



Legislation Details (With Text)

File #: 17-1292 **Version:** 1 **Name:**

Type: Resolution **Status:** Mayor's Office

File created: 10/5/2017 **In control:** City Council

On agenda: 11/14/2017 **Final action:** 11/14/2017

Title: A Resolution Accepting a Donation of Real Property Consisting of Approximately 0.81 Acres and a Permanent Access Easement from B & K LLC to the City of Colorado Springs.

Presenter:
 Karen Palus, Director of Parks, Recreation and Cultural Services
 Britt Haley, Parks Design and Development Manager
 Aaron Egbert, Senior Civil Engineer

Sponsors:

Indexes:

Code sections:

Attachments: 1. RES-BK_DonationsRES-2017-10-16, 2. Exhibit A 10-23-17 - KumarHeights, 3. Signed Resolution 119-17

Date	Ver.	Action By	Action	Result
11/14/2017	1	City Council	adopted	Pass
10/23/2017	1	City Council Work Session	referred	

A Resolution Accepting a Donation of Real Property Consisting of Approximately 0.81 Acres and a Permanent Access Easement from B & K LLC to the City of Colorado Springs.

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services
 Britt Haley, Parks Design and Development Manager
 Aaron Egbert, Senior Civil Engineer

Summary:

Parks staff, along with the Public Works staff, requests City Council approval of a resolution accepting a donation of real property and a permanent access easement from B & K LLC to the City of Colorado Springs for the Academy Boulevard Bridge at Cottonwood Creek Rehabilitation Project, the Cottonwood Creek Trail at Academy Project and needed maintenance, repairs and upgrades in the future.

Previous Council Action:

N/A

Background:

The Projects are located in Colorado Springs, El Paso County, Colorado at the Academy Boulevard Bridge over Cottonwood Creek ("Bridge Project"), immediately south of York Drive. The Bridge

Project is located on City of Colorado Springs owned property as well as on privately owned property. The Bridge Project includes replacement of the bridge structure along with roadway, channel and trail improvements within the immediate vicinity of the bridge. The Cottonwood Creek Trail at Academy Project ("Trail Project") is located on property currently owned by B & K, LLC ("Property"). The section of the Cottonwood Creek Trail, once constructed, will allow trail users the ability to travel from the Pikes Peak Greenway Trail to Union Boulevard without having to cross a major roadway. It will also allow the Parks, Recreation and Cultural Services Department ("Parks Department") to allow access under the Vincent Road Bridge along Cottonwood Creek. This section of trail is currently closed. The trail does not currently allow access onto public land, but rather dead ends at private property.

Construction activity will include replacement of the bridge including roadway reconstruction, temporary roadway re-alignments, channel improvements, trail improvements and utilities re-alignments. The Bridge Project will be limited to the bridge vicinity, specifically from York Street, south 800 feet along Academy Boulevard. The channel and trail improvements begin approximately 800 feet upstream (east) of the bridge and continue downstream approximately 1,000 feet. Please refer to the attached exhibit for a depiction of the project.

The owner of the Property approached the City to donate the property to the City of Colorado Springs.

Pursuant to the provisions of the Colorado Constitution and the Colorado Springs City Charter, the City is empowered to acquire real property necessary for City capital projects. Additionally, Section 4.4 of The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests (the "RES Manual") authorizes property owners to make a donation of property to the City, provided that City Council accepts the donation by resolution.

The Parks Department, along with the Public Works Department, requests that City Council adopt the attached resolution accepting the donation of the Property and Permanent Access Easement. Additionally, the attached resolution authorizes the City's Real Estate Services Manager to execute all documents necessary to close the transaction and to acknowledge the donation of the Property and the Permanent Access Easement to the City.

This item supports the City's strategic goal of investing in infrastructure.

Financial Implications:

The Projects will require the acquisition of additional easements in order to construct the Projects and future work if this donation is not accepted by City Council. A portion of the Projects funds will be needed to make these purchases. By allowing the donation, the Parks Department and Public Works Department will have the ability to spend more funds on the Projects.

Board/Commission Recommendation:

N/A

Stakeholder Process:

Negotiations with B & K LLC were conducted in accordance with the RES Manual, and all applicable federal, state and local laws.

Alternatives:

Do not approve the attached Resolution; however, choosing this alternative will result in additional expenses to the Projects.

Proposed Motion:

Move approval of the attached Resolution accepting a donation of approximately 0.81 acres of Real Property and a Permanent Access Easement from B & K to the City.

N/A