



Legislation Text

File #: 12-1273, **Version:** 1

A Resolution Accepting a Donation of Real Property Consisting of Approximately 12.867 Acres from Cloud Family Partnership, LLLP to the City of Colorado Springs

Presenter:

Brian Kelley, P.E. City Water Resources Engineering Programs Manager

Summary:

City Water Resources Engineering staff requests City Council approval of a resolution accepting a donation of real property from Cloud Family Partnership, LLLP to the City of Colorado Springs for the Flood Control - Colorado Springs Sand Creek/Platte Avenue Bridge Stabilization Project.

Previous Council Action:

None

Background:

Due to the historic flooding in September 2013, damages occurred to Sand Creek at the Platte Avenue Bridge. The resulting Presidential declared disaster FEMA DR-4145-CO led to the FEMA Hazard Mitigation Grant Program (HMGP) project known as the *Flood Control - Colorado Springs Sand Creek/Platte Avenue Bridge Stabilization Project* (the "Project"). The Project total budget is \$5,212,924.00 with a Federal share of 75%, State share of 12.5%, and City share of 12.5%.

City staff negotiated the acquisition of approximately 12.867 acres of property ("Property") owned by Cloud Family Partnership, LLLP ("Cloud"). As a result of these negotiations, Cloud agreed to donate the Property to the City of Colorado Springs ("City") for the Project.

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.

City Water Resources Engineering requests that City Council adopt the attached resolution accepting the donation of the Property. 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 to the City.

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

Financial Implications:

This land acquisition was budgeted in the Flood Control - Colorado Springs Sand Creek/Platte Avenue Bridge Stabilization Project budget. If City Council does not approve the Resolution, the City will be unable to move forward with the Project.

Board/Commission Recommendation:

N/A

Stakeholder Process:

Negotiations with Cloud were conducted in accordance with the RES Manual, and all applicable federal, state and local laws.

Alternatives:

Approve the attached Resolution Accepting a Donation of approximately 12.867 Acres of Real Property from Cloud to the City.

Do not approve the attached Resolution; however, choosing this alternative will result in not moving forward with the Project.

Proposed Motion:

Move approval of the proposed Resolution.

N/A