

RESOLUTION NO. 168 - 23

A RESOLUTION AUTHORIZING THE USE OF POSSESSION AND USE AND/OR EMINENT DOMAIN TO ACQUIRE CERTAIN EASEMENTS NEEDED FOR THE BROADMOOR AREA BRIDGE MAINTENANCE PROJECT

WHEREAS, the City of Colorado Springs ("City"), by and through its Public Works Department ("Public Works") provides public roads, bridges, stormwater infrastructure and other works and ways, as authorized by Article 1, Section 1-20(d) of the Charter of the City of Colorado Springs; and

WHEREAS, the City is proceeding with the Broadmoor Area Bridge Maintenance Project (the "Project") which includes cured in place pipe relining which will prolong the usable life of existing corrugated pipes in several areas within the Broadmoor Area; and

WHEREAS, the Project to preserve existing drainage crossings on Farthing Drive, Ellsworth Street, and Broadmoor Bluffs Drive is necessary for the public health, safety and welfare of the City, which is a necessary public purpose; and

WHEREAS, pursuant to the provisions of Article XX, Section 1 of the Colorado Constitution and the City Charter, the City is empowered to acquire property interests within or without its territorial jurisdiction through institution of eminent domain proceedings, for all interests necessary for the City; and

WHEREAS, negotiations with the three (3) Property Owners to purchase permanent easements ("Easements") have reached an impasse and Public Works has an imminent need to acquire the Easements in order to perform the necessary maintenance included in the Project; and

WHEREAS, the City will need to acquire rights on the following properties as set forth below and in the legal descriptions attached hereto to allow the Project to proceed as scheduled and to avoid delays which could adversely impact this Project and the City.

Assessor's Parcel Number (APN)	Property Owner	Property Interest	Exhibits
7512104035	S. Nelson Cammack and Scot Tebo	Permanent Easement 781 Square Feet	A and B
7412104001	Stephen Anderson	Permanent Easements 924 Square Feet and 2,219 Square Feet	C and D, E and F
7512408002	Earnestine Brown	Permanent Easement 1,096 Square Feet	G and H

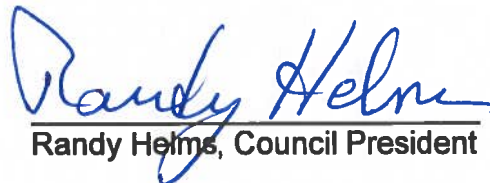
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council hereby finds it to be in the interest of public health, safety and, welfare, and that the City has a need to, and it is necessary to, acquire the Easements from the Property Owners for constructing and maintaining the Project which is for a public purpose.

Section 2. The City Attorney is hereby authorized to take all action necessary to acquire the Easements and to seek immediate possession of the Easements by a voluntary Possession and Use Agreement, eminent domain, or other appropriate proceedings.

Section 3. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this 24th day of October 2023.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



EXHIBIT A

DATE: JANUARY 18, 2023
DESCRIPTION

A PERMANENT EASEMENT NO. PE-3 CONTAINING 781 SQ. FT. (0.018 ACRES), MORE OR LESS, BEING A PORTION OF LOT 8, PENHURST PARK FILING NO. 4A AS RECORDED AT RECEPTION NUMBER 1453843, IN THE EL PASO COUNTY COLORADO CLERK AND RECORDER'S OFFICE ON SEPTEMBER 12, 1986, LYING IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN EL PASO COUNTY, COLORADO, SAID PERMANENT EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF LOT 3, BROADMOOR BLUFFS PARK FILING NO. 10 AS RECORDED AT RECEPTION NUMBER 1687767, IN THE EL PASO COUNTY COLORADO CLERK AND RECORDER'S OFFICE ON APRIL 5, 1988 (A FOUND 1" YELLOW PLASTIC CAP, STAMPED "PLS13830"), WHENCE THE SOUTHEAST CORNER OF LOT 1, SAID BROADMOOR BLUFFS PARK FILING NO. 10 (A FOUND 1.25" RED PLASTIC CAP STAMPED "RMLS 19625"), BEARS N. 05°47'43" W, A DISTANCE OF 51.18 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO, THENCE S. 71°13'23" E, A DISTANCE OF 71.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8 AND THE POINT OF BEGINNING;

1. THENCE ALONG THE WEST LINE OF SAID LOT 8, ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 254.99 FEET, A CENTRAL ANGLE OF 04°19'29", A DISTANCE OF 19.25 FEET, (A CHORD BEARING N. 16°09'52" W., A DISTANCE OF 19.24 FEET);
2. THENCE DEPARTING SAID WEST LINE, N. 88°55'21" E., A DISTANCE OF 81.22 FEET;
3. THENCE S. 25°26'19" E., A DISTANCE OF 0.62 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 8;
4. THENCE ALONG SAID SOUTH LINE, S. 75°40'12" W., A DISTANCE OF 78.56 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS 781 SQ. FT. (0.018 ACRES), MORE OR LESS.

JEREMY S. PEGUES, PLS 38447
FOR AND ON BEHALF OF TOPOGRAPHIC, CO.
12265 W. BAYAUD AVENUE, SUITE 130
LAKEWOOD, CO 80228
(303) 989-1461



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 COLORADO SPRINGS OLYMPIC CITY USA	
DRAINAGE EASEMENT EXHIBIT (PE-3) LOT 8 PENHURST PARK FILING NO. 4A	
Drawn By: M. ODDIE	Date: 01/18/2023
Job Number: 150878	PAGE 1 OF 2

EXHIBIT B

STAR RANCH RD.
(60' R.O.W.)

FARTHING DR.
(60' R.O.W.)



4665

LOT 7

LOT 8
PENHURST PARK
FILING NO. 4A

RECEPTION #1453843
OWNER: COMMACK S NELSON &
TEBO SCOT

SE COR LOT 1,
BROADMOOR BLUFFS
PARK F10 (REC#1687767)
1.25" RED PLASTIC CAP
"RMLS 19625"

BASIS OF BEARINGS
N05°47'43"W
51.18'

P.O.C.
N COR LOT 3,
BROADMOOR BLUFFS
PARK F10 (REC#1687767)
1" YELLOW PLASTIC
CAP "PLS 13830"

RC = 254.99'
ΔC = 04°19'29"
LC = 19.25'
C = 19.24'
CB = N16°09'52"W

PRESERVATION EASEMENT (PER PLAT)

PE-3
S25°26'19"E
0.62'

N88°55'21"E 81.22'

PRESERVATION EASEMENT
(PER PLAT)

END OF PIPE

S75°40'12"W 78.56'

LOT 49
BROADMOOR BLUFFS PARK
FILING NO. 9

P.O.B.
S71°13'23"E, 71.51' FROM THE N CORNER OF
LOT 3, BROADMOOR BLUFFS PARK F10



SCALE 1" = 40'

This map does not represent a monumented
survey and is only intended to illustrate the
attached parcel description.

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DRAINAGE EASEMENT EXHIBIT (PE-3)

LOT 8
PENHURST PARK
FILING NO. 4A

Drawn By: M. ODDIE Date: 01/18/2023

Job Number: 150878 PAGE 2 OF 2

EXHIBIT C

DATE: JANUARY 18, 2023
DESCRIPTION

A PERMANENT EASEMENT NO. PE-4 CONTAINING 924 SQ. FT. (0.021 ACRES), MORE OR LESS, BEING A PORTION OF LOT 49, BROADMOOR BLUFFS PARK FILING NO. 9 AS RECORDED AT RECEPTION NUMBER 01240369, IN THE EL PASO COUNTY COLORADO CLERK AND RECORDER'S OFFICE ON APRIL 23, 1985, LYING IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN EL PASO COUNTY, COLORADO, SAID PERMANENT EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF LOT 3, BROADMOOR BLUFFS PARK FILING NO. 10 AS RECORDED AT RECEPTION NUMBER 1687767, IN THE EL PASO COUNTY COLORADO CLERK AND RECORDER'S OFFICE ON APRIL 5, 1988 (A FOUND 1" YELLOW PLASTIC CAP, STAMPED "PLS13830"), WHENCE THE SOUTHEAST CORNER OF LOT 1, SAID BROADMOOR BLUFFS PARK FILING NO. 10 (A FOUND 1.25" RED PLASTIC CAP STAMPED "RMLS 19625"), BEARS N. 05°47'43" W, A DISTANCE OF 51.18 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO, THENCE S. 71°13'23" E, A DISTANCE OF 71.51 FEET TO THE NORTHWEST CORNER OF SAID LOT 49 AND THE POINT OF BEGINNING;

1. THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 49, N. 75°40'12" E., A DISTANCE OF 78.56 FEET;
2. THENCE DEPARTING SAID NORTHWESTERLY LINE, S. 25°26'19" E., A DISTANCE OF 14.36 FEET;
3. THENCE S. 79°06'29" W., A DISTANCE OF 80.66 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 49;
4. THENCE ALONG SAID SOUTHWESTERLY LINE, ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 254.99 FEET, A CENTRAL ANGLE OF 02°05'15", A DISTANCE OF 9.29 FEET, (A CHORD BEARING N. 19°22'14" W., A DISTANCE OF 9.29 FEET), MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS 924 SQ. FT. (0.021 ACRES), MORE OR LESS.

JEREMY S. PEGUES, PLS 38447
FOR AND ON BEHALF OF TOPOGRAPHIC, CO.
12265 W. BAYAUD AVENUE, SUITE 130
LAKEWOOD, CO 80228
(303) 989-1461



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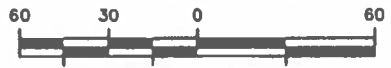
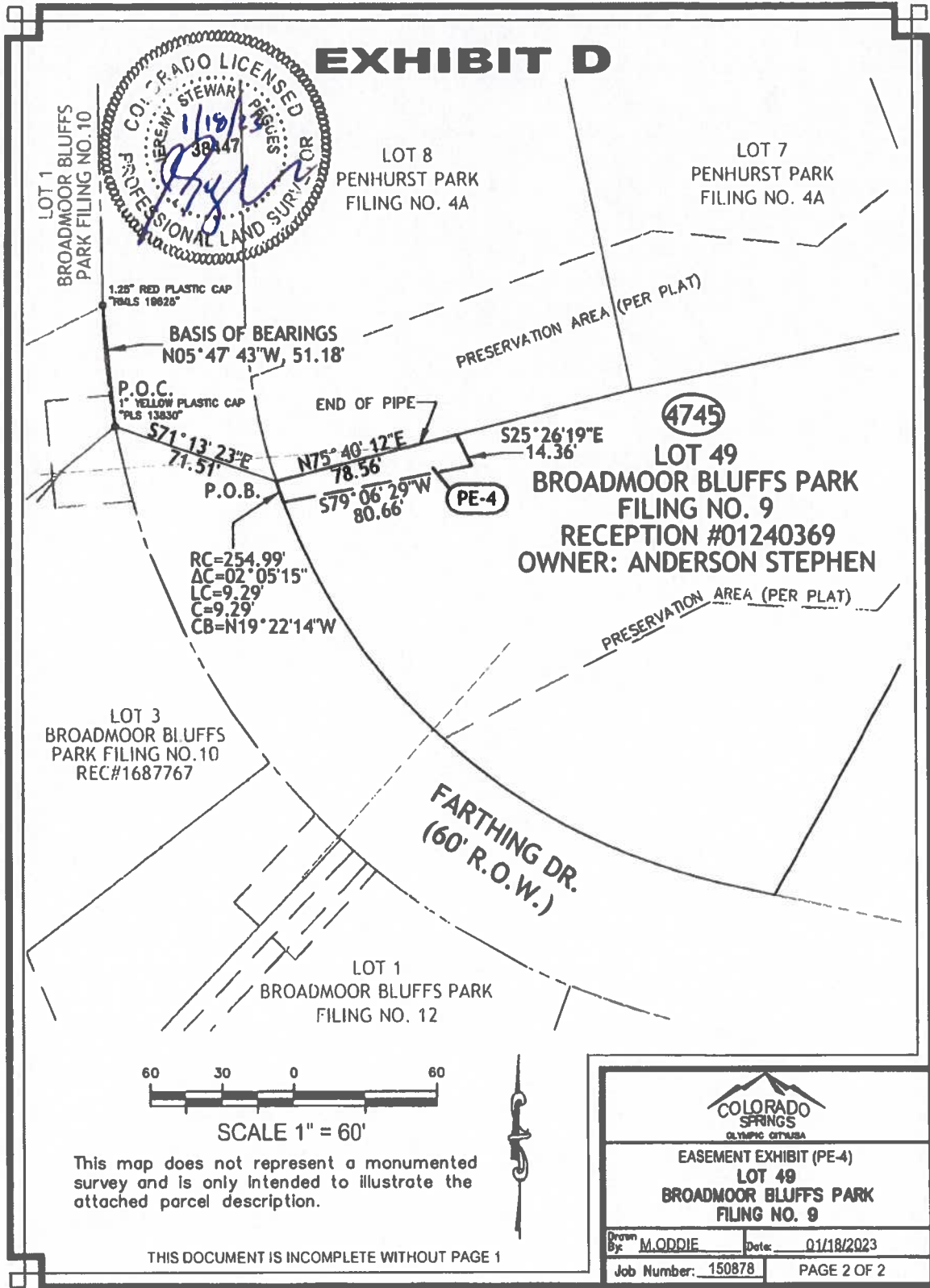


EASEMENT DESCRIPTION (PE-4)
LOT 49
BROADMOOR BLUFFS PARK
FILING NO. 9

Drawn By: M. ODDIE Date: 01/18/2023

Job Number: 150878 PAGE 1 OF 2

EXHIBIT D



SCALE 1" = 60'

This map does not represent a monumented survey and is only intended to illustrate the attached parcel description.

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COLORADO SPRINGS OLYMPIC CITYUSA

EASEMENT EXHIBIT (PE-4)

LOT 49 BROADMOOR BLUFFS PARK FILING NO. 9

Drawn By: M. ODDIE	Date: 01/18/2023
Job Number: 150878	PAGE 2 OF 2

EXHIBIT E

DATE: JANUARY 18, 2023
DESCRIPTION

A PERMANENT EASEMENT NO. PE-4A CONTAINING 2,219 SQ. FT. (0.051 ACRES), MORE OR LESS, BEING A PORTION OF LOT 49, BROADMOOR BLUFFS PARK FILING NO. 9 AS RECORDED AT RECEPTION NUMBER 01240369, IN THE EL PASO COUNTY COLORADO CLERK AND RECORDER'S OFFICE ON APRIL 23, 1985, LYING IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN EL PASO COUNTY, COLORADO, SAID PERMANENT EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF LOT 3, BROADMOOR BLUFFS PARK FILING NO. 10 AS RECORDED AT RECEPTION NUMBER 1687767, IN THE EL PASO COUNTY COLORADO CLERK AND RECORDER'S OFFICE ON APRIL 5, 1988 (A FOUND 1" YELLOW PLASTIC CAP, STAMPED "PLS13830"), WHENCE THE SOUTHEAST CORNER OF LOT 1, SAID BROADMOOR BLUFFS PARK FILING NO. 10 (A FOUND 1.25" RED PLASTIC CAP STAMPED "RMLS 19625"), BEARS N. 05°47'43" W, A DISTANCE OF 51.18 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO, THENCE S. 47°18'46" E, A DISTANCE OF 150.22 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 49 AND THE POINT OF BEGINNING;

1. THENCE DEPARTING SAID SOUTHWESTERLY LINE, N. 61°25'11" E., A DISTANCE OF 72.49 FEET;
2. THENCE S. 25°26'19" E., A DISTANCE OF 27.76 FEET;
3. THENCE S. 52°26'32" W., A DISTANCE OF 62.16 FEET TO A POINT ON SAID SOUTHWESTERLY LINE OF LOT 49;
4. THENCE ALONG SAID SOUTHWESTERLY LINE, ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 254.99 FEET, A CENTRAL ANGLE OF 08°41'13", A DISTANCE OF 38.66 FEET, (A CHORD BEARING N. 42°55'19" W., A DISTANCE OF 38.62 FEET), MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS 2,219 SQ. FT. (0.051 ACRES), MORE OR LESS.

JEREMY S. PEGUES, PLS 38447
FOR AND ON BEHALF OF TOPOGRAPHIC CO
12265 W. BAYAUD AVENUE, SUITE 130
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 COLORADO SPRINGS OLYMPIC CITY USA	
EASEMENT EXHIBIT (PE-4A) LOT 49 BROADMOOR BLUFFS FILING NO. 9	
Drawn By: M. ODDIE	Date: 01/18/2023
Job Number: 150878	PAGE 1 OF 2

EXHIBIT G

DATE: JANUARY 18, 2023
DESCRIPTION

A PERMANENT EASEMENT NO. PE-6 CONTAINING 1,096 SQ. FT. (0.025 ACRES), MORE OR LESS, BEING A PORTION OF LOT 19, BROADMOOR OAKS SUBDIVISION FILING NO. 3 AS RECORDED AT RECEPTION NUMBER 01638398, IN THE EL PASO COUNTY COLORADO CLERK AND RECORDER'S OFFICE ON NOVEMBER 4, 1987, LYING IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN EL PASO COUNTY, COLORADO, SAID PERMANENT EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 18, SAID BROADMOOR OAKS SUBDIVISION FILING NO. 3 (A FOUND 1" ILLEGIBLE YELLOW PLASTIC CAP), WHENCE THE NORTHEAST CORNER OF LOT 17, SAID BROADMOOR OAKS SUBDIVISION FILING NO. 3 (A FOUND 1" ILLEGIBLE YELLOW PLASTIC CAP) BEARS S. 85°54'32" E, A DISTANCE OF 125.82 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 18, N. 77°04'38" W, A DISTANCE OF 26.54 FEET; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE, ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 290.00 FEET, A CENTRAL ANGLE OF 30°39'35", A DISTANCE OF 155.18 FEET, (A CHORD BEARING N.61°44'51"E, A DISTANCE OF 153.34 FEET), TO THE NORTHEAST CORNER OF SAID LOT 18, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 19 AND THE POINT OF BEGINNING;

1. THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 19, N. 64°31'07" W., A DISTANCE OF 42.75 FEET;
2. THENCE DEPARTING SAID SOUTHERLY LINE, N. 33°46'10" W., A DISTANCE OF 13.05 FEET;
3. THENCE N. 62°17'38" E., A DISTANCE OF 19.69 FEET;
4. THENCE S. 61°04'49" E., A DISTANCE OF 48.93 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 19;
5. THENCE ALONG SAID SOUTHEASTERLY LINE, ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 290.00 FEET, A CENTRAL ANGLE OF 04°04'24", A DISTANCE OF 20.62 FEET, (A CHORD BEARING S. 44°22'51" W., A DISTANCE OF 20.61 FEET), MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS 1,096 SQ. FT. (0.025 ACRES), MORE OR LESS.

JEREMY S. PEGUES, PLS 38447
FOR AND ON BEHALF OF TOPOGRAPHIC, CO.
12265 W. BAYAUD AVENUE, SUITE 130, SEWART
LAKEWOOD, CO 80228
(303) 989-1461



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 COLORADO SPRINGS OLYMPIC CITYUSA	
EASEMENT DESCRIPTION (NO. PE-6) LOT 19 BROADMOOR OAKS SUBDIVISION FILING NO. 3	
Drawn By: M.ODDIE	Date: 01/18/2023
Job Number: 150878	PAGE 1 OF 2



EXHIBIT H

LOT 20

(70)

**LOT 19
BROADMOOR OAKS SUBDIVISION
FILING NO. 3
RECEPTION #01638398
OWNER: BROWN EARNESTINE**

DRAINAGE
EASEMENT
(PER PLAT)

PRESERVATION & DRAINAGE EASEMENT (PER PLAT)

PRESERVATION & DRAINAGE
EASEMENT (PER PLAT)

N62°17'38"E
19.69'

PE-6

END OF
PIPE

S61°04'49"E
48.93'

N33°46'10"W
13.05'

N64°31'07"W
42.75'

RC=290.00'
ΔC=04°04'24"
LC=20.62'
C=20.61'
CB=S44°22'51"W

P.O.B.

LOT 18

RC=290.00'
ΔC=04°04'24"
LC=20.62'
C=20.61'
CB=N61°44'51"E

**ELLSWORTH ST.
(50' R.O.W.)**

N77°04'38"W
26.54'

P.O.C.

**BASIS OF BEARINGS
S85°54'32"E 125.82'**

1" YELLOW PLASTIC CAP
ILLEGIBLE

1" YELLOW PLASTIC CAP
ILLEGIBLE

LOT 16

LOT 17



SCALE 1" = 40'

This map does not represent a monumented survey and is only intended to illustrate the attached parcel description.

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EASEMENT EXHIBIT (PE-6)

**LOT 19
BROADMOOR OAKS SUBDIVISION
FILING NO. 3**

Drawn By: M. ODDIE Date: 01/18/2023

Job Number: 150878 PAGE 2 OF 2