

**A RESOLUTION AUTHORIZING THE DONATION OF
REAL PROPERTY FOR A PUBLIC PURPOSE TO THE
COLORADO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of Colorado Springs (“City”), on behalf of its Public Works Department, has title to multiple parcels of land in and around the Colorado Department of Transportation (“CDOT”) I-25 Cimarron Street Reconstruction Project (“Project”); and

WHEREAS, the City owns certain parcels (the “Property”) that CDOT desires to acquire for additional road right-of-way purposes to ensure completion of the Project; and

WHEREAS, the Property is surplus property of no operational use; and

WHEREAS, City Council finds that the conveyance of the Property to CDOT for road right-of-way purposes provides benefits for the health, safety and welfare of the residents of the City; and

WHEREAS, the City desires to dispose of the Property subject to appropriate terms, conditions and restrictions; and

WHEREAS, no City department or enterprise is interested in acquisition or receipt of the Property; and

WHEREAS, *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (“RES Manual”) authorizes the disposal of properties for less than fair market value upon a finding of a public purpose and for the transfer of property to an appropriate single, logical purchaser/donee; and

WHEREAS, evidence has been presented to the City Council that CDOT is the appropriate and one logical, potential purchaser/donee of the Property; and

WHEREAS, CDOT has expressed its desire to accept conveyance of the Property for the Project; and

WHEREAS, the disposal of the Property for road right-of-way use will reduce CDOT project costs and will be a recognized City contribution towards Project completion; and

WHEREAS, upon and after transfer CDOT will hold title to the Property and assume all associated liabilities; and

WHEREAS, a donation of the Property to CDOT for the purpose of road right-of-way, subject to appropriate terms, conditions and restrictions, will serve a public purpose and is consistent with applicable laws and regulations; 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 donation of the Property to CDOT as the one logical, potential purchaser/donee.

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

Section 1. City Council finds that the Property, as legally described on Exhibit A and depicted on Exhibit B, is surplus property that is not necessary for the operations of the City, is unneeded for the proper conduct of any other City affairs, and its disposal is in compliance with the RES Manual.

Section 2. Subject to the imposition of the appropriate terms, conditions and restrictions and in accord with RES Manual, Chapter 1, Section 1.1(b), and Chapter 5, City Council hereby finds, for the reasons set forth in the recitals above, a public purpose is served by the donation of the Property to CDOT as the one logical, potential purchaser/donee upon the condition that CDOT uses the Property for the Project.

Section 3. 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 disposition of the Property and to obtain the Mayor's signature on the deed donating the Property to CDOT.

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

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk