

RESOLUTION NO. 18-15

A RESOLUTION AUTHORIZING THE DONATION OF REAL PROPERTY
FOR A PUBLIC PURPOSE TO THE COLORADO DEPARTMENT OF
TRANSPORTATION

WHEREAS, the City of Colorado Springs (“City”), on behalf of its Public Works Department, has title to multiple parcels of land in and around the Colorado Department of Transportation (“CDOT”) I-25 Cimarron Street Reconstruction Project (“Project”); and

WHEREAS, the City owns certain parcels (the “Property”) that CDOT desires to acquire for additional road right-of-way purposes to ensure completion of the Project; and

WHEREAS, the Property is surplus property of no operational use; and

WHEREAS, City Council finds that the conveyance of the Property to CDOT for road right-of-way purposes provides benefits for the health, safety and welfare of the residents of the City; and

WHEREAS, the City desires to dispose of the Property subject to appropriate terms, conditions and restrictions; and

WHEREAS, no City department or enterprise is interested in acquisition or receipt of the Property; and

WHEREAS, *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (“RES Manual”) authorizes the disposal of properties for less than fair market value upon a finding of a public purpose and for the transfer of property to an appropriate single, logical purchaser/donee; and

WHEREAS, evidence has been presented to the City Council that CDOT is the appropriate and one logical, potential purchaser/donee of the Property; and

WHEREAS, CDOT has expressed its desire to accept conveyance of the Property for the Project; and

WHEREAS, the disposal of the Property for road right-of-way use will reduce CDOT project costs and will be a recognized City contribution towards Project completion; and

WHEREAS, upon and after transfer CDOT will hold title to the Property and assume all associated liabilities; and

WHEREAS, a donation of the Property to CDOT for the purpose of road right-of-way, subject to appropriate terms, conditions and restrictions, will serve a public purpose and is consistent with applicable laws and regulations; and

WHEREAS, City staff recommends authorization and approval for the City's Real Estate Services Manager to enter into a contract, subject to the terms, conditions and restrictions listed below, for donation of the Property to CDOT as the one logical, potential purchaser/donee.

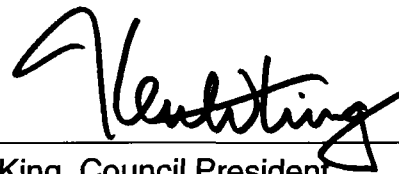
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council finds that the Property, as legally described on Exhibit A and depicted on Exhibit B, is surplus property that is not necessary for the operations of the City, is unneeded for the proper conduct of any other City affairs, and its disposal is in compliance with the RES Manual.

Section 2. Subject to the imposition of the appropriate terms, conditions and restrictions and in accord with RES Manual, Chapter 1, Section 1.1(b), and Chapter 5, City Council hereby finds, for the reasons set forth in the recitals above, a public purpose is served by the donation of the Property to CDOT as the one logical, potential purchaser/donee upon the condition that CDOT uses the Property for the Project.

Section 3. Pursuant to the RES Manual, Chapter 2.11, the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the disposition of the Property and to obtain the Mayor's signature on the deed donating the Property to CDOT.

DATED at Colorado Springs, Colorado, this 24th day of February, 2015.



Keith King, Council President

ATTEST:

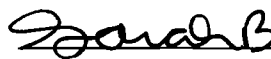

Sarah B. Johnson, City Clerk



EXHIBIT "A"
PROJECT NUMBER: IM 0252-423
PARCEL NUMBER: PE-1
PROJECT CODE: 19039
DATE: April, 4 2014

LEGAL DESCRIPTION

A tract or parcel of land No. PE-1 of the Department of Transportation, State of Colorado, Project No. IM 0252-423, containing 1,032 square feet, more or less, in the NE ¼ of Section 24, Township 14 South, Range 67 West, of the Sixth Principal Meridian, in El Paso County, Colorado, said tract or parcel of land being more particularly described as follows:

Commencing at the Center 1/4 Corner of said Section 13, Thence S. 19° 33' 56" E., a distance of 3559.22 feet to a point on the Westerly Right of Way of State Highway 25, the POINT OF BEGINNING;

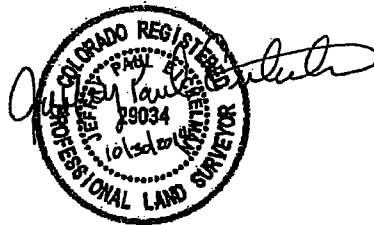
1. Thence N. 88°38'18" W., a distance of 13.37 feet;
2. Thence S. 02°41'10" E., a distance of 82.59 feet;
3. Thence N. 89°05'08" E., a distance of 12.46 feet;
4. Thence on the arc of a curve to the right, a radius of 1,532.50 feet, a central angle of 03°04'03", a distance of 82.05 feet, (a chord bearing N. 02°04'28" W., a distance of 82.04 feet), more or less, to the TRUE POINT OF BEGINNING.

The above described Parcel contains 1,032 square feet more or less.

For drainage improvements and maintenance

Basis of Bearing: The line between found 3 ¼ inch aluminum cap (LS 25361), being the Northeast corner of section 13 and the found 3 ¼ inch witness corner aluminum cap (LS 25362) being a witness to the East quarter of section 13 is determined to be N0° 12' 31"W.

For and on the behalf of the
Colorado Department of Transportation
Jeffrey P. Eickelman, PLS 29034
905 Eric Ave., Pueblo, CO 81001



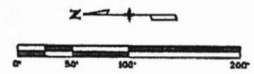
Colorado Department of Transportation
 P.O. Box 536
 905 East Avenue
 Pueblo, CO 81002
 Phone: 719-546-5496 FAX: 719-546-5414
 Region 2 JPE

Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	By	Date	Description	By	Date	Description	By
07/19/04	Revised R/W	JPE						
07/19/04	Added E.P.S.	JPE						
08/04/04	Added AC-3, AC-3 Rev	JPE						
08/11/04	Revised Drawing R/W-E	JPE						

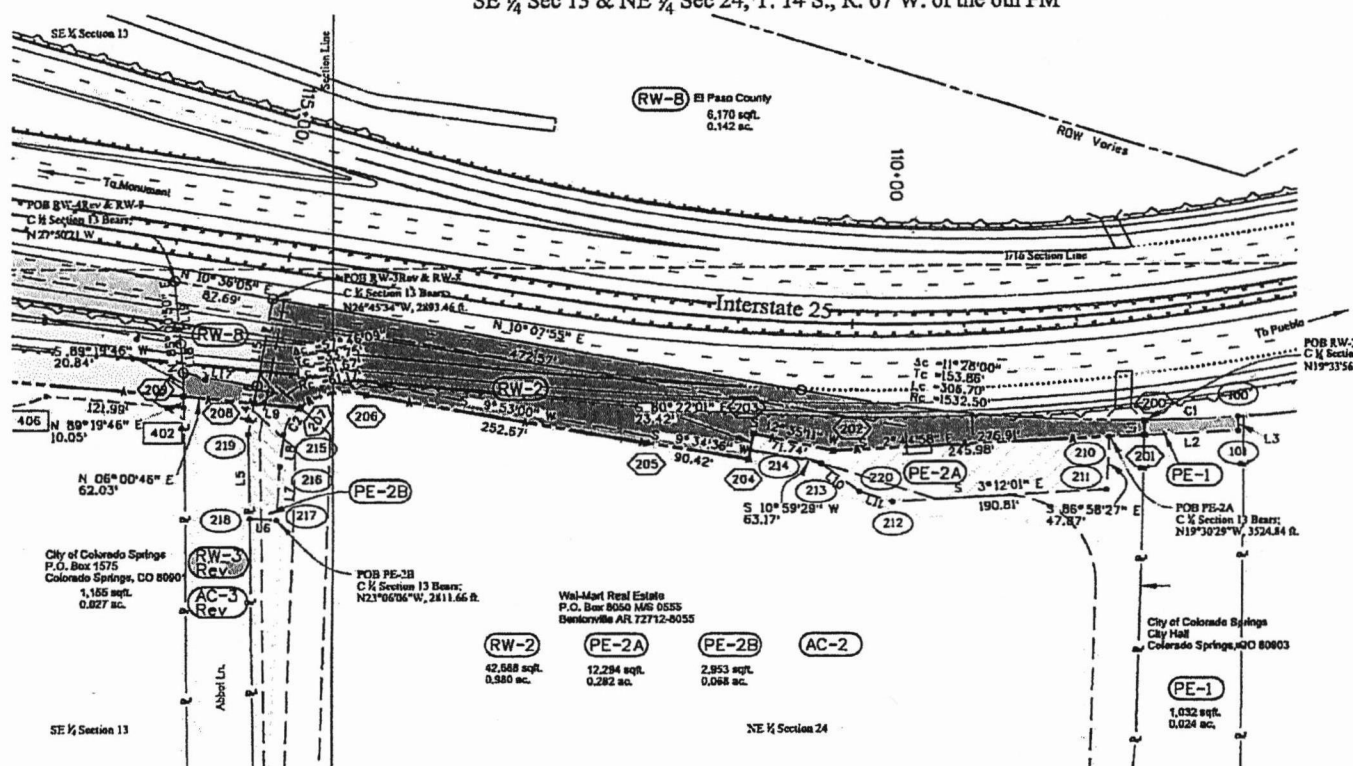
Right of Way Plans			
Plan Sheet			
Project Number:	IM 0252-423		
Project Location:	I-25 & Custer (US 24) Interchange		
Project Code	Est. Mod. Date	Subst.	Sheet No.
15049	06-11-04	601 of 605	6 of 6

DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

SE ¼ Sec 13 & NE ¼ Sec 24, T. 14 S., R. 67 W. of the 6th PM



See Sheet 2 for Detail of Existing Easements



Line Table		
Name	Direction	Length
L1	N 88°38'18" W	13.37
L2	S 02°41'10" E	82.59
L3	N 89°05'08" E	12.46
L4	N 79°36'14" W	28.06
L5	S 89°01'08" W	76.39
L6	S 03°07'14" W	23.30
L7	S 86°28'10" E	48.97
L8	S 82°29'07" E	28.80
L9	N 05°29'31" E	40.47
L10	S 37°31'38" W	42.44
L11	S 17°58'23" W	31.04
L13	N 89°32'41" E	10.04
L14	N 80°32'23" E	34.87
L15	N 78°48'55" W	80.20
L16	N 79°46'55" W	15.58
L17	S 10°38'05" W	65.64
L18	N 85°08'50" E	28.27
L19	N 85°08'50" E	57.17

Curve Table							
Name	Radius	Arc Length	Chord Length	Tangent Length	Middle Ordinate	External Distance	Chord Direction
C1	1632.5	82.06	82.04	41.03	0.55	0.55	N 2°04'28" W
C2	35.89	28.42	27.67	15.01	2.79	3.03	S 58°56'55" E

EXHIBIT B - PE-1

EXHIBIT "A"
PROJECT NUMBER: IM 0252-423
PARCEL NUMBER: RW-3 Rev.
PROJECT CODE: 19039
DATE: July 14, 2014

LEGAL DESCRIPTION

A tract or parcel of land No. RW-3 Rev. of the Department of Transportation, State of Colorado, Project No. IM 0252-423, containing 1,155 square feet, more or less, in the SE ¼ of Section 13, Township 14 South, Range 67 West, of the Sixth Principal Meridian, in El Paso County, Colorado, said tract or parcel of land being more particularly described as follows:

Commencing at the Center 1/4 Corner of said Section 13, Thence S. 26° 45' 34" E., a distance of 2893.46 feet to a point on the Westerly Right of Way of State Highway 25, Thence N. 79°46'55" W, a distance of 80.26 feet, the POINT OF BEGINNING;

1. Thence N. 10°30'22" E., a distance of 65.84 feet;
2. Thence S. 89°19'46" W., a distance of 20.84 feet
3. Thence S. 06°00'46" W., a distance of 62.03 feet;
4. Thence S. 79° 38' 14" E., a distance of 15.58 feet, more or less, to the POINT OF BEGINNING.

The above described Parcel contains 1,155 square feet more or less.

Basis of Bearing: The line between found 3 ¼ inch aluminum cap (LS 25361), being the Northeast corner of section 13 and the found 3 ¼ inch witness corner aluminum cap (LS 25362) being a witness to the East quarter of section 13 is determined to be N0° 12' 31"W.

For and on the behalf of the
Colorado Department of Transportation
Jeffrey P. Eickelman, PLS 29034
905 Erie Ave., Pueblo, CO 81001



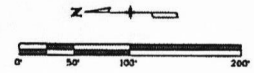
Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
07/19/11	Rev and R/W-1	JPE	08/04/11	XXXXXXXX	XXX			
07/19/11	Minor R/W-1	JPE						
08/04/11	Minor AC-3 Rev	JPE						
08/11/11	Re-use Overpass R/W-2	JPE						



Right of Way Plans			
Plan Sheet			
Project Number:	IM 0252-423		
Project Location:	I-25 & Canonas (US 24) Interchange		
Project Code	Last Mod. Date	Subst.	Sheet No.
18418	08-11-14	ADD of 6.05	6.81

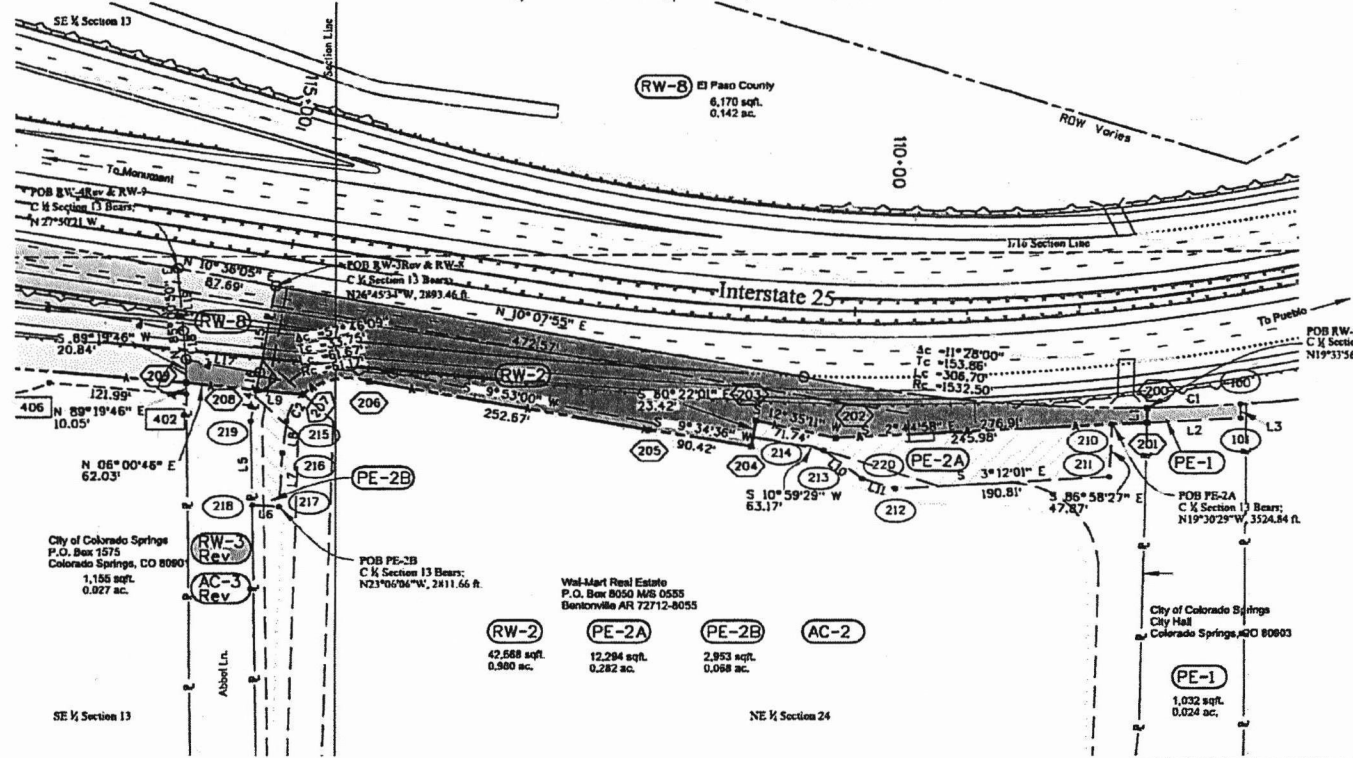
DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

SE ¼ Sec 13 & NE ¼ Sec 24, T. 14 S., R. 67 W. of the 6th PM



See Sheet 2 for Detail
 of Existing Easements

EXHIBIT B - RW-3 Rev.



Line Table		
Name	Direction	Length
L1	N 88°38'18" W	13.37
L2	S 02°41'10" E	82.59
L3	N 89°05'08" E	12.46
L4	N 79°38'14" W	28.08
L5	S 89°01'08" W	78.39
L6	S 03°07'14" W	23.38
L7	S 86°26'10" E	48.97
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L16	N 79°46'55" W	15.58
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L18	N 85°08'50" E	26.27
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Curve Table							
Name	Radius	Arc	Chord	Tangent	Middle	External	Chord
		Length	Length	Length	Ordinate	Distance	Direction
C1	1532.6	82.05	82.04	41.03	0.55	0.56	N 2°04'28" W
C2	35.89	28.42	27.67	15.01	2.79	3.03	S 59°56'55" E