

**A RESOLUTION AUTHORIZING THE DONATION OF THE
PROPERTY KNOWN AS JONES PARK FOR A PUBLIC
PURPOSE TO THE UNITED STATES FOREST SERVICE
THROUGH THE NATIONAL FOREST FOUNDATION**

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; and

WHEREAS, development by Utilities of Jones Park for the local water system never occurred and the property provides no operational value or necessity to Utilities for efficient water system operations; and

WHEREAS, Jones Park is not developable for future water system operations or any other utility purpose; 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, Jones Park is entirely surrounded by United States Forest Service (“USFS”) property and is only accessible through USFS property; and

WHEREAS, the USFS is currently completing an environmental assessment under the National Environmental Policy Act (“NEPA”) regarding the management of property within the Bear Creek watershed, 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, designated as a threatened species under the federal Endangered Species Act (“ESA”), that inhabit Bear Creek; and

WHEREAS, disposal of Jones Park will eliminate future costs to Utilities’ ratepayers for NEPA compliance and ongoing management and maintenance; 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 limits the practical uses and value of Jones Park to recreational and natural resources purposes only; 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 for less than fair market value upon a finding of a public purpose; and

WHEREAS, the USFS is the appropriate and one logical, potential purchaser/donee of Jones Park because the USFS is responsible for managing recreational access and protection of the greenback cutthroat trout on the surrounding property and will efficiently manage the same within Jones Park; and

WHEREAS, the National Forest Foundation (“NFF”) was established by the United States Congress as a non-profit organization to support the USFS by engaging Americans in community-based and national programs to promote the health and public enjoyment of the 193-million-acre National Forest System, and by administering gifts of funds and lands for the benefit of National Forests; and

WHEREAS, the NFF has expressed its willingness to facilitate the transfer of Jones Park from Utilities to the USFS and assist the USFS with public outreach and fundraising efforts needed to implement the trail and stream improvement work identified in the USFS environmental assessment; and

WHEREAS, the NFF will pay all transaction costs associated with the donation of Jones Park; and

WHEREAS, the NFF will hold title to the Jones Park property and assume all associated liabilities for the sole purpose of transferring the property to the USFS as soon as reasonably possible; and

WHEREAS, a donation of Jones Park to the USFS through the NFF will serve a public purpose and is consistent with applicable laws and regulations; and

WHEREAS, Utilities recommends authorization and approval for the City’s Real Estate Services Manager to enter into a contract for donation of Jones Park to the NFF as the one logical, potential purchaser/donee.

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: In accord with RES Manual, Chapter 1, Section 1.1b and Chapter 5, City Council hereby finds a public purpose is served by the donation of Jones Park to the NFF who will then transfer the property to the USFS as the one logical, potential purchaser/donee and the USFS will provide unified management of recreational access and protection of the greenback cutthroat trout on the property and the surrounding USFS lands.

Section 3. 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 donating Jones Park to the NFF.

DATED at Colorado Springs, Colorado, this ____ day of _____, 2014.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk