

RESOLUTION NO. 18 - 24

A RESOLUTION AUTHORIZING THE ACQUISITION OF  
APPROXIMATELY 11.962 ACRES OF REAL PROPERTY  
FROM THE BNSF RAILWAY COMPANY ("BNSF")

WHEREAS, in connection with the Nevada Avenue Reconstruction – Rock Island Railroad to Commerce Street and the Nevada Avenue Reconstruction – Commerce Street to Templeton Gap Floodway projects ("Projects"), the City of Colorado Springs ("City") on behalf of its Public Works Department ("Public Works") has identified the need to acquire a strip of vacant railroad right of way which is described on Exhibit A and depicted on Exhibit B ("Property") from BNSF; and

WHEREAS, the Property is adjacent to the Nevada Avenue public right of way and is necessary to complete the Projects' transportation improvements outlined in the Renew North Nevada Master Plan; and

WHEREAS, the Projects are A-list Priority projects for the Pikes Peak Rural Transportation Authority ("PPRTA") starting in 2025 and will be funded by PPRTA; and

WHEREAS, the Property borders and provides a buffer to the City-owned property commonly known as the Birdsall Power Plant which is controlled by Colorado Springs Utilities ("Utilities"); and

WHEREAS, Utilities has contributed funds to be used toward the acquisition and sharing the rights and responsibilities of ownership of the Property with the City as it will provide a buffer and opportunity for improved security of the Birdsall Power Plant; and

WHEREAS, the rights and responsibilities of ownership of the Property will be further defined and agreed upon by Public Works and Utilities by way of an Executive Agreement; and

WHEREAS, the City and BNSF have negotiated the total purchase price of \$3,100,000 for the Property, which is supported by an independent real estate appraisal obtained by the City

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

Section 1. City Council finds the acquisition of the Property to be in the best interest of the citizens of Colorado Springs.

Section 2. Pursuant to the City of Colorado Springs Procedural Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021, City Council hereby authorizes the acquisition of the Property for the total purchase price of \$3,100,000.

Section 3. The City of Colorado Springs Real Estate Services Manager is authorized to execute all documents necessary to complete the conveyance.

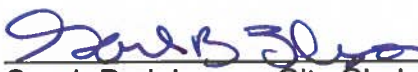
Section 4. This Resolution is contingent upon appropriation of funding to purchase the Property.

Section 5. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this 27<sup>th</sup> day of February 2024.

  
Randy Helms, Council President

ATTEST:

  
Sarah B. Johnson, City Clerk



## **EXHIBIT "A"**

### **BURLINGTON NORTHERN AND SANTA FE RAILROAD**

**PARCEL NUMBER: 1**

**DATE: June 22, 2022**

### **DESCRIPTION**

A tract or parcel of land, containing 521,072 sq. ft. (11.962 acres), more or less, in east half of Section 30 and the northeast quarter of Section 31, Township 13 South, Range 66 West, of the 6<sup>th</sup> Principal Meridian, in El Paso County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point on the east right-of-way line of the BNSF railroad and the west line of a parcel of land with El Paso County assessor schedule number 6331104025 (Book 3949 Page 1246), from whence the northeast sixteenth corner of Section 31 (a found inch aluminum cap, approximately 6 inches below the asphalt) bears N. 75°13' 39" E. at a distance of 1591.10 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence S. 88°14'02" W., a distance of 72.50 feet to the west right-of-way line of the BNSF railroad and the north point of the U-Haul Subdivision Filing No. 2 (Reception No. 627786), assessor schedule number 6331105011 (Book 5661 Page 611);

2. Thence N. 01°45'58" W. along the west right-of-way line of the BNSF railroad also being the east right-of-way line of Nevada Avenue, a distance of 4,432.50 feet;

3. Thence continuing along said right-of-way lines, on the arc of a curve to the right, a radius of 5,733.18 feet, a central angle of 09°28'16", a distance of 947.70 feet, (a chord bearing N. 02°58'10" E., a distance of 946.62 feet) to the south property line of assessor schedule number 6330100120 (Reception No. 220139231);

4. Thence S. 82°17'42" E. along said property line, a distance of 100.00 feet to the east right-of-way line of the BNSF railroad and the west property line of assessor schedule number 6330100077 (Reception No. 220150970);

5. Thence along said right-of-way line, on the arc of a curve to the left, a radius of 5,633.18 feet, a central angle of 09°28'16", a distance of 931.17 feet, (a chord bearing S. 02°58'10" W., a distance of 930.11 feet). This curve also adjoins the west property lines of assessor schedule number 6330100077 (Reception No. 220150970), assessor schedule number 6330115010 (Reception No. 219027023) (Lot 1, High Country Sales Subdivision, Reception No. 931386) and assessor schedule number 6330115009 (Reception No. 207151085) (Lot 1, M & R Subdivision, Reception No. 348031);

6. Thence S. 01°45'58" E. along said east right-of-way line and the west lines of the following adjoining properties; City right of way for Mt View lane and the Templeton Gap floodway, assessor schedule number 6330403005 (Reception No. 219012580), assessor schedule number 6330403003 (Reception No. 205013104), City right of way for Craigmore Road, assessor schedule number 6330402003 (Reception No. 209104027), City right of way for Winters Drive, the west right-of-way line of Roberts Road, City right of way for Nichols Boulevard, assessor schedule number 6331104001 (Reception No. 840108), and a portion of assessor schedule number 6331104025 (Book 3949 Page 1246), a distance of 3,846.42 feet to an angle point;

7. Thence S. 88°14'02" W. along said right-of-way line and west property line of said assessor schedule number 6331104025 (Book 3949 Page 1246), a distance of 27.50 feet to an angle point;

8. Thence S. 01°45'58" E. continuing along said property lines, a distance of 586.08 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 521,072 sq. ft. (11.962 acres), more or less.

Basis of Bearings: All bearings are based on a line between the northeast corner of Section 31 (a found 3 inch aluminum cap set in a monument box) and the northeast sixteenth corner of Section 31 ( a 3 inch aluminum cap found 6 inches below the asphalt), which bears S. 00°25'09" W., at a distance of 1320.78 feet.

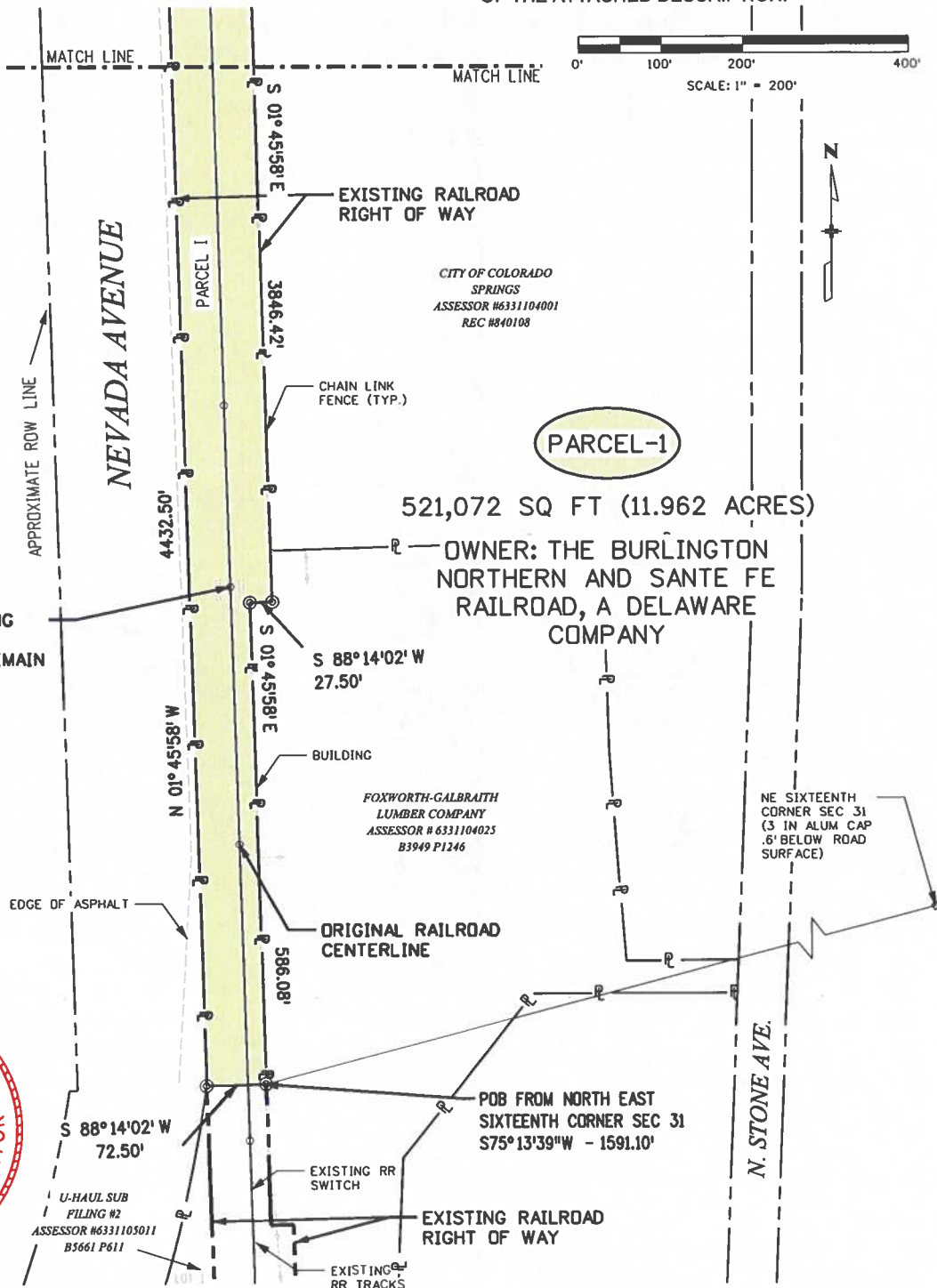
For and on Behalf of  
The City of Colorado Springs  
Lorelei A. Ward, PLS 34982  
Farnsworth Group Inc.  
5775 Mark Dabling Blvd. - Suite 190  
Colorado Springs, CO 80919



**LEGEND:** POB  
 ○ POINT OF BEGINNING  
 ⊙ CHANGE IN COURSE ONLY

**NOTE:** THIS IS NOT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO BE A GRAPHIC DEPICTION OF THE ATTACHED DESCRIPTION.

NE QUARTER SECTION 31  
 T-13-S R-66-W  
 6TH PM



CITY OF COLORADO  
 SPRINGS  
 ASSESSOR #6331104001  
 REC #840108

PARCEL-1

521,072 SQ FT (11.962 ACRES)

OWNER: THE BURLINGTON  
 NORTHERN AND SANTE FE  
 RAILROAD, A DELAWARE  
 COMPANY

FOXWORTH-GALBRAITH  
 LUMBER COMPANY  
 ASSESSOR # 6331104025  
 B3949 P1246

NE SIXTEENTH  
 CORNER SEC 31  
 (3 IN ALUM CAP  
 .6' BELOW ROAD  
 SURFACE)



30 SOUTH NEVADA  
 COLORADO SPRINGS, CO 80903  
 (719)385-5918



5775 MARK DABLING BLVD - STE 190  
 COLORADO SPRINGS, CO 80919  
 (719)590-9194 / www.f-w.com

BNSF RAILROAD PARCEL TO BE ACQUIRED  
 EXHIBIT "B"

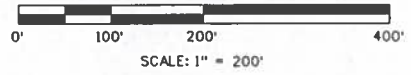
THE BURLINGTON NORTHERN AND  
 SANTA FE RAILROAD,  
 A DELAWARE CORPORATION

Project No/Code	BNSF RAILROAD PARCEL
Date:	06/22/2022
Sheet No:	1 of 4

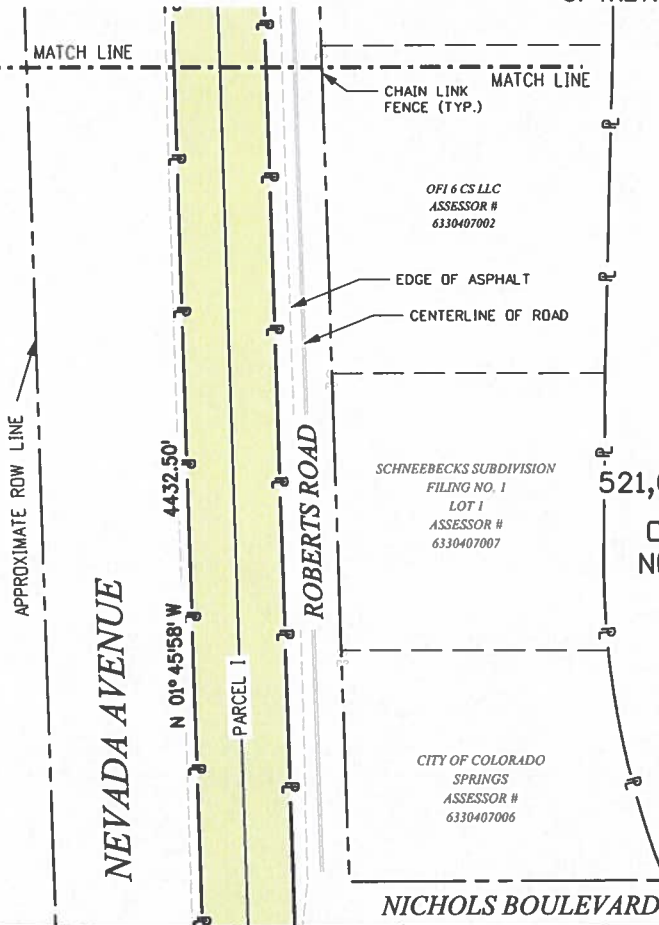
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SE QUARTER  
 SECTION 30  
 T-13-S R-66-W  
 6TH PM



**PARCEL-1**

521,072 SQ FT (11.962 ACRES)

OWNER: THE BURLINGTON  
 NORTHERN AND SANTE FE  
 RAILROAD, A DELAWARE  
 COMPANY

NICHOLS BOULEVARD

APPROXIMATE SECTION LINE

STA 2444+96  
 MP 666+42  
 AT SEC LINE

NE QUARTER  
 SECTION 31  
 T-13-S R-66-W  
 6TH PM

EXISTING RAILROAD  
 RIGHT OF WAY

CITY OF COLORADO  
 SPRINGS  
 ASSESSOR #6331104001  
 REC # 840108



N. STONE AVE.



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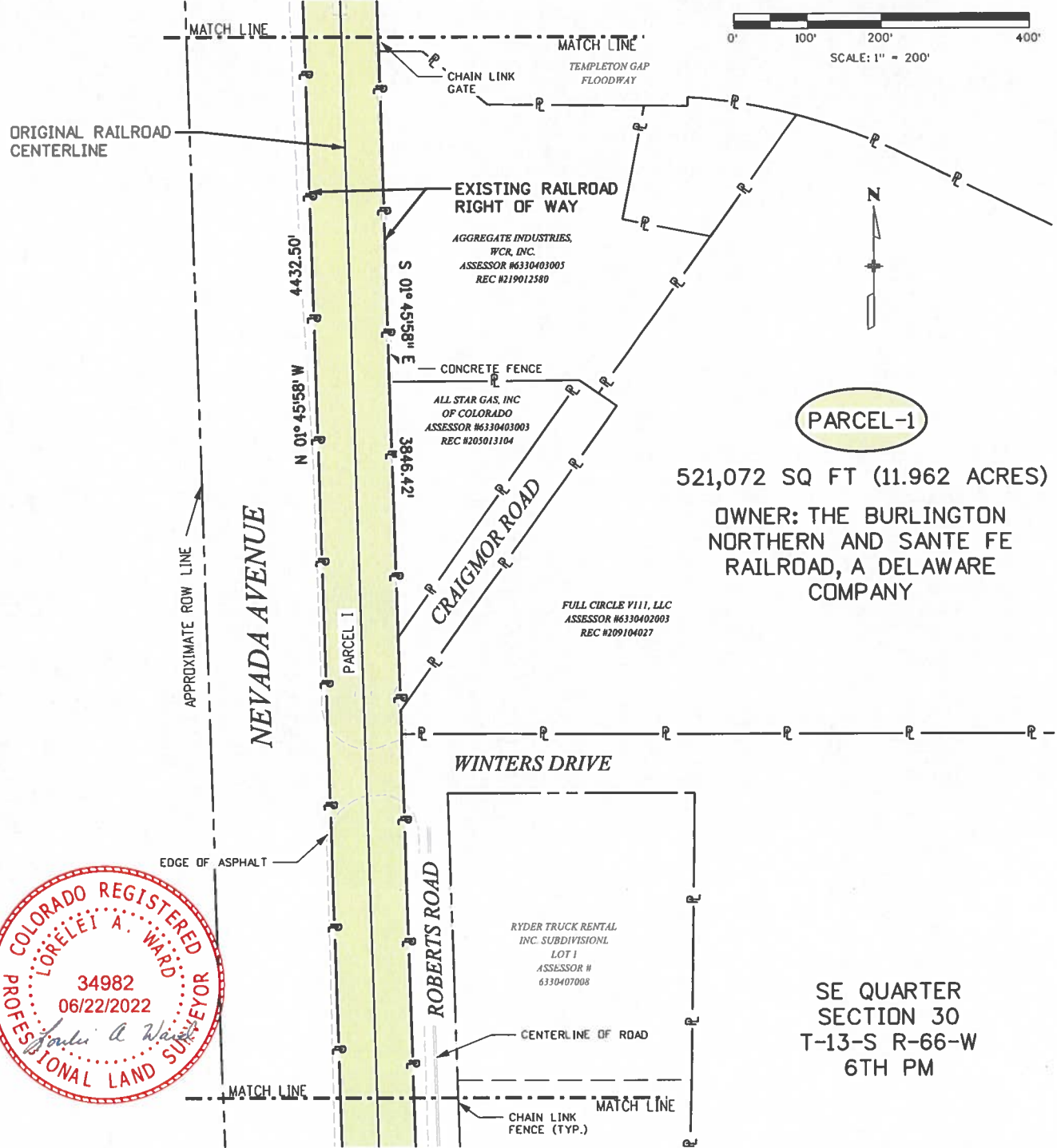
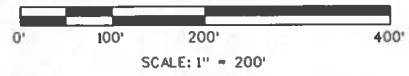
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Sheet No:	2 of 4

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 OWNER: THE BURLINGTON  
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SE QUARTER  
 SECTION 30  
 T-13-S R-66-W  
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**THE BURLINGTON NORTHERN AND  
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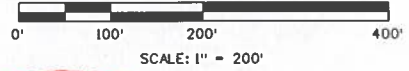
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**LEGEND:** POB  $\odot$  POINT OF BEGINNING  
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NE QUARTER  
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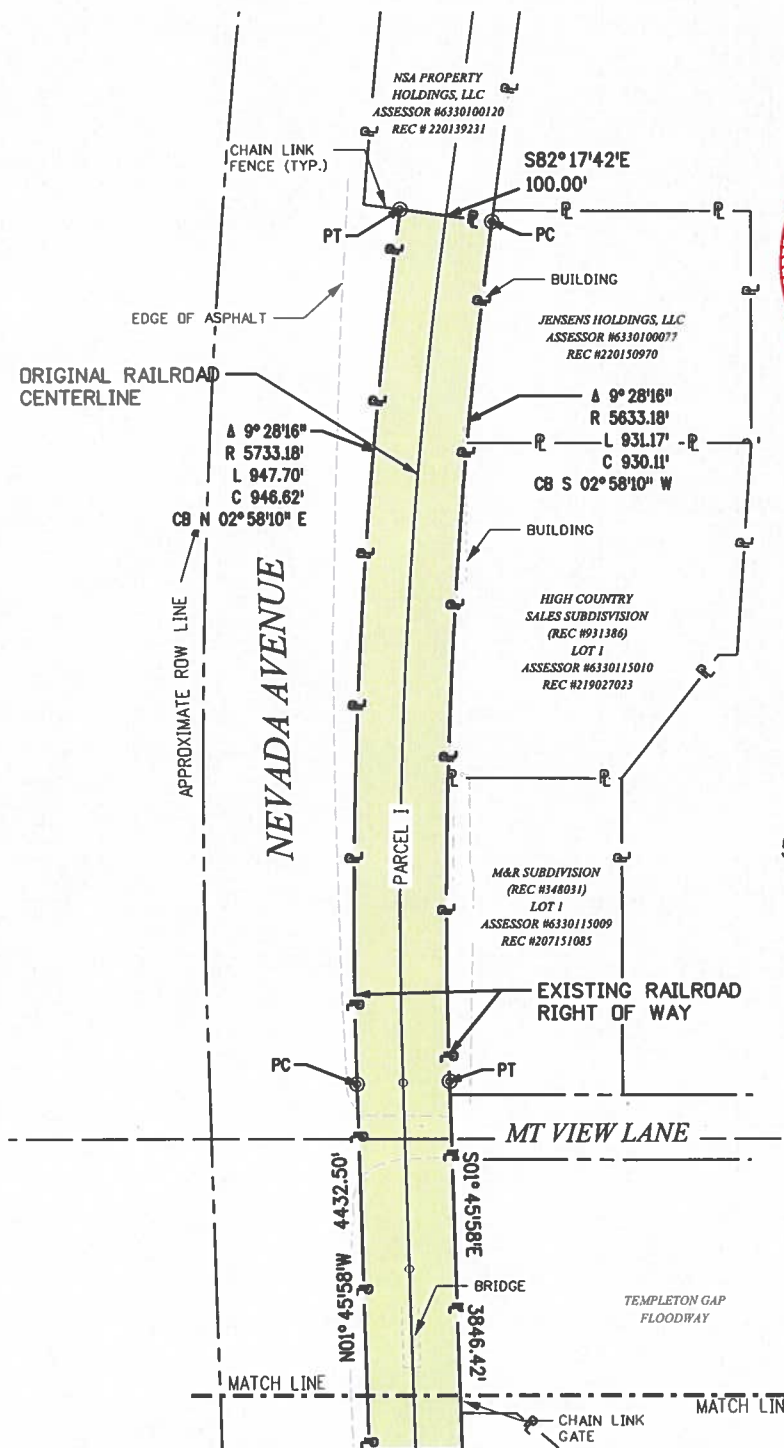
**PARCEL-1**

521,072 SQ FT (11.962 ACRES)

OWNER: THE BURLINGTON  
 NORTHERN AND SANTE FE  
 RAILROAD, A DELAWARE  
 COMPANY

APPROXIMATE QUARTER  
 SECTION LINE

SE QUARTER  
 SECTION 30  
 T-13-S R-66-W  
 6TH PM



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