

**A RESOLUTION AUTHORIZING THE DONATION OF THE  
PROPERTY KNOWN AS JONES PARK FOR A PUBLIC  
PURPOSE TO EL PASO COUNTY, COLORADO**

**WHEREAS**, the City of Colorado Springs, on behalf of its enterprise Colorado Springs Utilities (“Utilities”), holds title to multiple parcels of land in and around the Bear Creek watershed collectively known as “Jones Park”; and

**WHEREAS**, Jones Park was purchased for potential use in the development of Utilities’ local water system as a reservoir; and

**WHEREAS**, development by Utilities of Jones Park as a reservoir never occurred and the property provides no operational value or necessity to Utilities for efficient water system operations, but remains a part of watersheds that serve the City; and

**WHEREAS**, Jones Park is not developable for future water system operations; and

**WHEREAS**, Jones Park is surplus property of no operational use and its disposal complies with section 6-80 of the City Charter, does not violate Utilities’ bond covenants, and is in the public interest; and

**WHEREAS**, Utilities is willing to dispose of Jones Park subject to appropriate terms, conditions and restrictions for uses of the property to ensure Jones Park remains compliant with its status as a necessary and essential watershed resource; and

**WHEREAS**, Utilities must ensure that the purchaser/donee of Jones Park does not harm water quality within the watershed and that forest management and fire suppression efforts on Jones Park are consistent with management of surrounding United States Forest Service (“USFS”) lands; and

**WHEREAS**, Jones Park is entirely surrounded by USFS property and is only physically accessible through USFS property by recreational trails; and

**WHEREAS**, the USFS is currently completing an environmental assessment under the National Environmental Policy Act (“NEPA”) regarding the management of its property within the Bear Creek watershed, including Jones Park, with a final decision expected in late 2014 that will determine what actions should be performed and what recreational access is appropriate in the watershed to avoid adverse impacts to the greenback cutthroat trout that inhabits Bear Creek, designated as a threatened species under the federal Endangered Species Act (“ESA”); and

**WHEREAS**, disposal of Jones Park will eliminate future costs to Utilities' ratepayers for ongoing management, maintenance, and legal and regulatory compliance; and

**WHEREAS**, no City department or enterprise is interested in acquisition or receipt of Jones Park; and

**WHEREAS**, the anticipated use restrictions and land management requirements under the ESA for protection of the greenback cutthroat trout located on the property, and the requirements of the National Historic Preservation Act ("NHPA"), primarily limits the uses and value of Jones Park to recreational and natural resources purposes; 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

**WHEREAS**, the Board of County Commissioners of El Paso County, Colorado ("County") is the appropriate and one logical, potential purchaser/donee of Jones Park; and

**WHEREAS**, the County has expressed its willingness to receive Jones Park from Utilities and to continue with public outreach and fundraising efforts needed to implement the trail and stream improvement work identified and to be identified in the NEPA final decision; and

**WHEREAS**, the County possesses and maintains a robust parks, trails and open space system which uniquely qualifies it as a public steward of recreational lands; and

**WHEREAS**, the County will pay all transaction costs associated with the donation of Jones Park; and

**WHEREAS**, the County will hold title to the Jones Park property and assume all associated liabilities; and

**WHEREAS**, a donation of Jones Park to the County, subject to appropriate terms, conditions and restrictions, will serve a public purpose and is consistent with applicable laws and regulations; and

**WHEREAS**, Utilities recommends authorization and approval for the City's Real Estate Services Manager to enter into a contract, subject to the terms, conditions and restrictions listed below, for donation of Jones Park to the County 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 Jones Park is surplus property that is not necessary for the operation of the Utilities enterprise, is unneeded for the proper conduct of City affairs, and its disposal is in compliance with section 6-80 of the City Charter.

Section 2: Subject to the imposition of the appropriate terms, conditions and restrictions below and in accord with RES Manual, Chapter 1, Section 1.1(b), and Chapter 5, City Council hereby finds, for the reasons listed above, a public purpose is served by the donation of Jones Park to the County as the one logical, potential purchaser/donee and the County will provide management of recreational access and protection of the greenback cutthroat trout on the property.

Section 3: 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 the County and all subsequent purchasers pursuant to the deed transferring Jones Park:

Section 4. 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 Jones Park and to obtain the Mayor's signature on the deed donating Jones Park to the County.

DATED at Colorado Springs, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Keith King, Council President

ATTEST:

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Sarah B. Johnson, City Clerk