

RESOLUTION NO. 41-20

A RESOLUTION AUTHORIZING THE ACQUISITION OF APPROXIMATELY 341.5 ACRES AT THE BLACK CANYON QUARRY AND THE PIKEVIEW QUARRY FRONTAGE PROPERTY, IDENTIFIED AS THE MOUNTAIN SHADOWS OPEN SPACE ACQUISITION THROUGH THE TRAILS, OPEN SPACE AND PARKS PROGRAM

WHEREAS, the City of Colorado Springs ("City") Parks, Recreation and Cultural Services Department, through its Trails, Open Space and Parks Program ("TOPS"), has identified approximately 341.5 acres of land owned by Castle Concrete ("Seller") within the Mountain Shadows Candidate Open Space Area as a 2014 Park System Master Plan priority acquisition for open space, trails and future recreation; and

WHEREAS, acquisition of the property would provide many benefits to the citizens of Colorado Springs and the Pikes Peak Region including protection of the City's western mountain backdrop, connection to adjoining national forest lands, provision of important wildlife habitat, regional and city open space connectivity, and expanded recreational opportunities for the citizens of Colorado Springs into the future; and

WHEREAS, the Parks, Recreation and Cultural Services Department has engaged in a partnership with The Conservation Fund, a respected national non-profit conservation organization, to allow the entire 341.5 acres to be acquired by the TOPS Program over a period of time; and

WHEREAS, The Conservation Fund, has executed a contract with the Seller to purchase and hold the 148.02 acre Pikeview Frontage Property, and The Conservation Fund has executed a contract to sell those acres to the City's TOPS Program in two phases to assist the City in purchasing the property; and

WHEREAS, the City has executed a contract with the Seller to purchase approximately 193.47 acres of property at the Black Canyon Quarry; and

WHEREAS, the City has obtained appraisals for the Properties that support the purchase price of \$6,660,000 for the Pikeview Frontage Property and \$1,712,500 for the Black Canyon Quarry Property; and

WHEREAS, the City was able to achieve an agreement to purchase the properties by negotiating an administrative settlement of \$427,500; and

WHEREAS, the purchase prices, administrative settlement, and professional services fees would be paid from the fund balance in the Trails, Open Space and Parks Open Space category as authorized by the City Code of the City of Colorado Springs, § 4.6.101, *et seq.* and § 4.6.201, *et seq.* to complete the real estate transaction; and

WHEREAS, on May 6, 2020, the TOPS Working Committee, through the City's TOPS program, voted seven in favor and one opposed to recommend acquisition of the Properties and the Parks, Recreation and Cultural Services Advisory Board is scheduled to consider the acquisition at its May 14, 2020 meeting.

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

Section 1. City Council finds the acquisition of the Properties for open space and trail purposes to be in the best interest of the citizens of Colorado Springs.

Section 2. Pursuant to the City of Colorado Springs Procedural Manual for the Acquisition and Disposition of Real Property Interests ("Real Estate Manual"), Section 4.1, City Council hereby authorizes the acquisition of the properties for a total project cost of \$8,991,515 which includes the appraised value of the properties, the administrative settlement, and the professional services fees. The properties will be purchased in two phases. Phase I will include the purchase of 193.47 acres at the Black Canyon Quarry from Castle Concrete and 89.85 acres of Pikeview Frontage Property from The Conservation Fund. Phase I will include payment of the administrative settlement of \$427,500 and a professional services fee to The Conservation Fund of \$60,650. The total supplemental appropriation request for the TOPS Phase I properties will be \$6,243,900. The Phase II acquisition will be a purchase from The Conservation Fund of the balance of the Pikeview Frontage Property, which is approximately 58.17 acres. The future Phase II cost will be \$2,747,615 which includes the appraised value of \$2,616,750 and the professional services fee of \$130,865.

Section 3. Approval of the acquisition is conditioned upon: (i) any related agreement for donation of the Pikeview Quarry to the City shall provide for the Mayor to terminate the agreement, in the Mayor's discretion, after reclamation but prior to closing; and (ii) any permission for the seller to remove dirt or fill from the Pikeview Frontage Property shall be conditioned upon compliance with a City-drafted grading plan.

Section 4. The City of Colorado Springs Real Estate Manager and the Parks, Recreation and Cultural Services Director are authorized to execute any and all documents necessary to complete the acquisition, in accord and compliance with the Real Estate Manual.

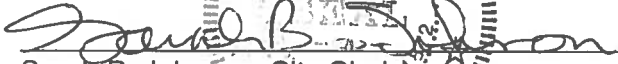
Section 5. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this 9th day of June, 2020.



Council President

ATTEST:



Sarah B. Johnson, City Clerk



Exhibit 1:Legal Description

El Paso County Tax Schedule Numbers

[75000-00-156, 75250-00-103 and 75000-00-239]

Exhibit 2: Parcel Map

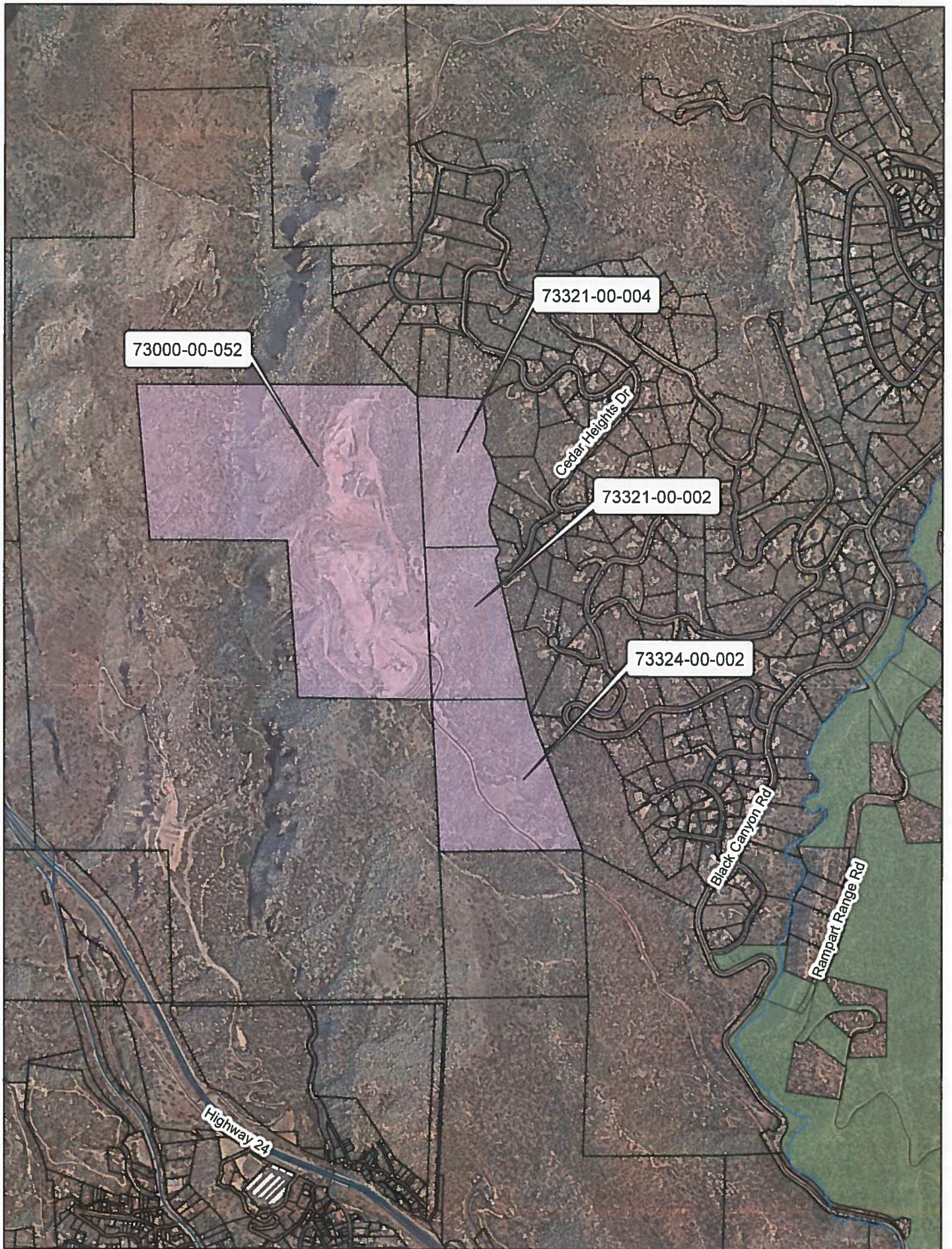


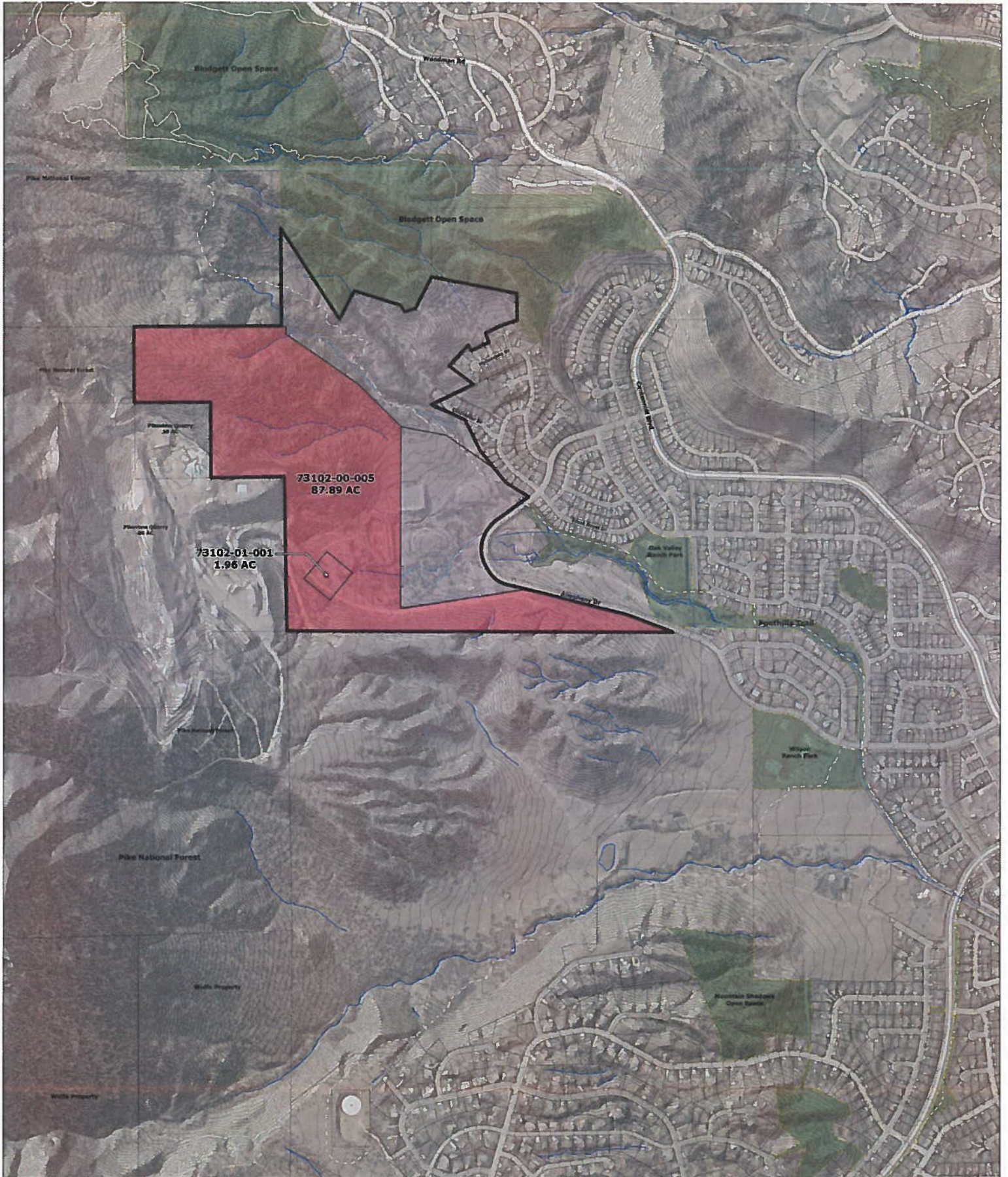
Exhibit A

1,400 700 0 1,400 Feet



ATTACHMENT B-1

Phase 1 Properties



ATTACHMENT B-2

Phase 2 Properties

