

RESOLUTION NO. 4-16

A RESOLUTION AUTHORIZING THE DISPOSAL OF
SURPLUS CITY-OWNED PROPERTY TO THE HUMANE
SOCIETY OF THE PIKES PEAK REGION AS THE ONE
LOGICAL, POTENTIAL PURCHASER

WHEREAS, the City of Colorado Springs ("City"), holds fee interest in a parcel of land consisting of 16,019 square feet between 610 and 630 Abbot Lane, Colorado Springs, CO 80905, which is legally described on Exhibit A and depicted on Exhibit B, both of which are attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Property was purchased by Warranty Deed in fee for potential City development and use; and

WHEREAS, the Public Works Department ("Public Works") is the City's "Controlling Department" of the Property; and

WHEREAS, Public Works has determined that the Property is surplus property because the Property was never developed by the City and there are no future City plans to develop the Property; and

WHEREAS, Public Works desires to dispose of the fee simple interest in the Property as surplus property and subject to appropriate terms and conditions including the reservation of a drainage easement over the entire Property for the benefit of the City; and

WHEREAS, the City's Real Estate Services Division has solicited comment from internal City stakeholders and has received no feedback on the disposal of 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; and

WHEREAS, the Property is entirely surrounded by private property owned by the Humane Society of the Pikes Peak Region and is only physically accessible through the property owned by the Humane Society of the Pikes Peak Region; and

WHEREAS, the Humane Society of the Pikes Peak Region has expressed its desire to purchase the Property from the City in accord with the RES Manual at the fair market value as established by an independent real estate appraiser; and

WHEREAS, Public Works recommends the disposal of the Property to the Humane Society of the Pikes Peak Region as the one logical, potential purchaser of the Property in accord with the RES Manual; and

WHEREAS, § 7.7.1804 (B) of the City Code and § 5.4 of Chapter 5 of the RES Manual authorizes the disposal of surplus property to one logical, potential purchaser upon City Council approval.

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

Section 1. City Council finds that the Property is surplus and 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.

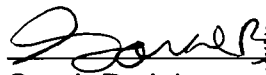
Section 2. In accord with City Code § 7.7.1804 (B) and RES Manual Chapter 5, City Council hereby finds, for the reasons set forth in the recitals above, the Humane Society of the Pikes Peak Region is the one logical, potential purchaser of the Property.

Section 3. City Council hereby authorizes the sale of the Property at the fair market value as established by an independent real estate appraiser to the Humane Society of the Pikes Peak Region subject to the imposition of the appropriate terms and conditions, including the reservation of a drainage easement for the benefit of the City across the entire Property, 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 that certain City owned property to the Humane Society of the Pikes Peak Region.

Dated at Colorado Springs, Colorado this 26th day of January, 2016.

ATTEST:


Sarah B. Johnson, City Clerk




Council President

Obering, Wurth & Associates
Consulting Civil Engineers
Professional Land Surveyors

1046 Elkton Drive · Colorado Springs, Colorado · 80907 · Phone 719-531-6200 · Fax 719-531-6266

LEGAL DESCRIPTION

EXHIBIT A
SHEET 1 OF 1

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE 6TH P.M., IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, SAID TRACT ALSO BEING A PORTION OF LOT 1, BLOCK 1, "HUMANE SOCIETY SUBDIVISION NO. 1" AS RECORDED APRIL 17, 1972, IN PLAT BOOK V-2 AT PAGE 24 OF THE EL PASO COUNTY RECORDS, AND SAID TRACT BEING ALSO A PORTION OF THAT PARCEL DESCRIBED IN BOOK 5741 AT PAGE 354 OF THE EL PASO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING IS THE NORTH LINE OF LOT 1, BLOCK 1, "HUMANE SOCIETY SUBDIVISION NO. 1" AS RECORDED UNDER RECEPTION NUMBER 878590 OF THE RECORDS OF EL PASO COUNTY, COLORADO. SAID LINE BEARS N89°28'44"E ACCORDING TO THE RECORD PLAT THEREOF, AND IS MONUMENTED BY A 7/8" IRON PIPE ON THE EAST AND REBAR AND CAP #13226 ON THE WEST.

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1, "HUMANE SOCIETY SUBDIVISION NO. 1"; THENCE N89°28'44"E, ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 402.22 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 25 AS DESCRIBED IN THE COLORADO DEPARTMENT OF TRANSPORTATION PARCEL NUMBER RW-4, REVISED, PROJECT NUMBER IM 0252-423M, PROJECT CODE 19039; THENCE S04°51'25"W, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, 40.18 FEET, TO A POINT ON THE SOUTHERLY LINE OF THAT FORESAID PARCEL DESCRIBED IN BOOK 5714 AT PAGE 353 UNDER RECEPTION NUMBER 01930840; THENCE S89°28'44"W, ALONG SAID SOUTHERLY LINE, 398.77 FEET TO A POINT ON THE WESTERLY LINE OF AFORESAID LOT 1; THENCE N00°03'33"E ALONG SAID WESTERLY LOT LINE, 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,019 SQUARE FEET, 0.3677 ACRE, MORE OR LESS

PREPARED BY
Obering, Wurth & Associates
Consulting Civil Engineers
Professional Land Surveyors
1046 Elkton Drive
Colorado Springs, CO 80907

Roland G. Obering

Roland G. Obering, P.E. and P.L.S. Colorado #13226

Date 3/31/15

Project No. 13025
March 31, 2015



EXHIBIT B
LEGAL DESCRIPTION SKETCH

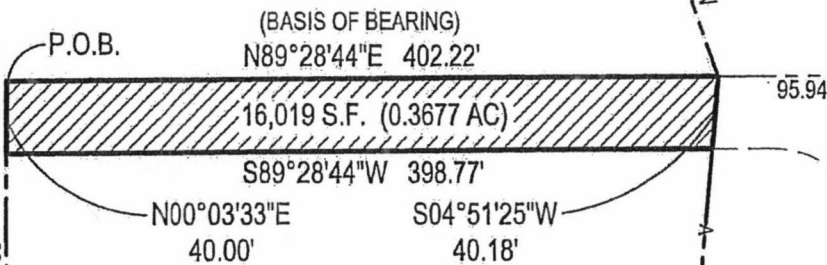
OBERING, WURTH & ASSOCIATES
1046 ELKTON DRIVE
COLORADO SPRINGS, CO 80907
719-531-6200

PROJ. 13025 MARCH 2015

NOTE: THIS LEGAL DESCRIPTION SKETCH IS A GRAPHIC
DEPICTION OF THE ACCOMPANYING LEGAL DESCRIPTION AND
DOES NOT REPRESENT A MONUMENTED LAND SURVEY PLAT
OR IMPROVEMENT LOCATION SURVEY PLAT.

**NEW
INTERSTATE 25
RIGHT OF WAY**
PARCEL RW-4 REV.
Proj. No. IM 0252-423
Proj. Code 19039
July 14, 2014

**UNPLATTED
PARCEL A**
(PORTLAND MINING CO. BK 320 PG 14 AND BK 5557 PG 150)



LOT 1, BLK 1
HUMANE SOCIETY SUBDIVISION NO. 1
REC. 878590

PARCEL B BK 6120 PG 1444
PARCEL A BK 5557 PG 150

NEW HIGHWAY ROW
NEW HIGHWAY ROW
ACCESS RESTRICTION LINE

FORMERLY
CITY OF COLORADO SPRINGS
BK 5741 PG 353 REC. 01930840

ABBOT LN. (60') (PUBLIC R.O.W.)



SHEET 1 OF 1

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