

A RESOLUTION AUTHORIZING THE ACQUISITION AND  
PAYMENT OF JUST COMPENSATION FOR REAL PROPERTY

WHEREAS, Colorado Springs Utilities (“Utilities”) operates its Blue River Pipeline in the State of Colorado, including Park County; and

WHEREAS, in order to protect its interest in the Blue River Pipeline, Utilities has determined it is the best interest of the City of Colorado Springs and Utilities to acquire on behalf of Utilities: (1) an undivided two-thirds interest in the entire acreage of that certain property known as Tax Schedule No. 90531, in the records of the Tax Assessor for Park County, Colorado (the “Property”) and one-half of the water rights in fee simple ownership from Dadz, LLC for the amount of \$747,500 as just compensation, and (2) to agree to a partition of the Property whereby all right, title and interest in one-third of the Property, all of the water rights, and a necessary easement would be granted to Gumaer Placer, LLC, and all right, title and interest in two-thirds of the Property would be granted to the City on behalf of Utilities (the “Partition”); and

WHEREAS, the Partition will resolve that certain court action at case number 2017CV30019, District Court for Park County, Colorado; and

WHEREAS, the acquisition of the two-thirds interest in the Property from Dadz, LLC and the Partition is needed to protect Utilities’ Blue River Pipeline; and

WHEREAS, the acquisition and Partition are not real property transactions contemplated by *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (“Real Estate Manual”); and

WHEREAS, Dadz, LLC desires to accept a purchase price of \$747,500 for the acquisition of its interest in the Property; and

WHEREAS, Utilities requests City Council approval of the acquisition amount and Partition as described above.

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

Section 1. The City Council hereby authorizes the payment of just compensation in the amount of \$747,500, for the acquisition of a two-thirds interest in the Property and one-half of the water rights and further authorizes the Partition of the Property with Gumaer Placer, LLC.

Section 2. That the City’s Real Estate Services Manager and Utilities Chief Executive Officer, or designee, are authorized to execute all documents necessary to complete the acquisition of the Property and Partition contemplated herein.

DATED at Colorado Springs, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Council President

\_\_\_\_\_  
Sarah B. Johnson, City Clerk