

RESOLUTION NO. 79-16

A RESOLUTION AUTHORIZING THE DISPOSAL OF
SURPLUS CITY-PROPERTY TO WH CAPITAL, LLC, AS
THE ONE LOGICAL, POTENTIAL PURCHASER

WHEREAS, the City of Colorado Springs ("City"), by and through its Public Works Department, coordinated the acquisition of real property necessary for the construction of the Fillmore Corridor Improvements Project (the "Project"); and

WHEREAS, as a result of the Project, the City holds fee simple interest title to several remnant vacant parcels consisting of approximately 16,039 square feet, which is legally described on Exhibit A and map depicted on Exhibit B, both of which are attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Public Works Department is the Controlling Department of the Property; and

WHEREAS, the City's Public Works Department no longer has a need for the property following construction and believes that the Property is now surplus and may be properly disposed of; and

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

WHEREAS, § 7.7.1804 of the City Code of the City of Colorado Springs, 2001, as amended ("City Code") 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, WH Capital, LLC has expressed its desire to purchase the Property from the City in accord with the procedures contained in the RES Manual and at the fair market value as established by the buyer's real estate appraiser; and

WHEREAS, the Property is adjacent to and bordered on the north by real property owned by the WH Capital, LLC, and bordered on the south and west by real property owned by the City as designated right-of-way, and bordered on the east by property owned by the City for drainage purposes; and

WHEREAS, WH Capital's adjacency to the Property in addition to the absence of any other owners of record besides the City in the vicinity, establishes one logical, potential purchaser; and

WHEREAS, Public Works recommends the disposal of the Property to WH Capital, LLC as the one logical, potential purchaser of the Property in accord with the RES Manual.

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

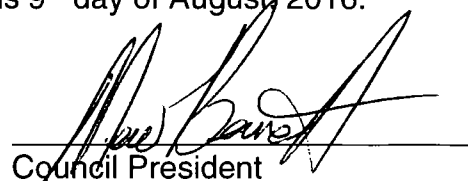
Section 1. City Council finds that the Property, as described and depicted in Exhibits A and B, is surplus, is not necessary for the operations of the City, is unnecessary for the proper conduct of City affairs, and its disposal is in compliance with City Code § 7.7.1804 (A) and RES Manual Chapter 5.

Section 2. In accord with City Code § 7.7.1804 (B) and RES Manual Chapter 5, City Council hereby finds, for the reasons set forth in the recitals above, WH Capital, LLC is the one logical, potential purchaser of the Property.

Section 3. City Council hereby authorizes the sale of the Property to WH Capital, LLC, at the fair market value of \$60,000.00 as established by the buyer's real estate appraisal, subject to the imposition of the appropriate terms and conditions and the provisions of the RES Manual.

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 the Property and to obtain the Mayor's signature on the Quitclaim Deed to convey the Property to WH Capital, LLC.

Dated at Colorado Springs, Colorado this 9th day of August, 2016.


Council President

ATTEST:



Sarah B. Johnson, City Clerk



EXHIBIT A

March 15, 2016

LEGAL DESCRIPTION

A parcel of land located within Lots 3, 4, 5 and 6, Block F of Mesa Springs 2nd Addition, recorded February 16, 1955 in Book W at page 19, in the offices of the El Paso County Clerk and Recorder, State of Colorado, more particularly described as follows:

Beginning at the southeast corner of Lot 2, Block F, of said subdivision; thence S00°01'47"W (bearings based of the north line of said subdivision, monumented at both ends by a nail with 1 ½" washer, "PLS 31548", and assumed to bear N90°00'00"E), a distance of 184.00; thence along the following six (6) courses:

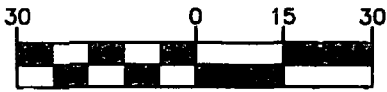
- 1) N48°25'04"W, a distance of 18.62 feet;
- 2) N41°34'56"E, a distance of 10.00 feet;
- 3) N48°25'04"W, a distance of 76.11 feet;
- 4) S41°34'56"W, a distance of 10.00 feet;
- 5) N48°25'04"W, a distance of 28.03 feet;
- 6) Along a tangent curve to the right, said curve having a radius of 170.00 feet, an arc length of 118.84 feet and a central angle of 40°03'13" to a point on the south lot line of said Lot 2; thence along the south line of said Lot 2, N89°57'50"E, a distance of 147.28 feet to the point of beginning.

Said parcel contains an area of 16,039 square feet, 0.368 acres, more or less.



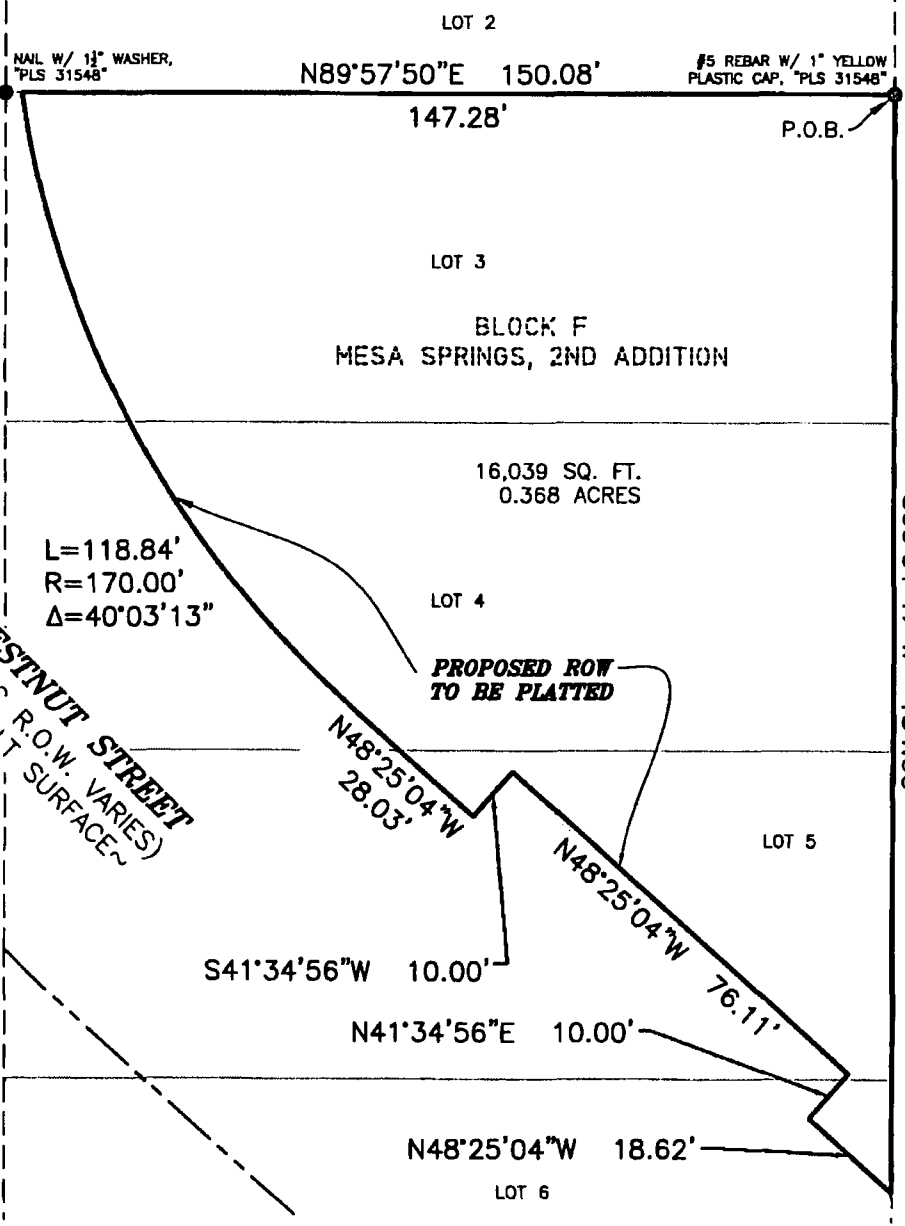
Stewart L. Mapes, Jr.
Professional Land Surveyor State of Colorado, L.S. 38245
For and on behalf of Clark Land Surveying, Inc.

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

EXHIBIT B



NOTE:
This EXHIBIT does not represent a monumented land survey, and is only intended to depict the attached LEGAL DESCRIPTION.

Sheet 1 of 2

Revisions			
No.	Description	Date	By

Project No:
15936

Clark 

Surveying x ALTA x Mapping

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Drawn: ZAR Check: SLM Date: 03/15/2016