

A RESOLUTION AUTHORIZING THE ACQUISITION OF
PROPERTY TO BE USED FOR SOUTHERN DELIVERY
SYSTEM PROJECT IMPROVEMENTS

WHEREAS, certain real property owned by Marilee F. Bachmann (“Bachmann”) and Ruth D. Roberts, now known as Ruth D. Anderson, and Ryan D. Roberts (collectively, the “Roberts”), consisting of approximately 8.8432 acres of land known as El Paso County Tax Schedule Number 45000-00-098 (the “Property”), has been identified as necessary for the completion of the Southern Delivery System Project’s Gary M. Bostrom Reservoir (the “Bostrom Reservoir”); and

WHEREAS, by City Council Resolution No. 134-13, the City of Colorado Springs, through its enterprise Colorado Springs Utilities, was authorized to negotiate acquisition of the Property; and

WHEREAS, the Property is legally described on Exhibit A attached hereto and depicted on Exhibit B attached hereto; and

WHEREAS, the acquisition of the Property is in the public interest and is necessary for the construction of the Bostrom Reservoir; and

WHEREAS, City Council approval has historically been obtained for all Southern Delivery System property acquisitions, regardless of the purchase price; and

WHEREAS, the fair market value for the Roberts’ interest in the Property was determined to be \$5,125.00 based on a real estate appraisal conducted by an independent real estate appraiser; and

WHEREAS, the City desires to offer and Roberts desires to accept a purchase price of \$7,500.00 which includes payment of the fair market value and an administrative settlement and the City desires to offer and Bachmann desires to accept payment of \$1,000.00 in order to clear up title issues associated with the Property; and

WHEREAS, Section 2.2 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (the “RES Manual”) authorizes the City’s Real Estate Services Office to work with the City Attorney’s Office to resolve title issues; and

WHEREAS, Section 2.6 of the RES Manual requires that the City Attorney’s Office, the Project Manager, and other appropriate City staff take any necessary steps to resolve title concerns and protect the City’s interests; and

WHEREAS, Colorado Springs Utilities requests the approval of City Council to purchase the Property from Roberts for a purchase price of \$7,500.00 and to pay Bachmann \$1,000.00 as consideration needed to resolve title issues associated with the Property.

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 Property 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 Property from the Roberts for the purchase price of \$7,500.00 and payment of \$1,000.00 to Bachmann in order to resolve title issues so that the Property may be used in connection with the Southern Delivery System Project.

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

DATED at Colorado Springs, Colorado, this _____ day of _____, 2019.

ATTEST:

Council President

Sarah B. Johnson, City Clerk