

A RESOLUTION DECLARING REAL PROPERTY TO BE SURPLUS AND AUTHORIZING THE DISPOSAL OF REAL PROPERTY TO NICOLE BAUER AND JOHN BAUER AS THE ONE LOGICAL PURCHASER

WHEREAS, in 1941, Wilson McCarthy, et al., as trustees of the D. & R.G. Western R.R. Co., deeded to the City of Colorado Springs (the "City") a stretch of railroad right-of-way a portion of which now makes up a portion of 9 Beckers Lane, Manitou Springs, Colorado 80829 ("9 Beckers Lane"); and

WHEREAS, in 1991, the City of Manitou Springs transferred the portion of the railroad right of way which is now part of 9 Beckers Lane (the "Property") via a Quit Claim Deed to a previous owner of 9 Beckers Lane without having the authority to transfer it; and

WHEREAS, Colorado Springs Utilities ("Utilities") is the "Controlling Department" of the Property and currently has an existing 30-inch wastewater line crossing a portion of the Property; and

WHEREAS, Nicole Bauer and John Bauer (collectively, the "Bauers") are the current owners of 9 Beckers Lane and desire to have clear title to the Property; and

WHEREAS, § 6-80 of the City Charter, § 7.7.1804 of the City Code, and Chapter 5 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021* (the "RES Manual") authorizes the disposal of surplus property; and

WHEREAS, § 7.7.1804 of the City Code and Chapter 5 of the RES Manual also authorize the disposal of surplus property to "One Logical Purchaser" if the transaction will resolve a bona fide title dispute; and

WHEREAS, the proposed transaction with the Bauers will resolve a bona fide title dispute; and

WHEREAS, pursuant to Chapters 5 and 9 of the RES Manual, the City's Real Estate Services conducted a Value Finding for the Property, which was used to establish the sale price of \$3,500 for the disposal of the Property, and Utilities recommends approval of the disposal of the Property for the sale price; and

WHEREAS, the Property is described in Exhibit A, which is attached and incorporated into this Resolution by reference; and

WHEREAS, Utilities will reserve a utility easement for the 30-inch wastewater line which crosses a portion of Property; and

WHEREAS, the City Real Estate Office, has determined that no other City department needs the Property for their use; and

WHEREAS, pursuant to Chapter 5 of the RES Manual, City Council must deem the Property as surplus and approve the disposal of City-owned real property to the Bauers as the One Logical Purchaser.

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

Section 1. City Council finds that the Property identified in Exhibit A: (1) is surplus and not necessary for the efficient operations of Utilities; (2) is not a substantial part of Utilities' property; and (3) is not needed for the proper conduct of City or Utilities' affairs. This disposal of the Property complies with City Charter § 6-80, City Code § 7.7.1804, and RES Manual Chapter 5.

Section 2. City Council finds that the Bauers are the One Logical Purchaser of the Property as that term is defined in the RES Manual.

Section 3. City Council authorizes the sale of the Property to the Bauers for the sale price of \$3,500, subject to the imposition of the appropriate terms and conditions and the provisions of the RES Manual.

Section 4. The City will reserve a utility easement in the Quitclaim Deed to the Bauers for the 30-inch wastewater line that currently crosses a portion of the Property.

Section 5. Pursuant to § 2.11 of the RES Manual, the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the disposition of the Property and to obtain the Mayor's signature on the Quitclaim Deed to convey the Property.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2021.

ATTEST:

Council President

Sarah B. Johnson, City Clerk