of Possession and Use Agreements and/or Eminent Domain. The attached Resolution authorizes the City Attorney to take all necessary action to acquire the Easements. In all cases, the Property Owners will be compensated for the Easements needed for the Project.

**Previous Council Action:**

On August 14, 2012, City Council endorsed the extension of the Pikes Peak Rural Transportation Authority Capital Program in Resolution No. 109-12. Subsequently, on November 6, 2012, the citizens approved Ballot Issue 5A extending the PPRTA Capital Program until December 31, 2024, and the issue included this Project.

**Financial Implications:**

The costs of the easement acquisitions are accounted for in the PPRTA project budget

**City Council Appointed Board/Commission/Committee Recommendation:**

N/A

**Stakeholder Process:**

The Property Owners have not responded to correspondence regarding the offers. Therefore, we are at an impasse.

**Alternatives:**

City Council may approve, modify, or deny approval of the Resolution.

**Proposed Motion:**

Move to approve a Resolution Authorizing the Use Of Eminent Domain to Acquire Certain Easements Needed for the Academy Boulevard: Fountain to Jet Wing Project

N/A