

RESOLUTION NO. _____ - 25

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE PERMANENT EASEMENTS ON REAL PROPERTIES OWNED BY LOCKWOOD LIMITED LIABILITY COMPANY AND KNOWN AS EL PASO COUNTY TAX SCHEDULE NUMBERS 6434100032 AND 6434100035 NEEDED FOR THE KELKER TO SOUTH PLANT TRANSMISSION PROJECT

WHEREAS, the City of Colorado Springs ("City") on behalf of its enterprise Colorado Springs Utilities ("Utilities") 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 pursuant to the provisions of Article XX, Section 1 of the Colorado Constitution and the City Charter; and

WHEREAS, certain permanent easements on the properties located at Astrozon Boulevard, Colorado Springs, Colorado, also known as El Paso County Tax Schedule Numbers 6434100032 and 6434100035 (the "Properties") and owned by Lockwood Limited Liability Company (the "Property Owner") have been identified as necessary for the Kelker to South Plant Transmission Project ("Project"); and

WHEREAS, the permanent easements to be acquired for this Project are more particularly described and depicted on the attached exhibits (the "Easements"); and

WHEREAS, the acquisition of the Easements is in the public interest and is necessary for the Project; and

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

WHEREAS, if the City and the Property Owner cannot reach agreement on the purchase and sale of the Easements, City Council may authorize the use of a possession and use agreement with the Property Owner and/or commence condemnation proceedings to acquire the Easements pursuant to section 4.3 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interest, Revised 2021*.

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

Section 1. That City Council hereby finds the acquisition of the Easements as described in the attached legal descriptions to be necessary for the construction of the

Project.

Section 2. That City Council hereby finds the acquisition of the Easements serve the public purpose of providing grid reliability, resiliency and redundancy for the City's electric system.

Section 3. That Utilities and the City's Real Estate Services Manager are hereby authorized to enter into a possession and use agreement with the Property Owner regarding the acquisition of the Easements.

Section 4. That the City Attorney is hereby authorized to take all action necessary to acquire the Easements, 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.

ATTEST:

Lynette Crow-Iverson, Council President

Sarah B. Johnson, City Clerk