

RESOLUTION NO. ____ -25

A RESOLUTION AUTHORIZING THE USE OF
POSSESSION AND USE AGREEMENTS AND
EMINENT DOMAIN TO ACQUIRE PERMANENT AND
TEMPORARY EASEMENTS FOR THE 8TH STREET
IMPROVEMENTS: MOTOR CITY DRIVE TO FOUNTAIN
CREEK PROJECT AND THE 8TH STREET OVER
FOUNTAIN CREEK BRIDGE MAINTENANCE PROJECT
USING PPRTA FUNDS

WHEREAS, pursuant to the provisions of Article XX, Section 1 of the Colorado Constitution and the City Charter, the City is empowered to acquire property interests within or without its territorial limits through institution of eminent domain proceedings, for all interests necessary for the City; and

WHEREAS, the Pikes Peak Rural Transportation Authority ("PPRTA") has approved the construction of the 8th Street Improvements: Motor City Drive To Fountain Creek Project and the 8th Street Over Fountain Creek Bridge Project ("Projects"); and

WHEREAS, there are approximately thirteen (13) properties, as listed in Exhibit A (the "Parcels"), from which the Projects will need to acquire permanent and temporary easements that are described and depicted in the attached Exhibits B through C ("Property Interests"); and

WHEREAS, the Projects consist of capital improvements to the rights of way and sidewalks along the 8th Street corridor, to include access improvements, utility replacements and upgrades, and new traffic signals; and

WHEREAS, the City has commenced good faith negotiations with the owners of all the Parcels; and

WHEREAS, if the Property Interests cannot be obtained voluntarily, the City is authorized to enter into Possession and Use Agreements and/or commence condemnation proceedings to acquire the Property Interests; and

WHEREAS, pursuant to section 4.3 of The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interest, Revised 2021, the City must obtain approval from City Council to enter into a Possession and Use Agreement and to utilize Eminent Domain for the acquisition of the Property Interests; and

WHEREAS, expedited acquisition of the Property Interests is necessary for the efficient construction and completion of the Projects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF COLORADO SPRINGS:

Section 1. City Council finds the acquisition of the Property Interests as described in Exhibit A to be necessary for the construction of the Projects.

Section 2. City Council hereby finds the acquisition of the Property Interests serves the public purpose of enhancing public safety, improving traffic flow and access points, and accommodating increased transportation demands resulting from community growth. In addition, the Projects will include the improvement of sidewalks and other features to improve accessibility and safety for pedestrians and other roadway users.

Section 3. The City Attorney is hereby authorized to take all action necessary to acquire the Property Interests and to seek immediate relief by a voluntary Possession and Use Agreement, Eminent Domain, or other appropriate proceedings.

Section 4. This Resolution shall be in full force and effect immediately upon its adoption.

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

Lynette Crow-Iverson, Council President

ATTEST:

Sarah B. Johnson, City Clerk

EXHIBIT A

EXHIBIT B

EXHIBIT C