



Legislation Text

File #: 21-686, **Version:** 1

A Resolution Declaring a Portion of 9 Beckers Lane Surplus Property and Authorizing the Disposal of Such Property to John and Nicole Bauer as the Logical Purchasers

Presenter:

Jessica K. Davis, Land Resource Manager, Colorado Springs Utilities
Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Summary:

In 1941, Wilson McCarthy, et al., as trustees of the D. & R.G. Western R.R. Co., deeded to the City of Colorado Springs (the "City") a portion of what is now 9 Beckers Lane, Manitou Springs, Colorado 80829 (the "Property"). In 1991, the City of Manitou Springs ("Manitou Springs") transferred the Property via a Quit Claim Deed to a previous owner of 9 Beckers Lane. Manitou Springs did not own the Property and did not have the right to transfer it. The current owners of 9 Beckers Lane are Nicole and John Bauer. The Bauers wish to plat their property and build a structure on it. Colorado Springs Utilities ("Utilities") has an existing thirty (30) inch wastewater line located on the Property. Thus, Utilities needs an easement on the Property for its infrastructure. Utilities wants to declare the Property as surplus and sell it to the Bauers as the One Logical Purchaser pursuant to Chapter 5 of The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021 (the "RES Manual").

Background:

In 2020, the Bauers submitted a minor subdivision application to Manitou Springs. Utilities reviewed the subdivision application and discovered that a portion of 9 Beckers Lane is owned by the City. Utilities is the controlling department of the property. Utilities did not approve the application and instead Utilities notified Manitou Springs of the title dispute and began to research property records. After reviewing the property records and meeting with Manitou Springs, Utilities discovered that the City was granted ownership of a 1.9 mile stretch of railroad right-of-way in 1941. In 1991, Manitou Springs transferred ownership of a portion of this right-of-way to a previous owner of 9 Beckers Lane. Manitou Springs did not own the Property in 1991; thus, it did not have the authority to transfer it.

Utilities has discussed this real property title dispute with both Manitou Springs and the Bauers. Pursuant to Section 5.3 of the RES Manual, Utilities has obtained all necessary title work and has identified what interests in the Property it wants to retain at closing. Pursuant to Chapter 9 of the RES Manual, the City's Real Estate Services Office ("RES") has conducted a value finding of the property and valued it at \$3,500.00. Utilities would recommend that the Property be deemed surplus and sold to the Bauers as the One Logical Purchaser for \$3,500.00. The Bauers are the One Logical Purchaser because this transaction "resolves a bona fide title dispute" in accordance with Section 5.6 (d)(ii) of the RES Manual. Utilities will retain an easement on the Property for their thirty (30) inch wastewater line.

In accordance with Section 5.2 of the RES Manual, RES has consulted with other City departments and enterprises through the Buckslip Process. No other City departments or enterprises have expressed interest in maintaining fee ownership of, or reserving easements on, the Property.

According to Chapter 5 of the RES Manual, City Council approval is needed to declare the Property as surplus and authorize the sale to the Bauers as the One Logical Purchaser. Utilities is requesting this item be placed on the formal agenda for the December 14, 2021, City Council Regular Meeting for approval.

Previous Council Action:

N/A

Financial Implications:

Colorado Springs Utilities will receive a payment of \$3500 for the surplus property.

City Council Appointed Board/Commission/Committee Recommendation:

N/A

Stakeholder Process:

Property owner and the City of Manitou Springs have been notified of the City Council meeting.

Alternatives:

Do not approve the attached Resolution for the disposal of surplus City property to Nicole and John Bauer.

Proposed Motion:

Motion to approve the proposed Resolution declaring a portion of 9 Beckers Lane Surplus Property and authorizing the disposal of such property to John and Nicole Bauer as the logical purchasers.

N/A