

RESOLUTION NO. ____-21

A RESOLUTION AUTHORIZING THE ACQUISITION OF APPROXIMATELY 343 ACRES OF PROPERTY, IDENTIFIED AS THE FISHER CANYON OPEN SPACE ACQUISITION THROUGH THE TRAILS, OPEN SPACE AND PARKS PROGRAM

WHEREAS, the City of Colorado Springs ("City"), on behalf of its Parks, Recreation and Cultural Services Department, through its Trails, Open Space and Parks Program ("TOPS"), has identified approximately 343 acres of land within the Cheyenne Canon/Cheyenne Mountain Candidate Open Space Area ("Property") 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 the Cheyenne Mountain State Park and the adjoining national forest lands, preservation 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 ("TCF"), a respected national non-profit conservation organization, to allow the entire approximately 343 acres to be acquired by the TOPS Program over a phased acquisition; and

WHEREAS, TCF has executed a contract with the owner of the Property to purchase and hold the 343 acre Fisher Canyon Property, and TCF will execute a contract to sell the Property to the City in two phases to assist the City in purchasing the Property; and

WHEREAS, the City has obtained an appraisal for the Property that supports the purchase price of \$4,000,000; and

WHEREAS, the purchase price, direct costs of the real estate transaction, and professional services fee 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 October 6, 2021, the TOPS Working Committee, through the City's TOPS program, voted to _____ acquisition of the Property and the Parks, Recreation and Cultural Services Advisory Board is scheduled to consider the acquisition at its October 14, 2021 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 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, Revised 2021 ("Real Estate Manual"), Section 4.1, City Council hereby authorizes the acquisition of the Property for the appraised

value of \$4,000,000 plus the direct costs of the real estate transaction, holding costs and the professional services fee to TCF. The Property will be purchased in two phases. Phase I will include the purchase of approximately 258.36 acres from TCF. The Phase I acquisition will include payment of the direct costs to conduct the real estate transaction. The total supplemental appropriation request for the TOPS Phase I acquisition will be \$1,475,000. The Phase II acquisition will be a purchase from TCF of the balance of the Property, which is approximately 84.627 acres. The future Phase II acquisition cost will require a separate supplemental appropriation. This will include the appraised value of \$2,578,000, a professional services fee and the costs associated with holding and completing the real estate transaction for the Phase II transaction.

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

Dated at Colorado Springs, Colorado this ____ day of _____, 2021.

Council President

ATTEST:

Sarah B. Johnson, City Clerk

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Exhibit 1: Legal Description

El Paso County Tax Schedule Numbers

[_____]

Exhibit 2: Parcel Map

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