



Legislation Text

File #: 18-0260, **Version:** 1

A Resolution Authorizing the Acquisition and Payment of Just Compensation for Real Property

Presenter:

Anne Turner, Assistant City Attorney, City Attorney's Office
Eric Tharp, Acting Chief Executive Officer, Colorado Springs Utilities

Summary:

Colorado Springs Utilities (Utilities) staff requests City Council approval of a resolution authorizing the acquisition and payment of just compensation for real property located in Park County, Colorado.

Previous Council Action:

None

Background:

In 1955, the City obtained a pipeline easement for the Blue River Pipeline in Park County, near Alma, Colorado. This easement is related to a pending real property partition matter filed by the owner of a two-thirds interest in the underlying property (Dadz, LLC) against the other property owner (Gumaer Placer, LLC) and the City seeking a judicial sale of the entire property. Utilities has successfully negotiated a purchase of the two-thirds interest from Dadz, LLC, which will provide increased protection of the Blue River Pipeline and serve as the first step in resolution of the partition matter. Following completion of the acquisition of Dadz, LLC's two-thirds interest in the property, Utilities would agree to a partition of the property under which Utilities will receive all right, title, and interest in two-thirds of the property and Gumaer Placer, LLC will receive all right, title, and interest in one-third of the property, all of the water rights, and a necessary access easement.

This resolution would authorize the payment of just compensation to Dadz, LLC in the amount of \$747,500 for the two-thirds interest in the property and Dadz, LLC's one-half interest in the water rights, authorize the partition, and further authorize the City's Real Estate Manager and the Utilities Chief Executive Officer, or designee, to execute all documents necessary to complete the acquisition and partition.

Financial Implications:

Utilities' Water Division has identified funds in the current budget to complete the acquisition from Dadz, LLC. No additional funds will be expended to complete the partition. If City Council does not approve the Resolution, Utilities' Blue River Pipeline will continue to be at risk under the existing easement.

Board/Commission Recommendation:

N/A

Stakeholder Process:

Utilities and the City Attorney's Office have worked closely with the parties to the pending partition matter to reach the solution contemplated by this Resolution.

Alternatives:

Approve the attached Resolution authorizing the acquisition and payment of just compensation for real property.

Proposed Motion:

Move approval of the proposed Resolution.

N/A