

A RESOLUTION AUTHORIZING THE ACQUISITION OF
PROPERTIES PURSUANT TO THE FEDERAL
EMERGENCY MANAGEMENT AGENCY'S HAZARD
MITIGATION GRANT PROGRAM

WHEREAS, certain areas within the southwest portion of Colorado Springs experienced significant rainfall and flooding in 2013 and 2015, which ultimately led to Presidential Major Disaster Declarations DR-4145 and DR-4229 for a landslide event that impacted multiple residential structures; and

WHEREAS, as a result of the landslide event, the City has been awarded a grant from the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP), which consists of an allocation of \$5,940,000 for the voluntary property acquisitions and demolitions of the existing residential structures; and

WHEREAS, the purpose of the FEMA HMGP is to help communities implement hazard mitigation measures following a Presidential major disaster declaration; and

WHEREAS, City Council approved City Ordinance 17-78 on September 12, 2017, to provide supplemental appropriations to the Grant Fund in order to authorize the spending of the \$5,940,000 FEMA HMGP funding, and

WHEREAS, certain properties have been identified for acquisition and demolition by the City of Colorado Springs (the "City") acting pursuant to the FEMA HMGP administered by the Colorado Division of Homeland Security and Emergency Management (DHSEM); and

WHEREAS, those certain real properties, together with all improvements located thereon, ("Properties") have been identified as candidates for acquisition by the City pursuant to the FEMA HMGP due the damage sustained by the Properties as a result of the landslide events in 2013 and 2015; and

WHEREAS, the properties included in this resolution are the addresses: 904 Zodiac Drive (Exhibit A), 1002 Zodiac Drive (Exhibit B), and 315 Haversham Drive (Exhibit C); and

WHEREAS, the acquisition, demolition, and subsequent conversion of the Properties to open space, pursuant to the FEMA HMGP, is in the public interest; and

WHEREAS, Section 4.1 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("Real Estate Manual") and City Code Section 7.7.1802 require City Council approval of the acquisition of a real property interest if the total acquisition amount exceeds \$50,000.00; and

WHEREAS, the fair market value for the Properties is estimated to be over \$50,000 for each property and is based on real estate appraisals that were completed by an independent real estate appraiser; and

WHEREAS, the FEMA HMGP requires a 25% local match, and the Property owners have agreed to be responsible for this local match; and

WHEREAS, the appraisals, final offer amount and payment to the Property owners will be approved by FEMA and DHSEM; and

WHEREAS, the City desires to purchase the Properties at the fair market value less the local match; and

WHEREAS, time is of the essence; and

WHEREAS, the City's Office of Emergency Management Department requests the approval of City Council to purchase the Properties, contingent on FEMA's approval for each acquisition.

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

Section 1. City Council finds that these acquisitions are in compliance with the City's Real Estate Manual, the City Charter, the City Code, and all other applicable laws.

Section 2. In accord with section 4.1 of the Real Estate Manual, City Council hereby authorizes these acquisitions by the City, as approved by FEMA.

Section 3. The City's Real Estate Services Manager is authorized to execute all documents necessary to complete these acquisitions.

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

Council President

ATTEST:

Sarah B. Johnson, City Clerk