

RESOLUTION NO. _____ - 15

**A RESOLUTION AMENDING RESOLUTION NO. 73-05
AUTHORIZING THE COLORADO SPRINGS AIRPORT TO
LEASE OR GRANT THE RIGHT TO USE AIRPORT PROPERTY
IN EXCESS OF TWENTY-FIVE (25) YEARS BUT NOT TO
EXCEED NINETY-NINE (99) YEARS FOR THE PURPOSE OF
ECONOMIC DEVELOPMENT**

WHEREAS, the City of Colorado Springs ("City") controls, owns, operates, and maintains the Colorado Springs Airport ("Airport") with the power to grant rights and privileges with respect thereto; and

WHEREAS, the Airport is a municipal enterprise of the City; and

WHEREAS, by Resolution No. 73-05, City Council found that aviation and commercial development on Airport property is an economic development activity; and

WHEREAS, by Resolution No. 73-05, City Council authorized the Director of Aviation to execute lease agreements for the use of the Airport property for terms in excess of twenty-five (25) years but not to exceed ninety-nine (99) years for the purpose of economic development in accord with City Charter § 10-60; and

WHEREAS, City Council adopted specific Lease Term Guidelines set forth in Exhibit A attached to Resolution No. 73-05 that established maximum lease terms based on levels of capital investment and financing terms; and

WHEREAS, City Council desires to amend the Lease Term Guidelines to further stimulate and encourage development of or use of facilities on the Airport property by new and existing tenants.

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

Section 1. Section 1 of Resolution No. 73-05 is amended to read as follows:

That in accord with the provisions of City Charter Art. X, § 10-60, City Council hereby finds and determines that aviation and commercial development **of and use of facilities** on Airport property is **are** ~~an~~ economic development ~~activity~~ **activities**.

Section 2. Section 2 of Resolution No. 73-05 is deleted in its entirety.

Section 3. Exhibit A attached to Resolution No. 73-05 is replaced and superseded in all respects by Exhibit A attached to and made a part of this Resolution.

Section 4. Nothing in Resolution No. 73-05, as amended by this Resolution, shall invalidate any grant of a lease or right to use the Airport property prior to the effective date of this Resolution, and City Council hereby approves and ratifies any lease term that is consistent with either the original Lease Term Guidelines attached to Resolution No. 73-05 or the Lease Term Guidelines as amended by this Resolution.

Section 5. To the extent Resolution No. 73-05, as amended by this Resolution, conflicts with the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, as now existing or as may be amended from time to time, Resolution No. 73-05, as amended by this Resolution, shall control.

DATED at Colorado Springs, Colorado, this _____ day of _____ 2015.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

**Exhibit A
Lease Term Guidelines**

The lease agreement and term shall be as described below:

New Development	<p><u>For investments of less than \$30 million:</u></p> <ol style="list-style-type: none"> 1. Negotiated by the Director; 2. Must comply with all applicable Federal Aviation Administration (FAA) policies, procedures, and grant assurances; 3. Must be compatible with the Airport Master Plan and Airport Layout Plan (ALP); 4. Rate may not be below fair market value; and 5. Term granted may not exceed fifty (50) years 	<p><u>For investments of \$30 million or greater:</u></p> <ol style="list-style-type: none"> 1. Negotiated by the Director; 2. Must comply with all applicable Federal Aviation Administration (FAA) policies, procedures, and grant assurances; 3. Must be compatible with the Airport Master Plan and Airport Layout Plan (ALP); 4. Rate may not be below fair market value; and 5. Term granted may not exceed ninety-nine (99) years and must have prior FAA approval
Redevelopment / Reinvestment in Existing Development	<p><u>For any level of investment:</u></p> <ol style="list-style-type: none"> 1. Negotiated by the Director; 2. Must comply with all applicable Federal Aviation Administration (FAA) policies, procedures, and grant assurances; 3. Must be compatible with the Airport Master Plan and Airport Layout Plan (ALP); 4. Rate may not be below fair market value; 5. Term granted may not exceed original term; and 6. Must amend or grant the right to amend the lease to the then current conditions and requirements of the FAA and the City 	

In accord with City Charter § 10-60, under no circumstances will the total lease term exceed 99 years.

These guidelines will be reviewed periodically by Airport staff. Any proposed change to the guidelines will be brought before City Council for approval.

The Airport shall inform the Airport Advisory Commission and City Council within sixty (60) days of any lease terms granted in excess of twenty-five (25) years for the purpose of land use.