

## RESOLUTION NO. 17-20

### A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY OWNED BY DENNIS K. EASTEP, LISA E. EASTEP, and CAROL EASTEP TO BE USED FOR SOUTHERN DELIVERY SYSTEM PROJECT IMPROVEMENTS AND FINDING A PUBLIC PURPOSE IN A ONE-YEAR BELOW-MARKET LEASE OF SUCH PROPERTY TO DENNIS K. EASTEP AND LISA E. EASTEP

WHEREAS, Colorado Springs Utilities ("Utilities") initially funded the design of the Southern Delivery System Project (the "Project"); and

WHEREAS, on behalf of Utilities, the City of Colorado Springs acquires and holds title to the real property acquired for the Project; and

WHEREAS, certain real property owned by Dennis K. Eastep and Lisa E. Eastep and Dennis K. Eastep dba Customized Electric, aka Customize Electric (the "Real Property Owners"), consisting of 120 acres of land, which is located at 13420 and 13550 Bradley Road, Colorado Springs, Colorado 80928 and known as El Paso County Tax Schedule Numbers 45000-00-121 and 45000-00-122 ("Real Property"), has been identified as necessary for the completion of the Southern Delivery System Project; and

WHEREAS, the Real Property is legally described on Exhibit A attached hereto and depicted on Exhibit B attached hereto; and

WHEREAS, Carol Eastep is the owner of certain improvements located on and attached to the Real Property, including a modular home, a utility shed, and a garage, identified as Tax Schedule Number 93100-08-113 and described as SEC 05-15-64 HOMETTE 1978 70X14 VIN 03590323L 06M071397 (APN 45000-00-121) ("Carol's Improvements"); and

WHEREAS, the Real Property and Carol's Improvements are collectively referred to herein as the "Property" and the Real Property Owners and Carol Eastep shall be referred to herein collectively as the "Property Owners"; and

WHEREAS, by City Council Resolution No. 134-13, the City of Colorado Springs, through its enterprise Colorado Springs Utilities, was authorized to negotiate acquisition of the Property; and

WHEREAS, the acquisition of the Property is in the public interest and is necessary for the construction of the Southern Delivery System Project; and

WHEREAS, pursuant to section 4.1 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("Real Estate Manual"), City Council approval is required for acquisition of real property interests if the purchase price exceeds \$50,000.00; and

WHEREAS, the City desires to offer and the Property Owners desire to accept a purchase price of \$1,500,000.00 for the Property, and additional relocation assistance as required; and

WHEREAS, Colorado Springs Utilities requests the approval of City Council to purchase the Property for a purchase price of \$1,500,000.00; and

WHEREAS, Dennis K. Eastep and Lisa E. Eastep have requested to occupy and possess the Property for a period of one year in order to allow them time to relocate to a new home; and

WHEREAS, Colorado Springs Utilities requests the approval of City Council to enter into a one-year lease agreement for the Property with Dennis K. Eastep and Lisa E. Eastep at a rental rate below fair market value for a term ending one year from the date of the closing of the acquisition of the Property; and

WHEREAS, pursuant to The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests ("RES Manual"), the City Council shall make certain findings regarding a public purpose for a below-market lease.

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

Section 1. That the City Council finds the acquisition of the Property is in compliance with the City's Real Estate Manual, the City Charter, City Code, and all other applicable laws.

Section 2. That in accord with the Real Estate Manual, the City Council hereby authorizes the acquisition of the Property from the Property Owners for the purchase price of \$1,500,000.00 to be used in connection with the Southern Delivery System Project.


Section 3. That in accord with §10.2(d)(iii)(2) of the RES Manual, City Council hereby finds a public purpose in granting a one-year lease agreement to Dennis K. Eastep and Lisa E. Eastep for the use of the Property at a rental rate below fair market value for a term ending one year from the date of closing of the acquisition of the Property.


Section 4. That the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the acquisition of the Property contemplated herein and the lease agreement with Dennis K. Eastep and Lisa E. Eastep at a rental rate below fair market value as described herein. Dennis K. Eastep and Lisa E. Eastep will be responsible for obtaining insurance for the Property, paying all utility bills during the term of the lease agreement, and maintaining the Property in a habitable condition.

DATED at Colorado Springs, Colorado, this 10<sup>th</sup> day of March, 2020.

  
Council President

ATTEST:

  
Sarah B. Johnson, City Clerk



# EXHIBIT A

## SHEET 1 OF 2

PARCEL DESIGNATION:	4500000121	DATE:	January 4, 2016
OWNER:	DENNIS K. EASTEP AND LISA E. EASTEP (Owner current as of the date of certification hereon)		

### EXHIBIT A LEGAL DESCRIPTION

A parcel of land located in Section 5, Township 15 South, Range 64 West of the Sixth Principal Meridian, County of El Paso, State of Colorado, more particularly described as follows:

The Southwest Quarter of the Northeast Quarter and the West Half of the Southeast Quarter of Section 5, Township 15 South, Range 64 West of the 6th P.M., County of El Paso, State of Colorado, except the East 446.15 Feet and the Southerly 30 Feet thereof.

Said parcel contains 3,449,353 square feet or 79.186 acres, more or less.

EXHIBIT B SKETCH is attached hereto and is only intended to depict Exhibit A – Legal Description. In the event that Exhibit A contains an ambiguity, Exhibit B may be used to solve said ambiguity.



Prepared for and on behalf of Colorado Springs Utilities by: Basil Micah Hanson, PLS 38020, of CRITIGEN LLC, 2 North Cascade Avenue, Suite 460, Colorado Springs, CO 80903

# EXHIBIT A

## SHEET 2 OF 2

PARCEL DESIGNATION:	4500000122	DATE:	January 4, 2016
OWNER:	DENNIS K. EASTEP AND LISA E. EASTEP (Owner current as of the date of certification hereon)		

### EXHIBIT A LEGAL DESCRIPTION

A parcel of land located in Section 5, Township 15 South, Range 64 West of the Sixth Principal Meridian, County of El Paso, State of Colorado, more particularly described as follows:

The East 446.15 Feet of the Southwest Quarter of the Northeast Quarter and the West Half of the Southeast Quarter of Section 5, Township 15 South, Range 64 West of the 6th P.M., County of El Paso, State of Colorado, except the Southerly 30 Feet thereof.

Said parcel contains 1,750,493 square feet or 40.186 acres, more or less.

EXHIBIT B SKETCH is attached hereto and is only intended to depict Exhibit A – Legal Description. In the event that Exhibit A contains an ambiguity, Exhibit B may be used to solve said ambiguity.



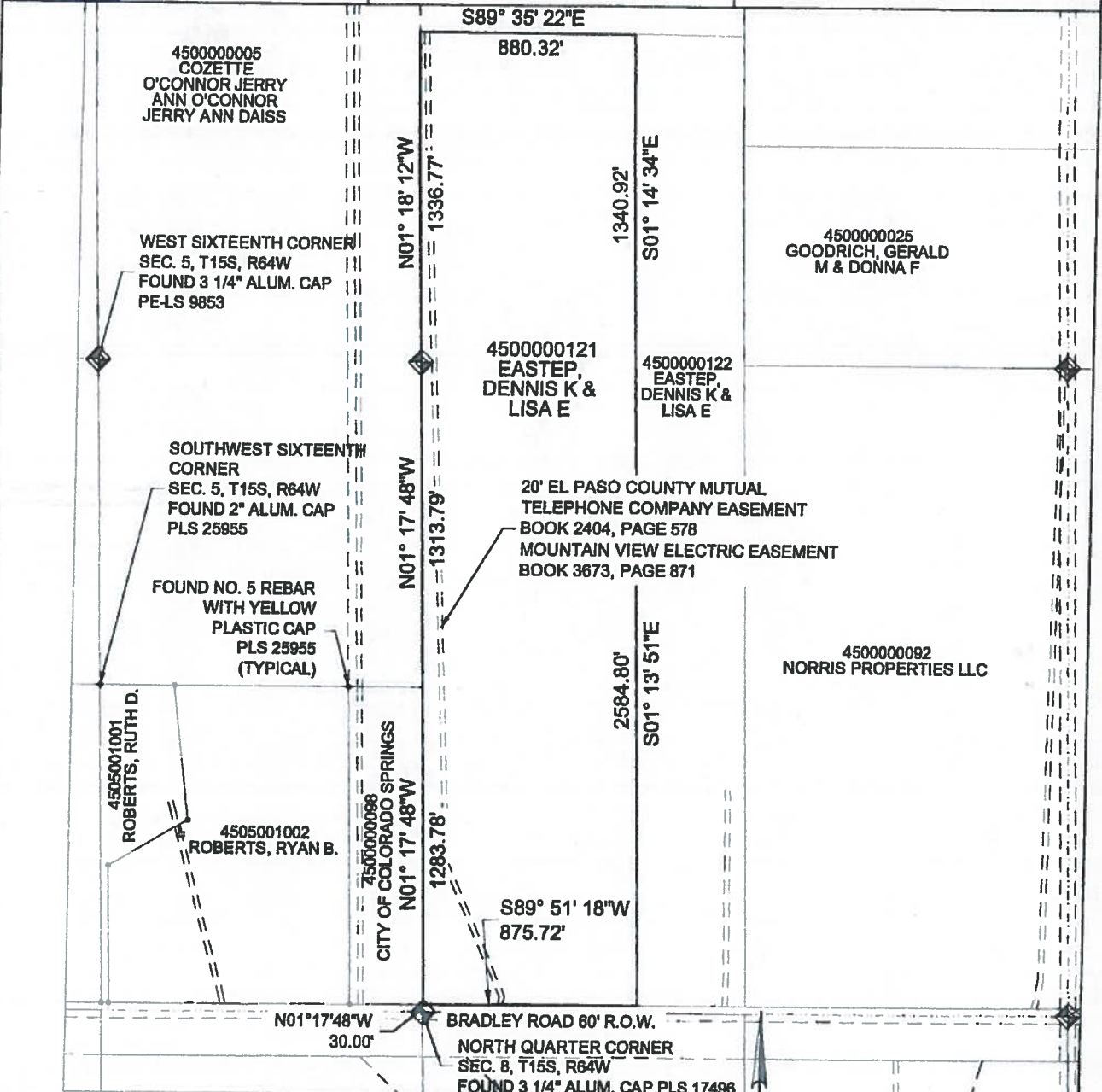
Prepared for and on behalf of Colorado Springs Utilities by: Basil Micah Hanson, PLS 38020, of CRITIGEN LLC, 2 North Cascade Avenue, Suite 460, Colorado Springs, CO 80903

4500000122\_EXA.doc

# EXHIBIT B

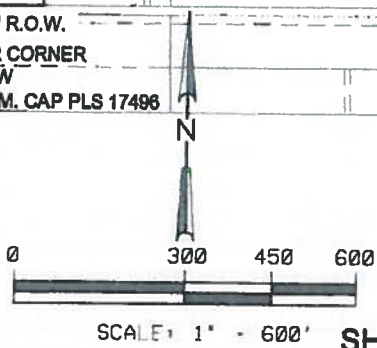
## SHEET 1 OF 2

DATE: 04-JANUARY-2016	<b>EXHIBIT B SKETCH</b>	
DRAWN BY: B HANSON	PARCEL #4500000121	<b>CITY OF COLORADO SPRINGS</b>
CHECKED BY: R CASTILLO	SECTION 5	
APPROVED BY: B HANSON	T 15 S, R 64 W, 6TH P.M.	
DRAWING: 4500000121_EXB	EL PASO COUNTY, COLORADO	



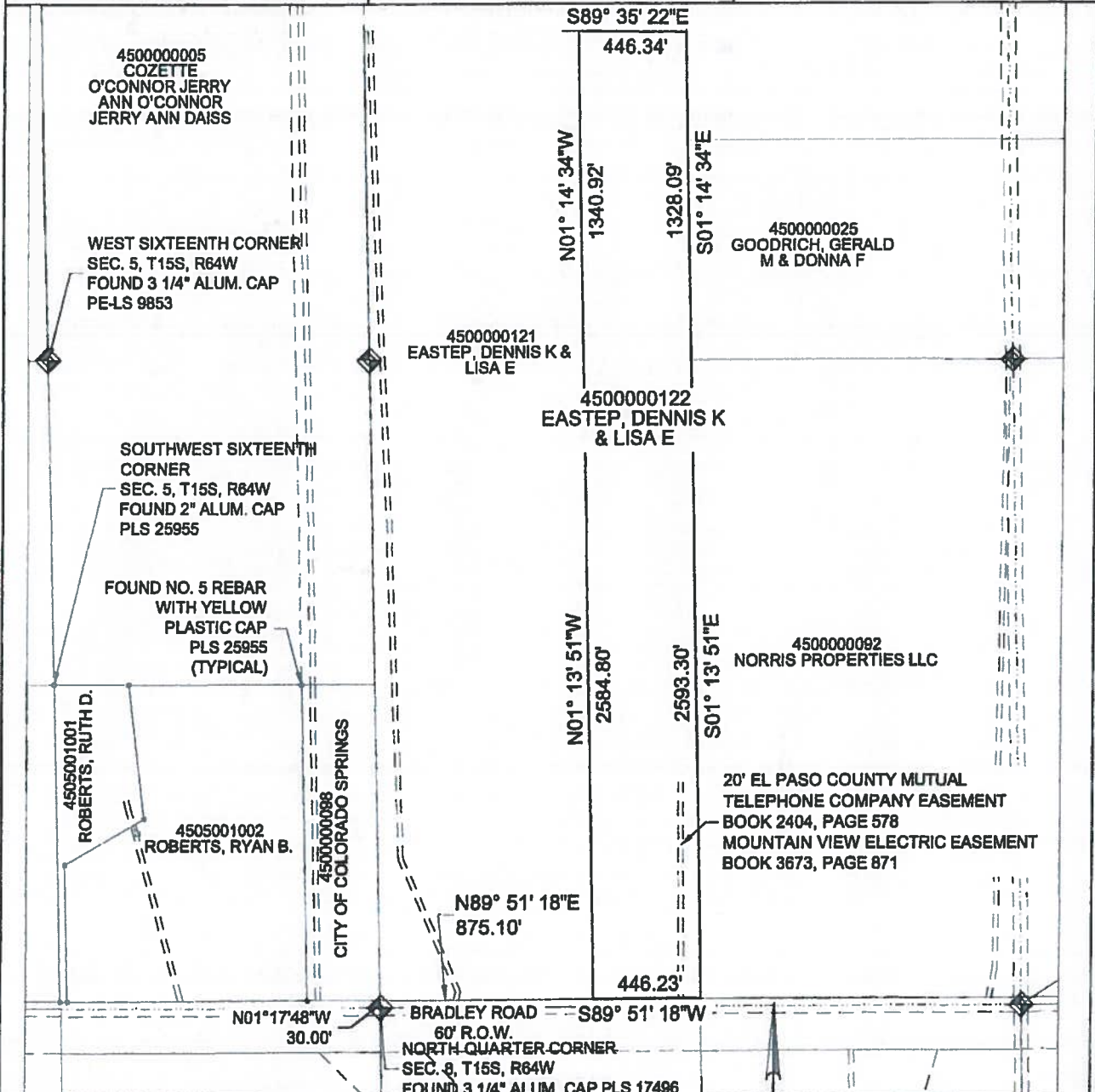
**NOTES:**

- This sketch does not constitute a land survey plat by CRITIGEN, LLC., and is only intended to depict Exhibit A - Legal Description. In the event that Exhibit A contains an ambiguity, Exhibit B may be used to solve said ambiguity.
- Bearings are based on a line from NGS Station "Corral Bluffs" (PID JK1153), monumented by a 3" brass disk set in concrete to NGS Station "Clevenger" (PID JK1353), monumented by a stainless steel rod set in concrete, said line was assumed to bear South 03°57'12" West according to a survey control diagram prepared by Kirkham Michael Consulting Engineers deposited with the El Paso County Surveyor on August 10, 2004 at Survey Deposit Number 204900110.



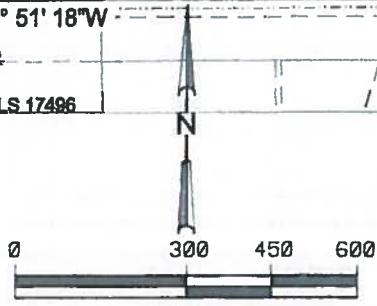
# EXHIBIT B SHEET 2 OF 2

DATE: 04-JANUARY-2016	EXHIBIT B SKETCH	
DRAWN BY: B HANSON	PARCEL #4500000122	CITY OF COLORADO SPRINGS
CHECKED BY: R CASTILLO	SECTION 5	
APPROVED BY: B HANSON	T 15 S, R 64 W, 6TH P.M.	
DRAWING: 4500000122_EXB	EL PASO COUNTY, COLORADO	



**NOTES:**

1. This sketch does not constitute a land survey plat by CRITIGEN, LLC., and is only intended to depict Exhibit A - Legal Description. In the event that Exhibit A contains an ambiguity, Exhibit B may be used to solve said ambiguity.
2. Bearings are based on a line from NGS Station "Corral Bluffs" (PID JK1153), monumented by a 3" brass disk set in concrete to NGS Station "Clevenger" (PID JK1353), monumented by a stainless steel rod set in concrete, said line was assumed to bear South 03°57'12" West according to a survey control diagram prepared by Kirkham Michael Consulting Engineers deposited with the El Paso County Surveyor on August 10, 2004 at Survey Deposit Number 204900110.



SCALE: 1" = 600'      SHEET 1 OF 1