

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE REAL PROPERTY, PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS, ON REAL PROPERTY OWNED BY WAL-MART REAL ESTATE BUSINESS TRUST 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 outside of its territorial limits through institution of eminent domain proceedings, for all interests necessary for the City; and

WHEREAS, in connection with the Marksheffel Road – Woodmen Road to North Carefree Circle Project (“Project”), the City of Colorado Springs Public Works Department has identified the need to acquire real property, permanent easements and temporary easements more particularly described and depicted on the attached exhibits (the “Property”) from Wal-Mart Real Estate Business Trust (the “Property Owner”); and

WHEREAS, negotiations with the Property Owner have reached an impasse and the City has an imminent need to acquire the Property in order to allow construction of the Project; 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.

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 to be in the best interest of the citizens of Colorado Springs.

Section 2. The City Attorney is hereby authorized to take all action necessary to acquire the real property, permanent easements, and temporary easements, and to seek immediate relief 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