

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION
AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE
PERMANENT AND TEMPORARY EASEMENTS ON THE REAL
PROPERTY OWNED BY VANDE LAY CAPITAL PARTNERS, LLC
AND BIG CSCO OWNER, LLC FOR THE ACADEMY BOULEVARD
RECONSTRUCTION – FOUNTAIN BOULEVARD TO MILTON
PROBY PARKWAY PROJECT AND FOR THE CHELTON MULTI-
USE PATH PROJECT USING PPRTA FUNDS

WHEREAS, the City is proceeding with the Academy Boulevard Reconstruction – Fountain Boulevard to Milton Proby Parkway Project and the Chelton Multi-Use Path Project, (collectively, the “Projects”) which both cross the property known as the General Common Elements of the Chelton Centre Condominium Owners Association, Inc. at the southwest corner of South Academy Boulevard and Chelton Road (“Property”); and

WHEREAS, the Chelton Centre Condominium Owners Association, Inc. is now a defunct entity, and the Property is controlled by Vande Lay Capital Partners, LLC and Big CSCO Owner, LLC (“Property Owners”); and

WHEREAS, the City will need to acquire permanent and temporary easements (“Easements”) on the Property as described in the attached legal descriptions; and

WHEREAS, the Projects are necessary for the public health, safety and welfare of the City, which is a necessary public purpose; and

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 jurisdiction through institution of eminent domain proceedings for all interests necessary for the City; and

WHEREAS, negotiations with one of the Property Owners has reached an impasse, and the City has an imminent need to acquire the Easements in order to allow construction of the Projects and to avoid delays which could adversely impact the Projects and the City; 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 Easements.

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 Easements and to seek immediate possession of the Easements 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 _____ day of _____, 2025.

Lynette Crow-Iverson, Council President

ATTEST:

Sarah B. Johnson, City Clerk