



## Legislation Text

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**File #:** 19-016, **Version:** 1

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A Resolution Authorizing the Acquisition of Two Parcels of Land Totaling Approximately 1.744 Acres of Real Property and a Temporary Construction Easement Containing Approximately 0.212 Acres from Heriberto Lopez and Blanca F. Magallan Velasquez.

**Presenter:**

Richard Mulledy, City Water Resources Engineering Division Manager  
Jeff Dunn, City Water Resources Engineering Project Manager

**Summary:**

In connection with the obligations under the Intergovernmental Agreement (“IGA”) between the City of Colorado Springs (“City”) and Pueblo County, the City seeks to acquire a 1.285-acre parcel for the purpose of constructing a Regional Flood Control Stormwater Impoundment in Cottonwood Creek, (“Pond PR-2”); and a 0.459-acre parcel for the purpose of constructing the extension of Tutt Boulevard, and one temporary construction easement. The total acquisition will be 1.744 acres of land (the “Property”) currently owned by Heriberto Lopez and Blanca F. Magallan Velasquez (“Owner”). The legal descriptions and depictions of the two parcels and the temporary construction easement are attached to the proposed Resolution as Exhibits A-1, A-2, B-1, B-2, C-1 and C-2.

**Previous Council Action:**

City Council approved Resolution No. 36-16 on April 20, 2016 authorizing execution of the Intergovernmental Agreement (“IGA”) dated April 28, 2016, pertaining to the expenditure of funds for a stormwater control program.

**Background:**

As part of the IGA, the City is required to complete defined stormwater projects. Pond PR-2 is one of several of the detailed flood control facilities identified in the IGA. The 1.285-acre parcel required for the Pond PR-2 project will provide stormwater flow control for a six (6) square mile watershed which is approximately 85% developed. The embankment and culvert will impound stormwater runoff to reduce discharge rates during a 100-year storm event.

The functionality of this facility requires that a roadway embankment be constructed over Cottonwood Creek for the extension of Tutt Boulevard with the roadway embankment serving as a dam for the detention facility. In order to construct Tutt Boulevard, 0.459 acres of property must be purchased from the Owner.

In addition, approximately 0.212 acres of property is needed for a temporary construction easement for completion of the project.

The value of the Property is supported by an independent appraisal, along with a negotiated

settlement, for a total of \$100,000. The negotiated settlement includes payment to the Owner in the amount of \$23,969 in lieu of the City constructing a concrete privacy wall and associated guard rail.

Pursuant to Section 4.1 of the Real Estate Manual and City Code 7.7.1802, City Council must approve property acquisitions if the total acquisition amount of the property interest acquired in the transaction exceeds \$50,000.

The Water Resources Engineering Division of the Public Works Department requests that City Council adopt the attached resolution for acquisition of the Property. Additionally, the attached resolution authorizes the City's Real Estate Services Manager to execute all documents necessary to complete the acquisition of the property to the City.

This item supports the City's strategic goal of investing in infrastructure.

**Financial Implications:**

The purchase price of this land acquisition was anticipated and accounted for in the project budget.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

N/A

**Alternatives:**

Staff recommends approval of the acquisition of approximately 1.744 acres of property and a temporary construction easement from Heriberto Lopez and Blanca F. Magallan Velasquez to allow for the completion of the stormwater project required by the IGA.

Do not approve the acquisition, and suggest that staff pursue another alternative to construct the facility.

**Proposed Motion:**

Move approval of the Resolution authorizing the acquisition of two parcels of land totaling approximately 1.744 acres of real property and a temporary construction easement containing approximately 0.212 acres from Heriberto Lopez and Blanca F. Magallan Velasquez.

N/A