

RESOLUTION NO. _____ - 19

A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS CITY-OWNED PROPERTY TO THE COLORADO DEPARTMENT OF TRANSPORTATION ("CDOT"), AS ONE LOGICAL POTENTIAL PURCHASER

WHEREAS, certain property at the location of Interstate 25 and Douglas Creek ("Property") was conveyed to the City of Colorado Springs, ("City") by way of a Warranty Deed for the purpose of "parks, outdoor recreation, trails or trail corridors, water courses, or public drainage, or all other uses that are directly appurtenant thereto"; and

WHEREAS, the Public Works Department ("Public Works") and the Parks, Recreation and Cultural Services Department ("Parks") are the Controlling Departments for the Property; and

WHEREAS, CDOT has notified the City of its need to acquire a portion of the Property for an upcoming drainage improvement project as depicted on the attached Exhibit A; and

WHEREAS, CDOT will pay the City fair market value for the Property; and

WHEREAS, no other City department or enterprise has expressed interest in maintaining fee ownership of the Property; and

WHEREAS, the City, including any applicable enterprises, will retain all necessary property rights for the existing uses on the Property such as the Sinton Trail and utility services; and

WHEREAS, the City will be able to continue to use the Property as was originally intended at the time of the conveyance to the City; and

WHEREAS, CDOT will take over the perpetual maintenance of the Property to include the existing drainage channel, which will relieve the City of substantial obligations in the future.

WHEREAS, § 7.7.1804 of the City Code of the City of Colorado Springs, 2001, and Chapter 5 of the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests ("RES Manual") authorizes the disposal of surplus property to one logical, potential purchaser upon City Council approval; and

WHEREAS, the sale of the Property to CDOT will relieve the City of current and future drainage improvement and maintenance obligations on the Property, while also allowing the City to retain its desired property interests.

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

Section 1. City Council finds that the Property is surplus, is not needed for the operations of the City, is unnecessary for the proper conduct of City affairs, and its disposal is in compliance with City Code § 7.7.1804 and the RES Manual Chapter 5.

Section 2. In accordance with § 7.7.1804 and the RES Manual Chapter 5, City Council hereby finds, for the reasons set forth in the recitals above, CDOT, is the one logical, potential purchaser of the Property.

Section 3. City Council hereby authorizes the sale of the Property to CDOT, for fair market value and subject to the Memorandum of Agreement between City and CDOT dated April 11, 2019.

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 to convey the Property to the CDOT.

Dated at Colorado Springs, Colorado this _____ day of _____, 2019.

Council President

Attest:

Sara B. Johnson, City Clerk