

RESOLUTION NO. 79 - 25

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE RIGHT OF WAY AND TEMPORARY CONSTRUCTION EASEMENT, ON REAL PROPERTY OWNED BY PRD REAL ESTATE LLC USING PPRTA FUNDS FOR THE MARKSHEFFEL ROAD IMPROVEMENTS – WOODMEN ROAD TO NORTH CAREFREE CIRCLE PROJECT

WHEREAS, pursuant to the provisions of Article XX, Section 1 of the Colorado Constitution and the City Charter, the City is empowered to acquire property interests within or without its territorial limits through institution of eminent domain proceedings, for all interests necessary for the City; and

WHEREAS, in connection with the Marksheffel Road – Woodmen Road to North Carefree Circle Project (“Project”), the City of Colorado Springs Public Works Department has identified the need to acquire right-of-way and a temporary easement more particularly described and depicted on the attached Exhibits A and B (the “Property”) from PRD Real Estate, LLC (the “Property Owner”); and

WHEREAS, negotiations with the Property Owner have reached an impasse and the City has an imminent need to acquire the Property in order to allow construction of the Project; and

WHEREAS, pursuant to section 4.3 of The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interest, Revised 2021, the City must obtain approval from City Council to enter into a Possession and Use Agreement and to utilize Eminent Domain for the acquisition of the Property.

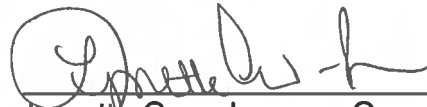
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

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

Section 2. The City Attorney is hereby authorized to take all action necessary to acquire the real property and temporary easement, and to seek immediate relief by a voluntary Possession and Use Agreement, Eminent Domain, or other appropriate proceedings.

Section 3. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this 24<sup>th</sup> day of June 2025.



Lynette Crow-Iverson, Council President

ATTEST:



Sarah B. Johnson, City Clerk



PARCEL DESIGNATION	5317116261	DATE:	September 24, 2024
OWNER:	PRD REAL ESTATE LLC		

## EXHIBIT A

### LEGAL DESCRIPTION

#### RIGHT OF WAY – RW-39 REV

A portion of that parcel of land as described in Reception 219118742, of the records of El Paso County, said parcel is located in Lot 2, Dublin Heights Plaza, in the Southeast Quarter of Section 8 and the Northeast Quarter of Section 17, Township 13 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado, being more particularly described as follows:

**Commencing** at the Northeast Corner of said Section 17 (being a 2 1/2" Aluminum cap PLS 23515), thence N.88°33'53" W., a distance of 285.11 feet, to a point being on the west line of said Lot 2, said point being the **POINT OF BEGINNING**;

1. Thence along said west line N. 00°20'52" W., to the northwest corner of said Lot 2, said corner also lying on the south right of way line of Dublin Blvd., a distance of 7.86 feet;
2. Thence along said north line of Lot 2 and said south right of way line N. 88°41'56" E., to the northeast corner of said lot 2, said corner also lying on the west right of way line of Marksheffel Rd., a distance of 205.02 feet;

Thence along the east line of said Lot 2 and said west right of way line the following two (2) courses:

3. Thence, S. 00°18'16" E., a distance of 20.97 feet;
4. Thence S. 00°21'20" E., a distance of 115.20 feet;
5. Thence N. 09°09'00" W., a distance of 102.00 feet;
6. Thence on the arc of a curve to the left, having a radius of 73.00 feet, a central angle of 34°44'19", a distance of 44.26 feet, (a chord bearing N. 52°36'10" W., a distance of 43.59 feet);
7. Thence S. 88°41'56" W., a distance of 154.94 feet, more or less, to the **POINT OF BEGINNING**.

The above-described parcel contains 3,196 sq. ft. (0.073 acres), more or less.

EXHIBIT B SKETCH is attached hereto and thereby incorporated as a part of the preceding legal description.

Bearings are based on a GPS Static Survey performed July 20, 2006, by CH2M Hill Inc. The east line of the Northeast Quarter of Section 17 from the East Quarter Corner of said Section 17 (a 3-1/4" aluminum cap, PLS 30829) to said Northeast Corner (a 2-1/2" aluminum cap, PLS 23515) bears N 0°21'20" W., a distance of 2,657.15 feet.

This description was prepared by:  
Kevin Williams, P.L.S. 28294  
On behalf of Wilson & Co.  
990 S. Broadway, Ste. 220  
Denver, CO 80209



DATE: 24-SEPT-2024

APPROVED BY: K. WILLIAMS

18300ROW\_RW-39-REV\_Exhibit.dgn

**EXHIBIT B SKETCH**  
RIGHT OF WAY RW-39 REV  
PARCEL 5317116261  
SECTIONS 8 & 17  
T 13 S, R 65 W, 6TH P.M.  
CITY OF COLORADO SPRINGS,  
EL PASO COUNTY, COLORADO



Existing ROW

DUBLIN BLVD.

N 0°18'03" W 2655.59'  
Section line - Sections 8/9

Existing ROW N0°20'52"W 7.86'

N88°41'56"E 205.02'

S0°18'16"E 20.97'

S88°41'56"W 154.94'

S89°03'26"W 2648.61'  
Section line - Sections 8/17

SECTION  
CORNER  
8/9/16/17

POB RW-39 REV  
NE CORNER SEC 17  
T13S, R65W, 6TH PM  
BEARS S88°33'53"E, 285.11'

$R_c = 73.00'$   
 $\Delta c = 34^\circ 44' 19''$   
 $L_c = 44.26'$   
 $C = 43.59'$   
 $CB = N52^\circ 36' 10'' W$

(RW-39) REV

PRD REAL ESTATE LLC  
ATTN: PM DEPT. #13364  
11995 El Camino Real  
San Diego, CA 92130-2539  
Rec. 219118742  
Sch. #5317116261  
Lot 2, Dublin Heights Plaza

AREA- 3,196 SQ. FT. (0.073 AC.)

00°20'1" N 115.20'  
00°21'20" E 115.20'

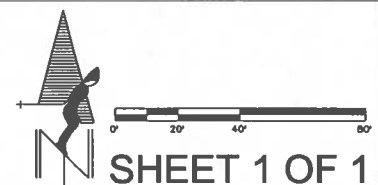
MARKSHEFFEL ROAD

N 0°21'20" W 2657.15'  
(BOB East line of NE 1/4, Section 17)  
E 1/4 Cor Sec 17 - Fnd 3-1/4" Alum. Cap PLS 30829  
POC NE Cor Sec. 17 - Fnd 2-1/2" Alum. Cap PLS 23515

Existing ROW

**NOTES:**

1. This sketch does not constitute a land survey plat by Wilson & Co.
2. This sketch is a graphic representation of the burdened property. In the event Exhibit B is inconsistent with Exhibit A. Exhibit A shall control.
3. Bearings are based on a GPS Static Survey performed July 20, 2006 by CH2M Hill Inc. The line between stations DOT1 and E\_24 bears N 48°53'48" E a distance of 40,950.79 ft.



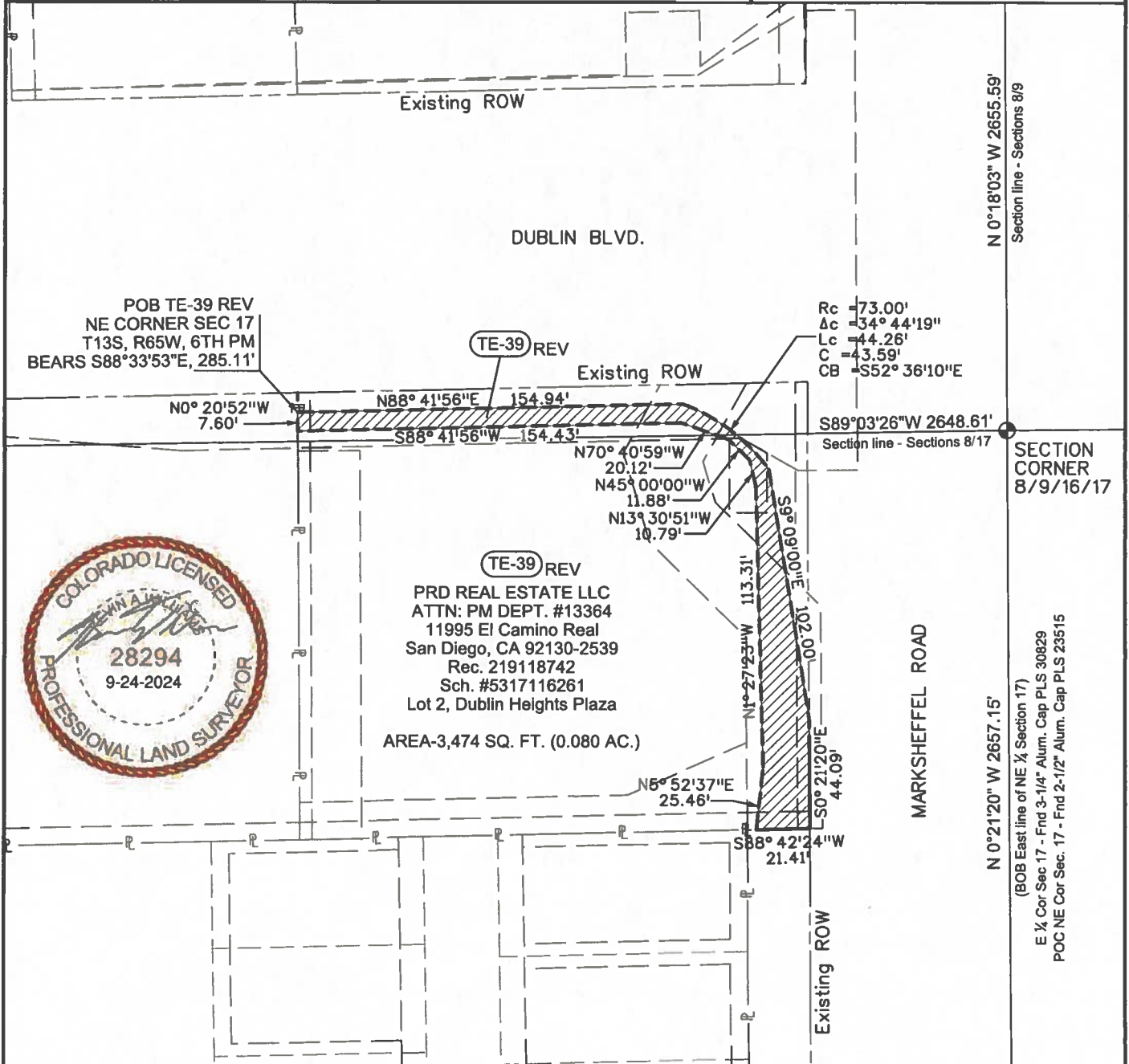
**SHEET 1 OF 1**

DATE: 24-SEPT-2024

APPROVED BY: K. WILLIAMS

18300ROW\_TE-39-REV\_Exhibit.dgn

**EXHIBIT B SKETCH**  
TEMPORARY EASEMENT TE-39 REV  
PARCEL 5317116261  
SECTIONS 8 & 17  
T 13 S, R 65 W, 6TH P.M.  
CITY OF COLORADO SPRINGS,  
EL PASO COUNTY, COLORADO



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**SHEET 1 OF 1**