

RESOLUTION NO. _____-22

A RESOLUTION AUTHORIZING A LAND EXCHANGE
BETWEEN THE CITY OF COLORADO SPRINGS AND SKY
SOX STADIUM, INC.

WHEREAS, the City of Colorado Springs (“City”) holds fee title to that certain property consisting of approximately 18.13 acres (789,743 square feet), identified by El Paso County Tax Schedule Number 53301-00-006, known as a portion of Coleman Community Park (“City Property”); and

WHEREAS, Sky Sox Stadium Inc., a Colorado corporation (“Sky Sox”), holds fee title to that certain property consisting of approximately 9.28 acres (404,237 square feet), identified by El Paso County Tax Schedule Number 53301-01-001, commonly known as the Sky Sox Stadium and now known as the Vibes Stadium (“Sky Sox Property”); and

WHEREAS, the Sky Sox Property is surrounded by the City Property; and

WHEREAS, Sky Sox has built certain improvements to the Sky Sox Property such as locker rooms, offices and storage rooms which have encroached onto the City Property (“Encroachments”); and

WHEREAS, these Encroachments encompass approximately 44,373 square feet of the City Property, as depicted on **Exhibit A**, which Sky Sox desires to acquire (“City Exchange Property”); and

WHEREAS, the City desires to acquire approximately 44,373 square feet of the Sky Sox Property, as depicted on **Exhibit B**, for parking and improved access to Coleman Community Park (“Sky Sox Exchange Property”); and

WHEREAS, both parties agree that a land exchange of the City Exchange Property and the Sky Sox Exchange Property resolves the matter of the Encroachments and provides the City with the additional land needed for parking and access to Coleman Community Park; and

WHEREAS, the land exchange contemplated by the parties does not require an election under the Charter of the City of Colorado Springs, § 11-80 Conveyance of Parkland Requiring Vote, because it is less than two acres of parkland and less than five percent of the total acreage of the entire Coleman Community Park and therefore a *de minimus* conveyance; and

WHEREAS, the City Exchange Property and Sky Sox Exchange Property are of equal size and equal value; and

WHEREAS, the City, pursuant to Chapter 6, Section 6.1, of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021*, (“RES Manual”) is authorized to enter into a land exchange upon approval of City Council; and

WHEREAS, Sky Sox agreed to place a restrictive covenant on its property, which requires the consent of City Council to remove pursuant to City Code § 7.7.1205.A.4, and City Council desires to grant such consent pursuant to the terms of a Park Credit Agreement to be entered into upon closing of the exchange.

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

Section 1. City Council hereby finds that the proposed land exchange is in the best interest of the City and approves the proposed land exchange between Sky Sox and the City.

Section 2. Council finds that this land exchange is a *de minimus* conveyance of parkland as defined in City Charter § 11-80, and therefore no election is required for this transaction.

Section 3. Pursuant to City Code § 7.7.1205.A.4, City Council consents to the removal of any restrictive covenant provided for in the Real Estate Land Exchange Agreement, subject to the terms of the Park Credit Agreement.

Section 4. Pursuant to the RES Manual, Chapter 2, Section 2.11, the City’s Real Estate Services Manager is authorized to execute all documents necessary to complete the proposed land exchange between Sky Sox and the City, and to obtain the Mayor’s signature on the deed conveying the City Property to Sky Sox.

DATED at Colorado Springs, Colorado, this ____ day of _____, 2022.

ATTEST:

Council President

Sarah B. Johnson, City Clerk

EXHIBIT A

Map Depiction of City Exchange Property

EXHIBIT B

Map Depiction of Sky Sox Exchange Property