

RESOLUTION NO. 126 - 23

A RESOLUTION AUTHORIZING THE ACQUISITION OF AN 8,243 SQUARE FOOT PARCEL OF LAND FOR RIGHT-OF-WAY AND A 10,349 SQUARE FOOT TEMPORARY EASEMENT FROM VICTORY CHAPEL MINISTRIES, INC., USING PPRTA FUNDS FOR THE ACADEMY BOULEVARD – FOUNTAIN TO JET WING DRIVE PROJECT

WHEREAS, in connection with the Academy Boulevard – Fountain to Jet Wing Drive Project, the City of Colorado Springs Engineering Division of the Public Works Department has identified the need to acquire real property for right-of-way and a temporary easement from Victory Chapel Ministries, Inc. (the “Property Owner”); and

WHEREAS, the acquisition of the right-of-way and easement will allow for the realignment of Boychuk Avenue and to construct a new access to replace the one to be removed; and

WHEREAS, the City has been negotiating with the Property Owner for the acquisition of an 8,243-square foot portion of its property for right-of-way as described on Exhibit A and depicted on Exhibit B, and a 10,349-square foot temporary construction Easement described on Exhibit C and depicted on Exhibit D (the “Property”); and

WHEREAS, the Property Owner has agreed to sell the Property to the City; and

WHEREAS, the purchase price of \$124,700.00 was negotiated based upon the City’s Appraisal; and

WHEREAS, The Pikes Peak Rural Transportation Authority Board is scheduled to consider the acquisition at its September 13, 2023 meeting.

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 (“Real Estate Manual”), City Council hereby authorizes the acquisition of the Easement for the amount of \$124,700.00 based on the appraisal plus the direct costs of the real estate transaction.

Section 3. The City of Colorado Springs Real Estate Services Manager and the Public Works Director are authorized to enter into a Real Estate Purchase and Sale Agreement with the Property Owner and to execute all documents necessary to complete the conveyance.

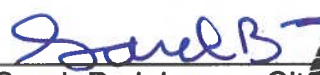
Section 4. This Resolution is contingent on funding of the Purchase by the Pikes Peak Rural Transportation Authority ("PPRTA").

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

Dated at Colorado Springs, Colorado this 12th day of September 2023.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk

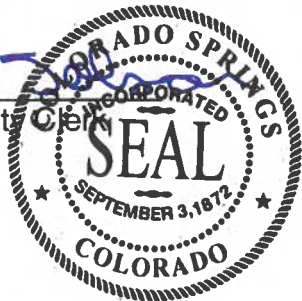


EXHIBIT "A"
CITY OF COLORADO SPRINGS
PROJECT: SOUTH ACADEMY BOULEVARD WIDENING

DATE: July 22, 2022

Right of Way Parcel No.: RW-32

SITUATED IN THE SE ¼ OF SECTION 34, TOWNSHIP 14 SOUTH, RANGE 66 WEST
OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO
COUNTY, COLORADO

LEGAL DESCRIPTION

A tract or parcel of land No. RW-32 being a part of that certain parcel of land as described in Reception Number 002216742 of the El Paso County Clerk and Recorder's Office Records, containing 8,243 sq. ft. (0.189 acres), more or less, in Lot 1, Boychuk Subdivision Filing No. 6, recorded in Plat Book B-4, Page 21, El Paso County Clerk and Recorder's Office Records, in the Southeast Quarter Section 34, Township 14 South, Range 66 West, of the Sixth Principal Meridian, El Paso County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the Southwest Corner of Section 35, Township 14 South, Range 66 West, of the Sixth Principal Meridian, as calculated from two reference monuments (a 3-1/4" aluminum cap stamped "URS T14S R66W R.M. 56.20' S34 S35 S3 S2 T15S R66W 2012 PLS 24313" and a 3-1/4" aluminum cap stamped "URS T14S R66W R.M. 38.26' S34 S35 S3 S2 T15S R66W 2012 PLS 24313"); Thence N. 6°12'17" W., a distance of 2,013.14 feet to a point on the east line of said Lot 1, also being on the west right of way line of Academy Boulevard, said point being the **TRUE POINT OF BEGINNING**;

1. Thence S. 9°58'07" E., along said east line, a distance of 267.40 feet to the southeast corner of said Lot 1;
2. Thence N. 13°30'10" W., along the southerly line of said Lot 1 also being the northerly right of way line of Boychuk Avenue, a distance of 80.14 feet;
3. Thence, continuing along said southerly line, 311.74 feet along the arc of a curve to the left, said curve having a radius of 221.50 feet, a central angle of 80°38'20" and a chord which bears N. 50°14'27" W., a distance of 286.64 feet;
4. Thence N. 89°22'18" E., a distance of 192.79 feet, more or less, to the **TRUE POINT OF BEGINNING**.

The above described parcel contains 8,243 sq. ft. (0.189 acres), more or less.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N. 0°29'05" W. (a distance of 10,590.30 feet), from the Southwest Corner of Section 35, T.14 S., R.66 W., of the 6th P.M. as calculated from two reference monuments (a 3-1/4" aluminum cap stamped "URS T14S R66W R.M. 56.20' S34 S35 S3 S2 T15S R66W 2012 PLS 24313" and a 3-1/4" aluminum cap stamped "URS T14S R66W R.M. 38.26' S34 S35 S3 S2 T15S R66W 2012 PLS 24313) to the Southwest Corner of Section 23, T.14 S., R.66 W., of the 6th P.M. as calculated from three reference monuments (two 3-1/4" aluminum caps both stamped "T14S R66W R.M. 47.17' S22 S23 S27 S26 L.S. 17665" and a #5 rebar, no cap, as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
Stan Vermilyea, P.L.S. 25381
For and on the behalf of AECOM
2315 Briargate Parkway, Suite 150
Colorado Springs, CO 80920



Exhibit B

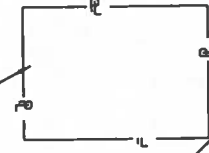
SE 1/4 Section 34
T.14 S., R.66W., Sixth Principal Meridian

Victory Chapel Ministries Inc
REC 002216742

EASEMENT
BOOK 1353, PAGE 521
DECLARATION OF
PROTECTIVE COVENANTS
-BOOK 3744, PAGE 671
-BOOK 5039, PAGE 1400

BOYCHUK SUBDIVISION
FILING No 6
Book B-4, Page 21
Lot 1

Lot 3,
Boychuk
Sub No 5



30' wide
Water Main
Easement
per plot



N89° 22'18"E 192.79'

BOYCHUK SUBDIVISION
FILING No 1
BOYCHUK AVENUE

Point of Beginning RW-32
Tie to SW corner of
Sec 35, T.14 S., R.66W., 6th P.M.
S6° 12'17"E 2013.14'

Lc=311.74'
R=221.50'
Δ=80° 38'20"
CB=N50° 14'27"W
CL=286.64'

RW-32

8,243 SF
(0.189 AC)

S9° 58'07"E

267.40'

N13° 30'10"W 80.14'

ACADEMY BLVD

Lot 2

BOYCHUK SUBDIVISION
FILING No 9

Lot 1

BOYCHUK SUBDIVISION
FILING No 3

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N. 0° 29'05" W. (a distance of 10,590.30 feet), from the Southwest Corner of Section 35, T.14 S., R.66 W., of the 6th P.M. as calculated from two reference monuments as described in the monument record filed by P.L.S. 28658, dated September 13, 2016 to the Southwest Corner of Section 23, T.14 S., R.66 W., of the 6th P.M. as calculated from three reference monuments as described in the monument record filed by L.S. 17665, dated March 23, 1990.

Note: This exhibit does not represent a monumented land survey. It is intended only to depict the attached property description.



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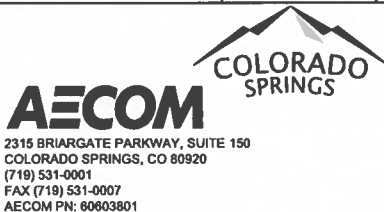


Exhibit B - RW-32
Victory Chapel Ministries Inc

TITLE:
South Academy Boulevard Widening

| | | |
|------------------|-------------------------------------|---------------------|
| REVISION: N/A | DRAWING NO. 32-Exhibit_RW-32.dgn | SHEET NO. 3 of 3 |
|------------------|-------------------------------------|---------------------|

EXHIBIT "C"
CITY OF COLORADO SPRINGS
PROJECT: SOUTH ACADEMY BOULEVARD WIDENING

DATE: July 21, 2022

TEMPORARY CONSTRUCTION EASEMENT: TCE-32

SITUATED IN THE SE ¼ OF SECTION 34, TOWNSHIP 14 SOUTH, RANGE 66 WEST
OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO
COUNTY, COLORADO

LEGAL DESCRIPTION

A Temporary Construction Easement No. TCE-32 being a part of that certain parcel of land as described in Reception Number 002216742 of the El Paso County Clerk and Recorder's Office Records, containing 10,349 sq. ft. (0.238 acres), more or less, in Lot 1, Boychuk Subdivision Filing No. 6, recorded in Plat Book B-4, Page 21, El Paso County Clerk and Recorder's Office Records, in the Southeast Quarter Section 34, Township 14 South, Range 66 West, of the Sixth Principal Meridian, El Paso County, Colorado, said temporary construction easement being more particularly described as follows:

Commencing at a the Southwest Corner of Section 35, Township 14 South, Range 66 West, of the Sixth Principal Meridian, as calculated from two reference monuments (a 3-1/4" aluminum cap stamped "URS T14S R66W R.M. 56.20' S34 S35 S3 S2 T15S R66W 2012 PLS 24313" and a 3-1/4" aluminum cap stamped "URS T14S R66W R.M. 38.26' S34 S35 S3 S2 T15S R66W 2012 PLS 24313"); thence N. 6°12'17" W., a distance of 2,013.14 feet to a point on the east line of said Lot 1, said point also being the **TRUE POINT OF BEGINNING**;

1. Thence S. 89°25'00" W., a distance of 182.79 feet;
2. Thence S. 88°33'08" W., a distance of 10.00 feet to a point on the south line of said Lot 1;
3. Thence S. 89°22'18" W., along said south lot line, a distance of 25.51 feet;
4. Thence N. 0°37'42" W., a distance of 5.17 feet;
5. Thence N. 89°25'00" E., a distance of 120.00 feet;
6. Thence N. 26°07'24" E., a distance of 51.78 feet;
7. Thence N. 6°37'34" E., a distance of 17.48 feet;
8. Thence N. 15°35'00" W., a distance of 21.45 feet;
9. Thence N. 53°09'29" W., a distance of 7.97 feet;
10. Thence N. 0°43'58" W., a distance of 9.58 feet;
11. Thence N. 33°08'22" E., a distance of 46.67 feet;

Exhibit C - Page 2

12. Thence N. $81^{\circ}51'44''$ E., a distance of 34.82 feet to a point on said east lot line also being the west right of way line of Academy Boulevard;
13. Thence S. $9^{\circ}58'07''$ E., along said east lot line, a distance of 149.13 feet, more or less, to the **TRUE POINT OF BEGINNING**.

The above described temporary construction easement contains 10,349 sq. ft. (0.238 acres), more or less.

The purpose of the above described temporary construction easement is for road improvement purposes.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N. $0^{\circ}29'05''$ W. (a distance of 10,590.30 feet), from the Southwest Corner of Section 35, T.14 S., R.66 W., of the 6th P.M. as calculated from two reference monuments (a 3-1/4" aluminum cap stamped "URS T14S R66W R.M. 56.20' S34 S35 S3 S2 T15S R66W 2012 PLS 24313" and a 3-1/4" aluminum cap stamped "URS T14S R66W R.M. 38.26' S34 S35 S3 S2 T15S R66W 2012 PLS 24313) to the Southwest Corner of Section 23, T.14 S., R.66 W., of the 6th P.M. as calculated from three reference monuments (two 3-1/4" aluminum caps both stamped "T14S R66W R.M. 47.17' S22 S23 S27 S26 L.S. 17665" and a #5 rebar, no cap, as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

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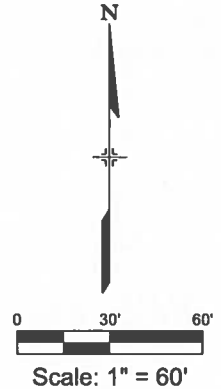


Exhibit D

SE 1/4 Section 34

T.14 S., R.66W., Sixth Principal Meridian

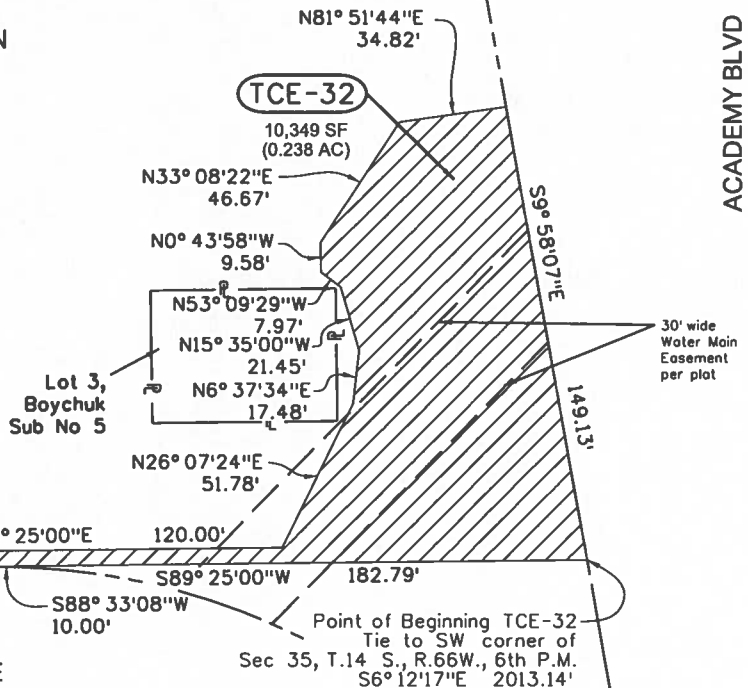
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Victory Chapel Ministries Inc
REC 002216742

BOYCHUK SUBDIVISION
FILING No 6
Book B-4, Page 21
Lot 1

EASEMENT
BOOK 1353, PAGE 521
DECLARATION OF
PROTECTIVE COVENANTS
-BOOK 3744, PAGE 671
-BOOK 5039, PAGE 1400



BOYCHUK SUBDIVISION
FILING No 1

BOYCHUK AVENUE

BOYCHUK SUBDIVISION
FILING No 9

Lot 2

Note: This exhibit does not represent a monumented land survey. It is intended only to depict the attached property description.

AECOM JN: 60603801

DRAWN BY: JKB DATE: 6/08/2022 SCALE: 1" = 60'

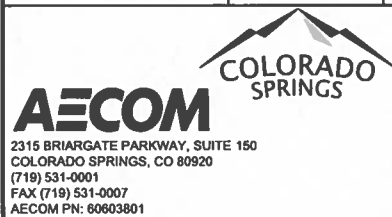


Exhibit B - TCE-32

Victory Chapel Ministries Inc

TITLE:

South Academy Boulevard Widening

REVISION:

N/A

DRAWING NO.

32-Exhibit_TCE-32.dgn

SHEET NO.

3 of 3