

**RESOLUTION NO. \_\_\_\_-16**

**A RESOLUTION APPROVING MODIFICATIONS TO A DECLARATION OF PROTECTIVE COVENANTS AND AUTHORIZING EXECUTION OF SUCH MODIFIED DECLARATION OF PROTECTIVE COVENANTS.**

**WHEREAS**, the City Council of the City of Colorado Springs, Colorado (“City Council”) previously in Resolution No. 64-96, approved the sale of two hundred acres of real property to Raceway Associates, LLC, (the “Real Property”) subject to that certain Declaration of Protective Covenants recorded at Instrument Number 096143052, and re-recorded at Instrument Number 205166057 in the records of the Clerk and Recorder of El Paso County; and

**WHEREAS**, North Park 200 LLC, as successor in interest to Raceway Associates, LLC, and current owner of the Real Property has requested that the City modify the Declaration of Protective Covenants to allow for use of the Real Property as a public safety training facility; and

**WHEREAS**, at the time of the sale of the Real Property, the Declaration of Protective Covenants was intended to ensure that the property would continue to serve as a buffer to and not develop in a manner that would be inconsistent with the use of adjacent property by Colorado Springs Utilities (“Utilities”); and

**WHEREAS**, if City Council approves modifications to the Declaration of Protective Covenants to allow development of a public safety training facility, the facility will be used primarily by the Colorado Springs Police Department and other Pikes Peak area public safety agencies for tactical law enforcement and other public safety training as well as other uses identified in the attached Modification to Declaration of Protective Covenants, attached hereto and incorporated herein by reference as Exhibit “A”; and

**WHEREAS**, Colorado Springs Utilities has no objection to the proposed public safety training facility and has determined that use of the property for such purposes is not inconsistent with Utilities’ use of adjacent City-owned property; and

**WHEREAS**, City Council finds that approval of the Modification to Declaration of Protective Covenants is in the best interests of the citizens of the City of Colorado Springs and the ratepayers of Colorado Springs Utilities.

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

Section 1. The City Council hereby approves on behalf of the City and Colorado Springs Utilities, the Modification to Declaration of Protective Covenants in substantially the form attached hereto as Exhibit “A” and incorporated herein by reference.

Section 2. The City Council hereby authorizes the City's Real Estate Services Manager to obtain the Mayor's signature on the Modification to Declaration of Protective Covenants.

Dated at Colorado Springs, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
City Council President

ATTEST:

\_\_\_\_\_  
Sarah Johnson, City Clerk