

A RESOLUTION AUTHORIZING THE ACQUISITION OF APPROXIMATELY 11.962 ACRES OF REAL PROPERTY FROM THE BNSF RAILWAY COMPANY (“BNSF”)

WHEREAS, in connection with the Nevada Avenue Reconstruction – Rock Island Railroad to Commerce Street and the Nevada Avenue Reconstruction – Commerce Street to Templeton Gap Floodway projects (“Projects”), the City of Colorado Springs (“City”) on behalf of its Public Works Department (“Public Works”) has identified the need to acquire a strip of vacant railroad right of way which is described on Exhibit A and depicted on Exhibit B (“Property”) from BNSF; and

WHEREAS, the Property is adjacent to the Nevada Avenue public right of way and is necessary to complete the Projects’ transportation improvements outlined in the Renew North Nevada Master Plan; and

WHEREAS, the Projects are A-list Priority projects for the Pikes Peak Rural Transportation Authority (“PPRTA”) starting in 2025 and will be funded by PPRTA; and

WHEREAS, the Property borders and provides a buffer to the City-owned property commonly known as the Birdsall Power Plant which is controlled by Colorado Springs Utilities (“Utilities”); and

WHEREAS, Utilities has contributed funds to be used toward the acquisition and sharing the rights and responsibilities of ownership of the Property with the City as it will provide a buffer and opportunity for improved security of the Birdsall Power Plant; and

WHEREAS, the rights and responsibilities of ownership of the Property will be further defined and agreed upon by Public Works and Utilities by way of an Executive Agreement; and

WHEREAS, the City and BNSF have negotiated the total purchase price of \$3,100,000 for the Property, which is supported by an independent real estate appraisal obtained by the City

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

Section 1. City Council finds the acquisition of the Property to be in the best interest of the citizens of Colorado Springs.

Section 2. Pursuant to the City of Colorado Springs Procedural Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021, City Council hereby authorizes the acquisition of the Property for the total purchase price of \$3,100,000.

Section 3. The City of Colorado Springs Real Estate Services Manager is

authorized to execute all documents necessary to complete the conveyance.

Section 4. This Resolution is contingent upon appropriation of funding to purchase the Property.

Section 5. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this _____ day of _____, 2024.

Randy Helms, Council President

ATTEST:

Sarah B. Johnson, City Clerk