



## Legislation Text

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**File #:** 17-789, **Version:** 1

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### **A Resolution Authorizing the Acquisition of Property Owned by Timothy J. Garber and Dawn K. Dawson-Garber to be used for Southern Delivery System Project Improvements**

#### **Presenter:**

Lyman Ho, SDS Land Acquisition Manager  
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

#### **Summary:**

Southern Delivery System (SDS) staff requests City Council approval of a resolution authorizing the acquisition of property owned by Timothy Garber and Dawn Dawson-Garber ("Garbers") to the City of Colorado Springs for the Upper Williams Creek Reservoir project.

#### **Previous Council Action:**

None with respect to this parcel of real property. Since September 8, 2009, City Council has passed a number of resolutions authorizing the acquisition of more than 200 property transactions 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 Upper Williams Creek Reservoir (UWCR) project. This acquisition joins approximately 2,120 acres of property already acquired for the project. Presuming approval of the three purchase agreements on today's agenda, approximately 7 additional properties will be required for the reservoir and buffer area and 3 additional easements will be required for the associated pipelines as indicated on the preliminary design of the UWCR.

Utilities negotiated the acquisition of the approximately 35.251 acres of property owned by the Garbers. Offers were made based on a recommendation of the amount of just compensation as determined by a third party independent appraiser. This appraiser conducted a technical review of the appraisal report prepared for Utilities and the appraisal report prepared for the property owners. In this case, the recommended value was based on the appraisal prepared for the property owners. A Real Estate Purchase Agreement was executed by the owners on December 30, 2016. The proposed purchase price is \$120,000. The property is vacant, unimproved land.

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. Additionally, Section 4.1 of The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests (the "RES Manual") requires that whenever the total acquisition amount is determined to exceed \$50,000, City Council shall approve the transaction.

Colorado Springs Utilities requests that City Council adopt the attached resolution authorizing the acquisition of the Garber property. Additionally, the attached resolution authorizes the City's Real Estate Services Manager to execute all documents necessary to close the transaction.

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

**Financial Implications:**

This land acquisition has been budgeted in the 2017 SDS project budget. If City Council does not approve the Resolution, Utilities will be lacking a portion of a buffer area considered as a minimum amount to protect the UWCR watershed.

**Board/Commission Recommendation:**

This item was presented at the February 22, 2017 Utilities Board meeting as a discussion item.

**Stakeholder Process:**

Staff has been in contact with property owners impacted by the SDS project and will continue to communicate with stakeholders on a regular basis. In addition, negotiations with property owners were conducted in accordance with the Federal Uniform Act, the RES Manual, and all applicable law.

**Alternatives:**

Approve the attached Resolution authorizing the acquisition of the property owned by the Garbers; or do not approve the attached Resolution, however choosing this alternative will result in delayed land acquisition and potential increased land acquisition costs for developing the Upper Williams Creek Reservoir.

**Proposed Motion:**

Move approval of the proposed Resolution.

N/A