

RESOLUTION NO. 9-19

A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY TO BE USED FOR SOUTHERN DELIVERY SYSTEM PROJECT IMPROVEMENTS

WHEREAS, certain real property owned by Marilee F. Bachmann ("Bachmann") and Ruth D. Roberts, now known as Ruth D. Anderson, and Ryan D. Roberts (collectively, the "Roberts"), consisting of approximately 8.8432 acres of land known as El Paso County Tax Schedule Number 45000-00-098 (the "Property"), has been identified as necessary for the completion of the Southern Delivery System Project's Gary M. Bostrom Reservoir (the "Bostrom Reservoir"); 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 Property is legally described on Exhibit A attached hereto and depicted on Exhibit B attached hereto; and

WHEREAS, the acquisition of the Property is in the public interest and is necessary for the construction of the Bostrom Reservoir; and

WHEREAS, City Council approval has historically been obtained for all Southern Delivery System property acquisitions, regardless of the purchase price; and

WHEREAS, the fair market value for the Roberts' interest in the Property was determined to be \$5,125.00 based on a real estate appraisal conducted by an independent real estate appraiser; and

WHEREAS, the City desires to offer and Roberts desires to accept a purchase price of \$7,500.00 which includes payment of the fair market value and an administrative settlement and the City desires to offer and Bachmann desires to accept payment of \$1,000.00 in order to clear up title issues associated with the Property; and

WHEREAS, Section 2.2 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (the "RES Manual") authorizes the City's Real Estate Services Office to work with the City Attorney's Office to resolve title issues; and

WHEREAS, Section 2.6 of the RES Manual requires that the City Attorney's Office, the Project Manager, and other appropriate City staff take any necessary steps to resolve title concerns and protect the City's interests; and

WHEREAS, Colorado Springs Utilities requests the approval of City Council to purchase the Property from Roberts for a purchase price of \$7,500.00 and to pay Bachmann \$1,000.00 as consideration needed to resolve title issues associated with the Property.

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 Roberts for the purchase price of \$7,500.00 and payment of \$1,000.00 to Bachmann in order to resolve title issues so that the Property may be used in connection with the Southern Delivery System Project.


Section 3. That the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the acquisition of the Property contemplated herein.

DATED at Colorado Springs, Colorado, this 22nd day of January, 2019.




Council President

ATTEST:



Sarah B. Johnson, City Clerk



PARCEL DESIGNATION:	4500000098	DATE:	July 19, 2015
OWNER:	THE CITY OF COLORADO SPRINGS (Owner current as of the date of certification hereon)		

**EXHIBIT A
LEGAL DESCRIPTION**

A parcel of land located in the Southeast Quarter of the Southwest Quarter of 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:

Commencing at the south Quarter Corner of said Section 5; Thence North 01°17'48" West on the east line of said Southeast Quarter of the Southwest Quarter of Section 5 a distance of 30.00 feet to the North Right of Way of Bradley Road and the Point of Beginning; Thence South 89°51'29" West on said north line a distance of 300.06 feet to the southeast corner of Lot 2, Ryans Subdivision as recorded under Reception Number 203219614; Thence North 01°17'48" West on the east line of said Lot 2 a distance of 1,284.27 feet to the north line of said Southeast Quarter of the Southwest Quarter of Section 5; Thence North 89°57'05" East on said north line a distance of 300.07 feet to the east line of said Southeast Quarter of the Southwest Quarter of Section 5; Thence South 01°17'48" East on said east line a distance of 1,283.78 feet to the Point of Beginning.

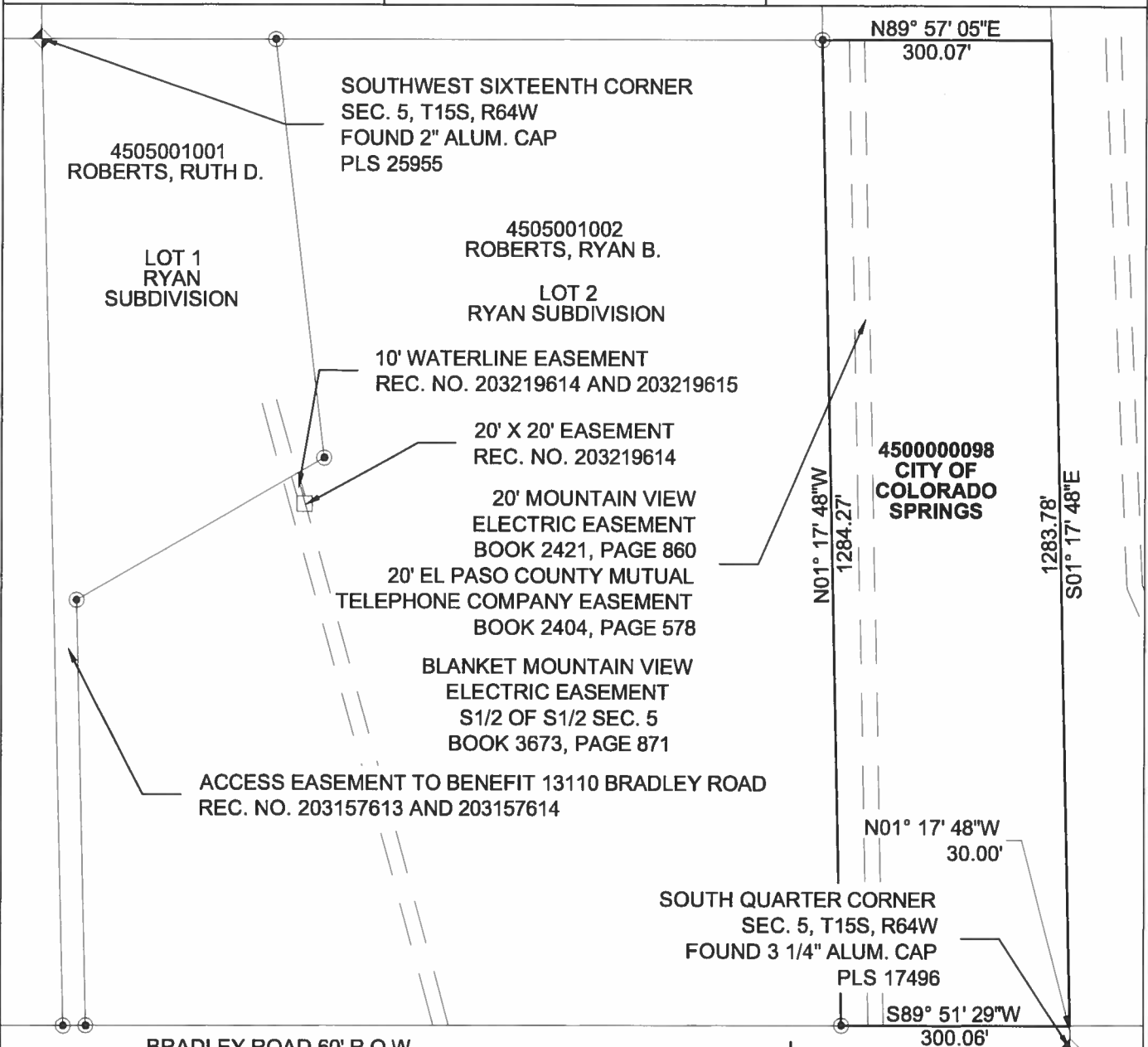
Said parcel contains 385,211 square feet or 8.8432 acres, more or less.

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

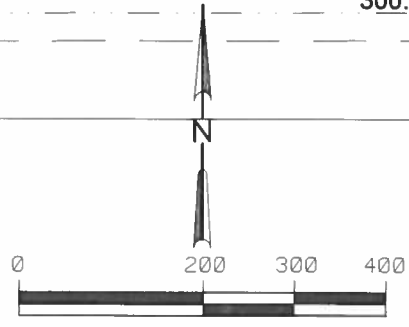
DATE: 29-JUNE-2015	EXHIBIT B SKETCH	PARCEL #4500000098 SECTION 5 T 15 S, R 64 W, 6TH P.M. EL PASO COUNTY, COLORADO	CITY OF COLORADO SPRINGS
DRAWN BY: B HANSON			
CHECKED BY: L OSWALD			
APPROVED BY: B HANSON			
DRAWING: 4500000098_EXB			



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" = 200'