

RESOLUTION NO. \_\_\_\_\_-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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

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Council President

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Sarah B. Johnson, City Clerk