

ORDINANCE NO. 18-68

AN ORDINANCE VACATING PORTIONS OF PUBLIC
RIGHT-OF-WAY KNOWN AS EAGLE ROCK ROAD
LOCATED EAST OF NORTH NEVADA AVENUE
CONSISTING OF 1.777 ACRES

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


Section 1. City Council hereby finds, determines and declares that it is in the best interest of the City and its citizens to vacate, and hereby vacates, portions of a public right-of-way known at Eagle Rock Road consisting of 1.777 acres located east of North Nevada Avenue, as described in Exhibit C of the Intergovernmental Agreement between the University of Colorado - Colorado Springs and the City of Colorado Springs as attached hereto and made a part hereof. This vacation is subject to the retention of public utility and public improvement easements across those areas described in Attachment 3 (Parcel UE-4), attached hereto and made a part hereof, which easements are hereby reserved to the City.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the Office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 12th day of June, 2018.

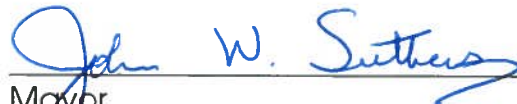
Finally passed: June 26th, 2018



Council President

Mayor's Action:

- Approved on June 29, 2018.
- Disapproved on _____, based on the following objections:




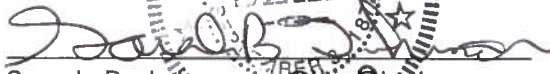
Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE VACATING PORTIONS OF PUBLIC RIGHT-OF-WAY KNOWN AS EAGLE ROCK ROAD LOCATED EAST OF NORTH NEVADA AVENUE CONSISTING OF 1.777 ACRES” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on June 12th, 2018; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 26th day of June, 2018, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 29th day of June, 2018.


Sarah B. Johnson, City Clerk



1st Publication Date: June 15th, 2018

2nd Publication Date: July 3rd, 2018

Effective Date: July 9th, 2018

Initial: SBJ
City Clerk

EXHIBIT C
LEGAL DESCRIPTION
"OLD" EAGLE ROCK RIGHT OF WAY

Being a parcel of land situate in the Southeast quarter of Section 19, Township 13 South, Range 66 West of the Sixth Principal Meridian, El Paso County, State of Colorado,

BASIS OF BEARINGS: All bearings are grid bearings of the Colorado State Plane Coordinate System, Central Zone, North American Datum of 1983(2011). The Basis of Bearings is the East line of the Southeast one-quarter of Section 19, T13S, R66W of the Sixth Principal Meridian. The South point of said line is a found 2 ½ inch aluminum cap stamped "RMLS NO. 19625". This point is known locally as FIMS 6305J (Colorado Springs Utilities – Facility Information management System). The North point of said line is a found 2-inch aluminum cap stamped "Mariotti PLS 22573". The Basis of Bearings between said points is North 00° 11' 48" West a distance of 2,642.75 feet.

PARCEL QC-1

Being a portion of a parcel of land recorded in a Warranty Deed at Reception Number 098006317 on January 20, 1998 in the records of the El Paso County Clerk and Recorder's Office, State of Colorado, situate in said Southeast quarter of Section 19, more particularly described as follows:

BEGINNING at the Northwest corner of Lot 2 Old Santa Fe Center Filing No. 1 as shown on a Plat recorded at Reception Number 1584643 (Plat Book C-4 Page 26) on June 19, 1987 in the records of said county, also being coincident with the East Right-of-Way of North Nevada Avenue, and the Southwest corner of Eagle Rock Road as shown on said Old Santa Fe Center Filing No. 1 whence the Southeast corner of said Section 19 bears South 29° 45' 13" East a distance of 2,575.64 feet;

THENCE along the common boundary of North Nevada Avenue and Eagle Rock Road North 07° 20' 49" East a distance of 60.00 feet to the Southwest corner of Lot 1 of said Old Santa Fe Center, Filing No. 1, also being the Northwest corner of Eagle Rock Road;

THENCE departing the East Right-of-Way of North Nevada Avenue South 82° 39' 11" East a distance of 200.00 feet along the common boundary of said Lot 1 and Eagle Rock Road to the Southeast corner of Lot 1, also being the Northeast corner of said Eagle Rock Road;

THENCE along the Easterly line of Eagle Rock Road South 07° 20' 49" West a distance of 60.00 feet to the Northeast corner of said lot 2, also being the Southeast corner of Eagle Rock Road;

THENCE along the common boundary of Lot 2 and Eagle Rock Road North 82° 39' 11" West a distance of 200.00 feet to the **POINT OF BEGINNING**;

Said parcel contains 12,000 square feet or 0.275 acre, more or less.

Together with:

PARCEL QC-2

Being a portion of a parcel of land recorded in a Warranty Deed under Reception Number 00474473 (Book 3086, Page 22) on September 15, 1978 in the records of said County, situate in the Southeast quarter of said Section 19, more particularly described as follows:

BEGINNING at the Southwest corner of the Charles Fisher Subdivision as recorded at Reception Number 001453842 (Plat Book B-4 Page 9) in the records of said County, also being the Northwest corner of a Right-of-Way for highway purposes (Eagle Rock Road) as recorded by Warranty Deed at Reception Number 631965 on May 29, 1940 in the records of said County whence the East ¼ corner of said Section 19 bears North 08° 58' 28" East a distance of 413.30 feet;

THENCE along the West line of said Right-of-Way for highway purposes South 00° 10' 04" East a distance of 30.00 feet to the Southwest corner of said Right-of-Way;

THENCE North 89° 43' 43" West a distance of 1,006.58 feet to the Easterly line of said Old Santa Fe Center, Filing No. 1 whence the Northeast corner of Lot 2 of said Old Santa Fe Center, Filing No. 1 bears North 07° 20' 49" East a distance of 1.26 feet;

THENCE along said Easterly line North 07° 20' 49" East a distance of 30.24 feet;

THENCE departing said Easterly line South 89° 43' 43" East a distance of 1,002.63 feet to the **POINT OF BEGINNING**;

Said parcel contains 30,138 square feet or 0.692 acre, more or less.

Together with:

PARCEL QC-3

Being a portion of a parcel of land recorded in a Warranty Deed under Reception Number 00474473 (Book 3086, Page 22) on September 15, 1978 in the records of said County, and a portion of a parcel of land recorded in a Warranty Deed at Reception Number 098006317 on January 20, 1998 in the records of said county, more particularly described as follows:

BEGINNING at the Northwest corner of Lot 1 of said Old Santa Fe Center Filing No. 1, coincident with the East Right-of-Way of North Nevada Avenue whence the East ¼ corner of said Section 19 bears North 89° 34' 22" East a distance of 1,217.91 feet;

THENCE departing said Right-of-Way South 89° 56' 19" East a distance of 51.32;

THENCE along a tangent curve to the right, having a radius of 150.00 feet; a central angle of 97° 09' 52" and an arc length of 254.38 feet;

THENCE South 07° 13' 33" West a distance of 120.97 feet;

THENCE along a tangent curve to the left, having a radius of 89.00 feet, a central angle of 96° 21' 07" and an arc length of 149.67 feet;

THENCE South 89° 28' 29" East a distance of 25.01 feet;

THENCE South 01° 25' 16" West a distance of 5.72 feet;

THENCE North 89° 44' 24" West a distance of 145.76 feet to the Easterly line of said Eagle Rock Road, whence the Northeast corner of Lot 2 of said Old Santa Fe Center, Filing No. 1 bears South 07° 20' 49" West a distance of 28.98 feet

THENCE along the Easterly line of said Eagle Rock Road North 07° 20' 49" East a distance of 31.02 feet to the Northeast Corner of said Eagle Rock Road, also being the Southeast corner of Lot 1 of said Old Santa Fe Center, Filing No. 1;

THENCE along a non-tangent curve to the right, having a radius of 148.84 feet, a central angle of 44° 46' 30", and an arc length of 116.32 feet. The chord of said curve bears North 14° 19' 09" West a distance of 113.38;

THENCE North 07° 13' 33" East, a distance of 60.86 feet;

THENCE along a tangent curve to the left, having a radius of 89.00 feet, a central angle of 90° 00' 00" and an arc length of 139.80 feet;

THENCE North 82° 46' 27" west a distance of 68.81 feet to the Westerly line of said Lot 1, also being the Easterly Right-of-Way of said North Nevada Avenue;

THENCE along said common boundary of said North Nevada Avenue and said Lot 1 North 07° 20' 49" East a distance of 85.97 feet to the **POINT OF BEGINNING**;

Said parcel contains an area of 35,259 square feet or 0.809 acre, more or less.

The totality of all parcels described herein contain an area of 77,397 square feet or 1.777 acres, more or less;

Exhibits attached and by this reference made a part hereof.

I, Eric R. White, a duly registered Land Surveyor under the laws of the State of Colorado, do hereby certify that this legal description was prepared by me or under my direct supervision and that it is correct to the best of my knowledge and belief. It is not to be construed, nor does it represent a monumented land survey.

Eric R. White
Colorado Professional Land Surveyor, License Number 38278
April 25, 2018

NV5, Inc.
5445 Mark Dabling Blvd., Ste. 100
Colorado Springs, Colorado 80918
Tel: (719) 268-8500



EXHIBIT C

EAST 1/4 CORNER
SECTION 19 T13S R66W
2-IN ALUMINUM CAP
STAMPED PLS 22573

SOUTHEAST CORNER
SECTION 19 T13S R66W
2.5-IN ALUMINUM CAP
STAMPED RMLS NO. 19625

BASIS OF BEARINGS
N00°11'48"W
2,642.75'

East line SE 1/4 S19 T13S R66W 6P.M.

SE 1/4 S19 T13S R66W 6th P.M.
City of Colorado Springs, County
of El Paso, State of Colorado



PARCEL QC-1
12,000 sq. ft. or 0.275 acres,
more or less



SCALE IN FEET
(1"=100')

Proposed Eagle Rock Road
Right-of-Way

Regents of the
University of Colorado
Reception No. 474473
Book 3086 Page 22
aka Trembly Tract

EAGLE ROCK ROAD
(No Recorded Right-of-Way
or Dedication Found)

S29°45'13"E
2,575.64' (TIE)

Regents of the
University of Colorado

S07°20'49"W
60.00'

N82°39'11"W
200.00'

EAGLE ROCK ROAD
60' R.O.W.
Recept. No. 1584643
Plat Book C-4 Page 26

Utility Esmt.
RN 211095288

Utility Esmt.
RN 211095288

Utility Esmt.
B 3819 P 105

① Regents of the University of Colorado
Recept. No. 09006317
&
Lot 1 Old Santa Fe Center Filing No. 1
Recept. No. 1584643

② Lot 2 Old Santa Fe Center Filing No. 1
Recept. No. 1584643

Centerline Sewer Easement
Recept. No. 661418

P.O.B.

N07°20'49"E
60.00'

N. NEVADA AVENUE
(R.O.W. Varies)

P.O.C. - Point of Commencement
P.O.B. - Point of Beginning

This exhibit does not represent a monumented survey.
It is intended only to depict the attached description.



5445 Mark Dabling Blvd.
Suite 100
Colorado Springs, CO 80918
TEL 719.268.5800
WWW.NV5.COM

EXHIBIT FOR LEGAL DESCRIPTION

RIGHT-OF-WAY TO BE VACATED
PARCEL QC-1

PAGE NUMBER

4

OF 6 PAGES

Prepared for: UCCS

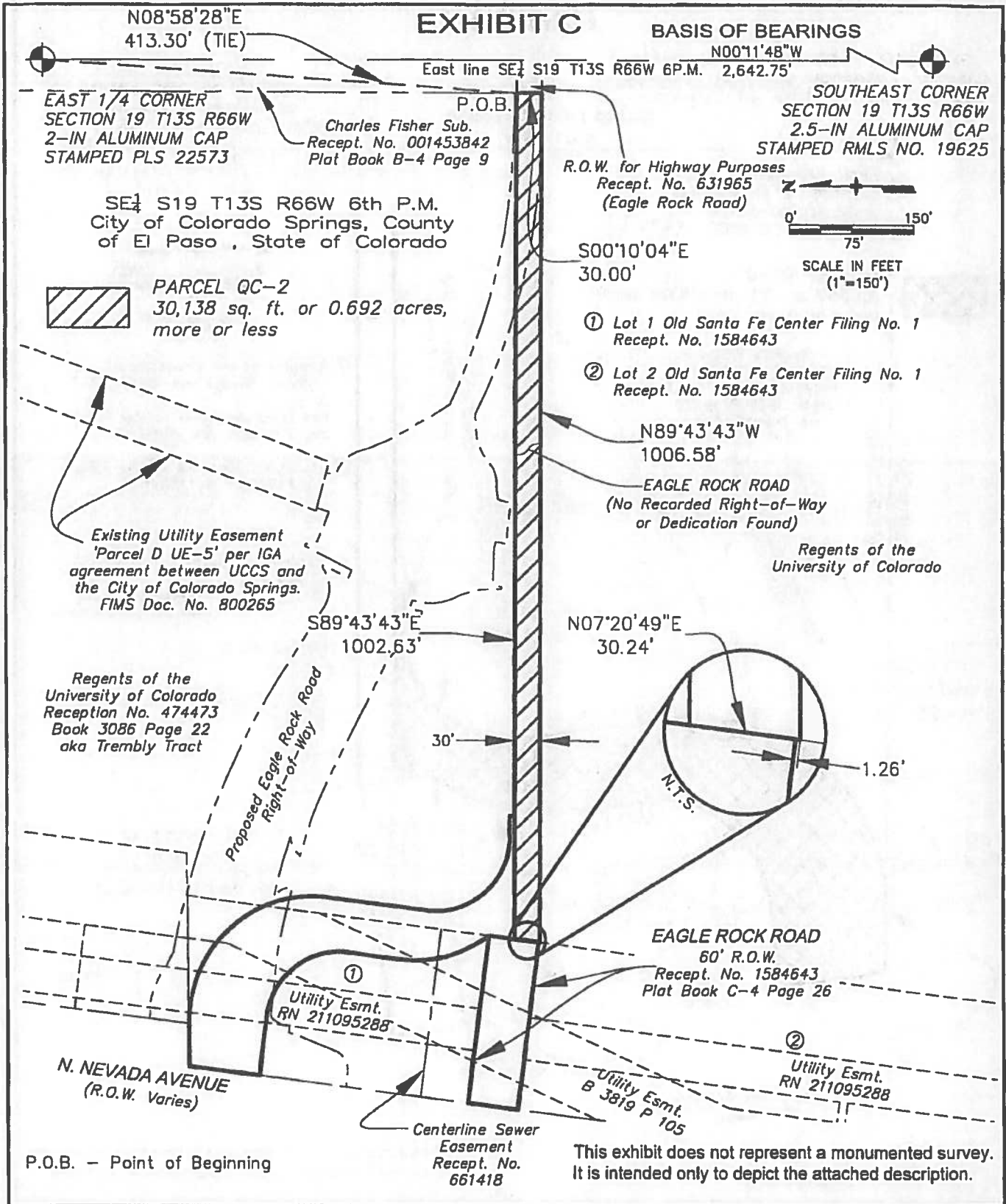
Date Submitted: April 25, 2018

JOB NUMBER
223515-00011

EXHIBIT C

EXHIBIT C

BASIS OF BEARINGS



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EXHIBIT FOR LEGAL DESCRIPTION

RIGHT-OF-WAY TO BE VACATED
PARCEL QC-2

Prepared for: UCCS

Date Submitted: April 25, 2018

PAGE NUMBER

5

OF 6 PAGES

JOB NUMBER

223515-00011

EXHIBIT C

**ATTACHMENT 3
LEGAL DESCRIPTION
UTILITY EASEMENT
PARCEL UE-4**

A PARCEL OF LAND SITUATED WITHIN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE BASED UPON THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 19 AS MONUMENTED BY A 2-INCH ALUMINUM CAP STAMPED PLS 22573 AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 19 AND MONUMENTED BY A 2.5-INCH ALUMINUM CAP STAMPED RMLS NO. 19625 AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 19, SAID LINE IS ASSUMED TO BEAR NORTH 00°11'48.24" WEST A DISTANCE OF 2,642.75 FEET;

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 OF OLD SANTA FE CENTER, FILING NO. 1, RECORDED JUNE 19, 1987, IN PLAT BOOK C-4 AT PAGE 26, RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO;

THENCE SOUTH 82°39'11" EAST ALONG THE SOUTHERLY LINE OF SAID OLD SANTA FE CENTER, FILING NO. 1 A DISTANCE OF 199.99 FEET;

THENCE SOUTH 76°46'21" EAST, A DISTANCE OF 137.20 FEET;

THENCE DEPARTING SAID EASTERLY LINE SOUTH 89°43'43" EAST A DISTANCE OF 865.10 FEET TO THE WESTERLY LINE OF THE CHARLES FISHER SUBDIVISION, RECORDED SEPTEMBER 17, 1986, IN PLAT BOOK B-4 AT PAGE 9, RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO;

THENCE SOUTH 00°10'04" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 30.00 FEET;

THENCE DEPARTING SAID WESTERLY LINE NORTH 89°43'43" WEST, A DISTANCE OF 1006.58 FEET TO A POINT ON THE EASTERLY LINE OF SAID OLD SANTA FE CENTER, FILING NO. 1;

THENCE NORTH 82°17'37" WEST ALONG THE NORTHERLY LINE OF LOT 2 OF SAID OLD SANTA FE CENTER, FILING NO. 1, A DISTANCE OF 199.99 TO A POINT ON THE EASTERLY LINE OF NORTH NEVADA AVENUE;

THENCE NORTH 07°20'49" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 44,394 SQUARE FEET OR 1.019 ACRE, MORE OR LESS.

EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

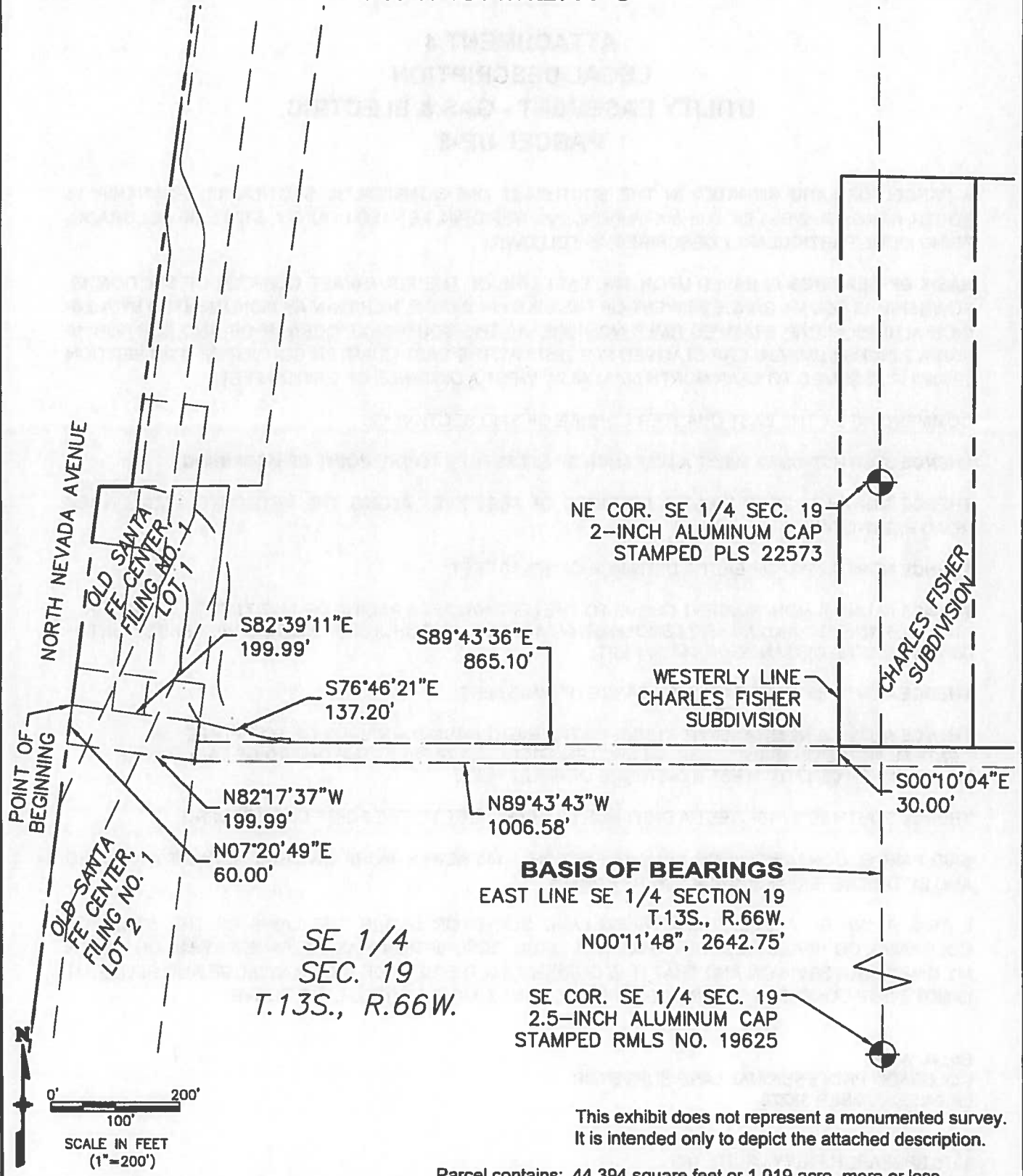
I, _____, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF ARE CORRECT.

FOR AND ON BEHALF OF NV5, INC.

1975 RESEARCH PARKWAY, SUITE 165
COLORADO SPRINGS, CO 80920

1 of 2

ATTACHMENT 3



This exhibit does not represent a monumented survey. It is intended only to depict the attached description.

Parcel contains: 44,394 square feet or 1.019 acre, more or less.

N|V|5
BEYOND ENGINEERING
1975 RESEARCH PKWY, STE 165 COLORADO SPRINGS, CO
719.288.8500 TEL 719.288.9100 FAX WWW.NV5.COM

ATTACHMENT 3 FOR LEGAL DESCRIPTION
UTILITY EASEMENT
PARCEL UE-4

PAGE NUMBER	2
OF 2 PAGES	
JOB NUMBER	223515-00011

Prepared for: UCCS

Date submitted: 10/30/2017

Attachment 3