

RESOLUTION NO. 121 - 24

A RESOLUTION AUTHORIZING THE USE OF POSSESSION AND USE AND/OR EMINENT DOMAIN TO ACQUIRE PROPERTY NEEDED FOR THE PARK VISTA DRAINAGE CHANNEL IMPROVEMENTS 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 Park Vista Drainage Channel Improvements Project; and

WHEREAS, the Project to improve the drainage and roadway patterns in Park Vista 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 Michael J. Mussman (the "Property Owner") to purchase the property located at 137 Lotus Street ("Property") have reached an impasse and Public Works has an imminent need to acquire the Property in order to perform the necessary infrastructure installation included in the Project; and

WHEREAS, the City will need to acquire the Property from the Property Owner to allow the Project to proceed as scheduled and to avoid delays which could adversely impact this Project and the City.

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

Dated at Colorado Springs, Colorado this 8th day of October 2024.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk

