

**A RESOLUTION AUTHORIZING THE DONATION OF
REAL PROPERTY FOR A PUBLIC PURPOSE TO THE
STRATMOOR HILLS SANITATION DISTRICT**

WHEREAS, Stratmoor Hills Sanitation District (“Stratmoor”), is a Colorado statutory district providing wastewater collection services for an unincorporated area of El Paso County, Colorado; and

WHEREAS, Stratmoor’s wastewater collection system (“Stratmoor’s System”) is connected to Colorado Springs Utilities (“Utilities”) wastewater collection and treatment system (“Utilities’ System”); and

WHEREAS, pursuant to a proposed agreement with Utilities Stratmoor will acquire ownership of a wastewater main (“Existing Main”) from Utilities, which is located outside of Utilities’ Wastewater Service Area and within Stratmoor’s Service Area; and

WHEREAS, Utilities receives daily wastewater flows from Stratmoor’s System and provides wastewater treatment related services for Stratmoor pursuant to a Sewage Treatment and Disposal Agreement dated November 13, 2015; and

WHEREAS, the daily wastewater flows from Stratmoor’s System are measured at the point of connection between Utilities’ System and Stratmoor’s System (the “Wastewater Redelivery Point”); and

WHEREAS, historically wastewater flows generated by Utilities’ customers that are connected to Stratmoor’s System were conveyed to Utilities’ System through the Existing Main; and

WHEREAS, Stratmoor has agreed to accept the daily wastewater flows from any Utilities’ customer connected to Stratmoor’s System upstream of the Existing Main, and redeliver such flows to the Wastewater Redelivery Point at no cost to Utilities; and

WHEREAS, the City of Colorado Springs (“City”), on behalf of Utilities, owns a perpetual Right of Way and Easement for construction, operation and maintenance of the Existing Main that is recorded at Reception No. 207983 of the records of the El Paso County Clerk and Recorder (the “Easement”); and

WHEREAS, Utilities desires to dispose of a portion of the Easement to Stratmoor free of cost subject to appropriate terms, conditions and restrictions; and

WHEREAS, the subject portion of the Easement is surplus property with limited operational use; and

WHEREAS, no City department or enterprise is interested in acquisition or receipt of the subject portion of the Easement; and

WHEREAS, *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (“RES Manual”) authorizes the disposal of properties for less than fair market value upon a finding of a public purpose and for the transfer of ownership of property to an appropriate single, logical purchaser/donee; and

WHEREAS, City Council finds that the transfer of the subject portion of the Easement to Stratmoor for continued public purpose of operating and maintaining Stratmoor’s System free of cost provides benefits for the health, safety and welfare of the residents of the City; and

WHEREAS, evidence has been presented to the City Council that Stratmoor is the appropriate and one logical, potential purchaser/donee of the subject portion of the Easement; and

WHEREAS, the disposal of the subject portion of the Easement will reduce Utilities’ ongoing expenses and will be recognized as a contribution towards Stratmoor’s continued public purpose to the community; and

WHEREAS, upon and after transfer Stratmoor will hold title to the subject portion of the Easement and assume all associated costs and liabilities; and

WHEREAS, Utilities will continue to hold title to the portions of the Easement not conveyed to Stratmoor; and

WHEREAS, a donation of the subject portion of the Easement to Stratmoor for the purpose of public wastewater line operation and maintenance, subject to appropriate terms, conditions and restrictions, will serve a public purpose and is consistent with applicable laws and regulations; and

WHEREAS, Utilities’ staff recommends authorization and approval for the City’s Real Estate Services Manager to transfer the subject portion of the Easement to Stratmoor as the one logical, potential purchaser/donee.

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

Section 1. City Council finds that the portion of the Easement, as legally described on Exhibit A and depicted on Exhibit B, is surplus property that is not necessary for the operations of the City or Utilities, is unneeded for the proper conduct of any other City or Utilities’ affairs, and its disposal is in compliance with the RES Manual.

Section 2. Subject to the imposition of the appropriate terms, conditions and restrictions and in accord with RES Manual, Chapter 1, Section 1.1(b), and Chapter 5, City Council hereby finds, for the reasons set forth in the recitals above, a public purpose is served by the transfer of ownership of the subject portion of the Easement to Stratmoor free of cost as the one logical, potential purchaser/donee upon the condition

that Stratmoor uses the subject portion of the Easement for the public purpose of operating and maintaining a wastewater collection main.

Section 3. Pursuant to the RES Manual, Chapter 2.11, the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the transfer of ownership of the subject portion of the Easement and is authorized to obtain the Mayor's signature on the documents necessary to donate the subject portion of the Easement to Stratmoor.

DATED at Colorado Springs, Colorado, this ____ day of _____, 2016.

ATTEST:

City Council President

Sarah B. Johnson, City Clerk

**Exhibit A to the
Resolution Authorizing the Donation of Real Property for
a Public Purpose to the Stratmoor Hills Sanitation District**

A strip of land within Sections 4 and 9, Township 15 South, Range 66 West, 6th P.M., City of Colorado Springs, El Paso County, Colorado and being a portion of that 20' wide Easement granted to the City of Colorado Springs, in Book 2806, Page 518, of the El Paso County Clerk and Recorders Real Property records, and being more particularly described as follows:

A 20' wide strip of land lying 10' on either side of the following described centerline:

Commencing at the southwest corner of said Section 4, being monumented by a #6 rebar with a 2-1/2 inch cap aluminum cap stamped "CCES PLS 30118" as per the monument record filed March 2, 2009, from which the southeast corner of said Section 4, being monumented by a rebar with a 2-1/2 inch aluminum cap stamped "ASC PLS 28651" as per the monument record filed November 24, 2008, is assumed to bear North 89 Degrees 26 Minutes 03 Seconds East, a distance of 5265.06 feet;

Thence S 86 Degrees 05 Minutes 49 Seconds E, a distance of 2441.30 feet to the center of a Sanitary Sewer Manhole, also being the **Point of Beginning**;

Thence N 05 Degrees 31 Minutes 30 Seconds W, a distance of 85.16 feet to the center of a Sanitary Sewer Manhole;

Thence N 41 Degrees 24 Minutes 58 Seconds W, a distance of 305.82 feet to the center of a Sanitary Sewer Manhole;

Thence N 18 Degrees 26 Minutes 01 Seconds W, a distance of 200.88 feet to the center of a Sanitary Sewer Manhole;

Thence N 24 Degrees 33 Minutes 45 Seconds W, a distance of 95.77 feet to the center of a Sanitary Sewer Manhole;

Thence N 19 Degrees 50 Minutes 05 Seconds W, a distance of 110.30 feet to the center of a Sanitary Sewer Manhole;

Thence N 22 Degrees 25 Minutes 35 Seconds W, a distance of 426.65 feet to the center of a Sanitary Sewer Manhole;

Thence N 26 Degrees 26 Minutes 39 Seconds W, a distance of 266.71 feet to the center of a Sanitary Sewer Manhole;

Thence N 06 Degrees 23 Minutes 07 Seconds W, a distance of 401.95 feet to the center of a Sanitary Sewer Manhole;

Thence N 00 Degrees 16 Minutes 03 Seconds E, a distance of 103.11 feet to the center of a Sanitary Sewer Manhole;

Thence N 17 Degrees 01 Minutes 37 Seconds E, a distance of 326.04 feet to the center of a Sanitary Sewer Manhole;

Thence N 40 Degrees 16 Minutes 39 Seconds E, a distance of 383.13 feet to the center of a Sanitary Sewer Manhole;

Thence N 40 Degrees 20 Minutes 07 Seconds E, a distance of 405.98 feet to the center of a Sanitary Sewer Manhole;

Thence N 66 Degrees 24 Minutes 39 Seconds E, a distance of 123.18 feet to the center of a Sanitary Sewer Manhole;

Thence N 67 Degrees 57 Minutes 05 Seconds E, a distance of 195.50 feet to the center of a Sanitary Sewer Manhole;

Thence N 11 Degrees 46 Minutes 47 Seconds W, a distance of 321.19 feet to the center of a Sanitary Sewer Manhole;

Thence N 12 Degrees 00 Minutes 17 Seconds W, a distance of 143.43 feet to the center of a Sanitary Sewer Manhole;

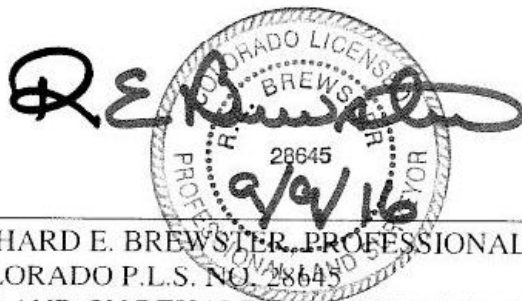
Thence N 12 Degrees 00 Minutes 15 Seconds W, a distance of 286.90 feet to the center of a Sanitary Sewer Manhole;

Thence N 11 Degrees 44 Minutes 39 Seconds W, a distance of 179.17 feet to the center of a Sanitary Sewer Manhole;

Thence N 13 Degrees 22 Minutes 17 Seconds E, a distance of 620.68 feet to the center of a Sanitary Sewer Manhole, also being the Point of Terminus.

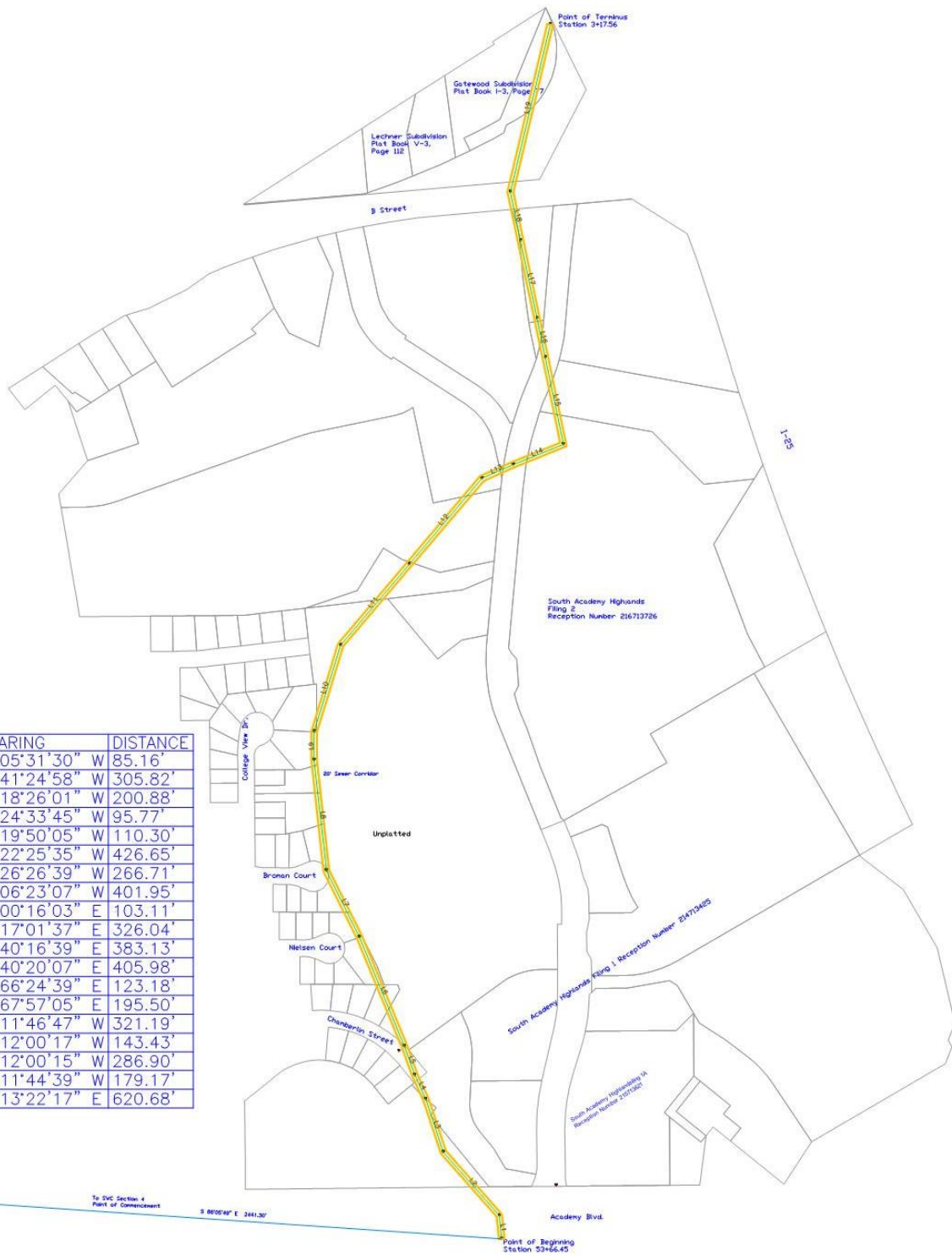
LEGAL DESCRIPTION STATEMENT:

I, RICHARD E. BREWSTER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF ARE CORRECT.



The image shows a handwritten signature in black ink that reads "R.E. Brewster". Below the signature is a circular professional seal for a Colorado Licensed Professional Land Surveyor. The seal contains the text "COLORADO LICENSE", "BREWS", "28645", "PROFESSIONAL LAND SURVEYOR", and "9/9/16".

RICHARD E. BREWSTER, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 28645
FOR AND ON BEHALF OF COLORADO SPRINGS UTILITIES



LINE	BEARING	DISTANCE
L1	N 05°31'30" W	85.16'
L2	N 41°24'58" W	305.82'
L3	N 18°26'01" W	200.88'
L4	N 24°33'45" W	95.77'
L5	N 19°50'05" W	110.30'
L6	N 22°25'35" W	426.65'
L7	N 26°26'39" W	266.71'
L8	N 06°23'07" W	401.95'
L9	N 00°16'03" E	103.11'
L10	N 17°01'37" E	326.04'
L11	N 40°16'39" E	383.13'
L12	N 40°20'07" E	405.98'
L13	N 66°24'39" E	123.18'
L14	N 67°57'05" E	195.50'
L15	N 11°46'47" W	321.19'
L16	N 12°00'17" W	143.43'
L17	N 12°00'15" W	286.90'
L18	N 11°44'39" W	179.17'
L19	N 13°22'17" E	620.68'

To SVC Section 4
Point of Commencement
S 89°59'48" E 2441.20'

Colorado Springs Utilities
It's how we're all connected
 Land Base Services
 1521 Hancock Expressway
 Colorado Springs, Colorado 80947

0 400 800 Feet
1 Inch = 400 Feet
 Note: This sketch does not represent a monumented land survey. It is only

Exhibit B to the Resolution Authorizing the Donation of Real Property for a Public Purpose to the Stratmoor Hills Sanitation District

Drawn By: Rick Brewster Date: Sept. 9, 2016