

RESOLUTION NO. 112-15

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE REAL PROPERTY OWNED BY DELORES ART NEEDED TO COMPLETE THE WOODMEN ROAD CORRIDOR IMPROVEMENT PROJECT

WHEREAS, the City of Colorado Springs (the "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 November 2, 2004, the voters approved the formation of the Pikes Peak Rural Transportation Authority ("PPRTA"), for the purpose of providing improved funding for expansion and maintenance of regional roadways and transit systems; and

WHEREAS, the list of PPRTA capital projects, which included the Woodmen Road Corridor Improvement Project, was approved by the voters of El Paso County, the City, the City of Manitou Springs, and the Town of Green Mountain Falls; and

WHEREAS, pursuant to the provisions of the Charter and the PPRTA intergovernmental agreement, the City is empowered to acquire property by lease, purchase, gift, bequest, dedication or other suitable means of conveyance, or through institution of eminent domain proceedings, for all land necessary for PPRTA projects; and

WHEREAS, on January 24, 2006, City Council approved Resolution No. 7-06 identifying the Woodmen Road Corridor Improvements as necessary to address traffic safety and congestion that is limiting the mobility of the citizens of the City and needed for the public safety and endorsing the proposed action plan to improve Woodmen Road through the Colorado Springs urbanized area as detailed in the Woodmen Road Corridor Improvement Environmental Assessment (EA) document; and

WHEREAS, the acquisition of certain real property, including the property owned by Delores Art ("Ms. Art") identified on attached Exhibit A, (the "Property") is necessary for the completion of the Woodmen Road Corridor Improvement Project; and

WHEREAS, acquisition of the 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 State and Federal Guidelines; and

WHEREAS, the City has negotiated with Ms. Art for the acquisition of the Property in accordance with the applicable requirements; and

WHEREAS, Ms. Art has entered into a Real Estate Purchase Agreement with the City and has given the City possession and use of the Property; and

WHEREAS, the Property is subject to a deed of trust in favor of Plaza Home Mortgage LLC and the deed of trust holder is unwilling to release the Property from the lien created by the deed of trust which makes it impossible for the City to complete the acquisition of the Property from Ms. Art; and

WHEREAS, the negotiations with the deed of trust holder have reached an impasse.

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

Section 1. The City Council finds it to be in the interest of the public health, safety and welfare to acquire the Property from Ms. Art for the purpose of constructing the Woodmen Road Corridor Improvement Project.

Section 2. The City Attorney is hereby authorized to take action as may be necessary to acquire the Property by eminent domain or other appropriate proceedings.

DATED at Colorado Springs, Colorado, this 10th day of November, 2015.

ATTEST:


Sarah B. Johnson, City Clerk



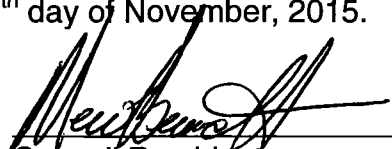

Council President

EXHIBIT A

Description of the Property

Right of Way-fee interest Parcels RW-246, RW-246A
Permanent Easement Parcel PE-246
Temporary Construction Easement Parcel TEC-246

EXHIBIT "A"

Project No. STU M240-046 Unit II
Project Code: 12717
Date: December 07, 2012

DESCRIPTION

A tract or parcel No. RW-246 of the City of Colorado Springs, State of Colorado, Project No. STU M240-046 Unit II located in a portion of Lot 21 Block 8, of the vacation and replat Columbine Estates recorded with reception No. 302902 in the records of El Paso County, Colorado, located in the NW 1/4 Section 10, Township 13 South, and Range 66 West of the 6th Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

Beginning at the southwest corner of said lot 21;

- 1) Thence N00°28'26"W on the west line of lot 21, a distance of 49.12 feet to a non tangent curve to the left;
- 2) Thence on the arc of said curve, having a radius of 1,000.00 feet, a delta angle of 23°59'22", an arc length of 418.70 feet, whose long chord bears N73°06'32"E a distance of 415.65 feet;
- 3) Thence N57°43'24"E a distance of 45.98 feet to the easterly line of lot 21;
- 4) Thence S43°58'26"E on the easterly line of lot 21, a distance of 42.37 feet to the southeast corner of said lot 21;
- 5) Thence S59°26'04"W on the southerly line of lot 21, a distance of 127.40 feet to a point of curve to the right;
- 6) Thence on the arc of said curve and continuing on said south line, having a radius of 713.95 feet, a delta angle of 29°59'27", an arc length of 373.71 feet, whose long chord bears S74°25'51"W a distance of 369.46 feet to the point of beginning.

The above tract of land contains 23,762 square feet or 0.545 acres, more or less.

Basis of Bearings for this description are based on the North line of the Northeast Quarter of section 10, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County Colorado, said line bears N89°22'46"E a distance of 2619.18 feet from the North 1/4 corner of Section 10 (monumented with a 3 1/4" Alum. Cap PLS 10377) to the Northeast corner of section 10 (monumented with a 3 1/4" Alum. Cap PLS 10956)

The forgoing description has been prepared by or under my direct supervision.

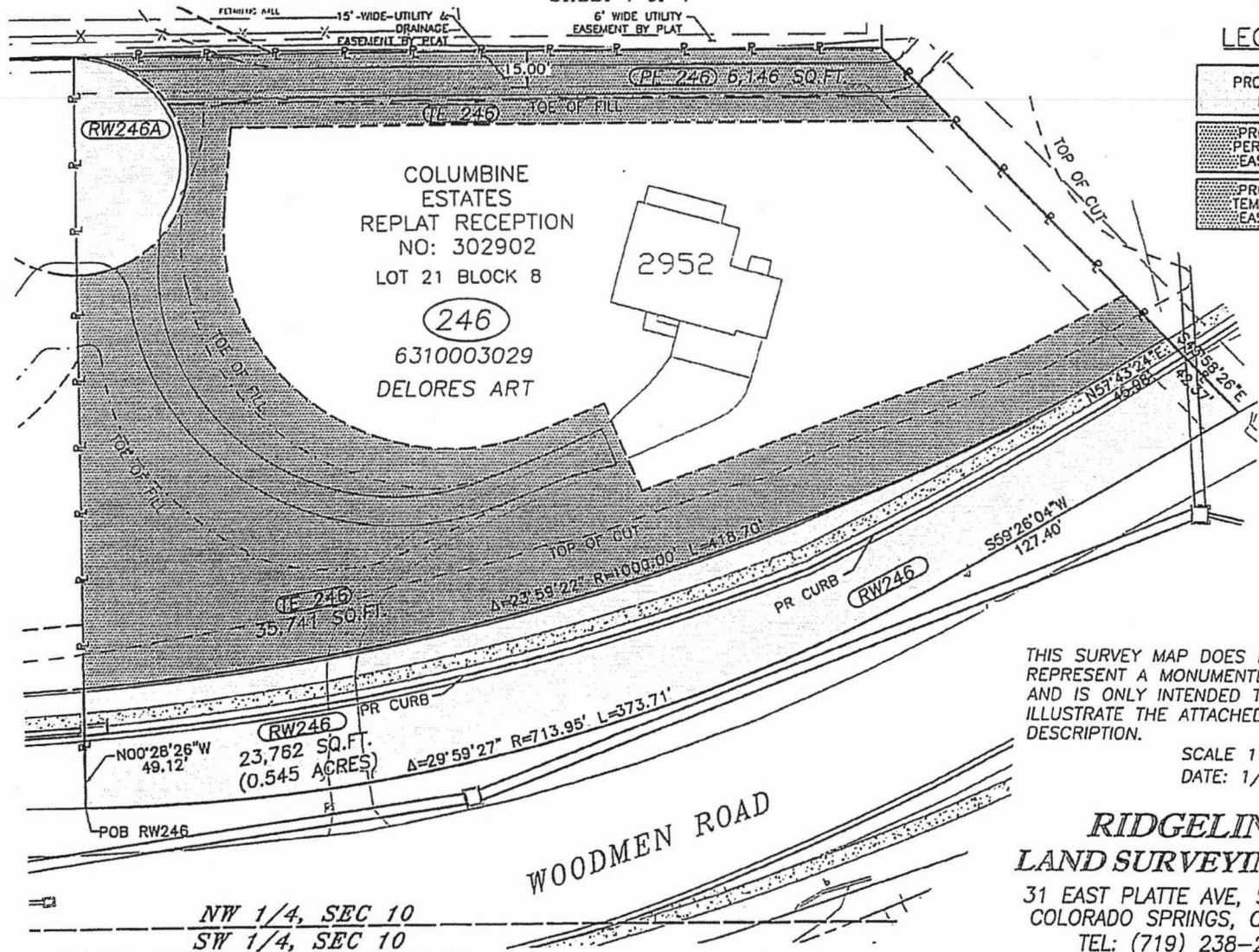
James F. Lenz PLS 34583
For and on behalf of
Ridgeline Land Surveying LLC.



LEGAL DESCRIPTION EXHIBIT "A-1"

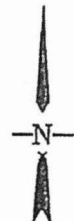
PARCEL NO. RW-246 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. STU M240-046
 UNIT II, LOCATED IN THE NW 1/4 SECTION 10, TOWNSHIP 13 SOUTH, AND RANGE 66 WEST OF THE 6TH
 PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

SHEET 1 OF 1



LEGEND

- PROPOSED ROW
- PROPOSED PERMANENT EASEMENT
- PROPOSED TEMPORARY EASEMENT



THIS SURVEY MAP DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO ILLUSTRATE THE ATTACHED LEGAL DESCRIPTION.

SCALE 1"=60'
 DATE: 1/22/14

**RIDGELINE
 LAND SURVEYING LLC**
 31 EAST PLATTE AVE, SUITE 206
 COLORADO SPRINGS, CO 80903
 TEL: (719) 238-2917

NW 1/4, SEC 10
 SW 1/4, SEC 10

EXHIBIT "B"

Project No. STU M240-046 Unit II
Project Code: 12717
Date: February 5, 2013

DESCRIPTION

A tract or parcel No. RW-246A of the City of Colorado Springs, State of Colorado, Project No. STU M240-046 Unit II located in a portion of Lot 21 Block 8, of the vacation and replat Columbine Estates recorded with reception No. 302902 in the records of El Paso County, Colorado, located in the NW 1/4 Section 10, Township 13 South, and Range 66 West of the 6th Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

Beginning at the northwest corner of said lot 21 and a point of curve to the right;

- 1) Thence on the arc of said curve, having a radius of 45.00 feet, a delta angle of 180°09'39", an arc length of 141.50 feet, whose long chord bears S00°28'26"E a distance of 90.00 feet to the west line of said lot 21;
- 2) Thence N00°28'26"W on said west line, a distance of 90.00 feet to the point of beginning.

The above tract of land contains 3,187 square feet or 0.073 acres, more or less.

Basis of Bearings for this description are based on the North line of the Northeast Quarter of section 10, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County Colorado, said line bears N89°22'46"E a distance of 2619.18 feet from the North 1/4 corner of Section 10 (monumented with a 3 1/4" Alum. Cap PLS 10377) to the Northeast corner of section 10 (monumented with a 3 1/4" Alum. Cap PLS 10956)

The forgoing description has been prepared by or under my direct supervision.

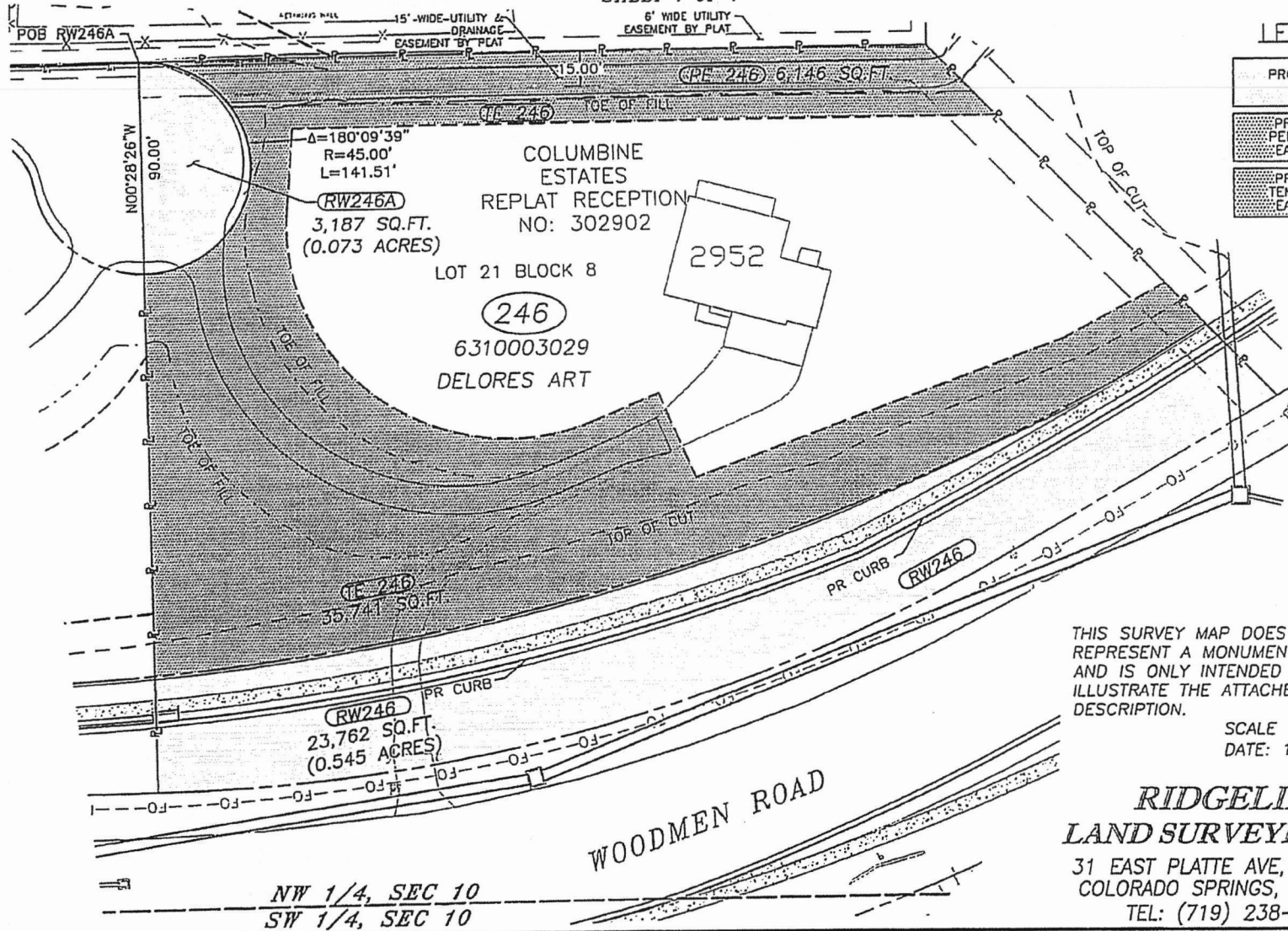
James F. Lenz PLS 34583
For and on behalf of
Ridgeline Land Surveying LLC.



LEGAL DESCRIPTION EXHIBIT "B-1"

PARCEL NO. RW-246A OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. STU M240-046
 UNIT II, LOCATED IN THE NW 1/4 SECTION 10, TOWNSHIP 13 SOUTH, AND RANGE 66 WEST OF THE 6TH
 PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

SHEET 1 OF 1



LEGEND

PROPOSED ROW
PROPOSED PERMANENT EASEMENT
PROPOSED TEMPORARY EASEMENT

THIS SURVEY MAP DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO ILLUSTRATE THE ATTACHED LEGAL DESCRIPTION.

SCALE 1"=60'
 DATE: 1/22/14

RIDGELINE LAND SURVEYING LLC
 31 EAST PLATTE AVE, SUITE 206
 COLORADO SPRINGS, CO 80903
 TEL: (719) 238-2917

NW 1/4, SEC 10
 SW 1/4, SEC 10

EXHIBIT "C"

Project No. STU M240-046 Unit II
Project Code: 12717
Date: April 18, 2013
Easement Purpose: Ingress/Egress to pond for maintenance

DESCRIPTION

A tract or parcel No. PE-246 of the City of Colorado Springs, State of Colorado, Project No. STU M240-046 Unit II located in a portion of Lot 21 Block 8, of the vacation and replat Columbine Estates recorded with reception No. 302902 in the records of El Paso County, Colorado, located in the NW 1/4 Section 10, Township 13 South, and Range 66 West of the 6th Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

Beginning at the northwest corner of said lot 21;

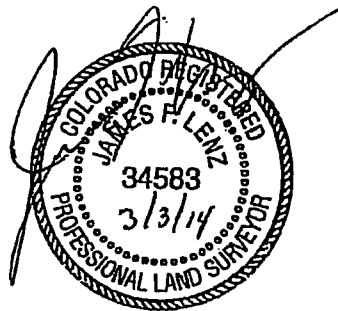
- 1) Thence N89°25'29"E on the north line of said lot 21, a distance of 324.14 feet to the northeast corner of said lot 21;
- 2) Thence S43°58'24"E on the easterly line of said lot 21, a distance of 27.53 feet;
- 3) Thence S89°25'29"W a distance of 305.65 feet to a non-tangent curve to the left;
- 4) Thence on the arc of said curve, having a radius of 45.00 feet, a delta angle of 56°13'49", an arc length of 44.16 feet, whose long chord bears N62°26'21"W a distance of 42.41 feet to the point of beginning.

The above tract of land contains 6,146 square feet or 0.141 acres, more or less.

Basis of Bearings for this description are based on the North line of the Northeast Quarter of section 10, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County Colorado, said line bears N89°22'46"E a distance of 2619.18 feet from the North 1/4 corner of Section 10 (monumented with a 3 1/4" Alum. Cap PLS 10377) to the Northeast corner of section 10 (monumented with a 3 1/4" Alum. Cap PLS 10956)

The forgoing description has been prepared by or under my direct supervision.

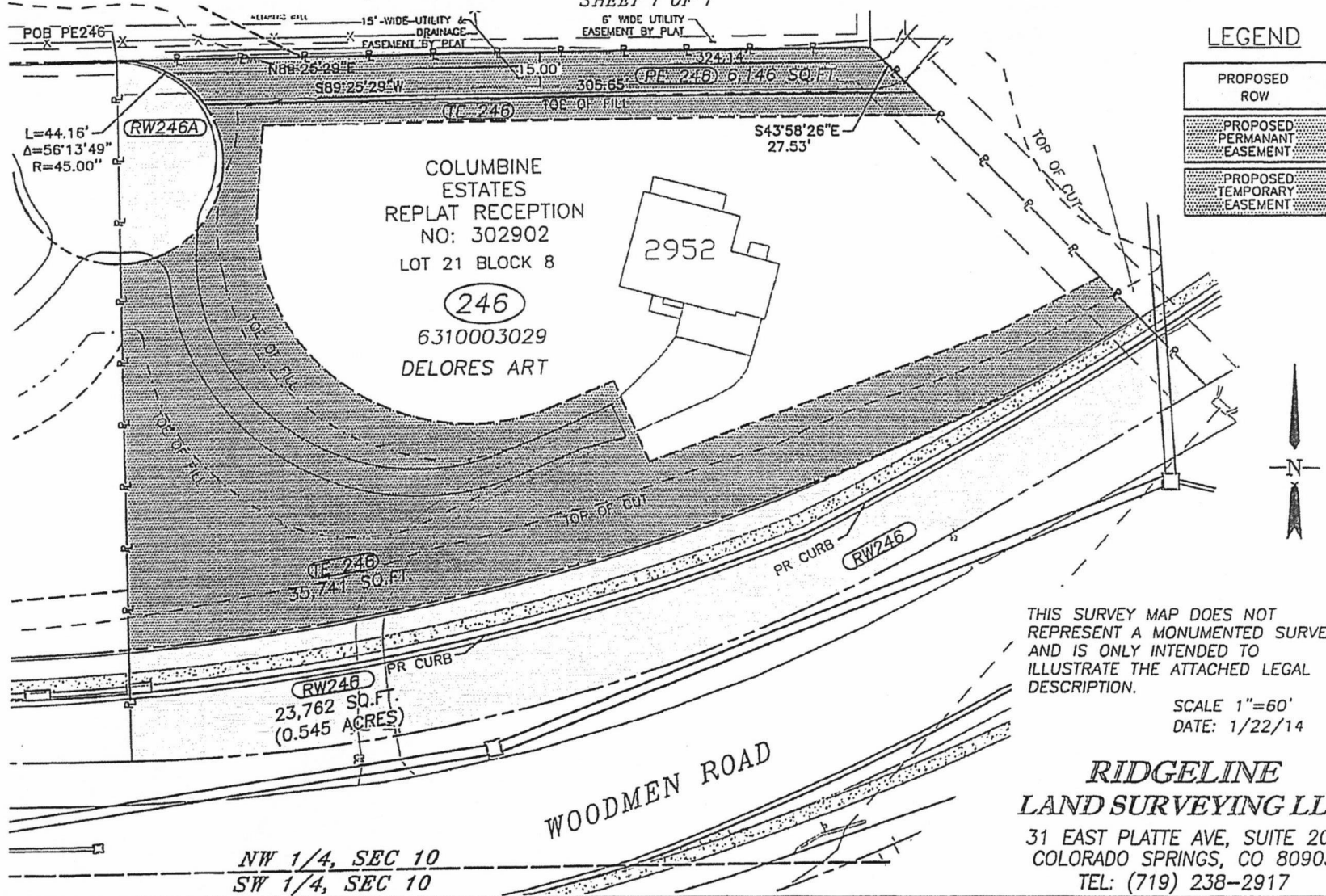
James F. Lenz PLS 34583
For and on behalf of
Ridgeline Land Surveying LLC.



LEGAL DESCRIPTION EXHIBIT "C-1"

PARCEL NO. PE-246 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. STU M240-046
 UNIT II, LOCATED IN THE NW 1/4 SECTION 10, TOWNSHIP 13 SOUTH, AND RANGE 66 WEST OF THE 6TH
 PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

SHEET 1 OF 1



L=44.16'
 Δ=56°13'49"
 R=45.00"

(RW246A)

COLUMBINE
 ESTATES
 REPLAT RECEPTION
 NO: 302902
 LOT 21 BLOCK 8
 (246)
 6310003029
 DELORES ART

2952

(PE-246)
 35,741 SQ. FT.
 (RW246)
 23,762 SQ. FT.
 (0.545 ACRES)

WOODMEN ROAD

PR CURB (RW246)

S43°58'26"E
 27.53'

(PE-246) 6,146 SQ. FT.

N88°26'29"E
 S89°25'29"W

POB PE246

15'-WIDE-UTILITY & DRAINAGE EASEMENT BY PLAT
 6' WIDE UTILITY EASEMENT BY PLAT

THIS SURVEY MAP DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO ILLUSTRATE THE ATTACHED LEGAL DESCRIPTION.

SCALE 1"=60'
 DATE: 1/22/14

**RIDGELINE
 LAND SURVEYING LLC**
 31 EAST PLATTE AVE, SUITE 206
 COLORADO SPRINGS, CO 80903
 TEL: (719) 238-2917

NW 1/4, SEC 10
 SW 1/4, SEC 10

EXHIBIT "D"

Project No. STU M240-046 Unit II

Project Code: 12717

Date: April 18, 2013

Easement Purpose: Woodmen road and access road construction and grading

DESCRIPTION

A tract or parcel No. TE-246 of the City of Colorado Springs, State of Colorado, Project No. STU M240-046 Unit II located in a portion of Lot 21 Block 8, of the vacation and replat Columbine Estates recorded with reception No. 302902 in the records of El Paso County, Colorado, located in the NW 1/4 Section 10, Township 13 South, and Range 66 West of the 6th Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

Commencing at the southwest corner of said lot 21, thence N00°28'26"W on the west line of lot 21, a distance of 49.12 feet to the point of beginning;

- 1) Thence N00°28'26"W continuing on said west line, a distance of 170.88 feet to a non tangent curve left;
- 2) Thence on the arc of said curve, having a radius of 45.00 feet, a delta angle of 123°55'09", an arc length of 97.33 feet, whose long chord bears N27°38'39"E a distance of 79.44 feet;
- 3) Thence N89°25'29"E a distance of 305.65 feet to the easterly line of said lot 21;
- 4) Thence S43°58'26"E on the easterly line of said lot 21, a distance of 13.76 feet;
- 5) Thence S89°25'29"W a distance of 290.29 feet;
- 6) Thence S04°32'04"W a distance of 20.89 feet to a point of curve to the left;
- 7) Thence on the arc of said curve, having a radius of 90.00 feet, having a delta angle of 117°34'33", an arc length of 184.69 feet, whose long chord bears S54°15'12"E a distance of 153.95 feet;
- 8) Thence N66°57'31"E a distance of 29.20 feet;
- 9) Thence S23°02'29"E a distance of 39.04 feet;
- 10) Thence N69°07'14"E a distance of 163.14 feet;
- 11) Thence N61°05'13"E a distance of 48.66 feet to the easterly line of said lot 21;
- 12) Thence S43°58'26"E on said easterly line, a distance of 24.42 feet;
- 13) Thence S57°43'24"W a distance of 45.98 feet to a curve to the right;
- 14) Thence on the arc of said curve, having a radius of 1,000.00 feet, having a delta angle of 23°59'22", an arc length of 418.70 feet, whose long chord bears S73°06'32"W a distance of 415.65 feet to the point of beginning.

The above tract of land contains 35,741 square feet or 0.820 acres more or less.

Basis of Bearings for this description are based on the North line of the Northeast Quarter of section 10, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County Colorado, said line bears N89°22'46"E a distance of 2619.18 feet from the North 1/4 corner of Section 10 (monumented with a 3 1/4" Alum. Cap PLS 10377) to the Northeast corner of section 10 (monumented with a 3 1/4" Alum. Cap PLS 10956)

The forgoing description has been prepared by or under my direct supervision.

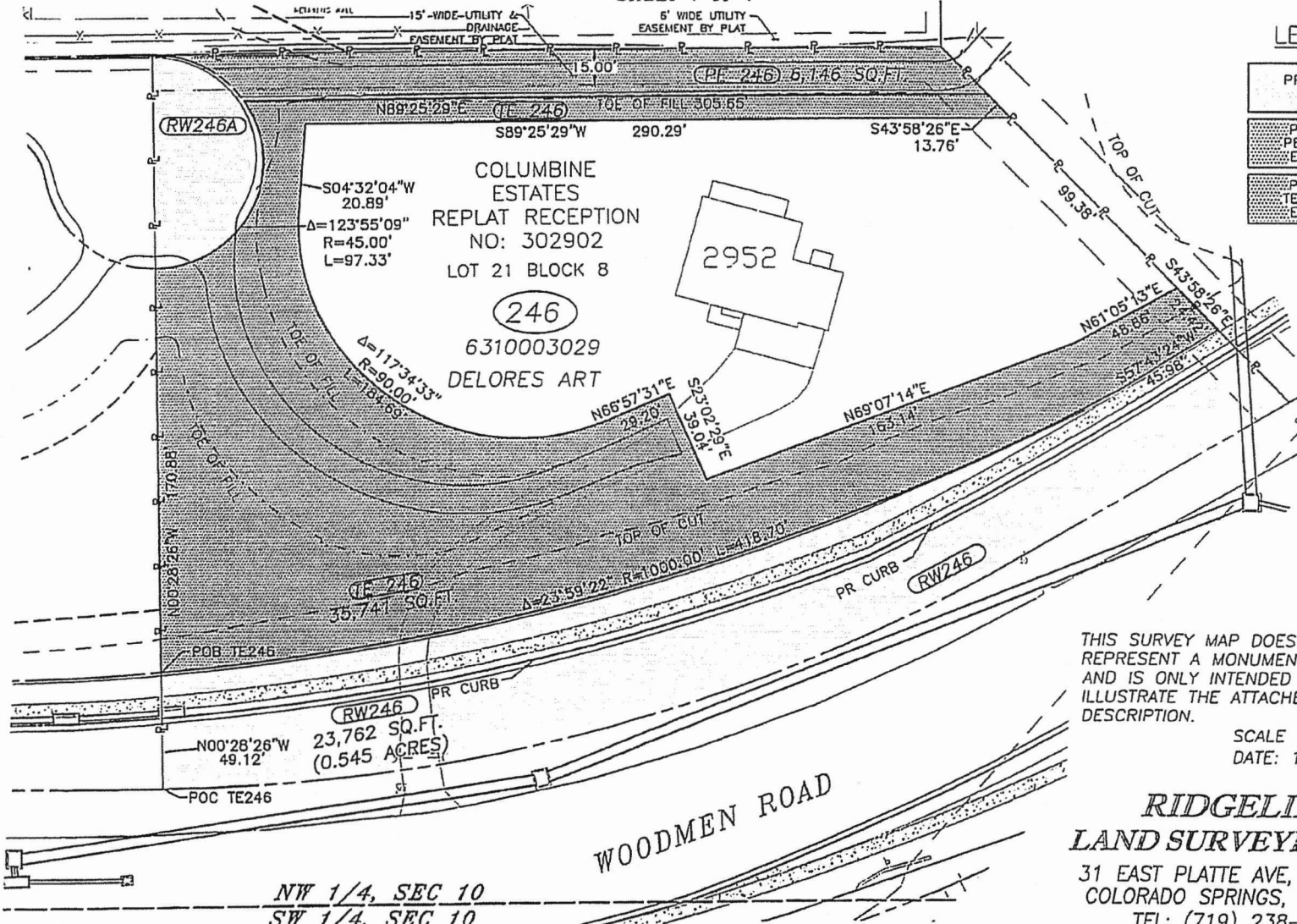
James F. Lenz PLS 34583
For and on behalf of
Ridgeline Land Surveying LLC.



LEGAL DESCRIPTION EXHIBIT "D-1"

PARCEL NO. TE-246 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. STU M240-046
 UNIT II, LOCATED IN THE NW 1/4 SECTION 10, TOWNSHIP 13 SOUTH, AND RANGE 66 WEST OF THE 6TH
 PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

SHEET 1 OF 1



LEGEND

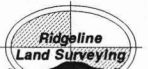
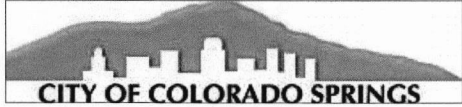
- PROPOSED ROW
- PROPOSED PERMANENT EASEMENT
- PROPOSED TEMPORARY EASEMENT

THIS SURVEY MAP DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO ILLUSTRATE THE ATTACHED LEGAL DESCRIPTION.

SCALE 1"=60'
 DATE: 1/22/14

**RIDGELINE
 LAND SURVEYING LLC**
 31 EAST PLATTE AVE, SUITE 206
 COLORADO SPRINGS, CO 80903
 TEL: (719) 238-2917

NW 1/4, SEC 10
 SW 1/4, SEC 10



31 E. PLATTE AVE., SUITE 206
 COLORADO SPRINGS, CO 80903
 TEL: 719.238.2917

Sheet Revisions		
Date	Description	Initials
11/13	Change in ownership parcels TE236 & TE237	JFL
6/14	Revisions on parcels: TE213, TE214, TE217, RW224, TE224, RW228, TE228, TE228A, RW231A, PE231A, TE231, PE232, TE232, TE235, TE247	JFL
6/14	Added parcels: PE214, PE217, PE228, PE231B, TE231A, PE235A, PE247	JFL

Sheet Revisions		
Date	Description	Initials
11/14	Change of ownership parcel RW229	JFL

Right of Way Plans				
OWNERSHIP MAP				
Project Number:	STU M240-046 UNIT II			
Project Number:	STU M240-148			
Project Location:	WOODMEN ROAD, STINSON TO POWERS			
Project Code:	Last Mod. Date	Subst. Sheets	Sheet No.	Total No. of Sheets
12717 & 19450	9-8-2014	801-8.03	8.02	56

STEVEN J. BRISSETTE
 2442 E WOODMEN RD
 COLORADO SPRINGS CO 80920
 (RW214) (PE214) (TE214-REV1)

RODRIGO & CINTIA TERRAZZO
 2405 SINTON RD
 COLORADO SPRINGS CO 80907
 (RW217) (PE217) (TE217-REV1)

CARL & HAZELENE JORDAN
 2580 E WOODMEN RD.
 COLORADO SPRINGS CO 80920
 (RW229)

DANIEL F. & MARIJANE BALASKOVITS
 7081 CINDY PL
 COLORADO SPRINGS CO 80920
 (RW222) (TE222)

ROBERT E. & JAMIE S. POTTBERG
 2589 SHRIDER RD
 COLORADO SPRINGS CO 80920
 (RW223) (TE223)

DORIS TAGLIATELA & GARY M. CACCIATORE
 2643 SHRIDER RD
 COLORADO SPRINGS CO 80920
 (RW224-REV1) (TE224-REV1)

CITY OF COLORADO SPRINGS
 (AP 225)

NICOLE D-S. PAULSON
 2205 PATRICIAN WAY
 COLORADO SPRINGS CO 80909
 (RW226) (TE226) (TE226A)

CHRISTOPHER D. & JESSIE WILLARD
 7157 N UNION BLVD
 COLORADO SPRINGS CO 80920
 (RW227) (TE227) (TE227A)

WAYNE C. & SUN I. HARRIS
 15 MIRADA RD
 COLORADO SPRINGS CO 80906
 (RW228-REV1) (RW228A) (PE228)
 (TE228-REV1) (TE228A-REV1)

GERALD R. & JACQUELINE V. HAAG
 2814 E WOODMEN RD
 COLORADO SPRINGS CO 80920
 (RW231) (RW231A-REV1) (PE231)
 (TE231-REV1) (TE231A)

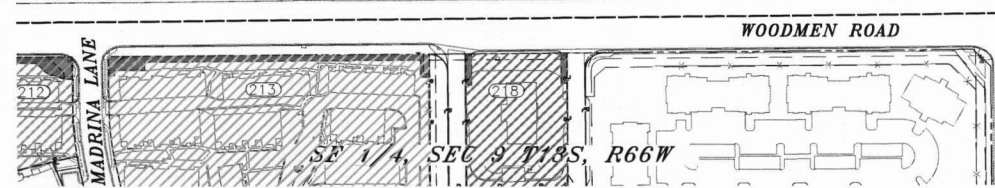
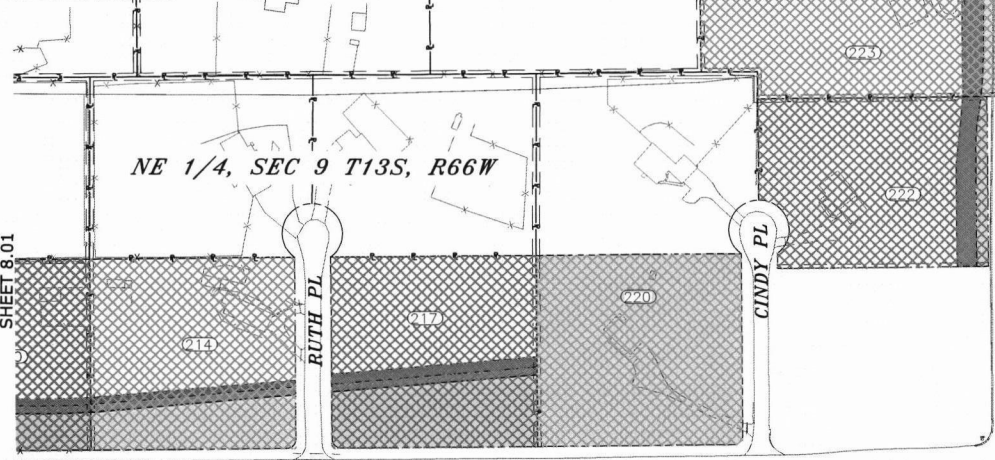
BURT & COLLEEN A. ALEXANDER
 7126 LILAC PL
 COLORADO SPRINGS CO 80920
 (RW232) (PE232-REV1) (TE232-REV1)

BARBARA J MCALLISTER
 7166 LILAC PL
 COLORADO SPRINGS CO 80920
 (RW233) (TE233)

BONNIE PAUL STEFFY LIVING TRUST
 THOMAS CHARLES STEFFY LIV TRUST
 2235 WIMBERTON CT
 COLORADO SPRINGS CO 80920
 (TE234)

DANION & JANICE E. GILL
 2916 E WOODMEN RD.
 COLORADO SPRINGS CO 80920
 (RW235) (RW235A) (PE235-REV1)
 (TE235) (TE235-REV1)

DELORES ART
 2952 E WOODMEN RD.
 COLORADO SPRINGS CO 80920
 (RW246) (RW246A) (PE246)
 (TE246)



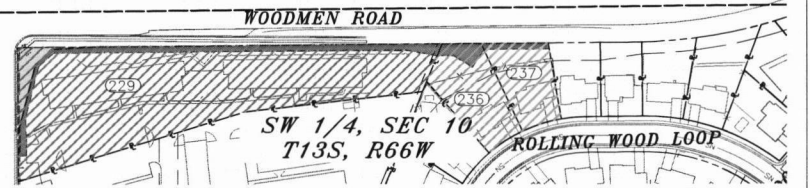
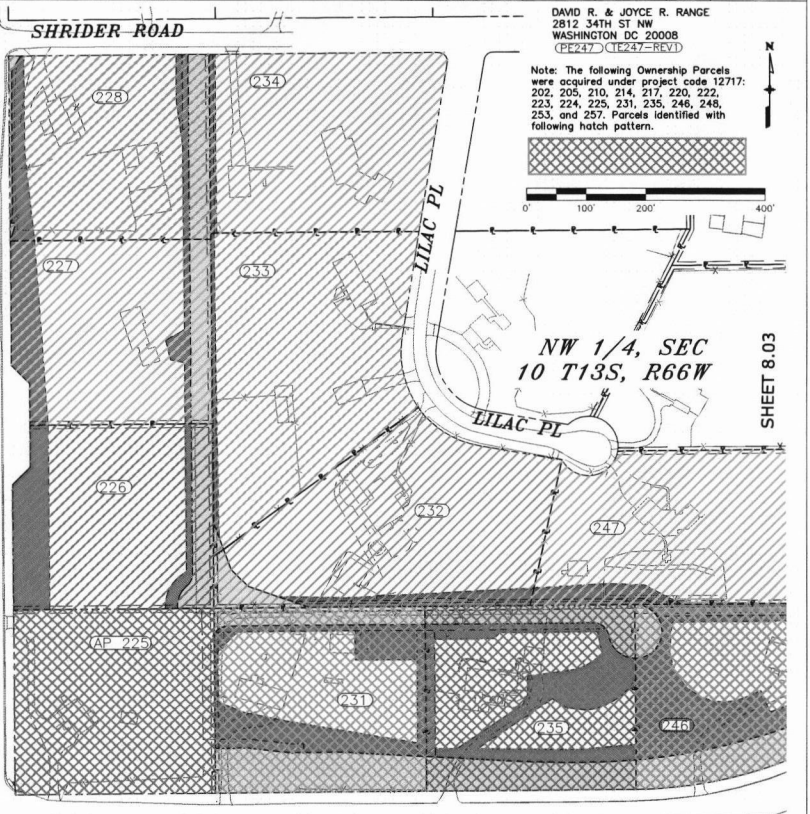
COTTONWOOD CREEK
 TOWNHOUSE ASSOC
 PO BOX 25936
 COLORADO SPRINGS CO 80936
 (PE213) (PE213A) (TE213-REV1)

CST METRO LLC
 REAL ESTATE DEPT.
 1 VALERO WAY
 SAN ANTONIO TX 78249
 (TE218) (TE218A)

GB WOODLAND HILLS
 APARTMENTS LLC
 102 N. CASCADE AVE, STE 550
 COLORADO SPRINGS, CO 80903
 (RW229) (TE229)

ROBERT J. HOFFMAN
 3010 ROLLING WOOD LOOP
 COLORADO SPRINGS CO 80918
 (TE236)

ALVIN O. & BEVERLY A.
 PHILLIPS
 3020 ROLLING WOOD LOOP
 COLORADO SPRINGS CO 80918
 (TE237)



DAVID R. & JOYCE R. RANGE
 2812 34TH ST NW
 WASHINGTON DC 20008
 (PE237) (TE237-REV1)

Note: The following Ownership Parcels were acquired under project code 12717: 202, 205, 210, 214, 217, 220, 222, 223, 224, 225, 231, 235, 246, 248, 253, and 257. Parcels identified with following hatch pattern.

SHEET 8.03