

RESOLUTION NO. 23-\_\_\_\_\_

A RESOLUTION APPROVING A TRACKAGE AND DEVELOPMENT AGREEMENT FOR A RAIL SERVED INDUSTRIAL PARK PROJECT.

WHEREAS, the Edward C. Levy Company, doing business locally as the Schmidt Construction Company, owns property located to the West of Colorado Springs Utilities (“Utilities”) Clear Springs Ranch site on which it desires to construct a rail served industrial park (the “Project”); and

WHEREAS, the Project has support from multiple community stakeholders, including, but not limited to, the City of Colorado Springs, the City of Fountain, El Paso County, and the Colorado Springs Chamber of Commerce and Economic Development Corporation and is expected to bring significant new economic development opportunities and jobs to the region and support the operations of the Fort Carson Military Reservation; and

WHEREAS, the Project requires use of Utilities’ existing rail spur into Clear Springs Ranch and construction of an extension from that rail spur onto the property located to the west of Clear Springs Ranch if it is to develop; and

WHEREAS, with support of the Colorado Springs Utilities (“Utilities”) Board of Directors, the Utilities Chief Executive Officer submitted a Letter of Conditional Support for a proposed Rail Served Industrial Park in October of 2017 (the “Letter of Support”); and

WHEREAS, the Letter of Support provided, in summary, that Utilities could support the development of the Project through use of Utilities’ existing rail spur and construction of a rail spur extension within Clear Springs Ranch so long as Utilities’ operations and ratepayers were not adversely impacted; and

WHEREAS; Utilities has negotiated a Trackage and Development Agreement, attached hereto and incorporated herein by reference as Exhibit A, which protects Utilities’ operations and ensures Utilities’ ratepayers are not adversely impacted; and

WHEREAS, the Trackage and Development Agreement grants and conveys certain easements and other interests subject to the Colorado Springs Charter; and

WHEREAS, the Trackage and Development Agreement is not contemplated under *The Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property* and, therefore, requires City Council approval; and

WHEREAS, the Mayor, or his designee, is responsible for executing documents involving the transfer or conveyance of interests in real property and the Utilities’ Chief Executive Officer and his designees have operational responsibility for activities at Utilities’ Clear Springs Ranch site; and

WHEREAS, City Council finds that the approval of the Trackage and Development Agreement is in the best interests of the City of Colorado Springs and will promote economic development opportunities and job creation within the region.

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

Section 1. City Council, on behalf of the City of Colorado Springs and Colorado Springs Utilities, hereby approves the Trackage and Development Agreement attached hereto as Exhibit A.

Section 2. City Council authorizes the Mayor of the City of Colorado Springs and the Chief Executive Officer of Utilities or their designees to execute the Trackage and Development Agreement.

DATED at Colorado Springs, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

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

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