



## Legislation Details (With Text)

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**Title:** A Resolution Authorizing the Acquisition of Temporary and Permanent Easements on Property Owned by Cloud Family Partnership, LLLP for Highline Transmission Main Project Improvements

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Date	Ver.	Action By	Action	Result
12/9/2014	1	City Council	adopted	Pass

### **A Resolution Authorizing the Acquisition of Temporary and Permanent Easements on Property Owned by Cloud Family Partnership, LLLP for Highline Transmission Main Project Improvements**

**From:**  
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

**Summary:**  
Colorado Springs Utilities Staff requests approval of an acquisition of real property for a purchase price in excess of \$50,000 required for construction of the Highline Transmission project in El Paso County.

**Previous Council Action:**  
N/A

**Background:**  
Highline Transmission Main (“HTM”) project is a new waterline project connecting the SDS Water Treatment Plant into existing Colorado Springs finished (potable) water distribution system. Many alternative alignments for the HTM project were studied. After extensive due diligence, including route and sub-route analyses using a wide range of criteria, Staff determined the most favorable alignment largely parallels Platte Avenue and where possible within the Platte Ave right-of-way. Phase 1 of the project consisting of a 48-inch to 30-inch pipe has been constructed from Marksheffel to Powers. Phase 2 is the proposed construction from Powers to Academy.

The stretch of Platte Avenue from the Powers Blvd to Town Center Drive posed significant challenges to constructing a 30-inch to 24-inch waterline within the Platte Ave right-of way due to the existence of CSU facilities and other utilities. Considering the impacts to traffic, relocation costs of other

utilities, asphalt fees, and the Sand Creek Bridge, Staff determined the best alternative was to design HTM to be constructed south of the Sand Creek bridge area under Sand Creek, and continue outside of the south of Platte Avenue right-of way until west of the congested portion of the Platte Ave right-of-way. Easements for this alignment have been or are close to being acquired.

HTM is designed to cross under Sand Creek and continue through the Cloud Family Partnership, LLLP (“CFP”) property. The property is currently being used as the Colorado Springs Flea Market. The acquisition of easements on the CFP property is subject to The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests (the “Real Estate Manual”). Staff has followed the Real Estate Manual easement acquisition process. Negotiations with the CFP have been ongoing for over two years based upon the City’s appraisal amounts for the permanent utility and temporary construction easements.

The parties ultimately agreed to Permanent and Temporary Construction Easements of 4.95 acres and 9.69 acres, respectively. CFP has agreed to an acquisition price of \$307,190. This amount is 30% over the appraised value of the easements. However, Staff supports this amount in light of the agreement as to alignment and price, and the benefit of avoiding a condemnation proceeding.

Pursuant to section 6.1 of the Real Estate Manual, when the total acquisition amount exceeds \$50,000, the Project Manager must seek City Council acquisition approval. Subject to City Council’s approval, the acquisition is ready to close. The Memorandum of Agreement and all easements have been executed. Utilities’ Staff recommends approval of this transaction.

This agreement allows Utilities to proceed with the HTM project on schedule and avoids the condemnation procedures of negotiating a possession and use agreement, or in the event of being unable to reach agreement, going through a costly trial process. Staff has worked successfully to complete this needed acquisition without additional negotiations or appraisals.

Pursuant to the provisions of the Colorado Constitution and the Colorado Springs City Charter, the City is empowered to acquire real property necessary for Utilities projects. Colorado Springs Utilities requests City Council approval to acquire the proposed construction easements and permanent easements in accordance with the Memorandum of Agreement, attached as Exhibit A.

This resolution authorizes the City’s Real Estate Services Manager to complete the acquisition of the temporary and permanent easements on the CFP property.

**Financial Implications:**

This land acquisition is budgeted in the 2014 Utilities budget for the HTM project budget.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

Staff has been in contact with property owners impacted by the HTM project and will continue to communicate with stakeholders on a frequent basis. In addition, negotiations with property owners were conducted in accordance with The Real Estate Manual and all applicable law.

**Alternatives:**

Acquisition of land could be delayed or discontinued. However, choosing this alternative will likely

result in increased project costs and schedule delays for the HTM project.

**Proposed Motion:**

Move approval of proposed resolution.

N/A