

RESOLUTION NO. _____ - 17

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

WHEREAS, the City of Colorado Springs ("City"), by and through its enterprise, the Colorado Springs Municipal Airport ("Airport"), currently owns, by fee title, 27.49 acres, more or less, of real property situated north of Stewart Avenue adjacent to the west entrance for Peterson Air Force Base, in Colorado Springs, El Paso County, Colorado, as depicted and described on **Exhibit A**, which is incorporated herein, (hereinafter the "Property"); and

WHEREAS, the Property was purchased via Federal Aviation Administration ("FAA") grant funds for the purpose of aircraft noise abatement; and

WHEREAS, the Airport is the controlling department of the Property; and

WHEREAS, no other department or city enterprise has expressed an interest in the Property; and

WHEREAS, City Code § 7.7.1804 (2001) and Chapter 5 of *The Colorado Springs Procedure Manual for Acquisition and Disposition of Real Property* ("RES Manual") authorize the disposal of surplus property to one logical potential purchaser upon City Council approval; and

WHEREAS, the Property has been vacant for twenty-five years without interest from any party; and

WHEREAS, Setzer Properties, LLC, initiated discussions for the sale of the Property with the Airport; and

WHEREAS, selling the Property to Setzer Properties, LLC, for the intended use as a warehouse distribution facility would no longer require the need to utilize the Property for aircraft noise abatement or aeronautical use and therefore the Airport believes the Property is now surplus and may be disposed of; and

WHEREAS, Setzer Properties, LLC, will lease the Property to a Fortune 500 cargo distribution company that will create a strong economic synergy with the Airport; and

WHEREAS, the Fortune 500 company's relationship with the Airport will increase use of the Airport and thereby increase Airport revenues. Accordingly, the Airport will continue to comply with the federal statutory mandate to remain self-sustainable; and

WHEREAS, Setzer Properties, LLC, will install main utilities to the Property site and construct a roadway. Accordingly, the parcels to the north and south of the new roadway are anticipated to have lower development costs; and

WHEREAS, the Airport met with the FAA to discuss releasing the Property to Setzer Properties, LLC, and the FAA agreed the intended use would be a compatible land use and thereby concurs with the sale of the property; and

WHEREAS, the FAA requires the Property be placed in the Federal Register for thirty (30) days. Accordingly, the Property will be open for public comment and notice of the intended sale will be included in a national forum; and

WHEREAS, the Airport followed the City process for retaining an appraiser, who appraised the Fair Market Value (FMV) of the Property. As such, the Airport has negotiated a value equal to or greater than FMV for the sale of this property; and

WHEREAS, the Airport recommends disposal of the Property to Setzer Properties, LLC, as the one logical potential purchaser in accordance 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 **Exhibit A** is surplus, is not necessary for the operations to 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 the RES Manual, Chapter 5.

Section 2. In accordance with City Code §7.7.1804 (8) and the RES Manual, Chapter 5, City Council hereby finds, for the reasons set forth in the recitals above, Setzer Properties, LLC, is the one logical, potential purchaser of the Property.

Section 3. City Council hereby authorizes the sale of the Property to Setzer Properties, LLC, 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 and the FAA.

Section 4. Pursuant to the RES Manual, Chapter 2, section 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 Setzer Properties, LLC.

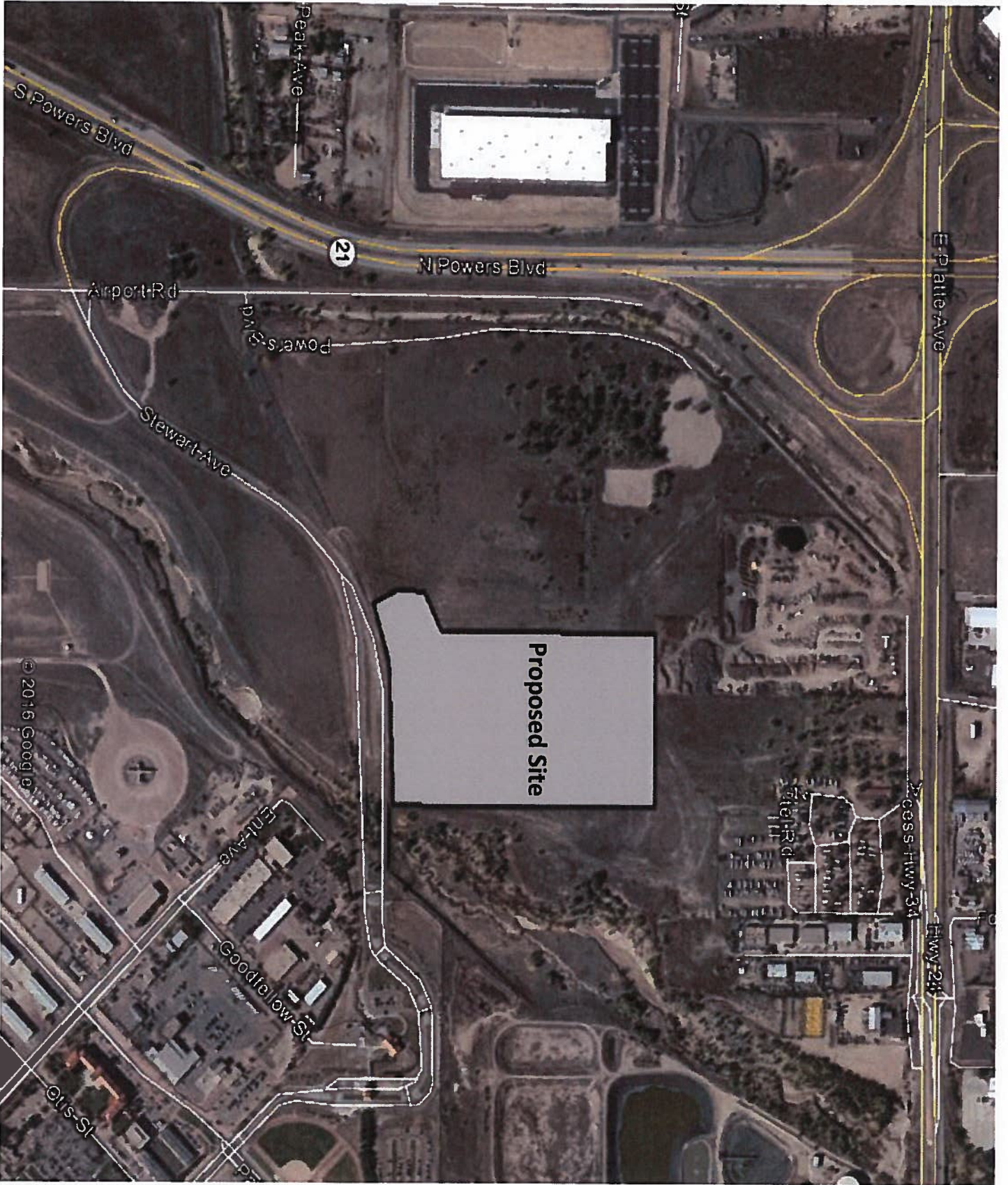
Dated at Colorado Springs, Colorado this ____ day of _____, 2017.

Council President

ATTEST:

Sarah B. Johnson, City Clerk

Resolution Exhibit A



Proposed Site

S Powers Blvd

21

N Powers Blvd

E Platte Ave

Airport Rd

Powers St

Stewart Ave

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Ent Ave

Goodfellow St

Olis St

Coos Hwy 34

Hwy 201

Stewart