

RESOLUTION NO. 29-16

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT FOR THE PROPERTY OWNED BY AMERCO REAL ESTATE COMPANY THAT IS NEEDED FOR THE TEJON ROUNDABOUT PROJECT

WHEREAS, the City of Colorado Springs ("City") currently provides transportation and drainage systems as authorized by Article 1, Section 1-20(d) of the Charter of the City of Colorado Springs; and

WHEREAS, on October 25, 2011 City Council adopted Resolution No. 177-11 to accept a grant from the Colorado Department of Transportation ("CDOT"), for the purpose of providing Federal Highway Administration ("FHWA") funding for design, plans, and construction of the Tejon Roundabout Project ("Project"); and

WHEREAS, acquisition of real property is subject to the procedures of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("Real Estate Manual"); and

WHEREAS, because federal funds are being used for the Project and CDOT is the oversight agency, the acquisition of real property for the Project must also comply with all applicable federal and state laws, regulations, and guidelines, including but not limited to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the regulations promulgated thereunder (42 U.S.C. Chapter 61; 49 C.F.R. Part 24), CDOT's Right of Way Manual, and CDOT's Policy and Procedural Directives; and

WHEREAS, the acquisition of the real property owned by AMERCO Real Estate Company (also known as U-Haul Real Estate Company) ("AMERCO") identified on attached **Exhibit A**, (the "Property") is necessary for the completion of the Project; and

WHEREAS, despite repeated attempts by the City to negotiate an amicable acquisition settlement for the Property with AMERCO, the City has been unable to negotiate a settlement with AMERCO; and

WHEREAS, under the real property acquisitions procedures provided in the Real Estate Manual and the federal and state laws, regulations, and guidelines, the City desires to enter into a Possession and Use Agreement with AMERCO to allow construction of the Project to commence while negotiations with AMERCO are ongoing; and

WHEREAS, the use of a Possession and Use Agreement must be approved by City Council pursuant to section 4.3 of the Real Estate Manual.

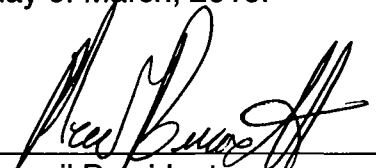
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

Section 1. City Council hereby finds it to be in the interest of the public health, safety, and welfare to acquire the Property from AMERCO for the purpose of constructing the federally-funded Project.


Section 2. City Council authorizes the Public Works Department to enter into a Possession and Use Agreement with AMERCO to obtain possession of the Property for the Project and to continue negotiations with AMERCO in an attempt to reach a final negotiated settlement for the City to acquire the Property.

Section 3. City Council authorizes the Real Estate Services Manager and the Director of Public Works Department to execute a Possession and Use Agreement in accord with the Real Estate Manual and federal and state laws, regulations, and guidelines.

DATED at Colorado Springs, Colorado, this 22<sup>nd</sup> day of March, 2016.

  
\_\_\_\_\_  
Council President

ATTEST:

  
\_\_\_\_\_  
Sarah B. Johnson, City Clerk



## EXHIBIT A

### Legal Descriptions

Right of Way-fee interest Parcels RW-1

Permanent Easement Parcel PE-1

Permanent Easement Parcel PE-1a

Temporary Construction Easement Parcel TE-1

**EXHIBIT "A"**

**PROJECT CODE: 18525  
PROJECT NUMBER. AQC M240-134  
PARCEL NUMBER: RW-1  
DATE: MARCH 5, 2014**

**LEGAL DESCRIPTION**

A TRACT OR PARCEL NO. RW-1 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. AQC M240-134, LOCATED IN AN UNPLATTED PARCEL OF LAND MARKED RESERVED LYING BETWEEN CASCADE AVE. AND TEJON STREET, RECORDED IN BOOK 5661 AT PAGE 0609 OF THE RECORDS OF EL PASO COUNTY, COLORADO, LOCATED IN THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID UNPLATTED PARCEL OF LAND MARKED RESERVED LYING BETWEEN CASCADE AVE. AND TEJON STREET;

- 1) THENCE N03°06'43"E ALONG THE WESTERLY LINE OF SAID UNPLATTED PARCEL OF LAND, A DISTANCE OF 34.57 FEET;
- 2) THENCE ALONG THE ARC OF A 28.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 63°49'22", AN ARC LENGTH OF 31.75 FEET (THE LONG CHORD OF WHICH BEARS S83°32'16"E, A LONG CHORD DISTANCE OF 30.13 FEET) TO A POINT ON THE EASTERLY LINE OF SAID UNPLATTED PARCEL OF LAND;
- 3) THENCE ALONG SAID EASTERLY LINE AND ALONG THE ARC OF A 533.20 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°33'02", AN ARC LENGTH OF 42.35 FEET (THE LONG CHORD OF WHICH BEARS S29°29'15"W, A LONG CHORD DISTANCE OF 42.34 FEET) TO THE SOUTHEAST CORNER OF SAID UNPLATTED PARCEL OF LAND;
- 4) THENCE N62°26'51"W ALONG THE SOUTHERLY LINE OF SAID UNPLATTED PARCEL OF LAND, A DISTANCE OF 12.38 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND CONTAINS 706 SQUARE FEET OR 0.016 ACRES, MORE OR LESS.

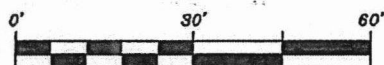
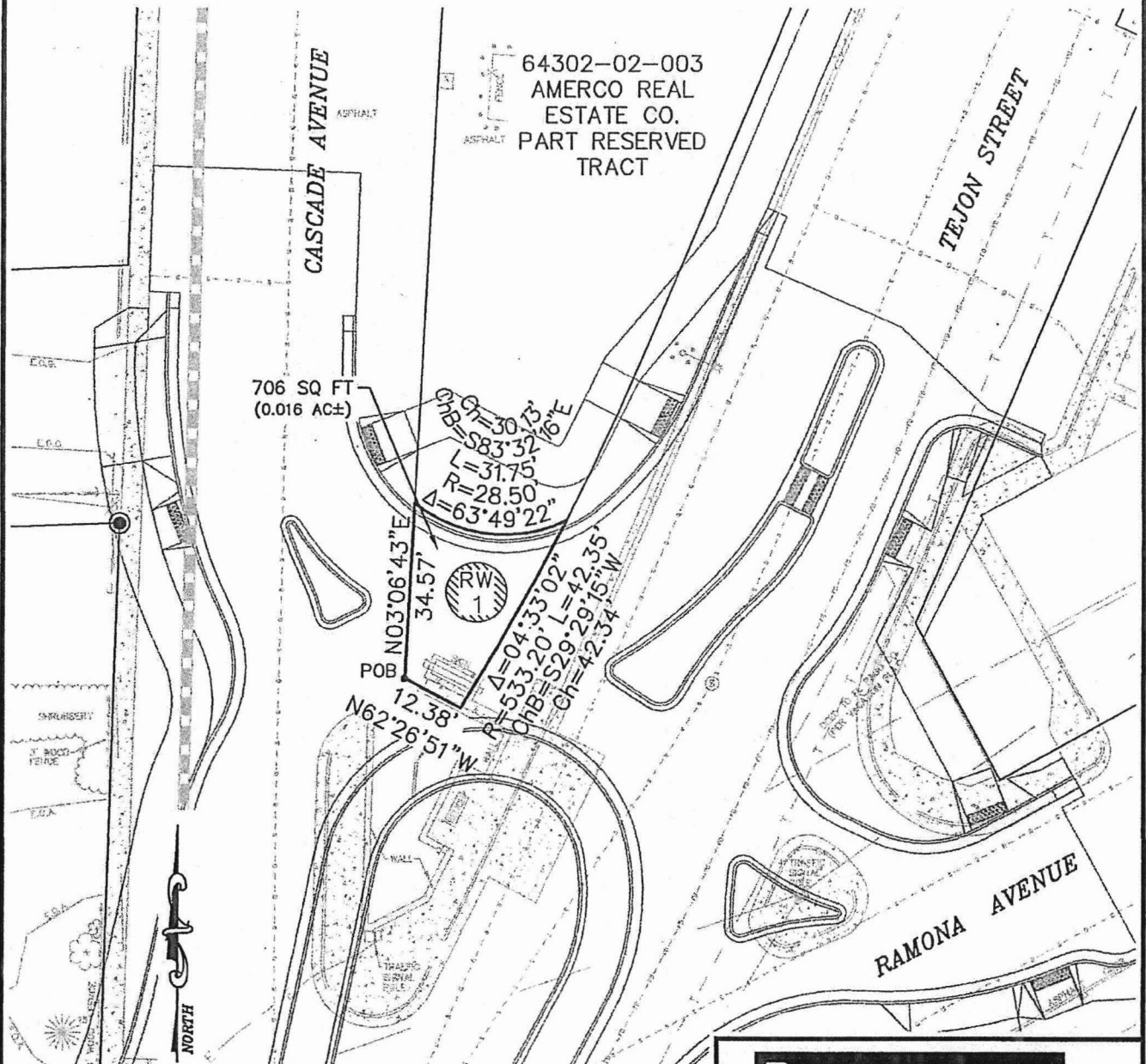
BASIS OF BEARINGS: ALL BEARINGS USED HEREIN ARE BASED ON THE LINE BETWEEN "FIMS" CONTROL POINTS "SG\_1" (Pt. 5003) AND "CB\_3" (Pt. 5011). THE BEARING OF THIS LINE WAS DETERMINED TO BE N85°53'38"W BY USING THE PUBLISHED COORDINATES FROM THE CITY OF COLORADO SPRINGS UTILITIES "FIMS" SYSTEM.

THE FOREGOING DESCRIPTION HAS BEEN PREPARED BY OR UNDER MY DIRECT SUPERVISION.

FOR AND ON BEHALF OF  
RAMPART SURVEYS, INC.  
KEVIN F. LLOYD, COLORADO P.L.S. NO. 26965  
PO BOX 5101  
WOODLAND PARK, CO 80866  
(719) 687-0920

**EXHIBIT "A"**  
**R.O.W. TO CITY FOR CURB/GUTTER & ASPHALT STREET**  
**CITY OF COLORADO SPRINGS**  
**TEJON STREET ROUNDABOUT**

A TRACT OR PARCEL NO. RW-1 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. AQC M240-134, LOCATED IN AN UNPLATTED PARCEL OF LAND MARKED RESERVED LYING BETWEEN CASCADE AVE. AND TEJON STREET, RECORDED IN BOOK 5661 AT PAGE 0609 OF THE RECORDS OF EL PASO COUNTY, COLORADO, LOCATED IN THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO  
 SHEET 1 OF 1



**SCALE: 1" = 30'**  
**JOB NO.: 12105**  
**MARCH 6, 2014**

THIS SURVEY DOES NOT REPRESENT  
 A MONUMENTED SURVEY.

**RAMPART**  
**SURVEYS**

P.O. Box 5101  
 Woodland Park, CO. 80866  
 (719) 687-0920

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**EXHIBIT "A"**

**PROJECT CODE: 18525  
PROJECT NUMBER. AQC M240-134  
PARCEL NUMBER: PE-1  
DATE: MARCH 5, 2014**

**LEGAL DESCRIPTION**

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COMMENCING AT THE SOUTHWEST CORNER OF SAID UNPLATTED PARCEL OF LAND MARKED RESERVED LYING BETWEEN CASCADE AVE. AND TEJON STREET;  
THENCE N03°06'43"E ALONG THE WESTERLY LINE OF SAID UNPLATTED PARCEL OF LAND, A DISTANCE OF 34.57 FEET TO THE POINT OF BEGINNING;

- 1) THENCE N03°06'43"E CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 25.14 FEET;
- 2) THENCE S63°07'16"E, A DISTANCE OF 30.35 FEET;
- 3) THENCE N26°52'44"E, A DISTANCE OF 19.17 FEET;
- 4) THENCE N40°39'25"E, A DISTANCE OF 15.88 FEET;
- 5) THENCE N23°23'45"E, A DISTANCE OF 25.28 FEET;
- 6) THENCE S66°42'47"E, A DISTANCE OF 2.48 FEET TO A POINT ON THE EASTERLY LINE OF SAID UNPLATTED PARCEL OF LAND;
- 7) THENCE S23°17'13"W ALONG SAID EASTERLY LINE, A DISTANCE OF 36.05 FEET TO A POINT OF CURVE;
- 8) THENCE CONTINUING ALONG SAID EASTERLY LINE AND ALONG THE ARC OF A 533.20 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 03°55'30", AN ARC LENGTH OF 36.53 FEET (THE LONG CHORD OF WHICH BEARS S25°14'58"W, A LONG CHORD DISTANCE OF 36.52 FEET);
- 9) THENCE ALONG THE ARC OF A 28.50 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 63°49'22", AN ARC LENGTH OF 31.75 FEET (THE LONG CHORD OF WHICH BEARS N83°32'16"W, A LONG CHORD DISTANCE OF 30.13 FEET) TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND CONTAINS 992 SQUARE FEET OR 0.023 ACRES, MORE OR LESS.

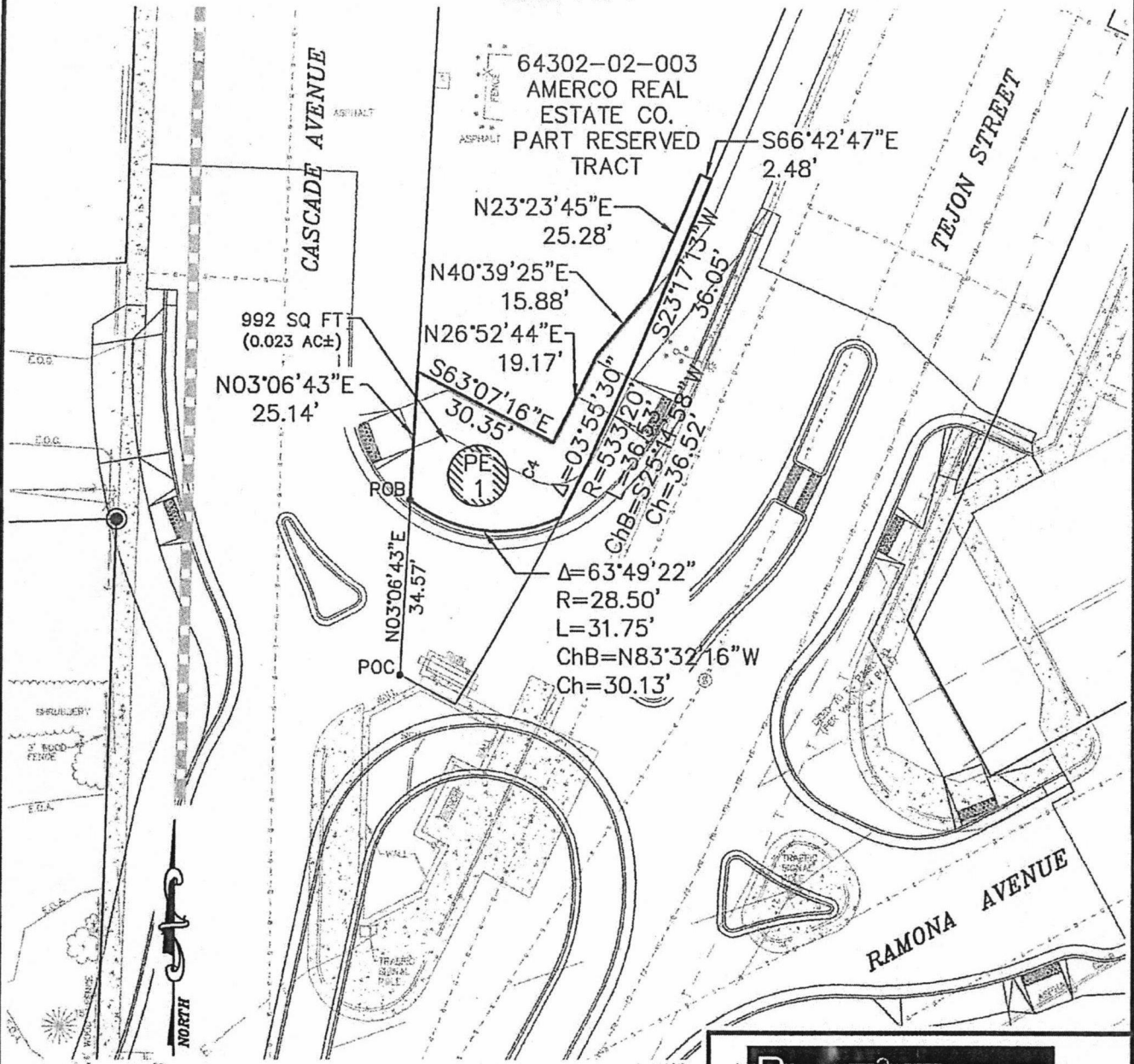
BASIS OF BEARINGS: ALL BEARINGS USED HEREIN ARE BASED ON THE LINE BETWEEN "FIMS" CONTROL POINTS "SG\_1" (Pt. 5003) AND "CB\_3" (Pt. 5011). THE BEARING OF THIS LINE WAS DETERMINED TO BE N85°53'38"W BY USING THE PUBLISHED COORDINATES FROM THE CITY OF COLORADO SPRINGS UTILITIES "FIMS" SYSTEM.

THE FOREGOING DESCRIPTION HAS BEEN PREPARED BY OR UNDER MY DIRECT SUPERVISION.

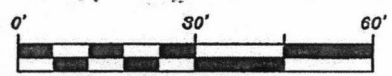
FOR AND ON BEHALF OF  
RAMPART SURVEYS, INC.  
KEVIN F. LLOYD, COLORADO P.L.S, NO. 26965  
PO BOX 5101  
WOODLAND PARK, CO 80866  
(719) 687-0920

**EXHIBIT "A"**  
**PERMANENT PUBLIC IMPROVEMENTS EASEMENT**  
 CITY OF COLORADO SPRINGS  
 TEJON STREET ROUNDABOUT

A TRACT OR PARCEL NO. PE-1 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. AQC M240-134, LOCATED IN AN UNPLATTED PARCEL OF LAND MARKED RESERVED LYING BETWEEN CASCADE AVE. AND TEJON STREET, RECORDED IN BOOK 5661 AT PAGE 0609 OF THE RECORDS OF EL PASO COUNTY, COLORADO, LOCATED IN THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO  
 SHEET 1 OF 1



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SCALE: 1" = 30'  
 JOB NO.: 12105  
 MARCH 6, 2014

THIS SURVEY DOES NOT REPRESENT A MONUMENTED SURVEY.

**RAMPART SURVEYS**

P.O. Box 5101  
 Woodland Park, CO. 80866  
 (719) 687-0920



**EXHIBIT "A"**

**PROJECT CODE: 18525  
PROJECT NUMBER. AQC M240-134  
PARCEL NUMBER: PE-1a  
DATE: MARCH 5, 2014**

**LEGAL DESCRIPTION**

A TRACT OR PARCEL NO. PE-1a OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. AQC M240-134, LOCATED IN AN UNPLATTED PARCEL OF LAND MARKED RESERVED LYING BETWEEN CASCADE AVE. AND TEJON STREET, RECORDED IN BOOK 5661 AT PAGE 0609 OF THE RECORDS OF EL PASO COUNTY, COLORADO, LOCATED IN THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE N03°06'43"E ALONG THE WESTERLY LINE OF SAID UNPLATTED PARCEL OF LAND, A DISTANCE OF 59.71 FEET TO THE POINT OF BEGINNING;

- 1) THENCE N03°06'43"E CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 5.46 FEET;
- 2) THENCE N73°12'29"E, A DISTANCE OF 49.83 FEET;
- 3) THENCE S23°23'45"W, A DISTANCE OF 4.82 FEET;
- 4) THENCE S40°39'25"W, A DISTANCE OF 15.88 FEET;
- 5) THENCE S26°52'44"W, A DISTANCE OF 19.17 FEET;
- 6) THENCE N63°07'16"W, A DISTANCE OF 30.35 FEET TO THE POINT OF BEGINNING.

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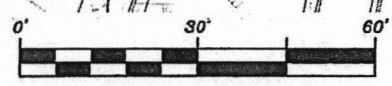
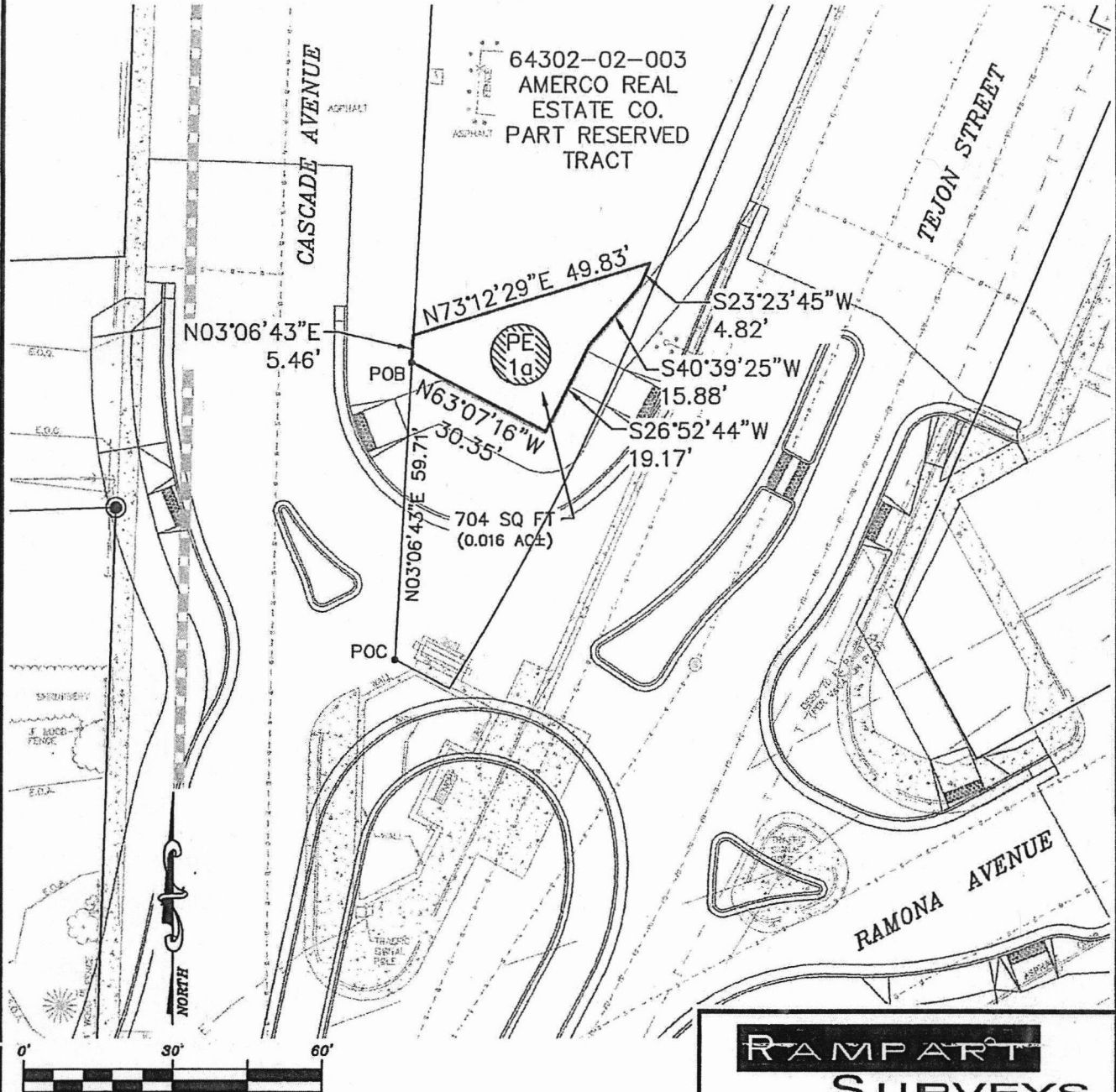
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**EXHIBIT "A"**  
**PERMANENT SIGHT DISTANCE EASEMENT**  
 CITY OF COLORADO SPRINGS  
 TEJON STREET ROUNDABOUT

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 SHEET 1 OF 1



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**JOB NO.: 12105**  
**MARCH 6, 2014**

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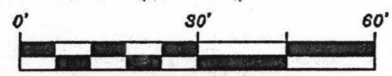
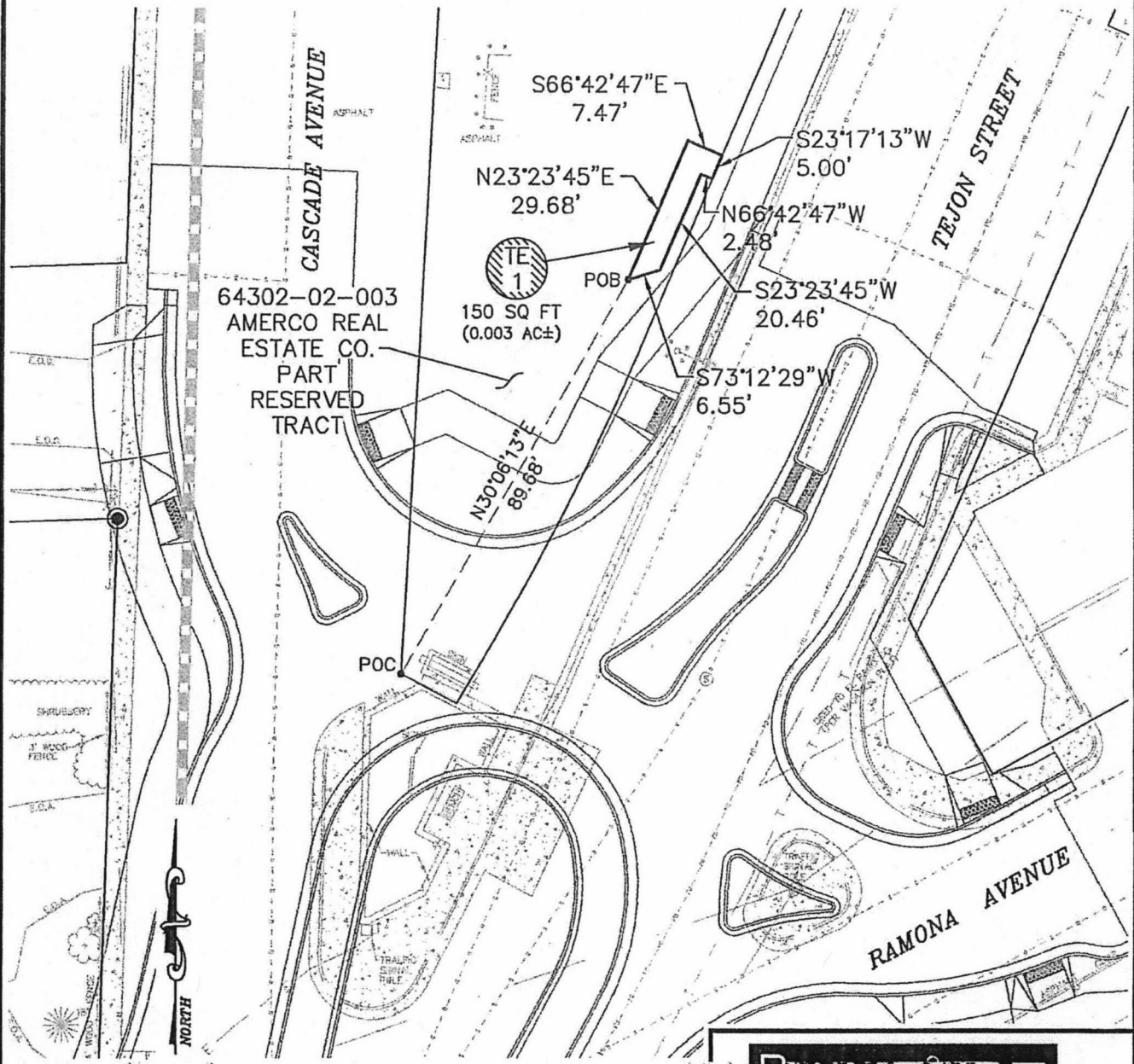
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**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT**  
 CITY OF COLORADO SPRINGS  
 TEJON STREET ROUNDABOUT

A TRACT OR PARCEL NO. TE-1 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. AQC M240-134. LOCATED IN AN UNPLATTED PARCEL OF LAND MARKED RESERVED LYING BETWEEN CASCADE AVE. AND TEJON STREET, RECORDED IN BOOK 5661 AT PAGE 0609 OF THE RECORDS OF EL PASO COUNTY, COLORADO, LOCATED IN THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO  
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# AMERCO Vicinity Map

