

A RESOLUTION AUTHORIZING A LAND EXCHANGE OF REAL PROPERTY WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE CIMARRON STREET RECONSTRUCTION PROJECT

WHEREAS, the City of Colorado Springs (“City”), on behalf of its Parks, Recreation and Cultural Services Department, has title to a park trail and tunnel located within the area of the Colorado Department of Transportation (“CDOT”) I-25 Cimarron Street Reconstruction Project (“Project”); and

WHEREAS, CDOT desires to acquire and close the City owned park trail and tunnel under I-25 (the “Tunnel Property”) as part of the completion of the Project; and

WHEREAS, CDOT will provide the City with a permanent easement over CDOT right-of-way (the “Trail Property”) and will reroute and construct a new park trail for the City; and

WHEREAS, rerouting the park trail will serve a public purpose through perpetual public park trail access through the same corridor, ensure the safety of trail users, and improve the transportation infrastructure for vehicles; and

WHEREAS, *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (“RES Manual”) authorizes a land exchange of properties, subject to any reasonable conditions, between the City and a third party upon City Council review and approval; and

WHEREAS, the City’s Parks and Recreation Advisory Board has reviewed and unanimously recommends approval of the closure of the existing tunnel, rerouting the trail, and the land exchange between the City and CDOT required for the Project; and

WHEREAS, the exchange of the Tunnel Property to CDOT for a permanent easement across the Trail Property and CDOT’s payment of capital construction costs for the rerouting of and improvements associated with the new trail is a net gain in financial value to the City, and is consistent with applicable laws and regulations; and

WHEREAS, City Council finds that the conveyance of the Tunnel Property to CDOT for road right-of-way purposes and the acceptance of the permanent easement across the Trail Property benefits the health, safety and welfare of the residents of the City; and

WHEREAS, no City funds are required to complete this land exchange; and

WHEREAS, City staff recommends authorization and approval for the City's Real Estate Services Manager to enter into a contract, subject to the terms, conditions and restrictions listed below, for the exchange of the Tunnel Property to CDOT for a permanent easement and construction of a new park trail on the Trail Property.

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

Section 1. City Council finds that the Tunnel Property, as legally described on Exhibit A and depicted on Exhibit A-1 is surplus property that, contingent on the imposition of the conditions contained in Section 4 of this resolution, is not necessary for the operations of the City, is unneeded for the proper conduct of any other City affairs, and its exchange for the Trail Property and the capital improvements contemplated herein is in compliance with Chapter 5 of the RES Manual.

Section 2. City Council finds that the acquisition of the permanent easement across the Trail Property, as legally described on Exhibit B and depicted on Exhibit B-1, and contingent on the conditions contained in Section 4 of this resolution, is in the best interest of the City, and is in compliance with the RES Manual, Chapters 4 and 6.

Section 3. Subject to the imposition of the appropriate terms, conditions and restrictions and in accord with RES Manual, Chapter 4, Section 4.5, and Chapter 5, Section 5.5, City Council hereby finds, for the reasons set forth in the recitals above, a public purpose is served by the land exchange of the Tunnel Property to CDOT as the one logical, potential purchaser.

Section 4. Closing is contingent upon the condition that CDOT grants the City a permanent easement across the Trail Property and enters into a mutually acceptable agreement with the City reflecting CDOT's obligation to construct a new park trail across the Trail Property as a part of the Project.

Section 5. 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 property exchange and to obtain the Mayor's signature on the deed disposing of the Tunnel Property to CDOT.

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

Council President

ATTEST:

Sarah B. Johnson, City Clerk