

ORDINANCE NO. 21-44

AN ORDINANCE VACATING PORTIONS OF A PUBLIC RIGHT-OF-WAY KNOWN AS BANNING LEWIS PARKWAY, STETSON HILLS BOULEVARD, DUBLIN BOULEVARD AND INTERIOR ROADWAYS CONSISTING OF 49.6 ACRES

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

Section 1. City Council hereby finds, determines and declares that it is in the best interest of the City and its citizens to vacate and hereby vacates portions of a public right-of-way known as Banning Lewis Parkway, Stetson Hills Boulevard, Dublin Boulevard and interior roadways consisting of 49.6 acres, as described and depicted in Exhibit A, which is attached hereto and made a part hereof.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the Office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 11th day of May, 2021.

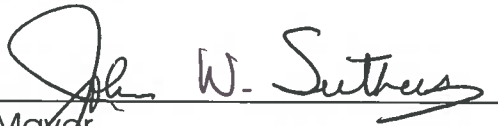
Finally passed: May 25th 2021



Council President

Mayor's Action:

- Approved on May 27, 2021.
- Disapproved on _____, based on the following objections:



Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:



Sarah B. Johnson

City Clerk



COS:
CAO:



I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE VACATING PORTIONS OF A PUBLIC RIGHT-OF-WAY KNOWN AS BANNING LEWIS PARKWAY, STETSON HILLS BOULEVARD, DUBLIN BOULEVARD AND INTERIOR ROADWAYS CONSISTING OF 49.6 ACRES” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on May 11th, 2021; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 25th day of May 2021, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Gazette on May 28th, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 27th day of May 2021.


Sarah B. Johnson, City Clerk

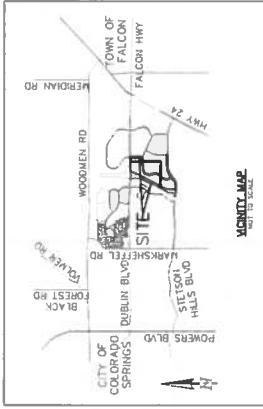


1st Publication Date: May 14th, 2021
2nd Publication Date: May 31st, 2021

Effective Date: June 5th, 2021

Initial: SB5
City Clerk

VACATION PLAT
BANNING LEWIS RANCH FILING NO. 1 & FILING NO. 3 R.O.W. VACATION
 A VACATION OF A PORTION OF BANNING LEWIS PARKWAY, A PORTION OF STETSON HILLS BOULEVARD
 AND A PORTION OF VISTA DEL PRADO BOULEVARD BEING A PORTION OF BANNING LEWIS RANCH FILING NO. 1 RECEPTION NUMBER 205087777
 AND A PORTION OF BANNING LEWIS RANCH FILING NO. 3 RECEPTION NO. 205084513 AND A PORTION OF TAMLIN ROAD
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, SECTION 15 AND THE NORTH HALF OF SECTION 22, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN
 CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



LEGAL DESCRIPTION:

FIVE (5) PARCELS OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 14, SECTION 15 AND THE NORTH HALF OF SECTION 22, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

PARCEL 1
 A PARCEL OF LAND BEING A PORTION OF BANNING LEWIS PARKWAY AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 20507777 RECORDS OF EL PASO COUNTY, COLORADO, COMPROMISING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING SUBDIVIDED AT THE WESTERN BOUNDARY OF BANNING LEWIS PARKWAY AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1 AND THE EASTERN BOUNDARY OF VISTA DEL PRADO BOULEVARD AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 205087777.

THENCE 588.9161 FT., A DISTANCE OF 3216.57 FEET TO THE POINT OF BEGINNING;
 THENCE 587.9743 FT., A DISTANCE OF 640.83 FEET;
 THENCE 500.0017 FT., A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DUBLIN BOULEVARD AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1 AND THE EASTERN RIGHT OF WAY LINE OF BANNING LEWIS PARKWAY AS PLATTED IN S40 BANNING LEWIS RANCH FILING NO. 1;
 THENCE ON THE EASTERN RIGHT OF WAY LINE OF S40 BANNING LEWIS PARKWAY THE FOLLOWING CURVES: (1) CURVE 608.0017 FT., A DISTANCE OF 110.81 FEET TO A POINT OF CURVE;
 2. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 207.34 41", A RADIUS OF 1500.00 FEET AND A DISTANCE OF 122.22 FEET TO A POINT OF TANGENT;
 3. A DISTANCE OF 475.53 FEET TO A POINT ON CURVE;
 4. 530.48 54", A DISTANCE OF 475.53 FEET TO A POINT OF TANGENT;
 5. 031.44 02", A RADIUS OF 1616.00 FEET AND A DISTANCE OF 385.05 FEET TO A POINT OF TANGENT;
 6. 527.42 19", A DISTANCE OF 1918.84 FEET TO A POINT OF CURVE;
 7. AND A DISTANCE OF 230.80 FEET TO A POINT ON CURVE;
 8. ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS 57527.292 E HAVING A DELTA OF 201.50 20", A RADIUS OF 1511.50 7", A DISTANCE OF 1011.50 7" TO A POINT OF TANGENT;
 9. 501.50 20", A DISTANCE OF 516.81 FEET TO A POINT OF CURVE;
 10. 501.50 20", A DISTANCE OF 516.81 FEET TO A POINT OF TANGENT;
 11. AND A DISTANCE OF 1815.00 FEET TO A POINT OF BEGINNING.

PARCEL 2
 STETSON HILLS BOULEVARD AS PLATTED IN S40 BANNING LEWIS RANCH FILING NO. 1;
 DISTANCE CONTAINING 311.20 70", ON THE EASTERN RIGHT OF WAY LINE OF S40 BANNING LEWIS PARKWAY, A DISTANCE OF 311.20 70", TO A POINT OF CURVE;
 THENCE 182.20 00", A DISTANCE OF 345.69 FEET;
 THENCE ON THE EASTERN RIGHT OF WAY LINE OF S40 BANNING LEWIS PARKWAY, A DISTANCE OF 182.20 00", TO A POINT OF CURVE;
 THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 207.70 28", A RADIUS OF 1828.00 FEET AND A DISTANCE OF 177.34 FEET TO A POINT OF TANGENT;
 THENCE ON THE EASTERN RIGHT OF WAY LINE OF S40 BANNING LEWIS PARKWAY, A DISTANCE OF 177.34 FEET TO A POINT OF CURVE;
 THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 27.42 28", A RADIUS OF 1116.00 FEET AND A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 31.308 ACRES

PARCEL 3
 A PORTION OF VISTA DEL PRADO BOULEVARD AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 205087777 AND A PORTION OF DUBLIN BOULEVARD AS PLATTED IN BANNING LEWIS RANCH FILING NO. 2 RECORDED UNDER RECEPTION NO. 205084513, RECORDS OF EL PASO COUNTY, COLORADO, COMPROMISING AT THE NORTHEAST CORNER OF PARCEL 1 HEREIN DESCRIBED SAID POINT BEING THE POINT OF BEGINNING;
 THENCE 587.9743 FT., A DISTANCE OF 552.45 FEET TO A POINT ON THE EASTERN BOUNDARY OF BANNING LEWIS RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 205087777 SAID POINT BEING ALSO ON THE WESTERN BOUNDARY OF VISTA DEL PRADO BOULEVARD AS PLATTED IN BANNING LEWIS RANCH FILING NO. 205084513;
 THENCE CONTAINING 587.9743 FT., A DISTANCE OF 1277.89 FEET;
 THENCE 587.9743 FT., A DISTANCE OF 540.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF BANNING LEWIS PARKWAY AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1;
 THENCE ON THE SOUTHERLY RIGHT OF WAY LINE OF S40 DUBLIN BOULEVARD AS PLATTED IN BANNING LEWIS RANCH FILING NO. 3 THE FOLLOWING SIX (6) CURVES:
 1. 548.0013 70", A DISTANCE OF 107.64 FEET;
 2. 148.32 25", A DISTANCE OF 43.74 FEET;
 3. 182.20 00", A DISTANCE OF 10.89 FEET;
 4. 182.20 00", A DISTANCE OF 182.20 FEET;
 5. 182.20 00", A DISTANCE OF 587.77 FEET;
 6. 182.20 00", A DISTANCE OF 182.20 FEET TO A POINT ON THE WESTERN BOUNDARY OF S40 BANNING LEWIS RANCH FILING NO. 3 SAID POINT BEING ALSO ON THE EASTERN BOUNDARY OF S40 BANNING LEWIS RANCH FILING NO. 1;
 THENCE ON THE SOUTHERLY RIGHT OF WAY LINE OF S40 DUBLIN BOULEVARD AS PLATTED IN BANNING LEWIS RANCH FILING NO. 3 THE FOLLOWING FIVE (5) CURVES:
 1. 182.20 00", A DISTANCE OF 10.89 FEET;
 2. 182.20 00", A DISTANCE OF 182.20 FEET;
 3. 580.07 44", A DISTANCE OF 3061.17 FEET;
 4. 545.00 17", A DISTANCE OF 42.40 FEET TO A POINT ON THE EASTERN RIGHT OF WAY LINE OF S40 BANNING LEWIS PARKWAY AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1;
 THENCE 182.20 00", ON THE EASTERN RIGHT OF WAY LINE OF S40 BANNING LEWIS PARKWAY A DISTANCE OF 182.20 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 0.777 ACRES
 LEGAL DESCRIPTION CONTINUED ON SHEET 2 OF 7

GENERAL NOTES:

- THE DATE OF PREPARATION IS JUNE 6, 2020.
- THE VACATED PORTIONS OF BANNING LEWIS RANCH FILING NO. 1 & FILING NO. 3 R.O.W. VACATION, IS WITHIN AN UNDESIGNED ZONED A FLOODPLAIN AS SHOWN ON THE FLOODPLAIN HAZARD IDENTIFICATION MAP, NUMBER 08046-05-04-0, EFFECTIVE DECEMBER 7, 2016. (ZONE A)
- THE VACATED PORTIONS OF HIGH-OR-WAY ARE SUBJECT TO THE RESERVATION OF EASEMENTS AS SET FORTH IN SECTION 2 OF THE CITY OF COLORADO SPRINGS ORDINANCES.
- TAMLIN ROAD AS SHOWN HEREON IS NOT A DEDICATED OR DEEDED RIGHT OF WAY. IT EXISTS BY USE ONLY.

SURVEYOR'S STATEMENT:

THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATES AND DECLARES THAT THE ACCOMPANYING VACATION PLAT WAS SURVEYED AND PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE TRACT OF LAND AND THAT THE REQUIREMENTS OF TITLE 38 OF THE COLORADO REVISED STATUTES, 1973, AS AMENDED, HAVE BEEN MET TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST CONSIDER ANY LEGAL ACTION BASED UPON THIS INSTRUMENT TO BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

BE IT THOM BY THESE PRESENTS:
 ON BEHALF OF THE CITY OF COLORADO SPRINGS, THE UNDERSIGNED HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AND IS DULY RECORDED AT RECEPTION NO. _____ TO A.D. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

CITY APPROVAL:
 ON BEHALF OF THE CITY OF COLORADO SPRINGS, THE UNDERSIGNED HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AND IS DULY RECORDED AT RECEPTION NO. _____ TO A.D. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

NOTARY STATEMENT:
 MY COMMISSION EXPIRES _____
 DATE _____
 CITY PLANNING DIRECTOR _____
 CITY ENGINEER _____
 UTILITIES EXECUTIVE DIRECTOR _____

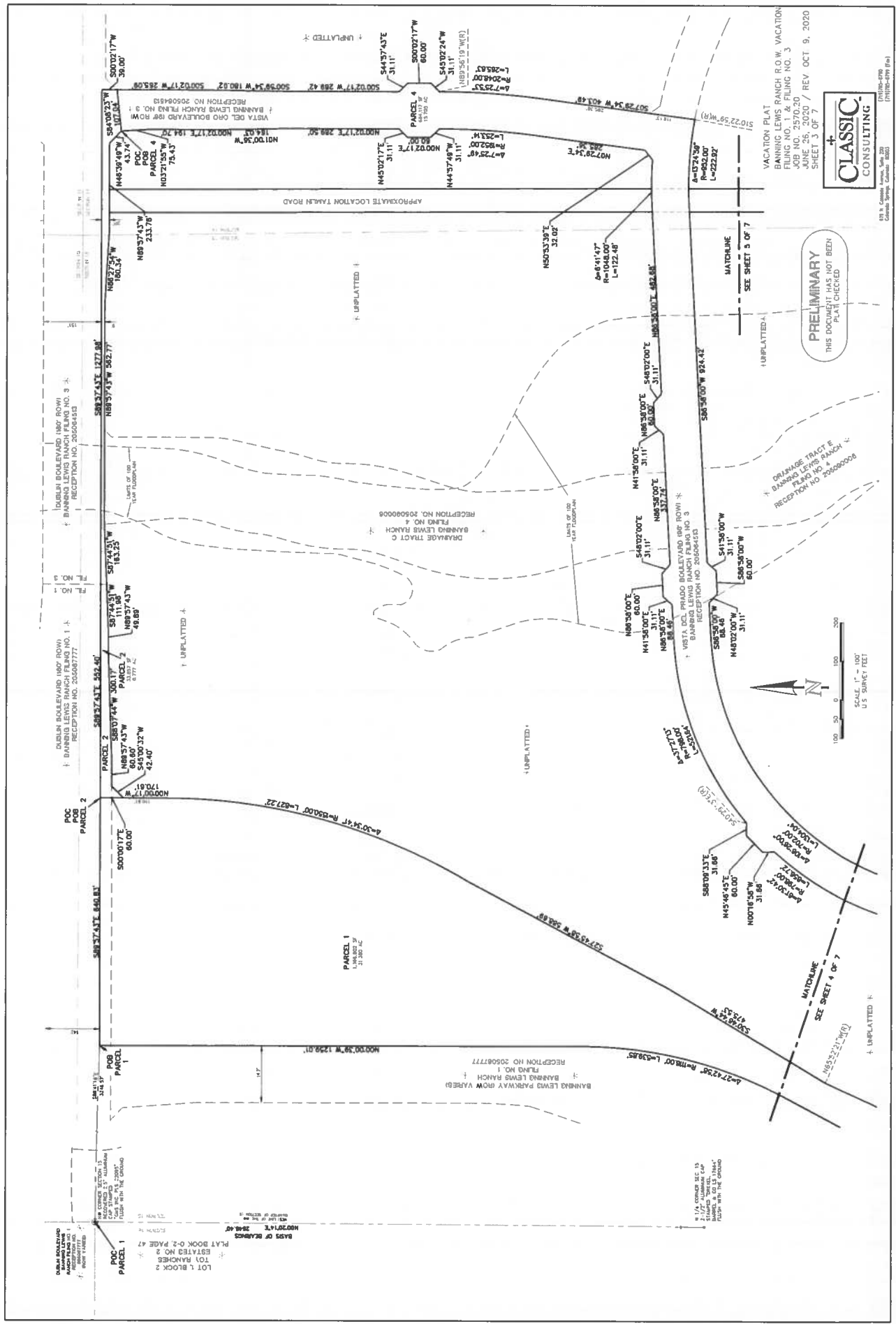
CLERK AND RECORDER:
 STATE OF COLORADO } ss
 COUNTY OF EL PASO }
 I, HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AND IS DULY RECORDED AT RECEPTION NO. _____ TO A.D. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.
 CHUCK BRENNAN, RECORDER
 DEPUTY _____
 FEE _____
 SURCHARGE _____

PRELIMINARY
 THIS DOCUMENT HAS NOT BEEN PLAT CHECKED

VACATION PLAT
 BANNING LEWIS RANCH R.O.W. VACATION
 FILING NO. 1 & FILING NO. 3
 JOB NO. 2570.20
 JUNE 25, 2020 / REV. OCT. 9, 2020
 SHEET 1 OF 7



1814 S. Tejon Street, Suite 200
 Colorado Springs, CO 80905
 (719) 575-8999 (fax)

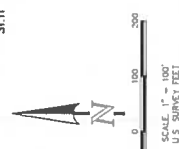


VACATION PLAT
 BANNING LEWIS RANCH R.O.W. VACATION
 FILING NO. 1 & FILING NO. 3
 JOB NO. 2570.20
 JUNE 26, 2020 / REV OCT 9, 2020
 SHEET 3 OF 7



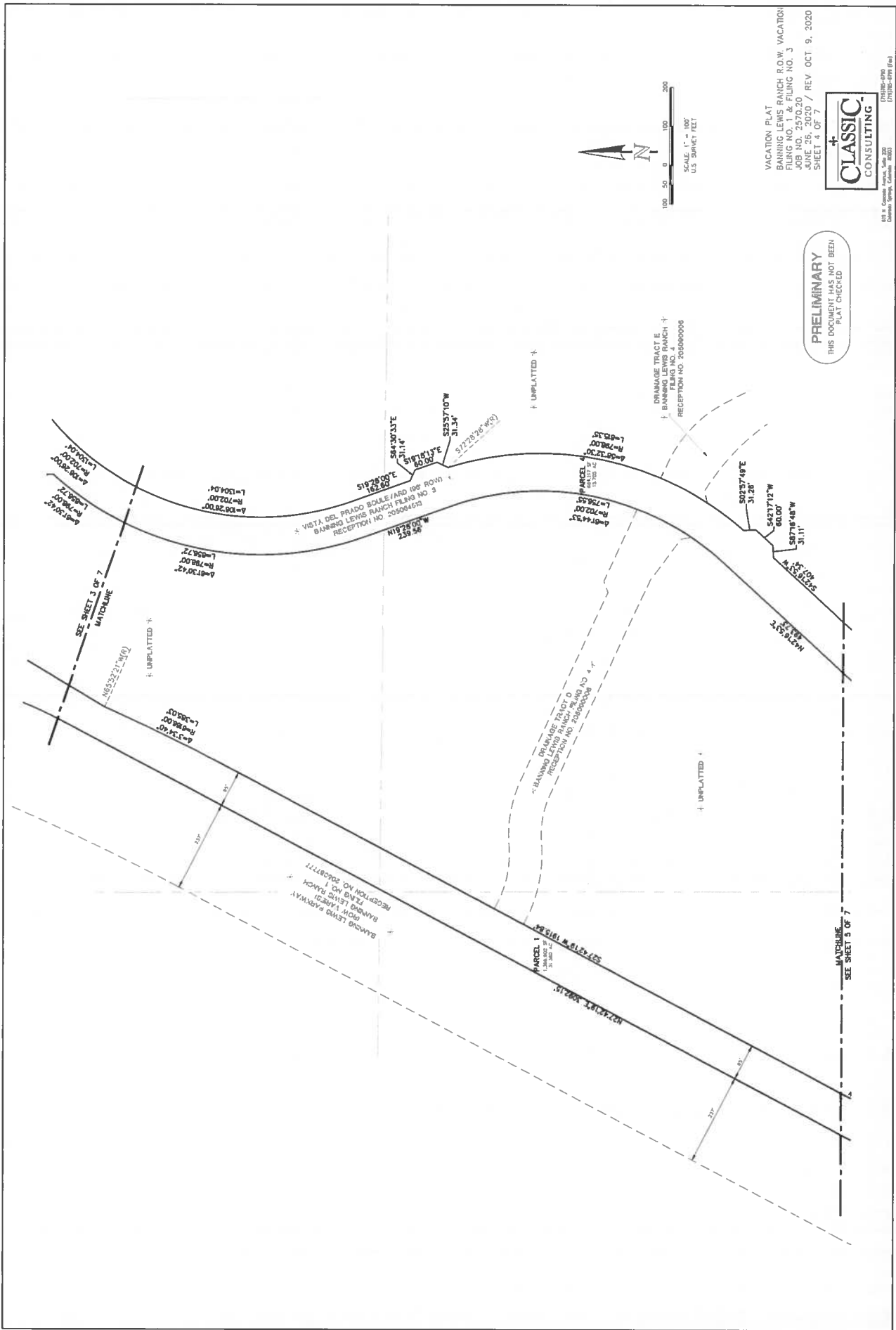
183 S. Colorado Street, Suite 200
 Colorado Springs, Colorado 80902
 (719) 576-8799
 (719) 576-8799 (fax)

PRELIMINARY
 THIS DOCUMENT HAS NOT BEEN
 PLAN CHECKED



BASES OF BOUNDARIES
 PLAT BOOK 0-2 PAGE 47
 LOT 1, BLOCK 2
 ESTATES NO. 2
 (TO) RANCHES
 PARCEL 1
 PARCEL 2
 PARCEL 3
 PARCEL 4
 UNPLATTED

EXHIBIT A - RIGHT OF WAY VACATION



SCALE: 1" = 100'
U.S. SURVEY FEET

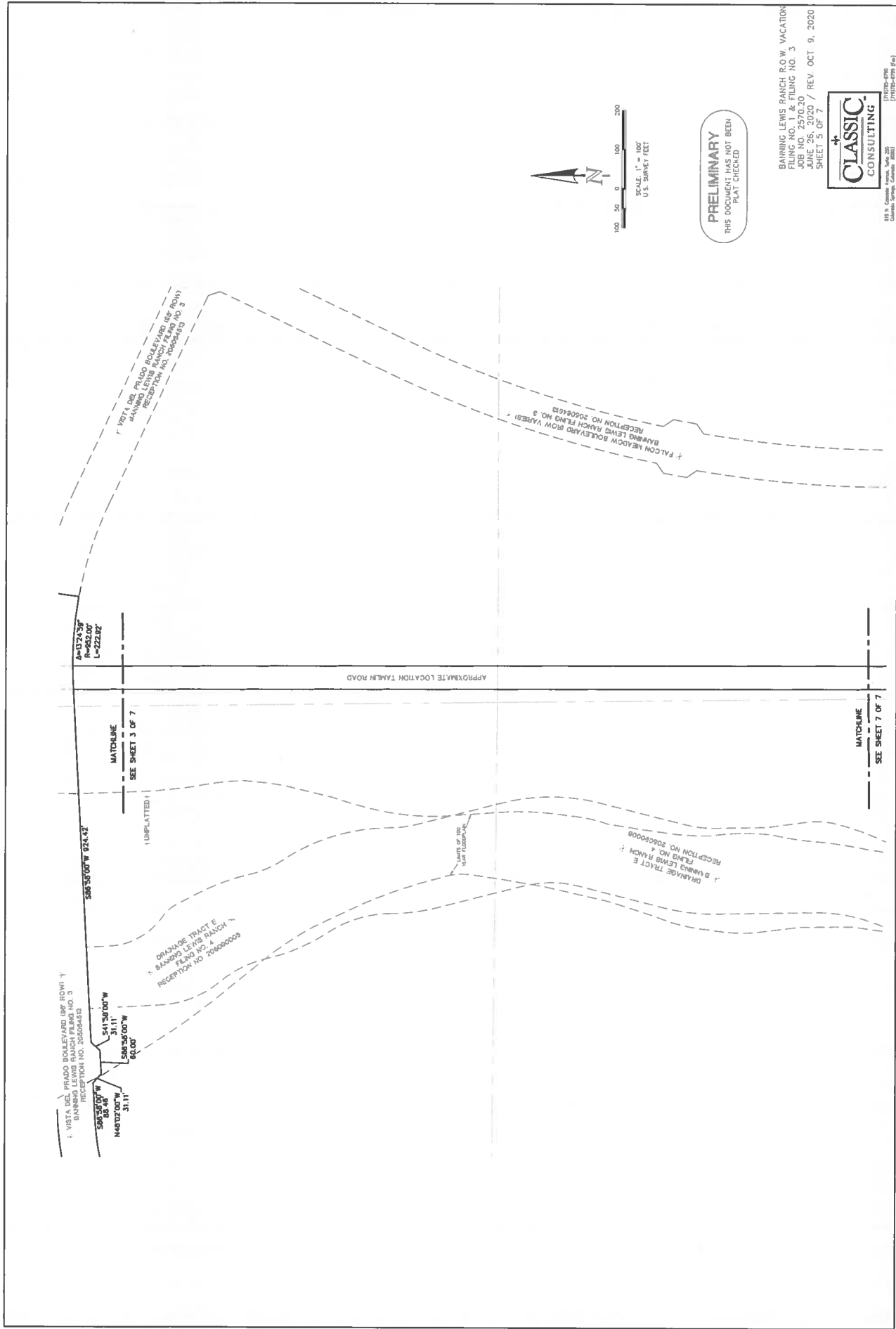
VACATION FLAT
BANNING LEWIS RANCH R.O.W. VACATION
FILING NO. 1 & FILING NO. 3
JOB NO. 2570.20
JUNE 26, 2020 / REV OCT 9, 2020
SHEET 4 OF 7



161 N. Colorado Blvd., Suite 200
Colorado Springs, Colorado 80902
(719) 584-8994 (cell)
(719) 584-8994 (fax)

PRELIMINARY
THIS DOCUMENT HAS NOT BEEN
PLAT CHECKED

EXHIBIT A - RIGHT OF WAY VACATION



BANNING LEWIS RANCH R.O.W. VACATION
 FILING NO. 1 & FILING NO. 3
 JOB NO. 2570.20
 JUNE 26, 2020 / REV. OCT. 9, 2020
 SHEET 3 OF 7



181 S. Colorado Avenue, Suite 200
 Colorado Springs, Colorado 80903
 (719) 575-5700
 (719) 575-5799 (fax)

PRELIMINARY
 THIS DOCUMENT HAS NOT BEEN
 PLAT CHECKED

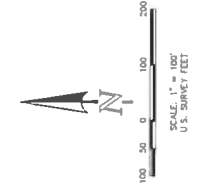
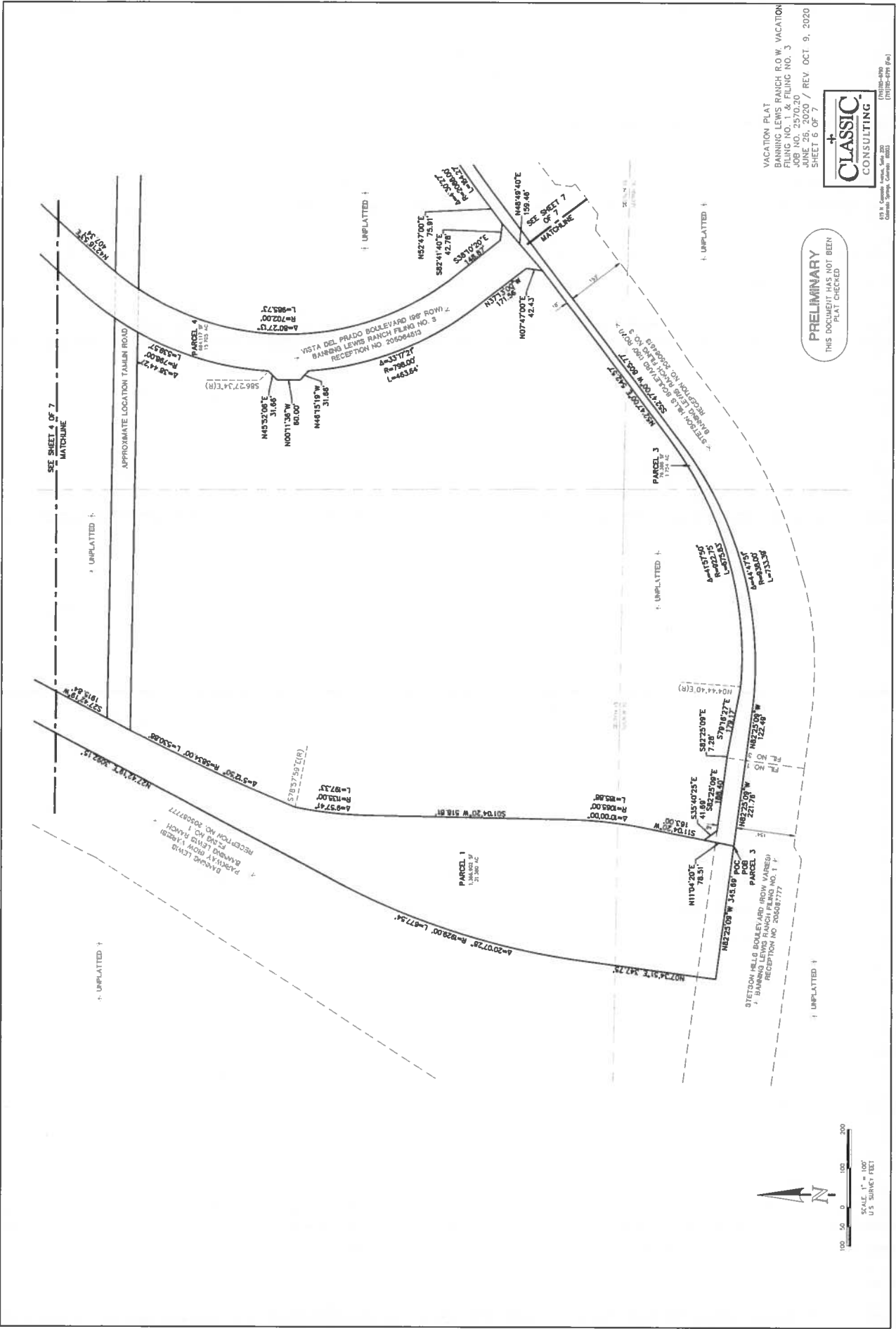


EXHIBIT A - RIGHT OF WAY VACATION

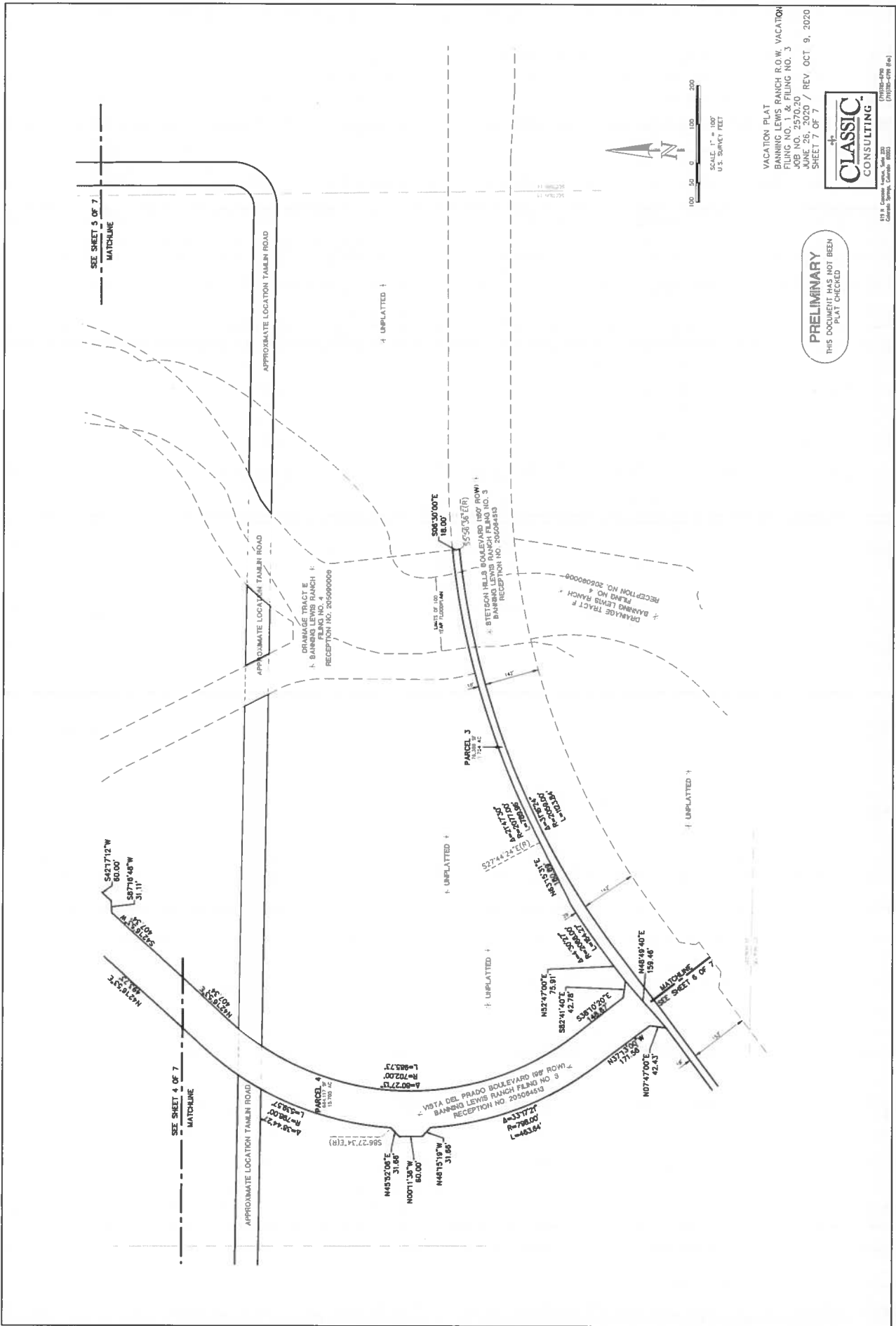


VACATION PLAT
 BANNING LEWIS RANCH R.O.W. VACATION
 FILING NO. 1 & FILING NO. 3
 JOB NO. 2570.20
 JUNE 26, 2020 / REV. OCT. 9, 2020
 SHEET 6 OF 7



PRELIMINARY
 THIS DOCUMENT HAS NOT BEEN
 PLAT CHECKED

EXHIBIT A - RIGHT OF WAY VACATION



VACATION PLAT
 BANNING LEWIS RANCH R.O.W. VACATION
 FILING NO. 1 & FILING NO. 3
 JOB NO. 2570.20
 JUNE 25, 2020 / REV OCT 9, 2020
 SHEET 7 OF 7



1110 S. California Street
 Suite 100
 Corona, CA 92625
 (951) 279-4100
 (951) 279-4101 (fax)

PRELIMINARY
 THIS DOCUMENT HAS NOT BEEN
 PLAT CHECKED