

RESOLUTION NO. ____-21

A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS, CITY PROPERTY CONSISTING OF APPROXIMATELY 7 ACRES OF LAND TO THE ENTITY KNOWN AS PROJECT MUSTANG OR ITS ASSIGN (“PURCHASER”) IN ACCORD WITH THE CITY OF COLORADO SPRINGS PROCEDURE MANUAL FOR THE ACQUISITION AND DISPOSITION OF REAL PROPERTY INTERESTS, REVISED 2021, AND CITY CODE

WHEREAS, the City of Colorado Springs (“**City**”), by and through its enterprise, the Colorado Springs Municipal Airport (“**Airport**”), is the legal owner of that certain real property and overall mixed-use development project known as Peak Innovation Park located in the City of Colorado Springs, State of Colorado, containing approximately 900 acres of land which is generally described and depicted in **Exhibit A** attached hereto and incorporated herein by this reference (the “**Project**”); and

WHEREAS, Purchaser desires to purchase a portion of the Project consisting of one parcel of land containing approximately 7 acres situated in the southeast quarter of the Project, as generally depicted and described on **Exhibit A** (the “**Property**”); and

WHEREAS, the Airport is the controlling City department of the Property; and

WHEREAS, the Property, in accordance with the *City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021* (“**RES Manual**”), Chapter 5, § 5.7, has been listed for sale and lease with a real estate consultant since 2006; and

WHEREAS, Peak Innovation Park, which includes the Property, was purchased with Federal Aviation Administration (“**FAA**”) grant funds on November 6, 1970, for the purpose of noise abatement and runway approach protection; and

WHEREAS, on June 14, 2006, the FAA issued the Airport a letter releasing Peak Innovation Park land from aeronautical use requirements which frees that land for Airport business park development. See **Exhibit B**; and

WHEREAS, Federal statutes and grant assurances require, among other things, the Airport to remain self-sustainable. This mandate is a primary basis for establishing the business park Project. As a large-scale development endeavor, portions of the Project must be strategically sold while other portions will be leased on a long-term basis. To further this goal, in accordance with the RES Manual § 5.7, the Airport retained consultants to list the Project Property for sale and lease.

WHEREAS, Purchaser initiated discussions with the Airport for the sale of the Property for the purpose of constructing one or more industrial facilities totaling approximately 70,000 to 80,000 square feet (in the aggregate).

WHEREAS, the Airport initiated discussions with the FAA for the release of the Property to the Purchaser as fee simple sale transaction. The FAA verbally expressed agreement that the intended use would be compatible with the Airport and concurs with the sale of the Property to stimulate growth of the Project and the Airport; and

WHEREAS, in accordance with the RES Manual, Chapter 9, the Airport and Real Estate Services will cooperate to obtain an appraisal to determine the fair market value (“FMV”) of the Property; and

WHEREAS, the sale of the Property supports economic development and therefore the Airport recommends disposal of the Property to the Purchaser, in accordance with the RES Manual, the City Charter, and the City Code.

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

Section 1. City Council finds that the sale of the approximately 7acre Property, described and depicted in **Exhibit A** is in compliance with the City's RES Manual, the City Charter, the City Code, and all other applicable laws.

Section 2. In accordance with City Code § 7.7.1804(A), City Council finds that the Property is unneeded for proper conduct of City Affairs therefore authorizes the sale of the Property to Purchaser in accordance with City Code §§ 7.7.1803 through 7.7.1804(A); and the RES Manual, Chapter 5, § 5.7; and Chapter 9: (i) for not less than FMV as established by the City's real estate appraisal process; (ii) subject to the applicable terms and conditions of the RES Manual; (iii) subject to FAA regulations, including all required deed restrictions; and (iv) subject to all contractual terms, conditions, and obligations negotiated by the parties.

Section 4. Pursuant to the RES Manual, Chapter 2, § 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 Quitclaim Deed and other necessary documents to convey the Property to Purchaser.

Section 5. City Council finds that Purchaser may create a new, special purpose company with materially the same principles or members for the purpose of finalizing the sale of the Property and therefore City Council grants authority to sell the Property to a newly created special purpose company so long as the principles or members are substantially the same as those of the legal entity known as Project Mustang.

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

Council President

Attest:

Sara B. Johnson, City Clerk

EXHIBIT A

(General Depiction of the Project and Property)

EXHIBIT B

(June 14, 2006, FAA Letter Releasing the Peak Innovation Park Land from Aeronautical Use requirements)