

A RESOLUTION AUTHORIZING A BELOW-MARKET LEASE OF  
REAL PROPERTY TO MICHAEL TONEFF AND CRYSTAL  
TONEFF

WHEREAS, Colorado Springs Utilities (“Utilities”) funded the design of the Southern Delivery System Project (the “Project”); and

WHEREAS, on behalf of Utilities, the City of Colorado Springs acquires and holds title to the real property needed for the Project; and

WHEREAS, Utilities acquired certain real property consisting of 120 acres of land, which is located at 13420 and 13550 Bradley Road, Colorado Springs, Colorado 80928 and known as El Paso County Tax Schedule Numbers 45000-00-121 and 45000-00-122 (“Property”), which is necessary for the completion of the Southern Delivery System Project; and

WHEREAS, Michael Toneff and Crystal Toneff have been tenants and occupants of the Property; and

WHEREAS, the lease that allowed Michael Toneff and Crystal Toneff to occupy the Property has expired and the Toneffs have requested an extension of their tenancy of the Property at a below-market rental rate; and

WHEREAS, pursuant to section 11.2(c)(iii)(2) of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021* (“Real Estate Manual”), City Council must shall make certain findings regarding a public purpose for a below-market lease.

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

Section 1. That in accord with §11.2(c)(iii)(2) of the Real Estate Manual, City Council hereby finds a public purpose in granting a lease agreement to Michael Toneff and Crystal Toneff for the use of the Property at a rental rate below fair market value for a term ending December 31, 2021.

Section 2. That the City’s Real Estate Services Manager is authorized to execute all documents necessary to complete the lease agreement with Michael Toneff and Crystal Toneff at a rental rate below fair market value as described herein. Michael Toneff and Crystal Toneff will be responsible for obtaining insurance for the Property, paying all utility bills during the term of the lease agreement, and maintaining the Property in a habitable condition.

DATED at Colorado Springs, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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

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