

RESOLUTION NO. ____ – 22

A RESOLUTION AUTHORIZING THE DISPOSAL OF CITY OWNED PROPERTY (BANNING LEWIS RANCH DRAINAGE TRACTS) TO APPLICABLE OWNERS

WHEREAS, the City of Colorado Springs (“City”), desires to transfer the ownership of approximately 275.369 acres of land identified on Exhibit A and depicted on Exhibit B-1 and B-2 (“Property”), to the various Banning Lewis Ranch Entities (“Applicable Owners”); and

WHEREAS, in 2005, CPH Banning Lewis Ranch, LLC, dedicated Tracts A, B, C, D, E, F, G, H, I, J, and K, Banning Lewis Ranch Filing No. 4, and Tract E, Banning Lewis Ranch Filing No. 2 (“Drainage Tracts”) to the City of Colorado Springs for drainage purposes; and

WHEREAS, in 2021, Tract B, Banning Lewis Ranch Filing No. 4 was replatted and is now known as Tract E, Banning Lewis Ranch Filing No. 40; and

WHEREAS, the Property is a portion of the Drainage Tracts; and

WHEREAS, the City did not pay for the dedication of the Drainage Tracts; and

WHEREAS, the Amended and Restated Banning Lewis Ranch Annexation Agreement was adopted by City Council Resolution No. 36-18 on April 24, 2018, (“Annexation Agreement”) and intends for the conveyance of the previously dedicated Property to the Applicable Owners and closing of the Sand Creek Drainage Basin within Banning Lewis Ranch; and

WHEREAS, the City/County Drainage Board, at its October 11, 2022 meeting, approved the closure of the Sand Creek Drainage Basin within Banning Lewis Ranch contingent on the payment of the outstanding drainage fees, and the execution of the Real Estate Transfer Agreements; and

WHEREAS, pursuant to the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021 (RES Manual) Section 1.5 there are certain real property transactions that are wholly or partially outside of the procedures set forth in the Manual, including transactions related to Annexation Agreements; and

WHEREAS, under the current drainage requirements the City does not require ownership of these Property; and

WHEREAS, future drainage tracts required for new development within this Banning Lewis Ranch area will be dedicated to the City at the time of development; and

WHEREAS, no City Department or Enterprise has expressed an interest in retaining the Property; and

WHEREAS, necessary easements will be reserved on the Property at the time of conveyance to the Applicable Owners; and

WHEREAS, conveying the Property to Applicable Owners in accordance with Exhibit A is for the public purposes of economic development and returning surplus public property to the tax rolls; and

WHEREAS, the Public Works Department respectfully requests City Council approve the disposal of the Property as set forth in the Amended and Restated Banning Lewis Ranch Annexation Agreement.

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

Section 1. City Council adopts the recitals set forth above as findings of this Resolution.

Section 2. City Council finds that the Property is surplus.

Section 3. City Council finds that the disposal of the Property, in accordance with **Exhibit A** attached hereto complies with the City's Real Estate Manual, the City Charter, the City Code, and all other applicable laws.

Section 4. This conveyance satisfies the intent of the Annexation Agreement.

Section 5. Pursuant to § 2.11 for the Real Estate Manual, the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the transfer of the Property and to obtain the Mayor's signature on the Quitclaim Deeds to convey the Property to the Applicable Owners once the require stipulations are met.

Section 6. City Council approves this Resolution which shall be effective immediately upon its passage.

Dated at Colorado Springs, Colorado this ____ day of _____, 2022.

Council President

ATTEST:

Sarah B. Johnson, City Clerk