

RESOLUTION NO. _____ - 17

A RESOLUTION ACCEPTING A DONATION OF APPROXIMATELY 0.81 ACRES OF REAL PROPERTY AND A PERMANENT ACCESS EASEMENT FROM B & K LLC TO THE CITY OF COLORADO SPRINGS

WHEREAS, B & K LLC (“B & K”), is the owner of a parcel of real property that consists of approximately 0.81 acres, and is known by El Paso County Tax Schedule Number 63084-12-057 (the “Property”); and

WHEREAS, Academy Boulevard Bridge at Cottonwood Creek Rehabilitation Project and Cottonwood Creek Trail at Academy (“Projects”) are of great benefit to the citizens of the City of Colorado Springs, El Paso County and the State of Colorado and will enhance the safety and quality of life of the citizens of the City of Colorado Springs (“City”); and

WHEREAS, B & K desires to convey the Property to the City without consideration, for the benefit of the City, to be used for the Projects; and

WHEREAS, B & K also desires to convey a Permanent Access Easement (“Easement”) to the City without consideration, for access to the Property for the Projects and needed maintenance, repairs and upgrades in the future; and

WHEREAS, B & K desires the conveyance to be acknowledged as a donation in accordance with Section 4.4 of Chapter 4 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (the “RES Manual”); and

WHEREAS, pursuant to said Section 4.4 of the RES Manual, City Council must accept donations of real property by resolution; and

WHEREAS, City staff recommends that the City Council accept the donation of the Property and Easement.

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

Section 1. City Council hereby finds that acceptance of the donation of the Property and Permanent Access Easement, as depicted in the attached and incorporated Exhibit A, for the use of its Parks, Recreation and Cultural Services Department and Public Works Department, as a part of the Academy Boulevard Bridge at Cottonwood Creek Rehabilitation Project, Cottonwood Creek Trail at Academy Project and for necessary future maintenance, repairs and upgrades is in the best interest of the City of Colorado Springs.

Section 2. In accordance with Chapter 4, Section 4.4 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests*, City

Council hereby accepts the donation of the Property to the City.

Section 3. The City's Real Estate Services Manager is hereby authorized to execute all documents necessary to effectuate Closing and, following Closing, the donation of the Property and Permanent Access Easement from B & K LLC to the City.

Dated at Colorado Springs, Colorado this ____ day of November, 2017.

Council President

ATTEST:

Sarah B. Johnson, City Clerk