

RESOLUTION NO. 89-18

A RESOLUTION APPROVING A NEW SECTION TO THE  
CITY OF COLORADO SPRINGS PROCEDURE MANUAL  
FOR THE ACQUISITION AND DISPOSITION OF REAL  
PROPERTY INTERESTS

WHEREAS, the City of Colorado Springs, occasionally has the opportunity to transfer City-Owned Property for the purpose of a Community Benefit; and

WHEREAS, a Community Benefit, in this context, is defined as a traditional governmental function or a charitable endeavor that City Council determines will contribute to the well-being of the State, Region, or City, or any of their institutions or residents; and

WHEREAS, pursuant to the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests ("RES Manual"), the City Council may approve the transfer of City-Owned Property; and

WHEREAS, the definition and process for transferring City-Owned Property for the purpose of a Community Benefit has been developed for inclusion in the RES Manual.

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

Section 1. Chapter 5 of the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests is hereby amended to include the following Section 5.9:

5.9 Community Benefit. *If the Controlling Department wishes to transfer the property to an individual or organization for the purpose of facilitating a project that would be a Community Benefit, the Controlling Department may seek City Council authorization to transfer the property after undertaking the following process.*


a. Deem as Surplus. *City Council must deem the property surplus for a Community Benefit and authorize it for transfer. Such authorization may be reserved until a later City Council meeting. RES will obtain any necessary surveys or appraisals at the Controlling Department's expense. The survey shall identify interests that the City will retain at closing. Any appraisal must conform to the appraisal requirements in Manual Chapter 8.*

- b. Deem for Transfer. City Council may condition a transfer on the adoption of certain terms and conditions in any contract for sale. City Council may also determine whether the property will be transferred at or below fair market value, subject to any other rules of City Council, City Ordinances or restrictions on the transfer of the property.
- c. Value less than \$20,000. If the value of the property is less than \$20,000, then the Controlling Department may, through appropriate due diligence, identify a person or organization that is capable of achieving the Controlling Department's desired Community Benefit; provided, however, City Council may direct the Controlling Department to use the request for qualifications process outlined herein for any property, regardless of value.
- d. Value more than \$20,000. If the value of the property is \$20,000 or greater, the Controlling Department will advertise a request for qualifications from individuals or organizations capable of achieving the desired Community Benefit. The request for qualifications should be advertised in a manner reasonably calculated to reach potential applicants, which may include presentations to community groups, advertisement in publications or direct solicitation of proposals from individuals or organizations. The request for qualifications will include a statement of the desired Community Benefit(s) and any restrictions that the Controlling Department proposes to place on the transfer. The Controlling Department will have discretion to determine the individual or organization that it believes is most capable of achieving the desired Community Benefit with the greatest effect. The Controlling Department may review, among other qualifications, the applicants' experience with similar projects, funding sources and project plans or concepts, and the Controlling Department may conduct independent research to supplement any application.
- e. Deed Language. The contract for sale and/or the deed should contain appropriate terms to restrict the use of the property to the intended Community Benefit for a reasonable term of years, given the circumstances.
- f. No Appeal. Any determination made by the City under Section 5.9 of this Manual is not appealable.
- g. Definition. A Community Benefit, for purposes of this Manual Chapter, is a traditional governmental function or a charitable endeavor that City Council determines will contribute to the well-being of the State, Region, or City, or any of their institutions or residents.


Section 2. All other sections of the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests shall remain in full force and effect.

Section 3. The City, Colorado Springs Utilities, and the municipal enterprises shall follow the procedures set forth in the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests adopted by City Council on September 11, 2007, by Resolution No. 155-07, and subsequently amended on January 24, 2012 by Resolution No. 14-12, on January 26, 2016 by Resolution No. 12-16, and as amended herein.

DATED at Colorado Springs, Colorado, this 28<sup>th</sup> day of August, 2018.

  
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Council President

ATTEST:

  
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Sarah E. Johnson, City Clerk

