

RESOLUTION NO. 155-17

A RESOLUTION AUTHORIZING THE ACQUISITION OF AN EASEMENT ACROSS PROPERTY OWNED BY BULL HILL, LLC AND AN EASEMENT ACROSS PROPERTY OWNED BY BLH NO. 2, LLC, TO BE USED FOR SOUTHERN DELIVERY SYSTEM PROJECT IMPROVEMENTS

WHEREAS, Colorado Springs Utilities has determined that it requires an easement across certain real property owned by Bull Hill, LLC, and an easement across certain real property owned by BLH No. 2, LLC (collectively, the "Property Owners"); and

WHEREAS, the easement across the property owned by Bull Hill, LLC, consists of approximately 0.775 acres of land, the entire portion of which is known as El Paso County Tax Schedule Number 55000-00-324 (the "Bull Hill Property") and has been identified as necessary for installation of drain and fill pipelines needed for the Southern Delivery System Project's ("SDS") Gary M. Bostrom Reservoir, formally known as the Upper Williams Creek Reservoir; and

WHEREAS, the easement across the property owned by BLH No. 2, LLC consists of approximately 5.212 acres of land, the entire portion of which is known as El Paso County Tax Schedule Number 55000-00-408 formerly 55000-00-225 (the "BLH Property") and has been identified as necessary for installation of drain and fill pipelines needed for the SDS; and

WHEREAS, the easement across the Bull Hill Property is legally described on Exhibit A-1 attached hereto and depicted on Exhibit A-2 attached hereto and the easement across the BLH Property is legally described on Exhibit B-1 attached hereto and depicted on Exhibit B-2 attached hereto; and

WHEREAS, the acquisition of the Property is in the public interest and is necessary for the construction of the Southern Delivery System Project; and

WHEREAS, pursuant to sections 4.1 and 8.6 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("Real Estate Manual"), City Council approval is required for acquisition of real property interests if the purchase price exceeds \$50,000.00, and Council approval has historically been obtained for all SDS property acquisitions, regardless of the purchase price; and

WHEREAS, the fair market value for the easement across the Bull Hill Property was determined to be \$164,949 based on a real estate appraisal conducted by an independent real estate appraiser; and

WHEREAS, the City desires to offer and Bull Hill, LLC desires to accept a purchase price of \$178,086.20, which includes \$164,949 for the easement and an additional \$13,137.20 as an administrative settlement; and

WHEREAS, the fair market value for the easement across the BLH Property was determined to be \$58,400 based on a real estate appraisal conducted by an independent real estate appraiser; and

WHEREAS, the City desires to offer and BLH No. 2 desire to accept a purchase price of \$65,000, which includes \$58,400 for the easement and an additional \$6,600 as an administrative settlement; and

WHEREAS, Colorado Springs Utilities requests the approval of City Council to purchase the easement across the Bull Hill Property for a purchase price of \$178,086.20 and the easement across the BLH Property for a purchase price of \$65,000.

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

Section 1. That the City Council finds the acquisition of the Property is in compliance with the City's Real Estate Manual, the City Charter, City Code, and all other applicable laws.

Section 2. That in accord with the Real Estate Manual, the City Council hereby authorizes the acquisition of the easements across the Bull Hill Property and the BLH Property from the Property Owners for the purchase price of \$178,086.20 and \$65,000, respectively, to be used in connection with the Southern Delivery System Project.

Section 3. That the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the acquisition of the Property contemplated herein.

DATED at Colorado Springs, Colorado, this 12th day of December, 2017.



Council President

ATTEST:


Sarah B. Johnson, City Clerk


PARCEL DESIGNATION:	5500000324	DATE:	June 4, 2017
OWNER:	BULL HILL LLC (Owner current as of the date of certification hereon)		

**EXHIBIT A-1
LEGAL DESCRIPTION**

A 150 foot Pipeline Easement located in the South Half of Section 12, Township 15 South, Range 65 West of the Sixth Principal Meridian, County of El Paso, State of Colorado, more particularly described as follows:

Beginning at the Southeast Corner of said Section 12; Thence on the South line of the Southeast Quarter of said Section 12, S88°18'30"W a distance of 2,665.33 feet to the South Quarter Corner of said Section 12; Thence on the South line of the Southwest Quarter of said Section 12, S89°30'02"W a distance of 1,324.03 feet to the West Sixteenth Corner of said Section 12; Thence on the West line of the East Half of said Southwest Quarter, N00°11'25"W a distance of 150.00 feet; Thence 150 feet north of and parallel with the South line of said Southwest Quarter, N89°30'02"E a distance of 1,321.66 feet to the West line of said Southeast Quarter; Thence 150 feet North of and parallel with the South line of said Southeast Quarter, N88°18'30"E a distance of 2,667.39 feet to the East line of said Southeast Quarter; Thence on said East line, S00°18'36"E a distance of 150.02 feet to the **Point of Beginning**.

Said easement contains 598,380 square feet or 13.737 acres, more or less.

Bearings are based on the South line of the Southeast Quarter of Section 12, Township 15 South, Range 65 West of the Sixth Principal Meridian, County of El Paso, State of Colorado being monumented at the East end by a found 3 1/4" aluminum cap, PLS 12103, and at the West end by a found 3 1/4" aluminum cap, PLS 16109. Said line is assumed to bear S88°18'30"W, with all bearing hereon referenced thereto.

EXHIBIT B SKETCH is attached hereto and is only intended to depict Exhibit A – Legal Description. In the event that Exhibit A contains an ambiguity, Exhibit B may be used to solve said ambiguity.



Prepared for and on behalf of Colorado Springs Utilities by: Basil Micah Hanson, PLS 38020, of CRITIGEN LLC, 2 North Cascade Avenue, Suite 460, Colorado Springs, CO 80903

DATE: 04-JUNE-2017

DRAWN BY: B HANSON

CHECKED BY: T SHAUGHNESSY

APPROVED BY: B HANSON

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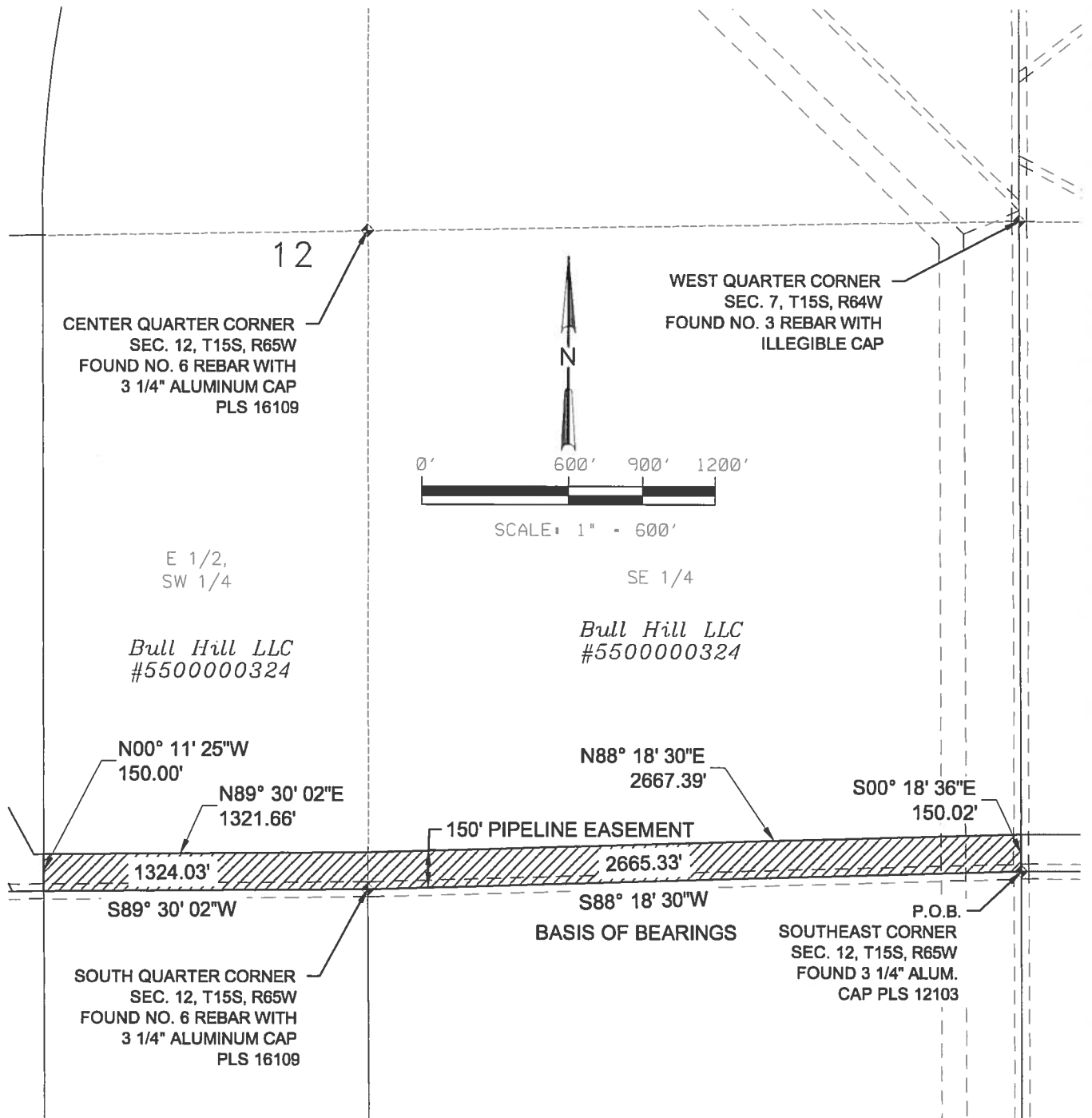
EXHIBIT A-2

PARCEL #5500000324

SECTION 12

T 15 S, R 65 W, 6TH P.M.
EL PASO COUNTY, COLORADO

CITY OF
COLORADO SPRINGS



PARCEL DESIGNATION:	5500000225	DATE:	July 5, 2017
OWNER:	BLH NO 2 LLC (Owner current as of the date of certification hereon)		

EXHIBIT B-1
LEGAL DESCRIPTION

A 150 foot Pipeline Easement located in the West Half of the Southwest Quarter of Section 12, Township 15 South, Range 65 West of the Sixth Principal Meridian, County of El Paso, State of Colorado, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 12; Thence on the South line of the Southwest Quarter of said Section 12, S89°30'02"W a distance of 1,324.03 feet to the **Point of Beginning**; Thence continuing on said South line, S89°30'02"W a distance of 1,228.02 feet; Thence departing said south line, N00°15'51"W a distance of 436.20 feet; Thence N90°00'00"E a distance of 150.00 feet; Thence S00°15'51"E a distance of 284.89 feet; Thence N89°30'02"E a distance of 1078.22 feet to the East line of said West Half of the Southwest Quarter; Thence on said East line, S00°11'25"E a distance of 150.00 feet to the **Point of Beginning**.

Said easement contains 227,050 square feet or 5.212 acres, more or less.

Bearings are based on the South line of the Southwest Quarter of Section 12, Township 15 South, Range 65 West of the Sixth Principal Meridian, County of El Paso, State of Colorado being monumented at both ends by a found 3 1/4" aluminum cap, PLS 16109. Said line is assumed to bear S89°30'02"W, with all bearing hereon referenced thereto.

EXHIBIT B SKETCH is attached hereto and is only intended to depict Exhibit A – Legal Description. In the event that Exhibit A contains an ambiguity, Exhibit B may be used to solve said ambiguity.



Prepared for and on behalf of Colorado Springs Utilities by: Basil Micah Hanson, PLS 38020, of CRITIGEN LLC, 2 North Cascade Avenue, Suite 460, Colorado Springs, CO 80903

DATE: 5-JULY-2017	EXHIBIT B-2 PARCEL #5500000225 SECTION 12 T 15 S, R 65 W, 6TH P.M. EL PASO COUNTY, COLORADO	CITY OF COLORADO SPRINGS
DRAWN BY: B HANSON		
CHECKED BY: T SHAUGHNESSY		
APPROVED BY: B HANSON		
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