#### RESOLUTION NO. 191 - 24

A RESOLUTION AUTHORIZING A LAND EXCHANGE BETWEEN THE CITY OF COLORADO SPRINGS AND JAMES B. KLEIN (AKA JAMES KLEIN AND JAMES BRUCE KLEIN), DATE STREET, LLC, AND THE SHOPPEE LLC AND APPROVING THE PAYMENT OF \$107,500.00 FOR LAND AND EASEMENTS IN CONNECTION WITH THE PARK VISTA DRAINAGE IMPROVEMENT PROJECT

WHEREAS, in connection with the Park Vista Drainage Improvement Project ("Project"), the City of Colorado Springs ("City") on behalf of its Public Works Department ("Public Works") and its Stormwater Enterprise (""SWENT") has identified the need to acquire real property and permanent easements from James B. Klein (aka James Klein or James Bruce Klein), Date Street, LLC and The Shoppee LLC (collectively "Klein") to allow for the construction of SWENT's improvements in connection with the Project; and

WHEREAS, Klein owns ten (10) properties within the Park Vista area required for the Project totaling approximately 68,500 square feet of land identified by El Paso County Tax Schedule Numbers 6326211026, 6326211023, 6326211028, 6326211030, 6326211031, 6326211033, 6326211014, 6326211034, 6326211012, 6326211005, ("Klein Properties") as outlined and depicted on **Exhibit A**; and

WHEREAS, the Project also requires five (5) permanent easements totaling 17,903 square feet on properties owned by Klein within the Park Vista area identified by El Paso County Tax Schedule Numbers 6326208003, 6326208001, 6326208004, 6326208005, 6326207001 ("Klein Easements") as described and depicted on **Exhibit B**; and

WHEREAS, Klein desires to obtain ownership of three (3) properties within the Park Vista area owned by the City consisting of approximately 21,000 square feet of land controlled by Public Works and identified by El Paso County Tax Schedule Numbers 6326208002, 6326206016 and 6236206017, ("City Properties") as described and depicted on **Exhibit C**; and

WHEREAS, City and Klein desire to exchange the City Properties for the Klein Properties and Klein Easements; and

WHEREAS, SWENT will retain a 4,088 square foot easement over one of the City Properties identified by El Paso County Tax Schedule Number 6326208002 as described and depicted in **Exhibit D**; and

WHEREAS, the fair market value of the Klein Properties as supported by independent appraisals is \$207,300.00; and

WHEREAS, the fair market value of the Klein Easements as supported by independent appraisals is \$79,000.00; and

WHEREAS, the fair market value of the City Properties, as supported by independent appraisals is \$87,950.00; and

WHEREAS, in addition to the land exchange, SWENT and Klein have negotiated for the payment of \$107,500.00 to Klein to cover the difference in value between the City Properties and the Klein Properties, the Klein Easements and the costs of Klein's appraisals; and

WHEREAS, the City, pursuant to Chapter 6, Section 6.1, of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021*, ("RES Manual") is authorized to complete a land exchange and provide payment to Klein upon approval by City Council.

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

Section 1. City Council hereby finds that the proposed land exchange is in the best interest of the City and approves the proposed land exchange between City and the Klein, subject to the terms and conditions of the Land Exchange Agreement.

Section 2. Pursuant to the City of Colorado Springs Procedural Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021 ("Real Estate Manual"), City Council hereby authorizes payment to Klein in the amount of \$107,500.00 for the difference in value of the property interests to be exchanged and property owner appraisals.

Section 3. Pursuant to the RES Manual, Chapter 2, Section 2.11, the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the proposed land exchange and to obtain the Mayor's signature on the deed conveying the City Properties to Klein.

Section 4. This Resolution shall be in full force and effect immediately upon its adoption.

DATED at Colorado Springs, Colorado, this 10th day of December 2024.

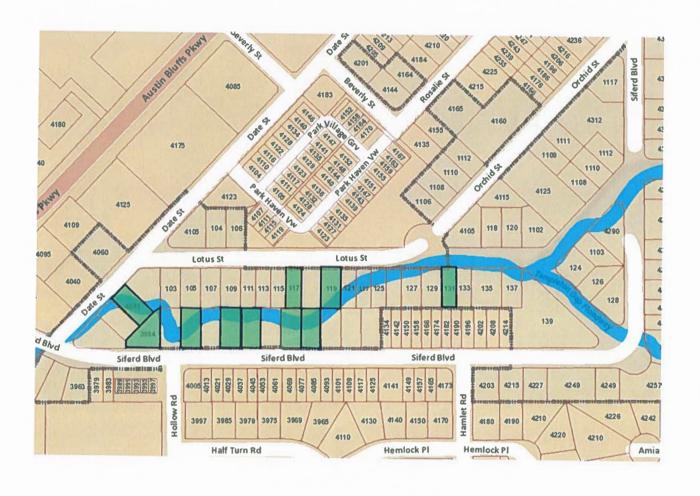
ATTEST:

Randy Helm(s, ¢ouncil President

Sarah B. Johnson, City Clerk

### EXHIBIT A – PAGE 2





#### **EXHIBIT A**

### (Klein Properties)

TSN	Legal Description	Size (Sq Ft.)	Appraised Value
6326211026	Lot 22, Block 8, Park Vista Addition	7,300	\$21,900.00
6326211023	Lot 25, Block 8, Park Vista Addition	7,200	\$14,400.00
6236211028	Lot 20, Block 8, Park Vista Addition	7,200	\$21,600.00
6326211030	Lot 18, Block 8, Park Vista Addition	7,200	\$21,600.00
6326211031	Lot 17, Block 8, Park Vista Addition	7,200	\$21,600.00
6326211033	Lot 15, Block 8, Park Vista Addition	7,200	\$21,600.00
6326211014	East 45 Feet of Lot 33, Block 8 Park Vista Addition	5,400	\$18,900.00
6326211034	Lot 14, Block 8, Park Vista Addition	7,200	\$21,600.00
6326211012	Lot 35, Block 8, Park Vista Addition	7,200	\$25,200.00
6326211005	West 45 Feet of Lot 41, Block 8 Park Vista Addition	5,400	\$18,900.00
	TOTAL	68,500	\$207,300.00

#### **EXHIBIT B - PAGE 1 OF 11**

### (Klein Easements)

TSN	Legal Description		Easement Area (Sq Ft.)	Appraised Value
6326208003	Lot 3, Block 7, Park Vista Addition (Pages 2 and 3)		6,253	\$25,600.00
6326208001	Lot 5, Block 7, Park Vista Addition (Pages 4 and 5)		7,896	\$30,800.00
6326208004	Lot 2, Block 7, Park Vista Addition (Pages 6 and 7)		1,149	\$3,600.00
6326208005	Lot 1, Block 7, Park Vista Addition (Pages 8 and 9)		2,806	\$8,800.00
6326207001	Lot 1, Block 11, Park Vista Addition (Pages 10 and 11)		3,246	\$10,200.00
	T	OTAL	21,350	\$79,000.00



### EXHIBIT A LAND DESCRIPTION PUBLIC IMPROVEMENT - 54

A PARCEL OF LAND BEING A PORTION OF LOT 3, BLOCK 7, PARK VISTA ADDITION, SITUATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS, WITH ALL BEARINGS BASED ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 AS BEARING NORTH 89°14′34″ EAST:

**COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 26;** 

THENCE NORTH 80°45'29" EAST, A DISTANCE OF 2,285.06 FEET TO THE SOUTH CORNER OF SAID LOT 3 AND THE **POINT OF BEGINNING**;

THENCE ALONG THE PERIMETER OF SAID LOT 3, THE FOLLOWING FOUR (4) COURSES:

- NORTH 47°31'06" WEST, A DISTANCE OF 70.25 FEET TO A NON-TANGENT CURVE HAVING A RADIUS OF 20.00 FEET, WHOSE CENTER BEARS NORTH 42°28'53" EAST;
- NORTHERLY AND COINCIDENT WITH SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 90°00'01", AN ARC DISTANCE OF 31.42 FEET AND HAVING A CHORD THAT BEARS NORTH 02°31'07" WEST, A DISTANCE OF 28.28 FEET;
- 3. NORTH 42°28'54" EAST, A DISTANCE OF 70.25 FEET TO THE NORTH CORNER OF SAID LOT 3;
- 4. SOUTH 47°31'06" EAST, A DISTANCE OF 66.63 FEET;

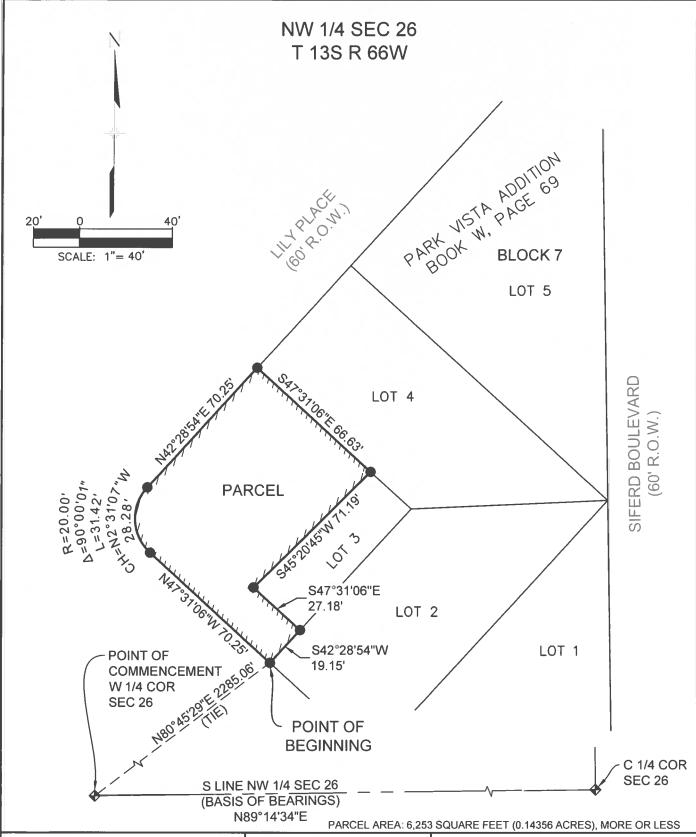
THENCE SOUTH 45°20'45" WEST, A DISTANCE OF 71.19 FEET;

THENCE SOUTH 47°31'06" EAST, A DISTANCE OF 27.18 FEET TO THE SOUTHEAST LINE OF SAID LOT 3;

THENCE SOUTH 42°28'54" WEST, ALONG SAID SOUTHEAST LINE A DISTANCE OF 19.15 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 6,253 SQUARE FEET OR (0.14356 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.





Matrix

CHECKED BY: JRB EXHIBIT B - PIE - 54	
SCALE: 1" = 40'	LAND DESCRIPTION
DATE: 1/16/2024	SHEET: 1 OF 1



## EXHIBIT A LAND DESCRIPTION PERMANENT IMPROVEMENT EASEMENT – 56

A PARCEL OF LAND BEING A PORTION OF LOT 5, BLOCK 7, PARK VISTA ADDITION, SITUATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS, WITH ALL BEARING BASED ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 AS BEARING NORTH 89°14′34″ EAST:

**COMMENCING** AT THE WEST QUARTER CORNER OF SAID SECTION 26;

THENCE NORTH 76°45'47" WEST, A DISTANCE OF 2,352.82 FEET TO THE WEST CORNER OF SAID LOT 5 AND THE **POINT OF BEGINNING**;

THENCE ALONG THE PERIMITER OF SAID LOT 5, THE FOLLOWING THREE (3) COURSES:

- 1. NORTH 42°28'54" EAST, A DISTANCE OF 109.46 FEET TO A CURVE HAVING A RADIUS OF 20.00 FEET, WHOSE CENTER BEARS SOUTH 47°31'06" EAST;
- EASTERLY AND COINCIDENT WITH SAID CURVE, THROUGH A CENTRAL ANGLE OF 136°47'40", AN ARC DISTANCE OF 47.75 FEET AND HAVING A CHORD THAT BEARS SOUTH 69°07'16" EAST, A DISTANCE OF 37.19 FEET;
- 3. ALONG A LINE NON-TANGENT TO SAID CURVE, SOUTH 00°43'25" EAST, A DISTANCE OF 32.08 FEET;

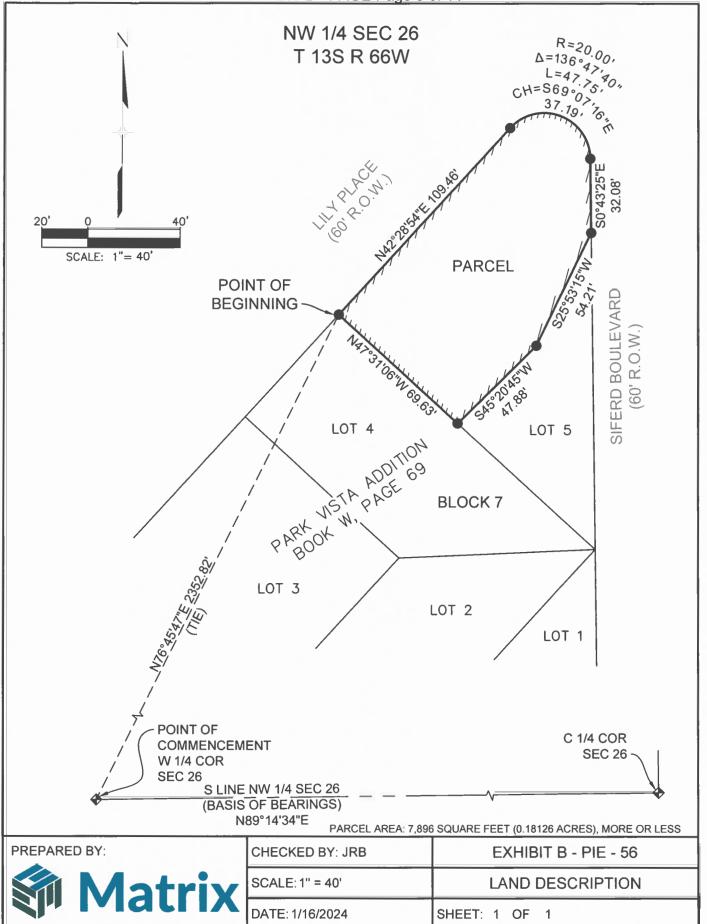
THENCE SOUTH 25°53'15" WEST, A DISTANCE OF 54.21 FEET;

THENCE SOUTH 45°20'45" WEST, A DISTANCE OF 47.88 FEET TO THE SOUTHWEST LINE OF SAID LOT 5;

THENCE NORTH 47°31'06" WEST, ALONG SAID SOUTHWEST LINE A DISTANCE OF 69.63 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 7,896 SQUARE FEET OR (0.18126 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.





FILE LOCATION; S:\22.069.120 Park Vista\400 Survey\Legal Descriptions\Easements\\LLUSTRATION\\069.120 - Park Vista - PARCEL 56 - B7L5.dwg



# EXHIBIT A LAND DESCRIPTION PERMANENT IMPROVEMENT EASEMENT - 57

A PARCEL OF LAND BEING A PORTION OF LOT 2, BLOCK 7, PARK VISTA ADDITION, SITUATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS, WITH ALL BEARINGS BASED ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 AS BEARING NORTH 89°14′34″ EAST:

**COMMENCING** AT THE WEST QUARTER CORNER OF SAID SECTION 26;

THENCE NORTH 80°45'29" WEST, A DISTANCE OF 2,285.06 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2 AND THE **POINT OF BEGINNING**;

THENCE NORTH 42°28'54" EAST, ALONG THE NORTHWEST LINE OF SAID LOT 2, A DISTANCE OF 19.15 FEET;

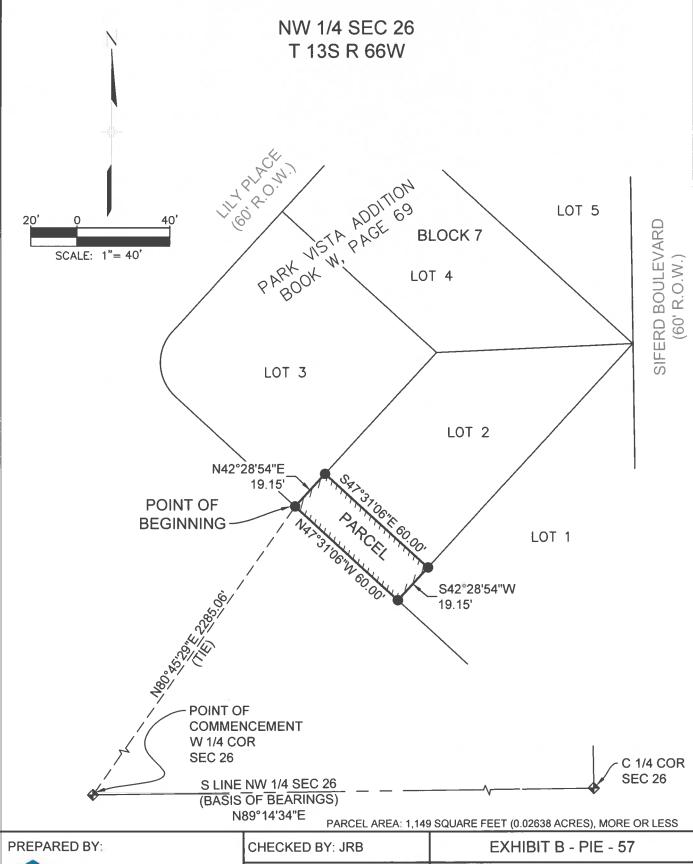
THENCE SOUTH 47°31'06" EAST, A DISTANCE OF 60.00 FEET TO THE SOUTHEAST LINE OF SAID LOT 2;

THENCE SOUTH 42°28'54" WEST, ALONG SAID SOUTHEAST LINE A DISTANCE OF 19.15 FEET TO THE SOUTH CORNER OF SAID LOT 2;

THENCE NORTH 47°31'06" WEST, ALONG THE SOUTHWEST LINE OF SAID LOT 2 A DISTANCE OF 60.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 1,149 SQUARE FEET OR (0.02638 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.







CHECKED BY: JRB	EXHIBIT B - PIE - 57	
SCALE: 1" = 40'	LAND DESCRIPTION	
DATE: 1/16/2024	SHEET: 1 OF 1	



## EXHIBIT A LAND DESCRIPTION PERMANENT IMPROVEMENT EASEMENT - 58

A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 7, PARK VISTA ADDITION, SITUATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS, WITH ALL BEARINGS BASED ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 AS BEARING NORTH 89°14′34″ EAST:

**COMMENCING** AT THE WEST QUARTER CORNER OF SAID SECTION 26:

THENCE NORTH 81°55′12″ EAST, A DISTANCE OF 2,322.70 FEET TO THE WEST CORNER OF SAID LOT 1 AND THE **POINT OF BEGINNING**;

THENCE NORTH 42°28'54" EAST, ALONG THE NORTHWEST LINE OF SAID LOT 1 A DISTANCE OF 19.15 FEET;

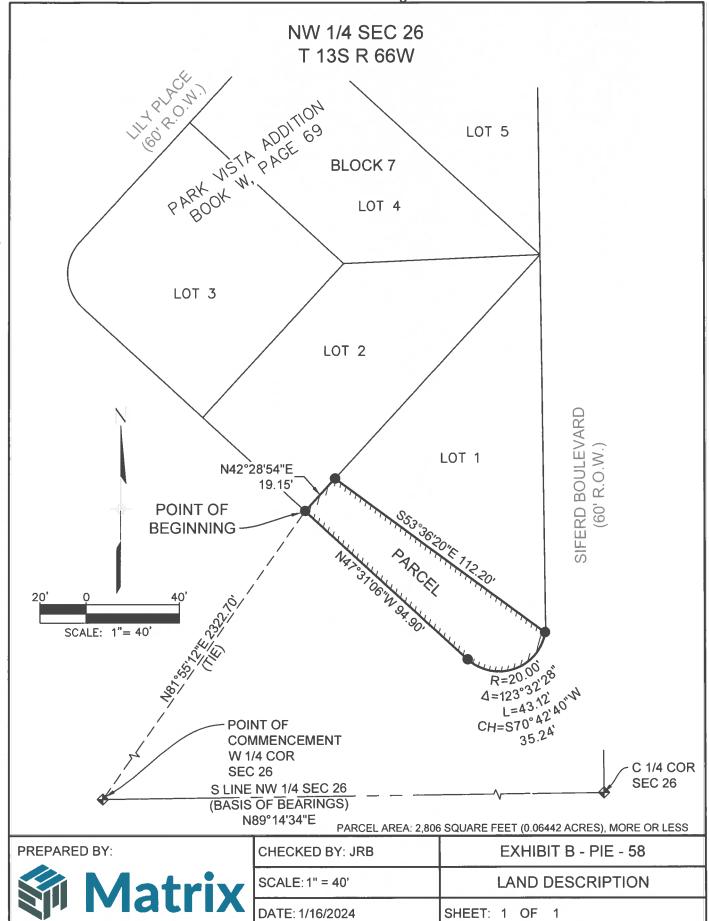
THENCE SOUTH 53°36'20" EAST, A DISTANCE OF 112.20 FEET TO THE EAST LINE OF SAID LOT 1 AND THE BEGINNING OF A NON-TANGENT CURVE HAVING A RADIUS OF 20.00 FEET, WHOSE CENTER BEARS NORTH 81°03'34" WEST:

THENCE ALONG THE PERIMITER OF SAID LOT 1, THE FOLLOWING TWO (2) COURSES:

- 1. WESTERLY AND COINCIDENT WITH SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 123°32'28", AN ARC DISTANCE OF 43.12 FEET AND HAVING A CHORD THAT BEARS SOUTH 70°42'40" WEST, A DISTANCE OF 35.24 FEET;
- 2. NORTH 47°31'06" WEST, A DISTANCE OF 94.90 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 2,806 SQUARE FEET OR (0.06442 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.





FILE LOCATION: S:22.069.120 Park Vista\400 Survey\Legal Descriptions\Easements\ILLUSTRATION\069.120 - Park Vista - PARCEL 58 - B7L1.dwg



### EXHIBIT A LAND DESCRIPTION PERMANENT IMPROVEMENT EASEMENT - 63

A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 11, PARK VISTA ADDITION, SITUATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS, WITH ALL BEARINGS BASED ON THE SOUTH LINE OF THE NORTHWEST QUARTER CORNER OF SAID SECTION 26 AS BEARING SOUTH 89°14'34" WEST:

**COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 26;** 

THENCE NORTH 00°43'26" WEST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 658.31 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 63°11'34" WEST, A DISTANCE OF 46.72 FEET;

THENCE SOUTH 75°56'19" WEST, A DISTANCE OF 80.22 FEET TO THE WEST LINE OF SAID LOT 1;

THENCE ALONG THE PERIMETER OF SAID LOT 1 THE FOLLOWING FOUR (4) COURSES:

- 1. NORTH 00°43'26" WEST, A DISTANCE OF 23.84 FEET TO A CURVE HAVING A RADIUS OF 20.00 FEET, WHOSE CENTER BEARS NORTH 89°16'34" EAST;
- 2. NORTHEASTERLY AND COINCIDENT WITH SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°03'11", AN ARC DISTANCE OF 31.43 FEET AND HAVING A CHORD THAT BEARS NORTH 44°18'09" EAST, A DISTANCE OF 28.30 FEET;
- 3. ALONG A LINE NON-TANGENT TO SAID CURVE, NORTH 89°16'34" EAST, A DISTANCE OF 100.00 FEET;
- 4. SOUTH 00°43'26" EAST, A DISTANCE OF 4.79 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 3,246 SQUARE FEET OR (0.07452 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.



DATE: 1/16/2024

SHEET: 1 OF

1

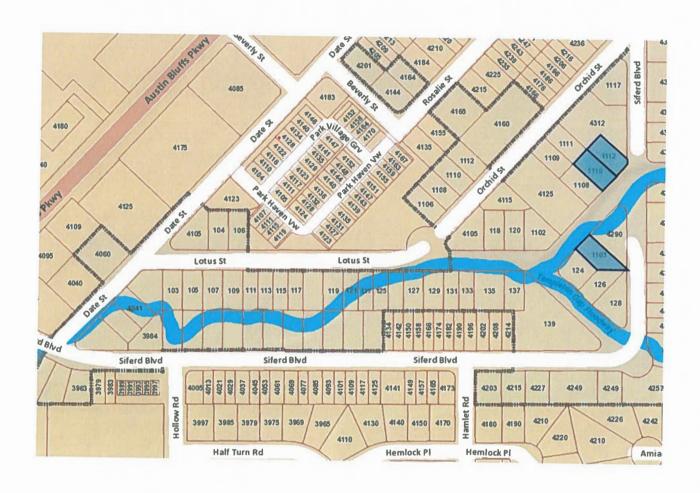
FILE LOCATION: S:\22,069.120 Park Vista\400 Survey\Legal Descriptions\Easements\ILLUSTRATION\069.120 - Park Vista - PARCEL 63 - B11L1.dwg

### **EXHIBIT C**

### (City Properties)

TSN	Legal Description	Size (Sq Ft.)	Appraised Value
6326208002	Lot 4, Block 7, Park Vista Addition	7,000	\$24,500.00
6326206016	Lot 3, Block 6, Park Vista Addition	7,200	\$32,400.00
6236206017	Lot 2, Block 6, Park Vista Addition	6,900	\$31,050.00
	TOTAL	21,100	\$87,950.00

# EXHIBIT C - PAGE 2 (City Properties)





# EXHIBIT A LAND DESCRIPTION PERMANENT IMPROVEMENT = 55

A PARCEL OF LAND BEING A PORTION OF LOT 4, BLOCK 7, PARK VISTA ADDITION, SITUATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS, WITH ALL BEARINGS BASED ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 AS BEARING NORTH 89°14′34″ EAST:

**COMMENCING** AT THE WEST QUARTER CORNER OF SAID SECTION 26;

THENCE NORTH 77°36′13″ EAST, A DISTANCE OF 2,303.49 FEET TO THE WEST CORNER OF SAID LOT 4 AND THE **POINT OF BEGINNING**;

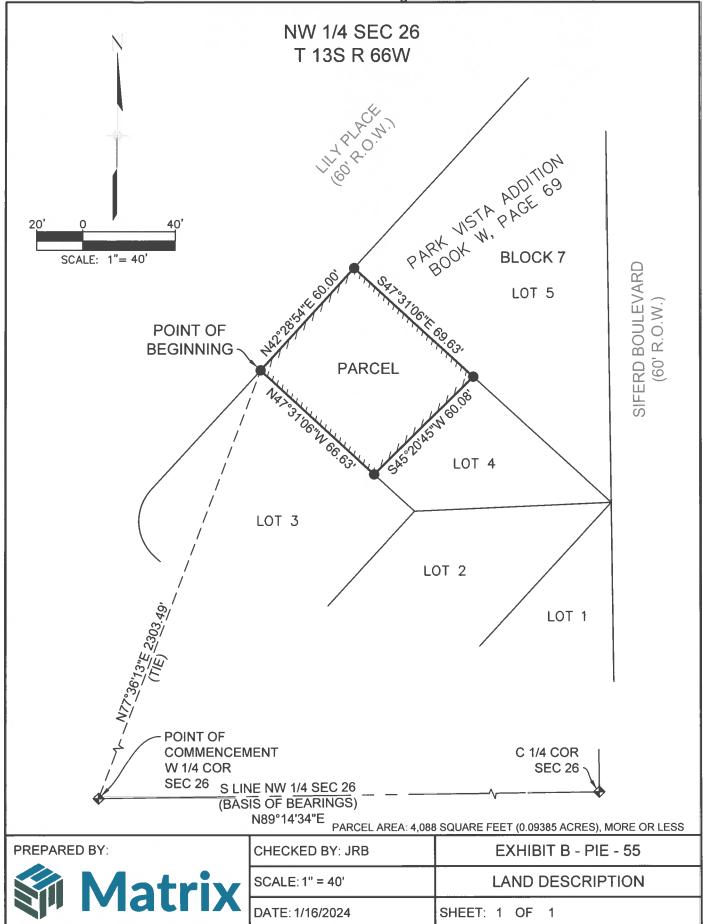
- 1. NORTH 42°28'54" EAST, A DISTANCE OF 60.00 FEET TO THE NORTH CORNER OF SAID LOT 4;
- 2. SOUTH 47°31'06" EAST, A DISTANCE OF 69.63 FEET;

THENCE SOUTH 45°20'45" WEST, A DISTANCE OF 60.08 FEET TO THE SOUTHWEST LINE OF SAID LOT 4;

THENCE NORTH 47°31'06" WEST, ALONG SAID SOUTHWEST LINE A DISTANCE OF 66.63 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 4,088 SQUARE FEET OR (0.09385 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.





FILE LOCATION: S:122.069.120 Park Vista/400 Survey/Legal Descriptions/Easements/ILLUSTRATION/069.120 - Park Vista - PARCEL 55 - B7L4.dwg