



Legislation Text

File #: 23-446, **Version:** 1

A Resolution Authorizing the Use of a Possession and Use and Eminent Domain to Acquire Real Property Interests Owned by JE Martin LLC and Jennifer Rasmussen for the Tutt Boulevard Extension: Dublin Boulevard to Templeton Gap Road Project

Presenter:

Gayle Sturdivant, P.E., City Engineer/Interim Public Works Director
Darlene Kennedy, Real Estate Services Manager

Summary:

The proposed resolution would authorize the use of a possession and use agreement and eminent domain to acquire real property interests from JE Martin LLC and Jennifer Rasmussen needed in connection with the Tutt Boulevard Extension: Dublin Boulevard to Templeton Gap Road Project.

Background:

The City of Colorado Springs ("City") is working to complete the Tutt Boulevard Extension: Dublin Boulevard to Templeton Gap Road Project (the "Project"). The Project was identified by the Pikes Peak Rural Transportation Authority ("PPRTA") as an "A-list" priority project, and total project funding is \$5,279,518. The extension of Tutt Boulevard from Dublin Boulevard to Vickie Lane was completed in 2016. Construction on the extension of Tutt Boulevard from Vickie Lane to Templeton Gap Road is anticipated to start in October 2023 and be completed in mid-2024. (See Project Location Map).

JE Martin LLC and Jennifer Rasmussen (the "Property Owners") jointly own property that is needed for the Project. The City needs approximately 0.857-acres (37,325 sf) for right of way in fee simple, approximately 0.130-acres (5,670 sf) as permanent easements, and approximately 0.152-acres (6,632 sf) of temporary construction easements (the "Property") from the Property Owners for the Project.

An appraisal for the Property was obtained, and an offer was made to acquire the Property on May 26, 2023, for the appraised value of \$580,000.00. The City provided the Property Owners with a Notice of Intent to Acquire on November 29, 2022, and the Property Owners were afforded the opportunity to secure an independent appraisal at City expense.

On July 27, 2023, property owner's representative rejected the City's settlement offer. The Property Owners have not submitted an appraisal supporting a value in excess of the City's appraisal; nor have they provided a counteroffer. The Property Owners have not indicated a time frame for their appraisal or counteroffer. Negotiations with the Property Owners have reached an impasse and the City has an imminent need to acquire the Property in order to complete the Project.

Staff requests that City Council approve the Resolution for acquisition of the Property through the use of a Possession and Use Agreement and Eminent Domain. The attached Resolution authorizes the

City Attorney to take all necessary action to acquire the Property. In all cases, the Property Owners will be compensated for the Property needed for the Project.

Previous Council Action:

On August 14, 2012, City Council endorsed the extension of the Pikes Peak Rural Transportation Authority Capital Program in Resolution No. 109-12. Subsequently, on November 6, 2012, the citizens approved Ballot Issue 5A extending the PPRTA Capital Program until December 31, 2024, and the issue included this Project.

Financial Implications:

This property acquisition cost is 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 during the engineering process dating back to 2016.

Alternatives:

City Council may approve, modify, or deny approval of the Resolution.

Proposed Motion:

Move to approve a Resolution Authorizing the Use of a Possession and Use and Eminent Domain to Acquire Real Property Interests Owned by JE Martin LLC and Jennifer Rasmussen for the Tutt Boulevard Extension: Dublin Boulevard to Templeton Gap Road Project

N/A