

RESOLUTION NO. 121-17

A RESOLUTION AUTHORIZING THE ACQUISITION OF AN EASEMENT ACROSS PROPERTY OWNED BY TEE CROSS RANCHES LLC AND AN EASEMENT ACROSS PROPERTY OWNED BY TERRENCE M. MYERS AND SHARON L. MYERS, 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 Tee Cross Ranches LLC, and an easement across certain real property owned by Terrence M. Myers and Sharon L. Myers (collectively, the "Property Owners"); and

WHEREAS, the easement across the property owned by Tee Cross Ranches LLC, consists of approximately 9.740 acres of land, the entire portion of which is known as El Paso County Tax Schedule Number 45000-00-125 (the "Tee Cross Property") and has been identified as necessary for installation of drain and fill pipelines needed for the Southern Delivery System Project's ("SDS") Upper Williams Creek Reservoir, also known as the "Gary M. Bostrom Reservoir"; and

WHEREAS, the easement across the property owned by Terrence M. Myers and Sharon L. Myers consists of approximately 0.8419 acres of land located at 4355 Hammer Ranch Road, Colorado Springs, Colorado 80929, and known as El Paso County Tax Schedule Number 45000-00-105 (the "Myers Property") and has been identified as a buffer and possible overflow area for the SDS Upper Williams Creek Reservoir; and

WHEREAS, by City Council Resolution No. 134-13, the City of Colorado Springs, through its enterprise Colorado Springs Utilities, was authorized to negotiate acquisition of the above-described easement across the Myers Property; and

WHEREAS, the easement across the Tee Cross Property is legally described on Exhibit A-1 attached hereto and depicted on Exhibit A-2 attached hereto and the easement across the Myers 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 required for all SDS property acquisitions, regardless of the purchase price; and

WHEREAS, the fair market value for the easement across the Tee Cross Property was determined to be \$69,397.50 based on the methodology established in that certain Settlement Agreement entered into July 10, 2013, between Norris Properties, LLC, BJ Ranches, LLC, and the City of Colorado Springs, acting by and through its enterprise Colorado Springs Utilities; and

WHEREAS, the City desires to offer and Tee Cross Ranches LLC desires to accept a purchase price of \$69,397.50 for the easement across the Tee Cross Property; and

WHEREAS, the fair market value for the easement across the Myers Property was determined to be \$1,450 based on a real estate appraisal conducted by an independent real estate appraiser; and

WHEREAS, the City desires to offer and Terrence M. Myers and Sharon L. Myers desire to accept a purchase price of \$3,000, which includes \$1,450 for the easement and an additional \$1,550 as an administrative settlement; and

WHEREAS, Colorado Springs Utilities requests the approval of City Council to purchase the easement across the Tee Cross Property for a purchase price of \$69,397.50 and the easement across the Myers Property for a purchase price of \$3,000.


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 Tee Cross Property and the Myers Property from the Property Owners for the purchase price of \$69,397.50 and \$3,000, 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 14th day of November, 2017.



Council President

ATTEST:



Sarah B. Johnson, City Clerk



PARCEL DESIGNATION:	4500000125	DATE:	June 4, 2017
OWNER:	BJ RANCHES LLC (Owner current as of the date of certification hereon)		

**EXHIBIT A - 1
LEGAL DESCRIPTION**

A 150 foot Pipeline Easement located in the West Half of Section 7, Township 15 South, Range 64 West of the Sixth Principal Meridian, County of El Paso, State of Colorado, more particularly described as follows:

Beginning at the South Quarter Corner of said Section 7; Thence on the South line of said West Half of Section 7, S89°54'16"W a distance of 2,828.14 feet to the Southwest Corner of said Section 7; Thence on the West line of said West Half, N00°18'36"W a distance of 150.02 feet; Thence 150 feet North of and parallel with said South line, N89°54'16"E a distance of 2,828.70 feet to the East line of said West Half; Thence on said East line, S00°41'53"E a distance of 150.01 feet to the **Point of Beginning**.

Said easement contains 424,264 square feet or 9.740 acres, more or less.

Bearings are based on the South line of the West Half of Section 7, Township 15 South, Range 64 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 12103. Said line is assumed to bear S89°54'16"W, with all bearing hereon referenced thereto.

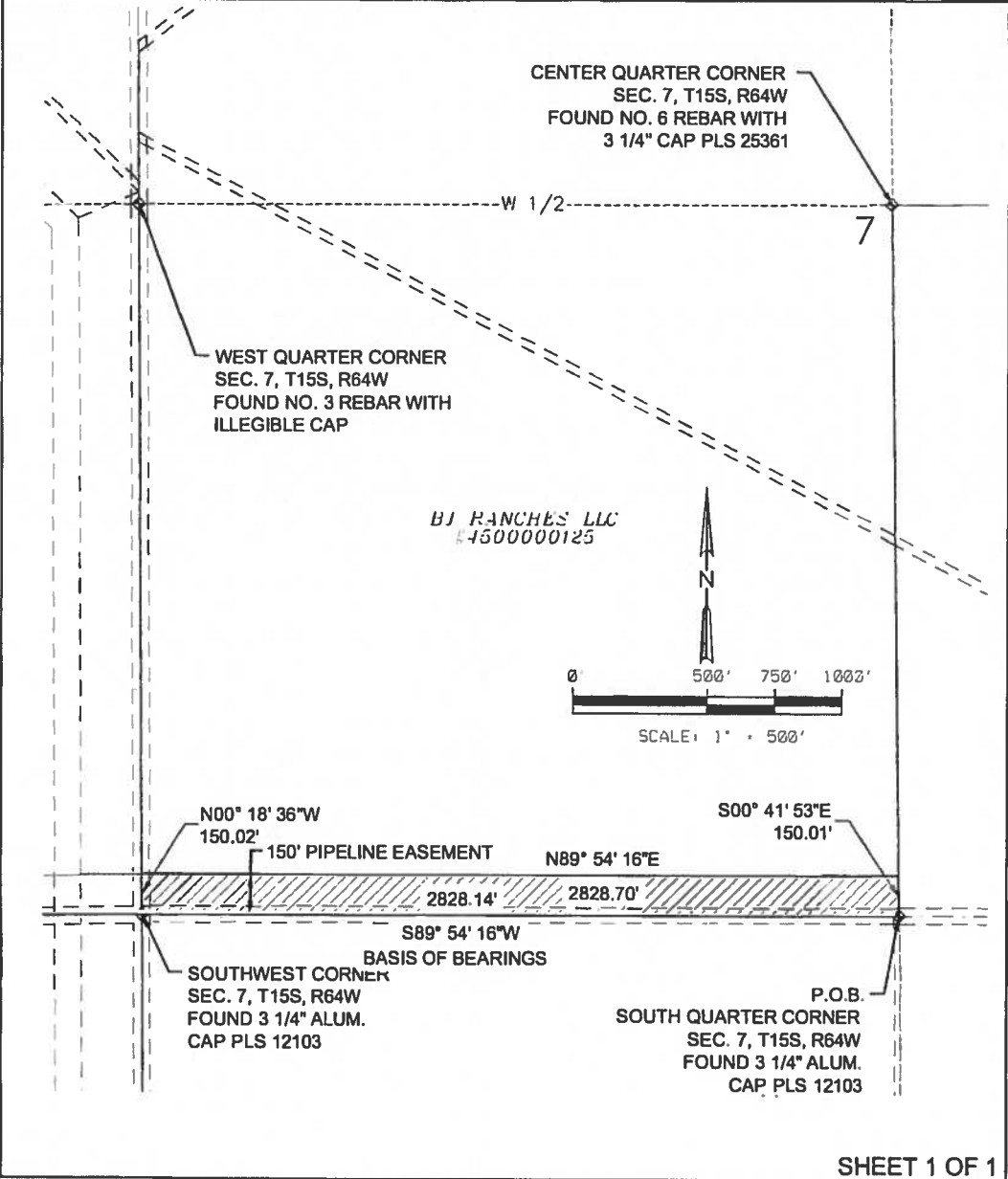
EXHIBIT B SKETCH is attached hereto and is only intended to depict Exhibit A – Legal Description. In the event that Exhibit A contains an ambiguity, Exhibit B may be used to solve said ambiguity.



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

4500000125_EXA.doc

DATE: 4-JUNE-2017	EXHIBIT A-2 PARCEL #4500000125 SECTION 7 T 15 S, R 64 W, 6TH P.M. EL PASO COUNTY, COLORADO	CITY OF COLORADO SPRINGS
DRAWN BY: B HANSON		
CHECKED BY: T SHAUGHNESSY		
APPROVED BY: B HANSON		
4500000125_PIPELINE_EASEMENT.DWG		



PARCEL DESIGNATION:	4500000105	DATE:	September 16, 2016
OWNER:	TERRENCE M. MYERS AND SHARON L. MYERS (Owner current as of the date of certification hereon)		

**EXHIBIT B-1
LEGAL DESCRIPTION**

A PORTION OF TRACT 10, HAMMER RANCH AS RECORDED SEPTEMBER 25, 2000 UNDER RECEPTION NO. 200115347 OF THE RECORDS OF EL PASO COUNTY, COLORADO, BEING A PORTION OF SECTION 6, TOWNSHIP 15 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6; THENCE NORTH 00°37'12" WEST ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 6 A DISTANCE OF 30.01 FEET TO THE NORTH RIGHT OF WAY OF BRADLEY ROAD; THENCE NORTH 89°51'08" EAST ON SAID NORTH LINE A DISTANCE OF 1,347.94 FEET TO THE SOUTHEAST CORNER OF TRACT 11 SAID HAMMER RANCH; THENCE NORTH 01°03'45" WEST ON THE EAST LINE OF SAID TRACT 11 A DISTANCE OF 273.46 FEET TO THE SOUTHERLY CORNER OF SAID TRACT 10 AND THE POINT OF BEGINNING; THENCE NORTH 46°50'28" WEST ON THE SOUTHWESTERLY LINE OF SAID TRACT 10 A DISTANCE OF 276.49 FEET TO A NON TANGENT CURVE TO THE RIGHT; THENCE 258.01 FEET ON THE ARC OF SAID CURVE HAVING A RADIUS OF 1110.55 FEET, A DELTA OF 13°18'42" AND A CHORD THAT BEARS NORTH 49°15'52" EAST A DISTANCE OF 257.43 FEET TO THE EAST LINE OF SAID TRACT 10; THENCE SOUTH 01°03'45" EAST ON SAID EAST LINE A DISTANCE OF 357.18 FEET TO THE POINT OF BEGINNING.

Said parcel contains 36,673 square feet or 0.842 acres, more or less.

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: 16-SEPTEMBER-2016

DRAWN BY: B HANSON

CHECKED BY: B OSWALD

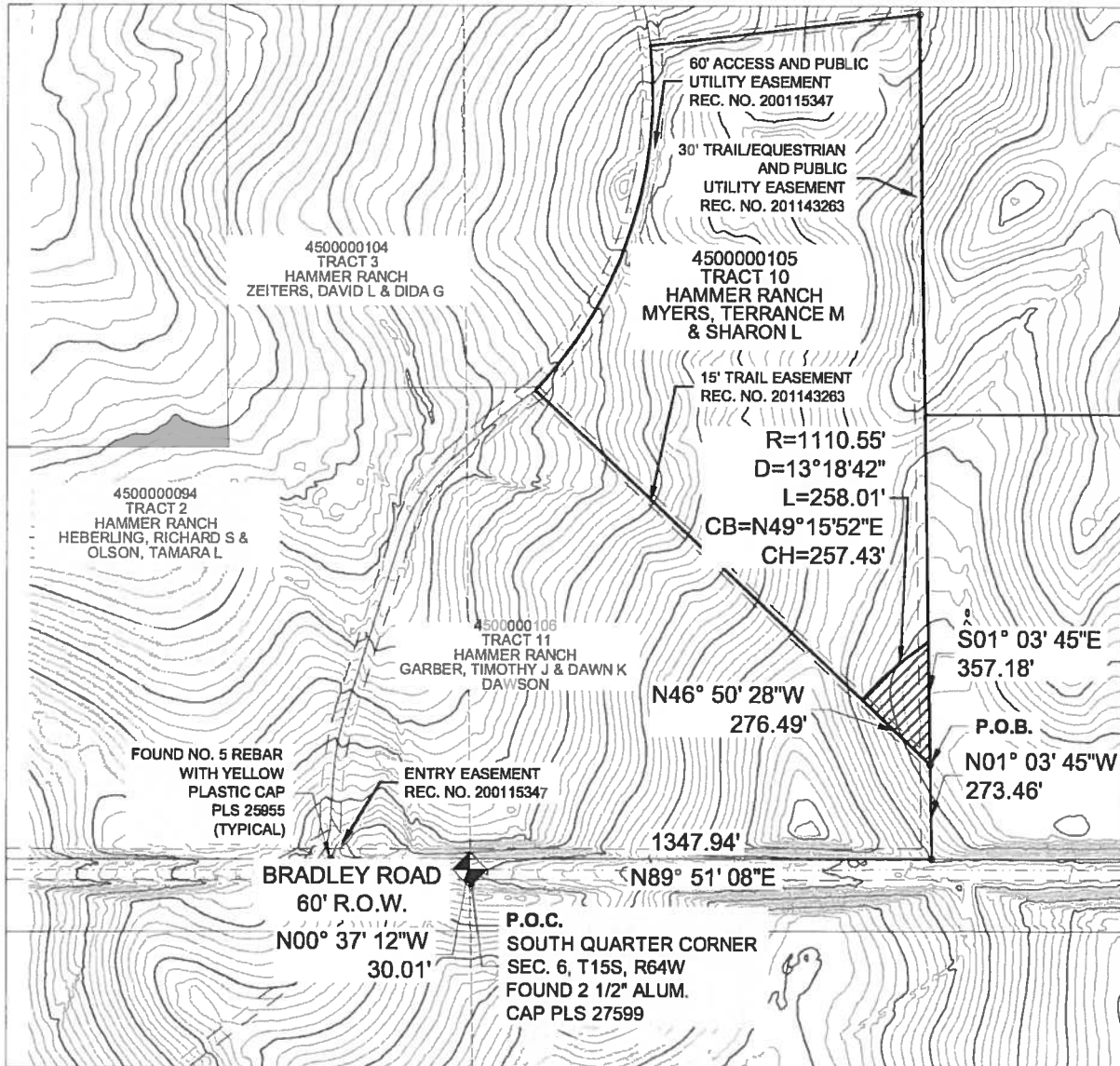
APPROVED BY: B HANSON

DRAWING: 4500000105_EXB

EXHIBIT B-2 SKETCH

PARCEL #4500000105
SECTION 6
T 15 S, R 64 W, 6TH P.M.
EL PASO COUNTY, COLORADO

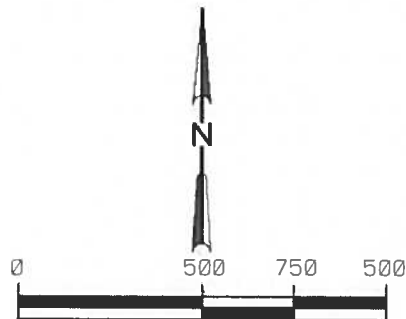
CITY OF COLORADO SPRINGS



NOTES:

1. This sketch does not constitute a land survey plat by CRITIGEN, LLC., 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.

2. Bearings are based on a line from NGS Station "Corral Bluffs" (PID JK1153), monumented by a 3" brass disk set in concrete to NGS Station "Clevenger" (PID JK1353), monumented by a stainless steel rod set in concrete, said line was assumed to bear South 03°57'12" West according to a survey control diagram prepared by Kirkham Michael Consulting Engineers deposited with the El Paso County Surveyor on August 10, 2004 at Survey Deposit Number 204900110.



SCALE: 1" = 500'

SHEET 1 OF 1