

A RESOLUTION RESCINDING RESOLUTION 79-25 AND AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE REAL PROPERTY AND A TEMPORARY CONSTRUCTION EASEMENT, ON REAL PROPERTY OWNED BY PRD REAL ESTATE LLC USING PPRTA FUNDS FOR THE MARKSHEFFEL ROAD IMPROVEMENTS – WOODMEN ROAD TO NORTH CAREFREE CIRCLE PROJECT

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 Marksheffel Road Improvements – Woodmen Road to North Carefree Circle Project (“Project”); and

WHEREAS, the real property and a temporary construction easement to be acquired for the Project are more particularly described and depicted on the attached Exhibits A and B (the “Property Interests”) and are purportedly owned by PRD Real Estate, LLC (the “Property Owner”); and

WHEREAS, the City has commenced good faith negotiations with the Property Owner; and

WHEREAS, if the Property Interests cannot be obtained voluntarily, the City is authorized to enter into a Possession and Use Agreement with the Property Owner 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.

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

Section 1. Resolution 79-25 is hereby rescinded.

Section 2. City Council hereby finds the acquisition of the Property Interests as described in the attached legal descriptions to be necessary for the construction of the Project

Section 3. City Council hereby finds the acquisition of the Property Interests

serves the public purpose of enhancing public safety, reducing traffic congestion, and accommodating increased transportation demands resulting from community growth. The expanded roadway will improve traffic flow and provide better access for emergency services. In addition, the project will include the construction of sidewalks and other features to improve accessibility and safety for pedestrians and other roadway users.

Section 4. The City Attorney is hereby authorized to take all action necessary to acquire the real property and temporary construction easement, and to seek immediate relief by a voluntary Possession and Use Agreement, Eminent Domain, or other appropriate proceedings.

Section 5. 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