

RESOLUTION NO. 116-15

A RESOLUTION AUTHORIZING THE CONVEYANCE OF CITY REAL PROPERTY FOR A PUBLIC PURPOSE TO SRPC, LLC

WHEREAS, the City of Colorado Springs ("City") holds fee simple interest in a strip of land consisting of 42,766 square feet located at 228 West Cimarron Street and 400 South Sierra Madre Street (the "Property") in the City of Colorado Springs; and

WHEREAS, the City acquired the Property by two (2) separate deeds in 1958 and 1969 respectively; and

WHEREAS, development of the Property by the City never occurred and the Property provides no present or future operational value or necessity to the City for its operations; and

WHEREAS, the Property is contaminated and requires remediation of contaminated soil prior to development; and

WHEREAS, due to its shape and size, utilization of the Property has limited potential development value to the City for its purposes; and

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

WHEREAS, the Property is surplus property of no operational use and its disposal is in the public interest; and

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

WHEREAS, the Property abuts and is surrounded by real property owned by SRPC, LLC ("SRPC"), and the only physical access by a private owner to the Property is limited to SRPC; and

WHEREAS, SRPC intends to donate a portion of its real property, in addition to a portion of the Property considered herein, for the purposes of the development of the United States Olympic Museum; and

WHEREAS, disposal of the Property to SRPC will eliminate all future costs to the City for the ongoing management, maintenance, environmental remediation, and legal and regulatory compliance associated with 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, SRPC has expressed its desire to accept conveyance of the Property from the City and to donate a portion of the Property for purposes of the development of the United States Olympic Museum; and

WHEREAS, SRPC, LLC will assume all associated liabilities, including mitigation and environmental remediation costs, associated with the Property; and

WHEREAS, SRPC will pay the City all transaction costs and costs associated with additional studies and appraisals, if required, for the conveyance of the Property; and

WHEREAS, a conveyance of the Property to SRPC, subject to appropriate terms, conditions and restrictions, will serve a public purpose by eliminating City liability for any mitigation and remediation costs, will further economic development in southwest downtown, support the development of the United States Olympic Museum, 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 and deed, subject to the terms, conditions and restrictions listed below, for the conveyance of the Property to SRPC, 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 shown on “Exhibit A”, attached hereto and incorporated herein, is surplus property that is not necessary for the operations of the City, is unneeded for the proper conduct of City affairs, and its disposal is in compliance with City Code Section 7.7.1804.

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

Section 3. The contract and deed from the City to SRPC will require the transfer of a portion of the Property by donation to the entity responsible for the development of the United States Olympic Museum, a Colorado nonprofit corporation, and will shift

responsibility for the management of any necessary environmental mitigation and remediation costs for the Property to SRPC.

Section 4. In addition to the requirements contained within the RES Manual and all other applicable laws, ordinances, rules and regulations, City Council finds that the following terms, conditions and restrictions shall be imposed on SRPC pursuant to the deed transferring the Property:

SRPC shall (i) fully collaborate and cooperate with the planning and development of the United States Olympic Museum, and (ii) within twenty-four (24) months of the execution of the deed, transfer ownership of the necessary portion of the Property to the United States Olympic Museum, a Colorado nonprofit corporation, and (iii) implement and be responsible for the costs of any and all environmental remediation and mitigation as may be required by local, state, or federal regulatory requirements as applicable to the Property, and (iv) indemnify and hold harmless the City from and against any and all liabilities associated with any environmental remediation or mitigation and any other third party liabilities associated with the Property.

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 disposition of the Property and to obtain the Mayor's signature on the deed conveying the Property to SRPC.

DATED at Colorado Springs, Colorado, this 10th day of November, 2015.



Council President

ATTEST:

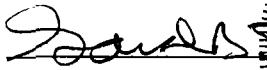

Sarah B. Johnson, City Clerk



EXHIBIT A

Two parcels of land located in the southwest one-quarter of SECTION 18, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH P.M., El Paso County, Colorado, as conveyed to the CITY OF COLORADO SPRINGS as described in a documents recorded in book 1749 page 86 and book 2277 page 533 in the records of El Paso County, Colorado. More particularly described as follows;


Parcel No.1 as recorded in book 1749 page 86

Beginning at a point 15 feet north from the north line of West Cimarron Street and 97 feet West from the west line of Sierra Madre Street in said City (assuming for the purpose of this description that the west line of Sierra Madre Street has a bearing of due north and south); thence north parallel with said west line of sierra Madre Street 545.00 feet; thence North 5°20' East 225.70 feet; thence North 13°45' East 66.00 feet; thence North 60°00' East 69.63 feet to a point in said west line of Sierra Madre Street; thence North along said west line of Sierra Madre Street 46.19 feet; thence South 60°00' West 16.51 feet; thence South 31°52' West 124.97 feet; thence South 12°37' West 259.84 feet; thence South parallel with said west line of Sierra Madre Street 546.86 feet to a point 15 feet north from said north line of West Cimarron Street; thence East parallel with north line of West Cimarron Street 40 feet to the point of beginning, containing 29,844.8 square feet, more or less, and reserving the south 100 feet as a public utility easement.

Parcel as recorded in book 2277 page 533

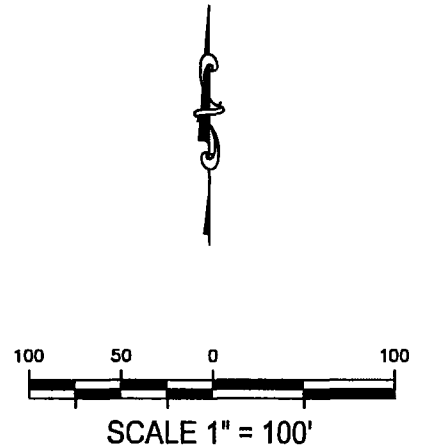
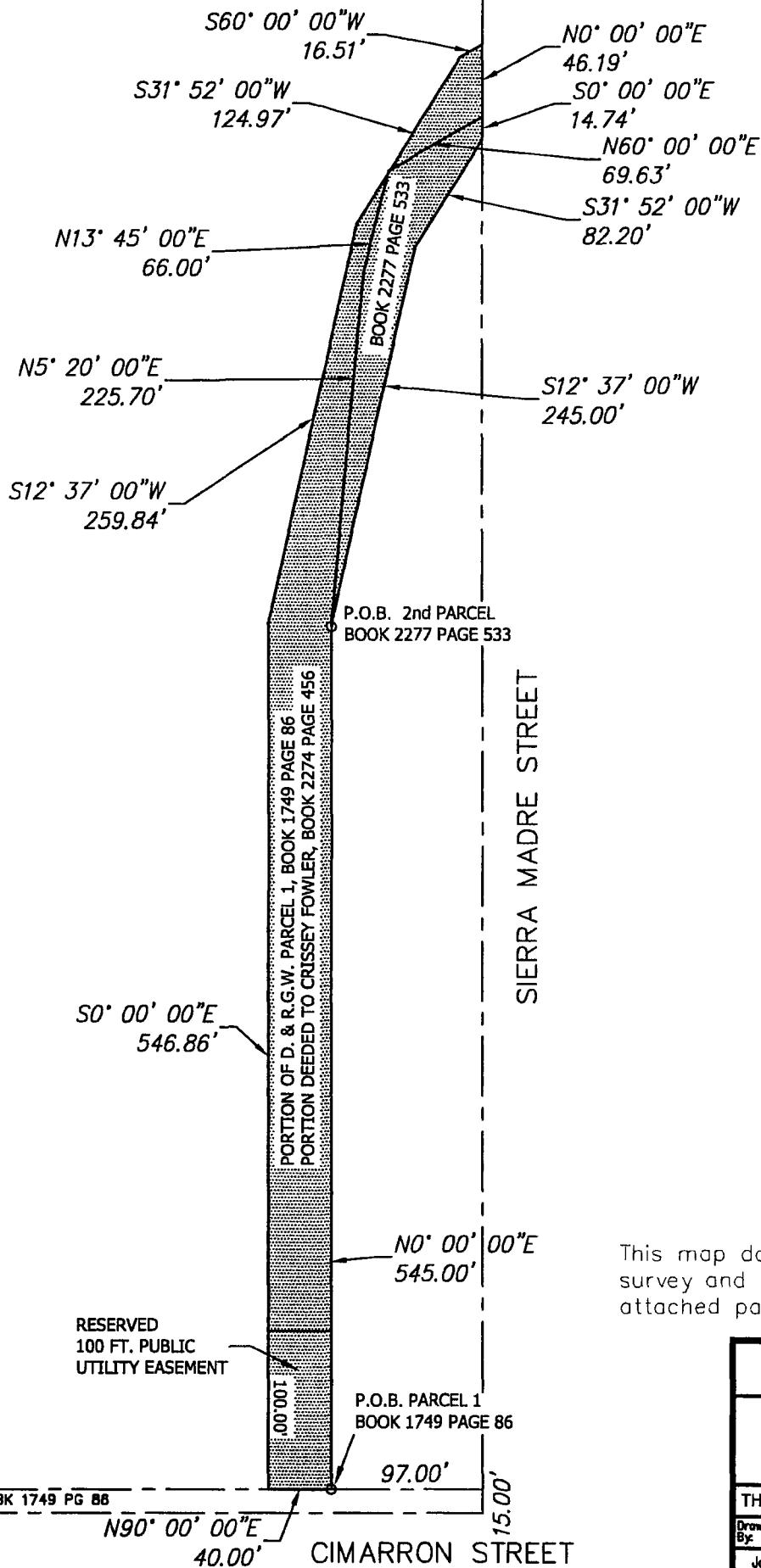
A parcel of land in the City of Colorado Springs, El Paso County, Colorado, more particularly described as follows; Beginning at a point 560 feet North of the North line of West Cimarron Street and 97 feet West of the West line of Sierra Madre Street in said City (assuming for the purpose of this description that the West line of said Sierra Madre Street has a bearing of due North and South); thence North 5°20' East 225.70 feet; thence North 13°45' East 66.00 feet; thence North 60°00' East 69.63 feet to a point on the West line of Sierra Madre Street; thence South on said West line 14.74 feet; thence South 31°52' West 82.20 feet; thence South 12°37' West 245.00 feet more or less to the point of beginning. Containing 6563.1 square feet more or less.

This legal description was prepared for and on behalf of The City of Colorado Springs by
Robert A. Pisciotta, Jr., Colorado P.L.S. 38224
Suite 402
30 S. Nevada Ave.
Colorado Springs, CO.
719-385-5545


 CITY OF COLORADO SPRINGS	
Southwest 1/4 of Section 18, Township 14 South, Range 66 West of the 6th P.M.	
Drawn By: <u>R. Kotwica</u>	Date: <u>AUGUST 24, 2015</u>
Job Number: <u>2015712</u>	

This map does not represent a monumented survey and is only intended to illustrate the attached parcel description.

EXHIBIT B

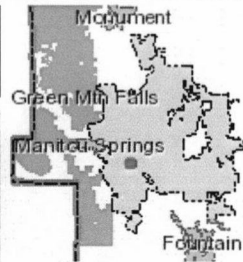


This map does not represent a monumented survey and is only intended to illustrate the attached parcel description.

 CITY OF COLORADO SPRINGS	
Southwest 1/4 of Section 18, Township 14 South, Range 66 West of the 6th P.M.	
THIS DOCUMENT IS NOT COMPLETE WITHOUT EXHIBIT A	
Drawn By: <u>R. Kotwica</u>	Date: <u>AUGUST 24, 2015</u>
Job Number: <u>2015712</u>	

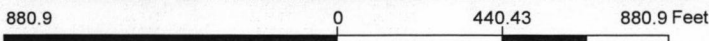


USOM Alley vicinity map



- Legend**
- Parcels
 - National Forest
 - Parks
 - Military
 - Towns
 - County Boundary
 - Place Labels
 - Bus Stops
 - Hospitals
 - Schools
 - Streets**
 - Interstate
 - Major Roads
 - Local Roads
 - Ramps
 - Trails_Parks
 - Trails_Urban_Paved
 - Trails_Urban_Gravel
 - Trails_Urban_Natural
 - Creeks
 - Railroads
 - Parcels
 - Golf Fairways
 - Streams
 - Parks
 - Lakes

1: 5,285



NAD_1983_StatePlane_Colorado_Central_FIPS_0502_Feet
© Latitude Geographics Group Ltd.

Copyright © 2014 City of Colorado Springs on behalf of the Colorado Springs Utilities. All rights reserved. This work, and/or the data contained herein, may not be modified, republished, used to prepare derivative works or commercially exploited in any manner without the prior express written consent of the City of Colorado Springs. This work was prepared utilizing the best data available at the time of creation. Neither the City of Colorado Springs, the Colorado Springs Utilities, nor any of their employees makes any warranty, express or implied, or assumes any legal liability or responsibility for accuracy, completeness, or usefulness of any data contained herein. The City of Colorado Springs, Colorado Springs Utilities, and their employees explicitly disclaim any responsibility for the data contained herein.

Notes