

A RESOLUTION AUTHORIZING THE ACQUISITION OF  
PROPERTY OWNED BY TIMOTHY J. GARBER AND DAWN K.  
DAWSON-GARBER TO BE USED FOR SOUTHERN DELIVERY  
SYSTEM PROJECT IMPROVEMENTS

WHEREAS, certain real property owned by Timothy J. Garber and Dawn K. Dawson-Garber (the "Property Owners"), consisting of 35.251 acres of land, which is located at 4475 Hammer Ranch Road, Colorado Springs, Colorado 80929 and known as El Paso County Tax Schedule Number 45000-00-106 ("Property"), has been identified as necessary for the completion of the Southern Delivery System Project; and

WHEREAS, by City Council Resolution No. 134-13, the City of Colorado Springs, through its enterprise Colorado Springs Utilities, was authorized to negotiate acquisition of the Property; and

WHEREAS, the Property is legally described on Exhibit A attached hereto and depicted on Exhibit B attached hereto; and

WHEREAS, the acquisition of the Property is in the public interest and is necessary for the construction of the Southern Delivery System Project; and

WHEREAS, pursuant to section 4.1 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("Real Estate Manual"), City Council approval is required for acquisition of real property interests if the purchase price exceeds \$50,000.00; and

WHEREAS, the fair market value for the Property was determined to be \$120,000.00 based on a real estate appraisal conducted by an independent real estate appraiser; and

WHEREAS, the City desires to offer and the Property Owners desire to accept a purchase price of \$120,000.00 for the Property; and

WHEREAS, Colorado Springs Utilities requests the approval of City Council to purchase the Property for a purchase price of \$120,000.00.

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

Section 1. That the City Council finds the acquisition of the Property is in compliance with the City's Real Estate Manual, the City Charter, City Code, and all other applicable laws.

Section 2. That in accord with the Real Estate Manual, the City Council hereby authorizes the acquisition of the Property from the Property Owners for the purchase price of \$120,000.00 to be used in connection with the Southern Delivery System Project.

Section 3. That the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the acquisition of the Property contemplated herein.

DATED at Colorado Springs, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

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

\_\_\_\_\_  
Sarah B. Johnson, City Clerk