



Legislation Details (With Text)

File #: 23-519 **Version:** 1 **Name:**

Type: Informational Report **Status:** Mayor's Office

File created: 9/25/2023 **In control:** City Council

On agenda: 10/24/2023 **Final action:** 10/24/2023

Title: A Resolution Authorizing the Use of Possession and Use and/or Eminent Domain to Acquire Certain Easements Needed for the Broadmoor Area Bridge Maintenance Project

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

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1_Project Location Map, 2. 2_Broadmoor Bluffs CIPP Resolution, 3. 3_Broadmoor Bridge Exhibits A-H_FINAL, 4. 4_Broadmoor Area Property Acquisition Presentation, 5. Signed Resolution No. 168-23.pdf

Date	Ver.	Action By	Action	Result
10/24/2023	1	City Council	adopted	Pass
10/9/2023	1	City Council Work Session	referred	

A Resolution Authorizing the Use of Possession and Use and/or Eminent Domain to Acquire Certain Easements Needed for the Broadmoor Area Bridge Maintenance Project

Presenter:

Gayle Sturdivant, PE, PMP, City Engineer/Acting Public Works Director
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 S. Nelson Cammack and Scot Tebo, Stephen Anderson, and Earnestine Brown (collectively the “Property Owners”) needed in connection with the Broadmoor Area Bridge Maintenance project.

Background:

The City of Colorado Springs (“City”) is working to complete the Broadmoor Area Bridge Maintenance Project (the “Project”). The Project was identified within the Bridge Asset Management Program as a critical maintenance project needed to prolong the service life of the culverts, with total project funding at approximately \$1.7M. The maintenance project is anticipated to start in November 2023 and be completed within a month of starting construction. The Project includes cured in place pipe (CIPP) relining for six (6) existing culverts located on Farthing Drive,

Ellsworth Street, and Broadmoor Bluffs Drive. (See Project Location Map).

Negotiations on the required Easements from three Property Owners 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 10, 2004, City Council endorsed the formation of the Pikes Peak Rural Transportation Authority (PPRTA) in Resolution No. 177-04. PPRTA includes the maintenance funding proposed for 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 been engaged by the City since early 2023. Initial offers were made to all three Property Owners. Two Property Owners have been non-responsive. The third Property Owner made a verbal counteroffer that was accepted by the City, but countered a second time with an unreasonable offer.

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 Broadmoor Area Bridge Maintenance Project

N/A