

A RESOLUTION AUTHORIZING THE TRANSFER OF CONTROL OF REAL PROPERTY ACQUIRED FOR THE JIMMY CAMP CREEK RESERVOIR FROM COLORADO SPRINGS UTILITIES TO THE CITY OF COLORADO SPRINGS PARKS, RECREATION AND CULTURAL SERVICES DEPARTMENT

WHEREAS, as a result of extreme drought conditions and watering restrictions from 2002 to 2004 and as part of the Southern Delivery System Project (“SDS”), the City of Colorado Springs (“City”) on behalf of its enterprise, Colorado Springs Utilities (“Utilities”) in accordance with Resolutions approved by City Council in 2003, 2004, and 2008, purchased fifteen properties near Jimmy Camp Creek to build the SDS terminal storage reservoir; and

WHEREAS, ten of the fifteen Jimmy Camp Creek reservoir properties were purchased subject to rights of first refusal in the event the reservoir was not built; and

WHEREAS, in 2009, the Upper Williams Creek reservoir (now known as the “Gary M. Bostrom Reservoir”) site was approved by the United States Army Corps of Engineers as the terminal storage reservoir location for the SDS; and

WHEREAS, in its 2017 Integrated Water Resource Plan, Colorado Springs Utilities announced it would not build the Jimmy Camp Creek Reservoir and indicated that it no longer requires the Jimmy Camp Creek reservoir properties for its business or operational purposes; and

WHEREAS, former owners of four of the Jimmy Camp Creek reservoir site properties have indicated their desire to exercise their rights of first refusal (the “ROFR Properties”); and

WHEREAS, the rights of first refusal related to the Properties have priority over the rights afforded to other City departments or enterprises in Chapter 5 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (the “RES Manual”) and the typical disposition process set forth in the RES Manual, and existed prior to the approval Chapter 5 of the RES Manual; and

WHEREAS, the City of Colorado Springs Parks, Recreation and Cultural Resources Department (“Parks”) desires to purchase the remaining Jimmy Camp Creek reservoir properties along with any of the ROFR Properties for which the purchaser fails to close (collectively, the “Intra-City Transfer Properties”) in order to provide future open space and a future trail corridor between the Jimmy Camp Creek Regional Park and Corral Bluffs Open Space; and

WHEREAS, the Intra-City Transfer Properties are identified in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, §6-80 of the City Charter authorizes disposal of surplus Utilities-controlled, City property where it is no longer needed by Utilities and Chapter and Chapter 11 of the RES Manual authorizes the intra-city transfer of real property from one City enterprise or department to another City enterprise or department; and

WHEREAS, Utilities obtained appraisals which have established the fair market value of the Intra-City Transfer Properties and Utilities and Parks recommend approval of the transfer of the Intra-City Transfer Properties from Utilities to Parks for the appraised value; and

WHEREAS, Parks has obtained all necessary approvals for the acquisition of control of the Intra-City Transfer Properties from Utilities; and

WHEREAS, Utilities and Parks recommend approval of the transfer of the Intra-City Transfer Properties from Utilities to Parks for the appraised value; and

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

Section 1. City Council finds that the Intra-City Transfer Properties are surplus to Colorado Springs Utilities and not necessary for the efficient operations of Utilities, are not a substantial part of the property of Utilities, are not needed for the proper conduct of Utilities' affairs, and that the transfer of the Intra-City Transfer Properties is in compliance with City Charter §6-80 and RES Manual Chapters 5 and 11.

Section 2. City Council authorizes the transfer of control of the Properties from Utilities to Parks for the appraised values.

DATED at Colorado Springs, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Council President

\_\_\_\_\_  
Sarah B. Johnson, City Clerk

**Exhibit A**

	<b>Tax Schedule Number</b>
1	53000-00-037*
2	53000-00-124
3	53000-00-322*
4	53000-00-349
5	53000-00-127
6	53000-00-200
7	53000-00-315
8	53000-00-141
9	53000-00-472*
10	53000-00-170
11	53000-00-513*
12	53000-00-515
13	53000-00-133
14	54000-00-045
15	53000-00-514

\*Properties for which the former owner has indicated its intent to exercise a Right of First Refusal