

RESOLUTION NO. _____-16

A RESOLUTION APPROVING AMENDMENTS TO THE
CITY OF COLORADO SPRINGS PROCEDURE MANUAL
FOR THE ACQUISITION AND DISPOSITION OF REAL
PROPERTY INTERESTS

WHEREAS, pursuant to Ordinance No. 07-135, the City Council of the City of Colorado Springs adopted City Code § 7.7.1803 requiring the City's compliance with *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (the "Manual"); and

WHEREAS, on September 11, 2007 the City Council by Resolution No. 155-07 adopted the Manual; and

WHEREAS, the Manual states that leases of City-owned property must be subject to the revocability provisions contained in City Charter § 10-100; and

WHEREAS, City Charter § 10-100 contemplates revocability for temporary permits, licenses and easements related to streets, alleys and public places; and

WHEREAS, leases of City-owned property do not fit within the intent and desired standards set forth in City Charter § 10-100; and

WHEREAS, there are public and economic development benefits to the City by amending § 10.2 of the Manual to release leasing of City-owned properties from the requirement of revocability; and

WHEREAS, § 2.5 of the Manual states that any of its provisions may only be amended by a resolution of the City Council; and

WHEREAS, the City Council desires to amend the Manual as set forth herein.

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

Section 1. Section 10.2 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* is hereby amended as follows:

Manual § 10.2.a shall be amended to read:

Pursuant to City Charter Article 10, the City is authorized to grant temporary or revocable permission to use City-owned property. This permission ~~is~~ **may be** in the nature of a temporary permit, license, **or** easement, ~~or lease~~ "in, on, above,

through or under any street, alley or public place” and is expressly revocable at any time by City Council. **This permission may be in the nature of a lease, provided that the term of such lease does not exceed the limitations in City Charter § 10-60.**

* * *

Manual § 10.2.b.iii shall be amended to read:

A “lease” is granted for the use of public property that has been designed for commercial or office use, ~~is revocable at any time,~~ is usually limited to a reasonable market term not in excess of twenty-five (25) years and is subject to the procedures in this Manual. There is no right to appeal the City’s grant or denial of a lease.

* * *

Manual § 10.2.d.iii.3 shall be amended to read:

~~Be subject to City Charter 10-100 and~~ limited to an appropriate term in accord with City Charter § 10-60.

Section 2. Except for the amendment noted above, all other sections of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* shall remain in full force and effect.

Section 3. The City, Colorado Springs Utilities, and the municipal enterprises shall follow the procedures set forth in *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* adopted by City Council on September 11, 2007, by Resolution No. 155-07, and subsequently amended on January 24, 2012, by Resolution No. 14-12 and the amendments stated above.

DATED at Colorado Springs, Colorado, this ____ day of _____, 2016.

ATTEST:

City Council President

Sarah B. Johnson, City Clerk