

ORDINANCE NO. 22 - 62

AN ORDINANCE REPEALING PART 18 (ACQUISITION AND DISPOSITION OF REAL PROPERTY INTERESTS) OF ARTICLE 7 (SUBDIVISION REGULATIONS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) AND CREATING A NEW PART 5 (ACQUISITION AND DISPOSITION OF REAL PROPERTY INTERESTS) OF ARTICLE 2 (CITY PROPERTIES) OF CHAPTER 3 (PUBLIC PROPERTY AND PUBLIC WORKS) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO ACQUISITION AND DISPOSITION OF REAL PROPERTY

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

Section 1. Part 18 (Acquisition and Disposition of Real Property Interests) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is repealed.

Section 2. Part 5 (Acquisition and Disposition of Real Property Interests) of Article 2 (City Properties) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows.

PART 5 ACQUISITION AND DISPOSITION OF REAL PROPERTY INTERESTS

SECTION:

3.2.501: Payment of Taxes Required

3.2.502: Acceptance by City Council

3.2.503: Compliance with Manual

3.2.504: Dispositions

3.2.505: City Owned Property for The Benefit of Utilities

3.2.506: Rules, Regulations and Procedures

3.2.501: PAYMENT OF TAXES REQUIRED:

Except as hereinafter set forth, no deed, conveyance of land or any interest in land to the City shall be effective unless all taxes owing on such land or interest thereon are paid by

the grantor to the date of conveyance. The grantor may tender to the City a pro rata share of the current taxes to the date of conveyance based upon the total taxes payable in the year of conveyance at the time of tendering the deed or conveyance. In its discretion, the City may expressly waive payment of taxes by the grantor in the event of:

- A. A negotiated purchase of the land in which payment of all current taxes by the City is a consideration of the purchase; or
- B. Where the deed or conveyance is a true gift or donation to the City and not in payment of or in lieu of any required fee or obligation owing to the City.

3.2.502: ACCEPTANCE BY CITY COUNCIL:

No deed, dedication or conveyance of land or any interest in land to the City for any purpose shall be effective unless expressly accepted or authorized by a City Council resolution or accepted by the City's Real Estate Manager in accord with approved City plans, projects, or policies. Acceptance or authorization shall be subject to adequate title review, proration and payment of taxes, environmental review or audit, and other conditions as appropriate.

3.2.503: COMPLIANCE WITH MANUAL:

The City, its enterprises and purchasers of City owned real property interests shall follow the procedures set forth in the then current version of the "Procedure Manual for the Acquisition and Disposition of Real Property Interests" (the "manual") for the acquisition or disposition of real property interests by deed or other conveyancing document.

3.2.504: DISPOSITIONS:

Except as provided in the manual, the City shall not convey a fee simple interest in any parcel of land without the consent of City Council.

3.2.505: CITY OWNED PROPERTY FOR THE BENEFIT OF UTILITIES:

Matters involving Utilities land acquisitions, conveyances and sale of excess property are subject to City Charter section 6-80, the manual, and Utilities Board policies or bylaws.

3.2.506: RULES, REGULATIONS AND PROCEDURES:

- A. Any proposed amendments to the manual shall be reviewed and finally approved by City Council resolution.

B. The City's Real Estate Services Manager is authorized, with the City Attorney's counsel, to promulgate and adopt reasonable rules, regulations and standard operating procedures regarding the administration and operation of the Real Estate Services Office and management of the City's real property assets. Additional rules and regulations may be adopted as necessary to implement applicable Federal and State laws. Any rules or regulations adopted by the manager shall be available for public inspection in the Real Estate Services Office.

C. The City and its Colorado Springs Utilities, MHS Enterprise (other than with respect to any real property transaction under or arising out of the Memorial Health System Affiliation), the municipal enterprises, the general public and purchasers and sellers of City owned real property interests shall abide by all rules and regulations promulgated by the Real Estate Services Manager or approved by City Council resolution.

D. The Mayor, MHS Enterprise and the Chief Executive Officer of Colorado Springs Utilities may choose to establish supplemental administrative procedures, but those supplemental administrative procedures shall not supersede or substitute for the procedures and practices contained in the manual. Real Estate Services will support and comply with any supplemental administrative procedures to the extent those supplemental administrative procedures do not conflict with the provisions of the manual.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 13th day of September 2022.

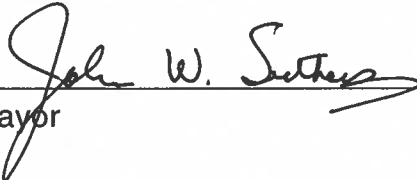
Finally passed: September 27, 2022

A handwritten signature in black ink, appearing to read "Tom Strand", written over a horizontal line.

Council President

Mayor's Action:

- Approved on September 29, 2022.
- Disapproved on _____, based on the following objections:



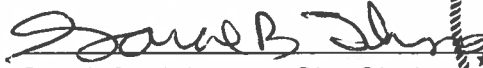
Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:



Sarah B. Johnson, City Clerk



CAO: MS
COS: _____

I HEREBY CERTIFY that the foregoing ordinance entitled “AN ORDINANCE REPEALING PART 18 (ACQUISITION AND DISPOSITION OF REAL PROPERTY INTERESTS) OF ARTICLE 7 (SUBDIVISION REGULATIONS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) AND CREATING A NEW PART 5 (ACQUISITION AND DISPOSITION OF REAL PROPERTY INTERESTS) OF ARTICLE 2 (CITY PROPERTIES) OF CHAPTER 3 (PUBLIC PROPERTY AND PUBLIC WORKS) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO ACQUISITION AND DISPOSITION OF REAL PROPERTY” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on September 13, 2022; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 27th day of September 2022, and that the same was published by title and in full, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 27th day of September 2022.


Sarah B. Johnson, City Clerk



1st Publication Date: September 16, 2022

2nd Publication Date: October 5, 2022

Effective Date: October 10, 2022

Initial: SBS
City Clerk