

RESOLUTION NO. _____17

A RESOLUTION AUTHORIZING A LAND EXCHANGE
BETWEEN THE CITY OF COLORADO SPRINGS AND CSJ
NO. 7 LLC AND URBAN ENTERPRISES, LLC

WHEREAS, the City of Colorado Springs (“City”) holds fee title to two parcels of vacant land consisting of approximately 5.58 acres east of Cimino Drive in the vicinity of America the Beautiful Park, which are identified as Lots 2 and 4 of Confluence Park South, which are depicted on Exhibits A and B attached hereto and incorporated herein by reference (collectively “City Property”); and

WHEREAS, the Public Works Department is the Controlling Department of the City Property; and

WHEREAS, the City’s Public Works Department has determined that the City Property is surplus and may be disposed; and

WHEREAS, no other City department or enterprise has expressed interest in maintaining fee ownership, and the City shall reserve easements on the Property as needed; and

WHEREAS, CSJ No. 7 LLC and Urban Enterprises, LLC (the “Owners”) hold fee title to vacant land consisting of approximately 1.12 acres situated at the southeast corner of Cimarron Street and I-25, which is legally described on Exhibit C and map depicted on Exhibit D, attached hereto and incorporated herein by reference (“CSJ Property”); and

WHEREAS, the City desires to acquire the CSJ Property and the Owners desire to acquire the City Property; and

WHEREAS, the City, pursuant to Section 4.5 of Chapter 4 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (“RES Manual”) is authorized to enter into a land exchange upon approval of City Council; and

WHEREAS, the CSJ Property is of greater value than the City Property; and

WHEREAS, the parties have agreed the transaction costs for this land exchange shall be paid by the Owners if City Council approves the land exchange; and

WHEREAS, the Owners have agreed that if the land exchange contemplated herein is completed, the Owners will assume responsibility for any environmental remediation of the City Property necessary and the Owners will release and hold the

City harmless and indemnify the City for any damages related to the remediation of any environmental issues of the City Property; and

WHEREAS, the Public Works Department recommends that City Council approve the proposed land exchange and authorize the City's Real Estate Services Manager and the Public Works Director to execute all documents necessary to complete an exchange of the City Property for the CSJ Property subject to appropriate terms, conditions, and restrictions.

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

Section 1. Pursuant to the RES Manual, Sections 4.5 and 5.5, City Council hereby finds that the proposed land exchange is in the best interest of the City and approves a land exchange with CSJ No. 7 LLC and Urban Enterprises, LLC of the City Property for the CSJ Property subject to the condition that the Owners assume liability and responsibility for, and hold harmless and release the City from, liability or responsibility for any necessary remediation of the City Property, including characterization, related to contamination from any chemicals and hazardous substances and agree to release and hold the City harmless and indemnify the City for any claims, damages or liability of any nature related to such remediation efforts.

Section 2. Pursuant to the RES Manual, Chapter 2.11, City Council hereby authorizes the City's Real Estate Services Manager to execute all documents necessary to complete the approved land exchange subject to the terms, restrictions and conditions contained in this Resolution and such other terms, restrictions and conditions as are customary in City real estate transactions of this nature, as will be more fully expressed in a Real Estate Land Exchange Agreement, and to obtain the Mayor's signature on the deed conveying the City Property to CSJ No. 7 LLC and Urban Enterprises, LLC.

DATED at Colorado Springs, Colorado, this ____ day of _____, 2017.

ATTEST:

Council President

Sarah B. Johnson, City Clerk

EXHIBIT A

MAP DEPICTION of City Property



EXHIBIT B

MAP DEPICTION of City Property



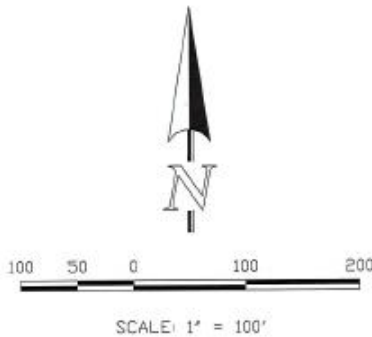
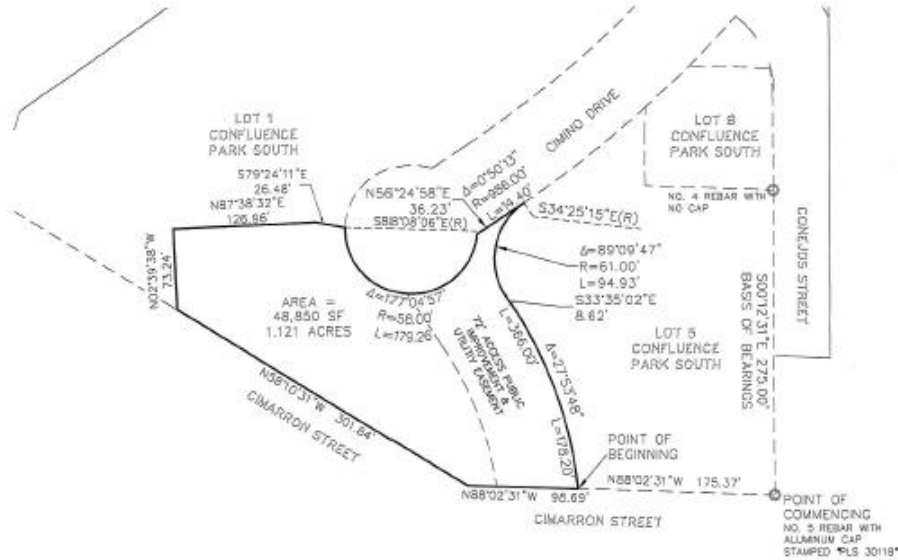
EXHIBIT C

LEGAL DEPICTION of CSJ Property



619 N. Cascade Avenue, Suite 200 (719)785-0790
 Colorado Springs, Colorado 80903 (719)785-0799 (Fax)

LEGAL DESCRIPTION
 PORTION OF LOT 5
 CONFLUENCE PARK SOUTH
 JOB NO. 1025.35-01
 SHEET 1 OF 1
 FEBRUARY 21, 2017



CCES, LLC DOES NOT EXPRESS NOR IMPLY ANY WARRANTY WITH THE ABOVE WRITTEN LEGAL DESCRIPTION AND EXHIBIT. THE LEGAL DESCRIPTION WAS WRITTEN FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT DEPICT A MONUMENTED LAND SURVEY. Lot5ConPark

EXHIBIT D

MAP DEPICTION of CSJ Property

