

RESOLUTION NO. _____ -17

A RESOLUTION AUTHORIZING THE ACQUISITION OF EASEMENTS ON PROPERTY OWNED BY THE BACH FAMILY TRUST TO BE USED FOR THE CLEAR SPRING RANCH BANK STABILIZATION PROJECT AND FOR ACCESS TO THE OWEN AND HALL DIVERSION STRUCTURE

WHEREAS, the City of Colorado Springs (the "City"), by and through its enterprise Colorado Springs Utilities ("Utilities"), currently provides utility systems, including wastewater systems and electric utility systems, as authorized by Article 1, Section 1-20(d) of the Charter of the City of Colorado Springs; and

WHEREAS, Utilities has implemented its Sanitary Sewer Creek Crossing Program ("SSCC Program") to design and construct stream stabilization projects needed to protect CSU infrastructure from erosion and flooding; and

WHEREAS, the Clear Spring Ranch Bank Stabilization Project is part of the SSCC Program and is required to protect Utilities' solids handling, or sludge, pipeline from damage resulting from erosion caused by Fountain Creek; and

WHEREAS, in order to construct a portion of the Clear Spring Ranch Bank Stabilization Project, Utilities requires one temporary construction easement and one permanent easement across a portion of property owned by the Bach Family Trust (the "Property Owner"), located at 12620 Old Pueblo Road, as further described in Exhibit 1, attached hereto and incorporated herein by reference; and

WHEREAS, Utilities' Owen and Hall Diversion Structure supplies water for irrigation on Clear Spring Ranch which recharges the shallow aquifer used to supply process water for Utilities' Ray D. Nixon and Front Range Power Plants; and

WHEREAS, Utilities requires two additional permanent easements across a portion of the property located at 12620 Old Pueblo Road, as further described in Exhibit 2, attached hereto and incorporated herein by reference, for purposes of ensuring it has the necessary access to the Owen and Hall Diversion Structure located at Utilities' Clear Spring Ranch site for performing required maintenance on and inspection of the Owen and Hall Diversion Structure; and

WHEREAS, the easements to be obtained for the Clear Spring Ranch Bank Stabilization Project are legally described in Exhibit 1-B attached hereto and depicted in Exhibit 1-C attached hereto and the easements to be obtained to provide access to the Owen and Hall Diversion Structure are legally described in Exhibit 2-B attached hereto and depicted in Exhibit 2-C attached hereto (collectively, these easements shall be referred to hereafter as the "Easements"); and

WHEREAS, the acquisition of the Easements is in the public interest and is necessary for the construction of the Clear Spring Ranch Bank Stabilization Project and to provide access to the Owen and Hall Diversion Structure; and

WHEREAS, pursuant to sections 4.1 and 8.6 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("Real Estate Manual"), City Council approval is required for acquisition of real property interests if the total acquisition amount exceeds \$50,000.00 and if the total acquisition amount is in excess of 30% over the fair market value where fair market value exceeds \$20,000; and

WHEREAS, the fair market value of the Easements was determined based on a real estate appraisal conducted by an independent real estate appraiser; and

WHEREAS, the Utilities desires to offer and the Property Owner desires to accept a purchase price of \$75,000.00 for the Easements; and

WHEREAS, Colorado Springs Utilities requests the approval of City Council to purchase the Easements for a purchase price of \$75,000.00.

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

Section 1. That the City Council finds the acquisition of the Easements is in compliance with the City's Real Estate Manual, the City Charter, City Code, and all other applicable laws.

Section 2. That in accord with the Real Estate Manual, the City Council hereby authorizes the acquisition of the Easements from the Property Owner for the purchase price of \$75,000.00 to be used in connection with the Clear Spring Ranch Bank Stabilization Project and for access to the Owen and Hall Diversion Structure.

Section 3. That the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the acquisition of the Easements contemplated herein.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2017.

ATTEST:

Council President

Sarah B. Johnson, City Clerk