

RESOLUTION NO. 94-21

A RESOLUTION AUTHORIZING THE USE OF CITY RIGHT OF WAY KNOWN AS THE PUBLIC ALLEY BETWEEN SOUTH WEBER STREET AND SOUTH WAHSATCH STREET, SOUTH OF EAST CIMARRON STREET FOR A PEDESTRIAN SKYBRIDGE

WHEREAS, the City of Colorado Springs ("City") owns the right of way known as the public alley between South Weber Street and South Wahsatch Street, south of East Cimarron Street (the "Right of Way"); and

WHEREAS, Greystar Development Central, LLC ("Developer") intends to purchase the properties adjacent to the Right of Way known as 501-505 South Weber Street and 325-329 East Cimarron Street; and

WHEREAS, Developer, or an affiliated entity, is planning to construct a six (6) story, 277 unit downtown multi-family apartment project, including a 328-space parking structure (the "Project"); and

WHEREAS, Developer has requested to lease aerial space over a portion of city owned right of way to construct a pedestrian sky bridge over the Right of Way as described in Exhibit A and depicted in Exhibit B ("Lease Area"); and

WHEREAS, Developer has requested a ninety-nine (99) year lease (the "Aerial Bridge Lease Agreement") for economic development purposes in accord with City Charter Section 10-60; and

WHEREAS, leasing a portion of the Right of Way for construction and operation of a pedestrian sky bridge as part of the overall Project is in the public interest.

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

Section 1. In accord with Chapter 11, Section 11.2(c) of the *City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021*, City Council hereby finds a public purpose in granting an Aerial Bridge Lease Agreement to Greystar Development Central, LLC, or an affiliated entity, for the use of the Lease Area at a rental rate below fair market value.

Section 2. City Council hereby finds that the Aerial Bridge Lease Agreement will be for economic development purposes and is in accord with City Charter Section 10-60.

Section 3. Pursuant to the *City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021*, Chapter 2, Section 2.11 (c) iii. 2., City Council hereby authorizes the City's Real Estate Manager and the Mayor to execute all documents necessary to complete the approved lease, subject to terms, restrictions, and conditions contained in this Resolution and such other terms, restrictions and conditions as are customary in City real estate transactions of this nature; as will be more fully expressed in the Aerial Bridge Lease Agreement.

Dated at Colorado Springs, Colorado this 13th day of July, 2021.



Council President

ATTEST:



Sarah B. Johnson, City Clerk

EXHIBIT A

EASEMENT DESCRIPTION

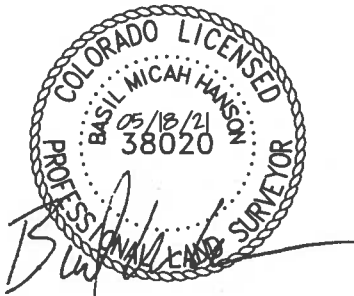
A 20 FOOT PERMANENT EASEMENT LOCATED IN ALLEY OF THE CITY OF COLORADO SPRINGS PLAT, RECORDED IN BOOK A AT PAGE 1, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, SAID PERMANENT EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, THE SALVATION ARMY SUBDIVISION RECORDED IN BOOK P-3 AT PAGE 64 NO. 857842; THENCE COINCIDENT WITH THE EASTERLY LINE OF SAID LOT 1 SOUTH 01°56'16" WEST A DISTANCE OF 30.93 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 88°10'12" EAST A DISTANCE OF 20.00' TO THE WESTERLY LINE OF LOT 2, PIKES PEAK REGION LODGE NO. 473 SUBDIVISION RECORDED IN PLAT B-4 AT PAGE 136 NO. 1519538; THENCE COINCIDENT WITH SAID WESTERLY LINE SOUTH 01°56'16" WEST A DISTANCE OF 11.96 FEET; THENCE NORTH 88°10'12" WEST A DISTANCE OF 20.00' TO SAID EASTERLY LINE OF LOT 1; THENCE COINCIDENT WITH SAID EASTERLY LINE OF LOT 1, NORTH 01°56'16" EAST A DISTANCE OF 11.96 FEET TO THE **POINT OF BEGINNING**;

CONTAINING 239.16 SQUARE FEET OR 0.006 ACRES, MORE OR LESS.

THE BEARINGS, DISTANCES AND AREAS SHOWN HEREON ARE BASED ON THE WESTERLY LINE OF LOT 2, PIKES PEAK REGION LODGE NO. 473 SUBDIVISION, RECORDED IN PLAT B-4 AT PAGE 136 NO. 1519538. THE BEARING OF THE LINE BETWEEN THE NORTHWEST CORNER OF SAID LOT 2, A FOUND NO. 5 REBAR WITH RED PLASTIC CAP STAMPED "PLS 38020" AND THE SOUTHWEST CORNER OF SAID LOT 2, A FOUND 2" ALUMINUM CAP ILLEGIBLE, BEARS NORTH 01°56'16" EAST A DISTANCE OF 80.00 FEET.



BASIL MICAH HANSON, PLS 38020 _____ DATE _____
FOR AND ON BEHALF OF SAM, LLC

NOTES:

- 1) DRAWING ATTACHED AND BY THIS REFERENCE MADE PART HEREOF.
- 2) SURVEYING AND MAPPING, LLC (SAM) HAS NOT RESEARCHED OR SHOWN ANY OTHER EASEMENTS, RIGHTS OF WAY, VARIANCES AND/OR AGREEMENTS OF RECORD. BLANKET EASEMENTS MAY EXIST AND HAVE NOT BEEN REFERENCED HEREON.
- 3) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 4) THIS EXHIBIT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT. IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF ANY LAND BOUNDARY, FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES.

DATE: 05/18/2021
PARCEL DESIGNATION: _____
PROJECT: 1020058334
WEBER STREET



555 Zang St., Suite 210
Lakewood CO 80228
Ph: (303) 988-5852
EMAIL: SAM@SAM.BIZ

OWNER:
CITY OF COLORADO SPRINGS

EXHIBIT B

CIMARRON ST.
(100' WIDE PUBLIC ROW)
CITY OF COLORADO SPRINGS
BK A PG 1

FOUND NAIL & DISK
STAMPED "PLS 38020"
FLUSH

FOUND NO.5 REBAR WITH RED
PLASTIC CAP STAMPED "PLS
38020" FLUSH

POC

LOT 1
THE SALVATION
ARMY SUBDIVISION
BK P-3 PG 064
NO. 857842

ALLEY
CITY OF
COLORADO SPRINGS
BK A PG 1

LOT 2
PIKES PEAK REGION
LODGE NO. 473
SUBDIVISION
PLAT B-4 PG 136
NO. 1519538

POB

S88°10'12"E
20.00'

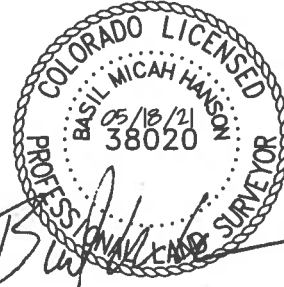
PARCEL
239.16 SF±
0.006 AC±

N01°56'16"E
11.96'

S01°56'16"W
11.96'

N88°10'12"W
20.00'

N01°56'16"E 80.00' AS MEASURED
N00°03'35"E 79.92' PLATTED
BASIS OF BEARINGS



FOUND 2" ALUMINUM
CAP ILLEGIBLE FLUSH



LEGEND

- ADJOINING PROPERTY
- PARCEL BOUNDARY
- P.O.C.** POINT OF COMMENCEMENT
- P.O.B.** POINT OF BEGINNING
- ⊕ FOUND MONUMENT AS NOTED

NOTES:

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2. SURVEYING AND MAPPING, LLC ACCEPTS NO LIABILITY WITH RESPECT TO THE ACCURACY OF THE RECORD INFORMATION PROVIDED BY OTHERS.
3. THE CLEAR HEIGHT FROM GROUND SURFACE TO PEDESTRIAN BRIDGE SHALL BE 21'-5".

DATE: 05/18/2021

PARCEL DESIGNATION:

PROJECT: 1020058334
WEBER STREET



555 Zang St., Suite 210
Lakewood CO. 80228
Ph (303) 988-5852
EMAIL: SAM@SAM BIZ

OWNER:

CITY OF COLORADO SPRINGS

SHEET 2 OF 2 S18 T14S R66W