

RESOLUTION NO. 24 - 25

A RESOLUTION DECLARING A PORTION OF THE PROPERTY KNOWN AS EL PASO COUNTY TAX SCHEDULE NUMBER 5400000263 SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF SUCH PROPERTY TO CONTRARIAN AIRPORT LLC AS THE ONE LOGICAL PURCHASER

WHEREAS, the City of Colorado Springs ("City"), on behalf of its enterprise Colorado Springs Utilities ("Utilities"), purchased a parcel located along on S. Marksheffel Road, also known by El Paso County Tax Schedule Number 5400000263 (the "Property") for a future substation site; and

WHEREAS, during the reconstruction and realignment of Marksheffel Road, the Property was divided into two portions. Utilities has determined that the portion on the east side of Marksheffel Road can be used for a future Utilities' infrastructure and that the portion on the west side of Marksheffel Road is no longer required for this purpose. Utilities wishes to dispose of a portion the parcel to the west of Marksheffel Road ("Disposal Property") described in Exhibit A and depicted in Exhibit B; and

WHEREAS, Contrarian Airport LLC, ("Buyer") owner of the only parcel adjacent to the Disposal Property, desires ownership of the Disposal Property for access to Marksheffel Road for its future development; and

WHEREAS, in accordance with the process set forth in Chapter 5 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021* (the "RES Manual"), the City's Real Estate Services Office has consulted with other City departments and enterprises to determine whether any other City department or enterprise has a need for the Property, and no other City department or enterprise has expressed interest in maintaining fee ownership of, or reserving easements on, the Disposal Property, other than Public Works which has requested that a public improvement easement be retained across the entirety of the Disposal Property; and

WHEREAS, pursuant to Chapters 5 and 9 of the RES Manual, an independent appraiser determined the Fair Market Value of the Disposal Property to be \$20,000; and

WHEREAS, Chapter 5 of the RES Manual provides that City Council may authorize the disposal of Utilities-controlled City property where Council deems the property surplus; and

WHEREAS, Chapter 5 of the RES Manual also provides that Council may authorize the disposal of surplus property to "One Logical Purchaser" if the property is (a) not independently developable, and (b)(i) the property could reasonably be owned or maintained by only one adjacent property owner or (ii) the fair market value is less than \$100,000; and

WHEREAS, the proposed transaction meets the criteria for One Logical Purchaser, because the Disposal Property is not independently developable, the Fair Market Value has been determined to be less than \$100,000, and the Buyer owns the only property that is adjacent to the Disposal Property and as such the property could reasonably be owned and maintained by only the Buyer, and;

WHEREAS, Utilities will reserve a public improvement and utility easement across the entire Disposal Property; and

WHEREAS, pursuant to sections 5.1 and 5.6 of the RES Manual, prior to disposal City Council must deem the Property to be surplus and authorize the City's Real Estate Services Office and Utilities to sell the Disposal Property to the Buyer as One Logical Purchaser.

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

Section 1. City Council finds the Disposal Property described in Exhibit A, to be surplus and not necessary for the efficient operations of Colorado Springs Utilities, is not a substantial part of the property of Utilities, is not needed for the proper conduct of City or Utilities' affairs, is not needed by other City departments or enterprises, and the disposal of the Disposal Property is in compliance with City Code and the Real Estate Manual.

Section 2. City Council further finds that it is appropriate and hereby authorizes Utilities and the City's Real Estate Services Office to sell the Disposal Property to Contrarian Airport LLC as the One Logical Purchaser.

DATED at Colorado Springs, Colorado, this 11th day of February 2025.

ATTEST:


Randy Helms, Council President


Sarah B. Johnson, City Clerk



Exhibit A

That portion of the parcel of land lying within Section 28, Township 14 South, Range 65 West of the 6th P.M., El Paso County, Colorado, known as the "Service Station Site" at Reception No. 206174735 as recorded in the Real Property Records of said County, lying southwest of the southwesterly right-of-way line of South Marksheffel Road as described in Book 752, Page 305 and Book 5074, Page 209 of the records of said County.

Containing 152,494 sq. ft. or 3.501 acres more or less.

Legal Description Statement:

I, Gary S. Rust, a Professional Land Surveyor in the State of Colorado, do hereby state that the above legal description and attached depiction were prepared under my responsible charge and on the basis of my knowledge, information and belief are correct.



Gary S. Rust, Professional Land Surveyor

Colorado P.L.S. No. 38319

For and on behalf of Colorado Springs Utilities

BLH NO 1 LLC
Reception No. 12345

City of Colorado Springs
"Service Station Site"
Reception No. 206174735

Contrarian Airport LLC
Reception No. 223058080

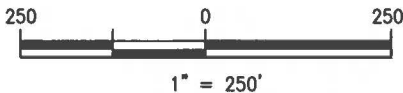
Contrarian Airport LLC
Reception No. 223058080

South Marksheffel Road 200' ROW
Book 752 Page 305, Book 5074 Page 209

Area of Quit Claim
152,494 sq. ft. / 3.501 acres +/-

Contrarian Airport LLC
Reception No. 222063309

City of Colorado Springs
"Substation No. 2"
Reception No. 206174735



Colorado Springs Utilities

It's how we're all connected

Advanced Geomatics

1521 Hancock Expressway

Colorado Springs, Colorado 80947

EXHIBIT B

Drawn by: Gary S. Rust, PLS October 21, 2024
Checked By: Caelen Wendt

THIS SKETCH DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE LEGAL DESCRIPTION.