

A RESOLUTION DECLARING REAL PROPERTY TO BE SURPLUS AND AUTHORIZING THE DISPOSAL OF REAL PROPERTY TO HOLDERS OF RIGHTS OF FIRST REFUSAL FOR THE APPRAISED VALUE

WHEREAS, as a result of extreme drought conditions and watering restrictions from 2002-2004 and as part of the Southern Delivery System Project (“SDS”), the City of Colorado Springs (“City”), on behalf of its enterprise, Colorado Springs Utilities (“Utilities”) following City Council approval, purchased fifteen properties near Jimmy Camp Creek to build the SDS terminal storage reservoir; and

WHEREAS, ten of the fifteen Jimmy Camp Creek reservoir properties were purchased subject to rights of first refusal in the event the reservoir was not built; and

WHEREAS, in 2009, the Upper Williams Creek reservoir (now known as the “Gary M. Bostrom Reservoir”) site was approved by the United States Army Corps of Engineers as the terminal storage reservoir location for the SDS; and

WHEREAS, in its 2017 Integrated Water Resource Plan, Colorado Springs Utilities announced it would not build the Jimmy Camp Creek reservoir and indicated that it no longer requires the Jimmy Camp Creek reservoir properties for its business or operational purposes; and

WHEREAS, former owners of four of the Jimmy Camp Creek reservoir site properties have decided to exercise their rights of first refusal; and

WHEREAS, the properties to be re-purchased by the former owners are identified in Exhibit A, attached hereto and incorporated herein by reference (the “Properties”); and

WHEREAS, the rights of first refusal related to the Properties have priority over the rights afforded to other City departments or enterprises in Chapter 5 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (the “RES Manual”) and the typical disposition process set forth in the RES Manual, and existed prior to the approval of Chapter 5 of the RES Manual; and

WHEREAS, §6-80 of the City Charter, §7.7.1804 of the City Code, and Chapter 5 of the RES Manual authorize the disposal of surplus Utilities-controlled, City property where it is no longer needed by Utilities; and

WHEREAS, Utilities obtained appraisals which have established the sale price for the disposal of the Properties and Utilities recommends approval of the disposal of the Properties for the appraised value in accordance with the rights of first refusal; and

WHEREAS, pursuant to §§ 5.1, 5.6, and 5.9 of the RES Manual, City Council must deem the Properties to be surplus and approve the disposal of City-owned real property.

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

Section 1. City Council finds that the Properties identified in Exhibit A are surplus and not necessary for the efficient operations of Colorado Springs Utilities, are not a substantial part of the property of Utilities, are not needed for the proper conduct of City or Utilities' affairs, and are subject to rights of first refusal which have priority over the typical RES Manual disposal process, and that the disposal of the Properties is in compliance with City Charter §6-80, City Code §7.7.1804(A), and RES Manual Chapter 5, to the greatest extent possible in light of the contractual rights of first refusal.

Section 2. City Council authorizes the sale of the Properties for the appraised value subject to the imposition of the appropriate terms and conditions and the provisions of the RES Manual.

Section 3. Pursuant to the RES Manual, §2.11, the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the disposition of the Properties and to obtain the Mayor's signature on Quitclaim Deeds to convey the Properties.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2019.

ATTEST:

Council President

Sarah B. Johnson, City Clerk

Exhibit A

Assessor's Parcel Number (APN)	Property Address	Type
5300000037	Not Addressed, Peyton, CO 80831	Vacant Land
5300000322	3250 N. Meridian Road, Peyton, CO 80831	Vacant Land
5300000472	2980 N. Meridian Road, Peyton, CO 80831	Land/House
5300000513	2970 N. Meridian Road, Peyton, CO 80831	Vacant Land