



## Legislation Text

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### **A Resolution Authorizing the Acquisition of Property Owned by Jennifer M. Enriques, Now Known as Jennifer M. Meszler, To Be Used For Southern Delivery System Project Improvements**

**From:**

Jerry Forte, CEO, Colorado Springs Utilities

**Summary:**

Colorado Springs Utilities Southern Delivery System (“SDS”) staff requests permission to acquire and close on a piece of real property required for construction of the SDS project in El Paso County.

**Previous Council Action:**

Since September 8, 2009, City Council has passed a number of resolutions authorizing the City’s acquisition and closing of more than 200 real property transactions necessary for the SDS project.

**Background:**

On December 10, 2013, City Council approved Resolution No. 134-13 authorizing negotiations to acquire properties necessary for the SDS project. This authorization included a 39.087 acre parcel, commonly known as 12280 Bradley Road, Colorado Springs, Colorado 80928, which is owned by Jennifer M. Enriques, now known as Jennifer M. Meszler (the “Property”). Negotiations with the Property owner were initiated to acquire parcels needed for the Upper Williams Creek Reservoir (“UWCR”). Both SDS staff and the owner obtained an appraisal of their choosing, and a review of both appraisals has been conducted by an independent third party appraiser. The cost of the appraisals and review has been borne by the project. The review of the appraisals determined that both appraisals were considered competent values and that the value provided by the Property owner’s appraisal was deemed the fair market value for the property being sought. The Property owner currently resides on the Property and is being offered relocation benefits as contemplated by the Uniform Act as adopted by the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests (“RES Manual”) and the City Code. A summary of compensation is attached to this memorandum. The Property owner has agreed to accept this amount of compensation for the Property being acquired.

This acquisition is included within Phase I of SDS, however the ultimate construction of the UWCR is to be determined at a later date. Approximately thirteen (13) additional properties may be incorporated within the preliminary design of UWCR. This acquisition joins approximately 1,900 acres of property already acquired for the reservoir site.

Pursuant to the provisions of the Colorado Constitution and the Colorado Springs City Charter, the City is empowered to acquire real property interests necessary for Utilities projects. Colorado

Springs Utilities requests permission to close the transaction as listed in Resolution No. 134-13.

This resolution authorizes Colorado Springs Utilities staff and the City's Real Estate Services Manager to complete the purchase of the Property.

**Financial Implications:**

This land acquisition is budgeted in the 2015 SDS Project budget.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

Staff has been in contact with property owners impacted by the SDS project and will continue to communicate with stakeholders on a frequent basis. In addition, negotiations with property owners were conducted in accord with the Uniform Relocation and Assistance Policies as adopted by the RES Manual, the City Code and all other applicable laws.

**Alternatives:**

Acquisition of land could be delayed or discontinued. However, choosing this alternative will likely result in increased project costs and possible schedule delays for SDS.

**Proposed Motion:**

Move approval of the proposed resolution.

N/A