

A RESOLUTION APPROVING A NON-EXCLUSIVE LEASE/JOINT USE AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS ON BEHALF OF ITS PARKS, RECREATION AND CULTURAL SERVICES DEPARTMENT AND RAGAIN SPORTS LLC FOR LESS THAN FAIR MARKET VALUE

WHEREAS, the Sand Creek Soccer Stadium at Norman “Bulldog” Coleman Park was constructed in 1988 expressly to accommodate high level and world class soccer competitions; and

WHEREAS, the City’s Parks, Recreation and Cultural Services Department has programmed and maintained the facility since 1993 and has hosted professional, semi-professional, college, and high school competitions in a variety of sports at the stadium since the stadium’s construction; and

WHEREAS, Ragain Sports LLC is the owner of the Colorado Springs Switchbacks FC (“Switchbacks FC”) professional soccer team which is a United Soccer League (“USL”) franchise and has selected Colorado Springs as the home for their franchise; and

WHEREAS, Ragain Sports LLC desires to enter into a non-exclusive Lease/Joint Use Agreement with the City for the use of Sand Creek Soccer Stadium at Norman “Bulldog” Coleman Park as the home facility for Switchbacks FC; and

WHEREAS, to enhance the amenities at Sand Creek Stadium, Ragain Sports LLC has proposed to invest an estimated \$2,000,000.00 in improvements to the facility; and

WHEREAS, an estimated \$1,400,000.00 of the proposed improvements are of a permanent nature and will remain with the stadium, thereby increasing its overall value and functionality to the City and the community as a whole; and

WHEREAS, the City desires that Switchbacks FC establishes Colorado Springs as its home and recognizes the value it will bring its citizens and the exposure through the sport of professional soccer that it will bring to the City; and

WHEREAS, the City’s Parks, Recreation and Cultural Services Department and the City’s Real Estate Manager are recommending authorization and approval for the Mayor to enter into the non-exclusive, Lease/Joint Use Agreement on behalf of the City, at a rental rate below fair market value and for a term up to ten (10) years; and

WHEREAS, pursuant to the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests and City Charter § 10-100, the City Council must make certain findings regarding a public purpose for a below-market lease that shall be revocable at any time.

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

Section 1. City Council approves the terms of the Lease/Joint Use Agreement as presented for the non-exclusive use of Sand Creek Stadium at Norman "Bulldog" Coleman Park by Ragain Sports LLC for the operation of a USL professional soccer team known as Switchbacks FC.

Section 2. In accord with Section 10.2(d)(iii)(2) of the City of Colorado Springs Procedures Manual for the Acquisition and Disposition of Real Property, City Council hereby finds a public purpose in approving the Lease/Joint Use Agreement with Ragain Sports LLC for the use of the Property at a rental rate below fair market value for a term of ten (10) years to accommodate the establishment of a professional soccer franchise in Colorado Springs which will provide increased recreational and entertainment opportunities for the citizens of the City and national and international promotion of the City.

Section 3. The Mayor is hereby authorized to execute, deliver and administer the Lease/Joint Use Agreement, and all addendums and exhibits thereto, on behalf of the City, and the City Clerk is directed to attest the Mayor's signature and affix the seal of the City.

DATED at Colorado Springs, Colorado, this __ day of June, 2014

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk