

RESOLUTION NO. _____ - 25

A RESOLUTION AUTHORIZING THE USE OF POSSESSION AND
USE AND/OR EMINENT DOMAIN TO ACQUIRE REAL PROPERTY
AND EASEMENTS NEEDED FOR THE MARKSHEFFEL ROAD –
NORTH CAREFREE TO DUBLIN PROJECT

WHEREAS, the City of Colorado Springs (“City”), by and through its Public Works Department (“Public Works”) provides public roads, bridges, stormwater infrastructure and other works and ways, as authorized by Article 1, Section 1-20(d) of the Charter of the City of Colorado Springs; and

WHEREAS, the City is proceeding with the Marksheffel Road – North Carefree to Dublin Project; and

WHEREAS, the Project to improve the Marksheffel Road corridor is necessary for the public health, safety and welfare of the City, which is a necessary public purpose; and

WHEREAS, pursuant to the provisions of Title 38, Article 2 of the Colorado Revised Statutes and Article 1-20 of the City Charter, the City is empowered to acquire property interests within or without its territorial jurisdiction through institution of eminent domain proceedings, for all interests necessary for the City; and

WHEREAS, negotiations with the Property Owner to purchase Real Property and Utility and Temporary Easements (“Property”) have reached an impasse and Public Works has an imminent need to acquire the Property in order to perform the necessary maintenance included in the Project; and

WHEREAS, the City will need to acquire the rights on the Property as set forth below, and further described in the legal descriptions attached hereto, to allow the Project to proceed as scheduled and to avoid delays which could adversely impact this Project and the City.

| Property Owner | TSN | Property Interest | Exhibit |
|----------------------------------|------------|--|---------|
| Stetson Hills Property Owner LLC | 5321001005 | 9,364 Sq.Ft. Real Property 31,967 Sq.Ft. CSU Easement 12,464 Sq.Ft. Temporary Easement | A |

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council hereby finds it to be in the interest of public health, safety and, welfare, and that the City has a need to, and it is necessary to, acquire the Property from the Property Owner for constructing and maintaining the Project which is for a public purpose.

Section 2. The City Attorney is hereby authorized to take all action necessary to acquire the Property, and to seek immediate possession of the Property by a voluntary Possession and Use Agreement, eminent domain, or other appropriate proceedings.

Section 4. This Resolution is contingent on funding of the Purchase by the Pikes Peak Rural Transportation Authority ("PPRTA").

Section 3. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this _____ day of _____, 2025.

Randy Helms, Council President

ATTEST:

Sarah B. Johnson, City Clerk