

**A RESOLUTION AUTHORIZING THE SEALED BID AUCTION AND DISPOSAL OF THE PROPERTY KNOWN AS JONES PARK**

**WHEREAS**, the City of Colorado Springs, on behalf of its enterprise Colorado Springs Utilities (“Utilities”), holds title to multiple parcels of land in and around the Bear Creek watershed collectively known as “Jones Park”; and

**WHEREAS**, Jones Park was purchased for potential use in the development of Utilities’ local water system as a reservoir; and

**WHEREAS**, development by Utilities of Jones Park as a reservoir never occurred and the property provides no operational value or necessity to Utilities for efficient water system operations, but remains a part of watersheds that serve the City; and

**WHEREAS**, Jones Park is not developable for future water system operations; and

**WHEREAS**, Jones Park is surplus property of no operational use and its disposal complies with section 6-80 of the City Charter, does not violate Utilities’ bond covenants, and is in the public interest; and

**WHEREAS**, Utilities is willing to dispose of Jones Park subject to appropriate terms, conditions and restrictions for uses of the property to ensure Jones Park remains compliant with its status as a necessary and essential watershed resource; and

**WHEREAS**, Utilities must ensure that the purchaser of Jones Park does not harm water quality within the watershed and that forest management and fire suppression efforts on Jones Park are consistent with management of surrounding United States Forest Service (“USFS”) lands; and

**WHEREAS**, Jones Park is entirely surrounded by USFS property and is only physically accessible through USFS property by recreational trails; and

**WHEREAS**, the USFS is currently completing an environmental assessment under the National Environmental Policy Act (“NEPA”) regarding the management of its property within the Bear Creek watershed, including Jones Park, with a final decision expected in late 2014 that will determine what actions should be performed and what recreational access is appropriate in the watershed to avoid adverse impacts to the greenback cutthroat trout that inhabits Bear Creek, designated as a threatened species under the federal Endangered Species Act (“ESA”); and

**WHEREAS**, disposal of Jones Park will eliminate future costs to Utilities' ratepayers for ongoing management, maintenance, and legal and regulatory compliance; and

**WHEREAS**, no City department or enterprise is interested in acquisition or receipt of Jones Park; and

**WHEREAS**, the anticipated use restrictions and land management requirements under the ESA for protection of the greenback cutthroat trout located on the property, and the requirements of the National Historic Preservation Act ("NHPA"), primarily limits the uses and value of Jones Park to recreational and natural resources purposes; and

**WHEREAS**, *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("RES Manual") authorizes the disposal of properties through a sealed bid auction; and

**WHEREAS**, Utilities recommends authorization and approval for the City's Real Estate Services Manager ("RES Manager") to enter into a contract, subject to the terms, conditions and restrictions listed below, for a disposition of Jones Park to the highest, acceptable bidder as set forth through the sealed bid process in the RES Manual.

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

Section 1: City Council finds Jones Park is surplus property that is not necessary for the operation of the Utilities enterprise, is unneeded for the proper conduct of City affairs, and its disposal is in compliance with section 6-80 of the City Charter.

Section 2: Subject to the imposition of the appropriate terms, conditions and restrictions below and in accord with the RES Manual, City Council hereby finds, for the reasons listed above, that the RES Manager, in conjunction with Utilities as the controlling department, shall effectuate a sealed bid auction of Jones Park.

Section 3: Pursuant to RES Manual, Chapter 5.6(a) and Chapter 8, the RES Manager, in cooperation with Utilities, shall obtain, at Utilities' cost, any necessary surveys and appraisals to determine a fair market value.

Section 4: In addition to the requirements contained within the RES Manual and all other applicable laws, ordinances, rules and regulations, City Council finds that the purchaser shall be required to reimburse Utilities for any costs for necessary surveys and appraisals and that the property shall be subject to the following terms, conditions and restrictions to be imposed on the purchaser pursuant to the deed transferring Jones Park:

Section 5: In addition to the reimbursement of all costs incurred by Utilities for necessary surveys and appraisals, the minimum acceptable bid price for Jones Park will be the fair market value as established by the appraisal.

Section 6: The City's RES Manager shall utilize procedures and requirements for the bid and disposal process deemed prudent in the Manager's discretion that are consistent with this resolution, the RES Manual, and other applicable laws.

Section 7: Pursuant to the RES Manual, Chapter 2.11, the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the disposition of Jones Park and to obtain the Mayor's signature on the deed.

Section 8: In the case of a failed sealed bid process in which no acceptable bids are submitted to the RES Manager, Utilities shall, in compliance with RES Manual, Chapter 5.6(d)(ii), seek Council approval for any further action taken to dispose of Jones Park, which may include transfer to the Board of County Commissioners of El Paso County, Colorado, under such terms and conditions as Council shall establish at that time.

DATED at Colorado Springs, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Keith King, Council President

ATTEST:

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Sarah B. Johnson, City Clerk