

A RESOLUTION AUTHORIZING A LAND EXCHANGE BETWEEN THE CITY OF COLORADO SPRINGS AND TIM O. HAAS AND TERRY E. HAAS (“HAAS”) AND ACKNOWLEDGING ACCEPTANCE OF A DONATION OF APPROXIMATELY \$115,000.00 IN LAND VALUE

WHEREAS, the City of Colorado Springs (“City”) holds fee title to that certain property known as Garden of the Gods Regional Park which consists of approximately 620 acres of land, is controlled by the Parks, Recreation and Cultural Services Department (“Parks”), and identified by El Paso County Tax Schedule Number 73000-00-462, (“City Property”); and

WHEREAS, Haas desires to obtain ownership of approximately 1.61 acres of the City Property as depicted on **Exhibit A** (“City Exchange Property”); and

WHEREAS, Haas holds fee title to that certain property which consists of approximately 8.32 acres of land and is identified by El Paso County Tax Schedule Numbers 74041-06-003 and 74041-00-007 (“Haas Property”); and

WHEREAS, the City desires to obtain ownership of approximately 2.616 acres of the HaasProperty as depicted on **Exhibit B** (“Haas Exchange Property”); and

WHEREAS, City and Haas desire to exchange the City Exchange Property for the Haas Exchange Property; and

WHEREAS, the fair market value of the City Exchange Property, as supported by an appraisal, is \$335,000; and

WHEREAS, the fair market value of the Haas Exchange Property as supported by an appraisal is \$450,000; and

WHEREAS, the land exchange does not require an election under the Charter of the City of Colorado Springs, § 11-80 Conveyance of Parkland Requiring Vote, because it is less than two acres of parkland, less than five percent of the total acreage of the entire Garden of the Gods Regional Park, and does not materially diminish the public’s use of the park, and therefore is a *de minimus* conveyance; and

WHEREAS, the City, pursuant to Chapter 6, Section 6.1, of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021*, (“RES Manual”) is authorized to complete a land exchange upon approval by City Council; and

WHEREAS, Haas desires the \$115,000.00 difference in the value between the City Exchange Property and the Haas Exchange Property be acknowledged as a donation in accordance with Section 4.4 of the RES Manual.

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

Section 1. City Council hereby finds that the proposed land exchange is in the best interest of the City and approves the proposed land exchange between City and Haas, subject to the terms and conditions of the Land Exchange and Donation Agreement.

Section 2. City Council hereby finds it to be in the best interest of the City to recognize the \$115,000.00 difference in the value of the City Exchange Property and the Haas Exchange Property as a donation.

Section 3. Pursuant to the RES Manual, Chapter 2, Section 2.11, the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the proposed land exchange and donation, and to obtain the Mayor's signature on the deed conveying the City Exchange Property to Haas.

DATED at Colorado Springs, Colorado, this ____ day of _____, 2023.

ATTEST:

Council President

Sarah B. Johnson, City Clerk