

A RESOLUTION AUTHORIZING THE ACQUISITION OF APPROXIMATELY 154 ACRES KNOWN AS THE KETTLE CREEK GREENWAY THROUGH THE TRAILS, OPEN SPACE AND PARKS (TOPS) 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 154 acres of land in the Kettle Creek Greenway as important property for open space, trails and future recreation; and

WHEREAS, the 2014 Colorado Springs Park System Master Plan and prior parks planning documents identify this property as within an Open Space Candidate Area; and

WHEREAS, acquisition of the property will provide an open space property in an area of the City that lacks TOPS acquired open space and the Kettle Creek Greenway will provide additional recreational opportunities for the citizens of Colorado Springs into the future; and

WHEREAS, the Parks, Recreation and Cultural Services Department has negotiated the acquisition of approximately 154 acres of property (the “Property”), legally described on Exhibit 1, which are currently owned by JoVenChi-I LLC (the “Sellers”); and

WHEREAS, on October 2, 2019, the TOPS Working Committee, through the City’s TOPS program, voted unanimously to recommend the acquisition of the Property and the Parks, Recreation and Cultural Services Advisory Board is scheduled to consider the acquisition at its October 10, 2019 meeting; and

WHEREAS, the property features unique natural and recreational resources including views of the Pikes Peak, scenic prairie and woodland terrain, volcanic canyon walls and rich wildlife habitat; and

WHEREAS, the acquisition of this property is in the public interest, because it provides rolling ponderosa and prairie grassland open space and a unique live stream which forms the Kettle Creek Greenway in the northeastern area of the City of Colorado Springs; and

WHEREAS, the City has obtained appraisals for the Property that support the purchase price of five million seven hundred ninety six thousand dollars (\$5,796,000) from the fund balance in the Trails, Open Space and Parks (TOPS) 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.

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

Section 1. City Council finds the acquisition of the Property 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 Property for a purchase price of five million

seven hundred ninety six thousand dollars (\$5,796,000) which represents the fair market value of the Property. The Property will be purchased in two phases and each phased purchase will be subject to an appraisal update. City Council recognizes that the City will cause an appraisal update to be performed at least sixty (60) days prior to each closing and authorizes up to five (5) percent for changes in value.

Section 3. 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 4. This Resolution shall be in full force and effect immediately upon its adoption.

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

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