

# RIGHT-OF-WAY VACATION METZLER AVENUE, WESTERLY PORTION ALL BEING A PORTION OF THE NW1/4 OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M. CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

### LEGEND

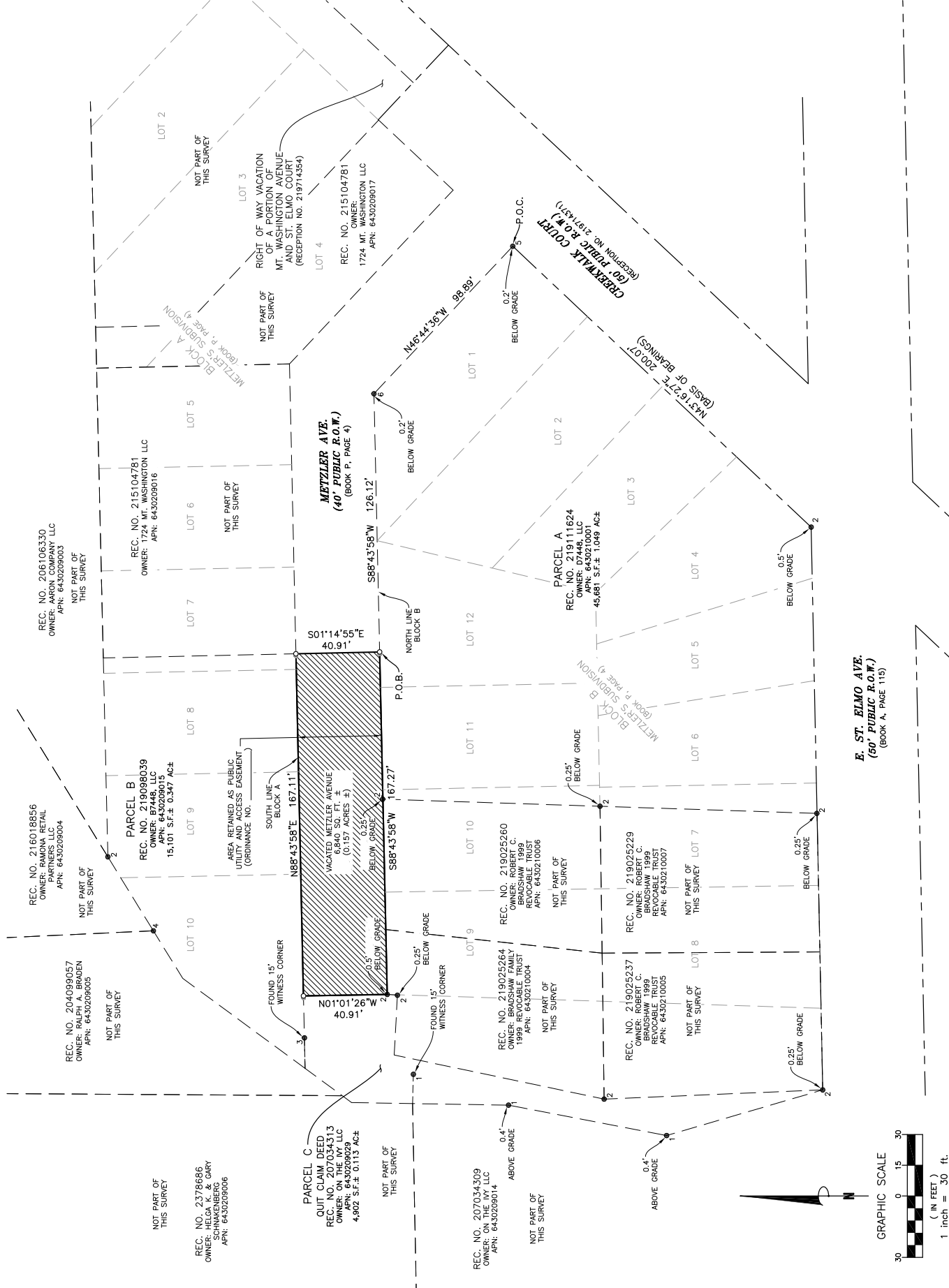
- FOUND MONUMENT (FLUSH WITH GRADE, UNLESS OTHERWISE NOTED)
- 1) NO. 5 REBAR WITH 1-1/4" ALUMINUM CAP, STAMPED "LS 23890"
- 2) 1" IRON PIPE
- 3) NO. 4 REBAR, NO CAP
- 4) NO. 5 REBAR WITH 1-1/4" ORANGE PLASTIC CAP, "LS 38141"
- 5) 1-1/2" IRON PIPE WITH CONCRETE NAIL
- 6) NO. 5 REBAR WITH 1-1/2" ALUMINUM CAP, "LLEGBLE"
- 7) NO. 5 REBAR WITH 1-1/4" GREEN PLASTIC CAP, STAMPED "LS 38245"
- SET MONUMENT (FLUSH WITH GRADE)
- NO. 5 REBAR WITH 1-1/4" GREEN PLASTIC CAP, STAMPED "LS 38245"
- (R) DENOTES RECORD BEARING/DISTANCE
- (M) DENOTES MEASURED BEARING/DISTANCE
- (C) DENOTES CALCULATED BEARING/DISTANCE

### LEGAL DESCRIPTION:

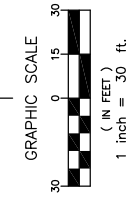
A portion of Metzler Avenue, a forty-foot (40') public right-of-way, as shown upon the plat of Metzler's Subdivision, recorded November 5, 1923, in Plat Book P, Page 4, in the Official Records of El Paso County, State of Colorado, lying within the NW1/4 of Section 30, Township 14 South, Range 66 West of the 6th Principal Meridian, being more particularly described as follows:

COMMENCING at the Easternmost corner of Block B, of said Metzler's Subdivision; thence along the Northeast line of said Block B, M46°44'36"W (Bearings are relative to the Southeast line of Block B, Metzler's Subdivision, recorded under Plat Book P, Page 4 of the Official Records of El Paso County, State of Colorado, being monumented at the South end by a found 1" iron pipe being 0.5 feet below grade and at the North end by a found 1-1/2" iron pipe with a concrete nail, being 0.5 feet below grade, and measured B143°12'00"E, a distance of 200.07 feet, to the POINT OF BEGINNING, thence continuing along said Block B, S88°43'58"W, a distance of 126.12 feet, to the POINT OF BEGINNING, thence continuing along the East line of said Block B, N88°43'58"E, a distance of 167.27 feet, to the POINT OF BEGINNING, thence continuing along the East line of Block A, of said Metzler's Subdivision; thence along said East line, N01°01'26"W, a distance of 40.91 feet, to a point on the South line of Block A, of said Metzler's Subdivision; thence along said South line, N88°43'58"E, a distance of 167.11 feet; thence leaving said South line, S01°14'55"E, a distance of 40.91 feet to a point on the POINT OF BEGINNING.

Containing 6,840 Sq. Ft. or 0.157 acres, more or less.



**E. ST. ELMO AVE.**  
(50' PUBLIC R.O.W.)  
(BOOK A, PAGE 115)



**BE IT KNOWN BY THESE PRESENTS:**  
Pursuant to Ordinance No. \_\_\_\_\_ made and adopted by the City Council on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the City of Colorado Springs, Colorado, a home rule city and Colorado municipal corporation, does hereby vacate the land set forth on this vacation plat and shall be known as "RIGHT-OF-WAY VACATION METZLER AVENUE" located in the City of Colorado Springs, County of El Paso, State of Colorado.

**CITY APPROVAL:**  
On behalf of the City of Colorado Springs, the undersigned hereby approves for filing the accompanying vacation plat of RIGHT OF WAY VACATION METZLER AVENUE.

Mayor \_\_\_\_\_  
Alders: \_\_\_\_\_  
City Clerk \_\_\_\_\_  
State of Colorado } SS  
County of El Paso }  
This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as Mayor, and \_\_\_\_\_ as City Clerk, of the City of Colorado Springs.  
Witness my hand and official seal.

Notary Signature \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
City Planning Director \_\_\_\_\_ Date \_\_\_\_\_  
City Engineer \_\_\_\_\_ Date \_\_\_\_\_  
Utilities Executive Director \_\_\_\_\_ Date \_\_\_\_\_

### NOTES:

- This survey does not constitute a title search by Clark Land Surveying, Inc. to determine ownership, easements or rights of way of record. No title commitment was provided by the client at the time of this survey.
- Bearings are relative to the Southeast line of Block B, Metzler's Subdivision, recorded under Plat Book P, Page 4 of the Official Records of El Paso County, State of Colorado, being monumented at the South end by a found 1" iron pipe, being 0.5 feet below grade, and at the North end by a found 1-1/2" iron pipe with a concrete nail, being 0.2 feet below grade, and measured to bear M43°12'00"E, a distance of 200.07 feet.
- Any underground utilities shown have been located from field survey information, existing drawings and/or utility locate markings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor does not warrant the accuracy of the information available. This surveyor has not physically located the underground utilities.
- Easements and other record documents shown or noted on this survey were examined as to location and purpose and were not examined as to restrictions, exclusions, conditions, obligations, terms, or as to the right to grant the same.
- All public access and utility easements crossing the vacated portions of right-of-way will remain in effect as set forth in Colorado Springs City Ordinance.
- This property is located within the Regulatory Floodway and Zone AE (special flood hazard area inundated by 100-year flood, base flood elevations determined), with a determined base flood elevation of 5926.40' (NOV0 29), as established by FEMA per FIRM panel 58041C0376, effective date December 7, 2015.
- The lineal units used in this drawing are U.S. Survey Feet.
- Field work for this survey was completed on May 16, 2019.
- The vacated portion of the existing right of way per this plat shall be retained as a public utility easement. With the retention of a public utility easement subject to those terms and conditions as specified in the instrument recorded at Reception Number 2121125-48 of the records of El Paso County, Colorado, except Dual Easements as defined by City Code section 77.607.
- The vacated Right-Of-Way shall revert to adjacent owners per El Paso County Assessor analysis. Roadway improvements on both sides of the street within the vacated Right-Of-Way, Curb, Gutter and Asphalt Paving shall be Maintained by Canyon Creek Metropolitan District #1.
- The remaining unvacated portion of Metzler Avenue and the adjacent streets will be maintained by the Creekwalk Market Place Business Improvement District per City Council Resolution No. 50-19, dated 14 May 2019.

### SURVEYOR'S CERTIFICATION:

The undersigned Colorado Registered Professional Land Surveyor does hereby certify that the accompanying plat was surveyed and drawn under his direct responsibility and supervision and to the normal standard of practice by the Surveyor in the State of Colorado and accurately shows the described tract of land thereof, and that the requirements of Title 38 of the Colorado Revised Statutes, 1973, as amended, have been met to the best of his professional knowledge, belief and opinion.

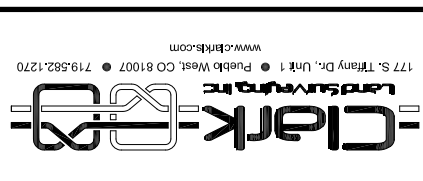
This statement is neither a warranty nor guarantee, either expressed or implied.

Stewart L. Mages, Jr.  
Land Surveyor No. 38245  
For and on behalf of Clark Land Surveying, Inc.

### RECORDING:

STATE OF COLORADO } SS  
COUNTY OF EL PASO }

I hereby certify that this instrument was filed for record in my office at \_\_\_\_\_ o'clock \_\_\_\_\_ M., this \_\_\_\_\_ day of \_\_\_\_\_, 2020, A.D., and is duly recorded under Reception No. \_\_\_\_\_ of the records of El Paso County, Colorado.  
SURCHARGE: \_\_\_\_\_  
CHUCK BROERMAN, RECORDER  
FEE: \_\_\_\_\_  
By: \_\_\_\_\_ Deputy



No.	Description	By	Date
1	Addressed client comments	SCG	06/03/2020
2	Addressed city comments and revise ownership	NJM	04/13/2020
3	Addressed city comments	NJM	01/14/2020

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after the date of the certification shown hereon. Any defect discovered more than ten years from the date of the certification shown hereon.

Project No. 190394	Checked By: CME	Date: 8/15/2019	Sheet 1 of 1
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A PORTION OF THE NW1/4 OF SECTION 30,  
TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M.  
CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO