



Legislation Text

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A Resolution Authorizing the Acquisition of Property Owned by Jerry Ann Daiss, Formerly Known as Jerry Ann O'Connor, to be Used for Southern Delivery System Project Improvements

Presenter:

Lyman Ho, SDS Land Acquisition Manager
Jerry Forte, P.E., CEO, Colorado Springs Utilities

Summary:

Southern Delivery System ("SDS") staff requests permission on behalf of Colorado Springs Utilities to purchase and close on the acquisition of real property required for Phase II 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 purchase and closing 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 project, including that of Jerry Ann Daiss. Negotiations with the property owner were initiated to acquire parcels needed for the Upper Williams Creek Reservoir ("UWCR"). SDS obtained an appraisal and offered the owner the opportunity to obtain her own appraisal at the SDS project's expense. The property owner has declined to obtain a second appraisal and has accepted the appraised value as established and has executed a contract to sell the property contingent on City Council approval. The property is not currently being used for a residential purpose; however, a tenant does store personal property on site. The tenant is being offered relocation benefits pursuant to the Uniform Relocation and Assistance Policies ("Uniform Act") as required by the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests ("RES Manual"), the total cost of which is estimated not to exceed \$10,000.00. 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 12 additional properties may be incorporated within the preliminary design of UWCR. This acquisition joins 1,958 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 necessary for Utilities projects. Colorado Springs Utilities requests permission to close the transaction pursuant to the accompanying resolution which

incorporates the legal description contained in Exhibit A and the depiction in Exhibit B.

This resolution authorizes the Utilities CEO, himself and/or by and through the SDS Project Director, his delegated staff, contractors and the City Real Estate Services Manager to close and acquire this property in accord with City of Colorado Springs Procedures Manual for the Acquisition and Disposition of Real Property Interests.

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

Financial Implications:

This land acquisition is budgeted in the 2016 SDS Project budget.

Board/Commission Recommendation:

Utilities Board was briefed on February 17, 2016 during the regular Utilities Board meeting.

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 Act, the RES Manual, and all other applicable laws.

Alternatives:

Acquisition of land could be delayed or discontinued. Selecting this alternative will likely result in increased project costs and uncertainty related to developing the reservoir for the SDS Project.

Proposed Motion:

Move approval of a resolution authorizing the acquisition of property owned by Jerry Ann Daiss, formerly known as Jerry Ann O'Connor, to be used for Southern Delivery System project improvements.

N/A