

ORDINANCE NO. 17-3

AN ORDINANCE VACATING PORTIONS OF A PUBLIC RIGHT-OF-WAY CONSISTING OF 0.043 ACRES LOCATED AT THE INTERSECTION OF VISTA DEL FLORES STREET AND VISTA DEL TIERRA DRIVE AND PORTIONS OF EXCESS RIGHT-OF-WAY CONSISTING OF 0.145 ACRES LOCATED ALONG DUBLIN BOULEVARD

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

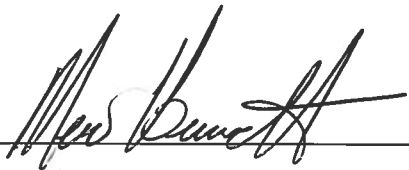
Section 1. City Council hereby finds, determines and declares that it is in the best interest of the city and its citizens to vacate and hereby vacates portions of a public right-of-way consisting of 0.043 acres located at the intersection of Vista Del Flores Street and Vista Del Tierra Drive and portions of excess right-of-way consisting of 0.145 acres located along Dublin Boulevard, as described on Exhibit A and depicted on Exhibit B, which is attached hereto and made a part hereof:

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 10th day of January, 2017.

**Finally passed:** January 24<sup>th</sup>, 2017

  
\_\_\_\_\_  
Council President

**Mayor's Action:**

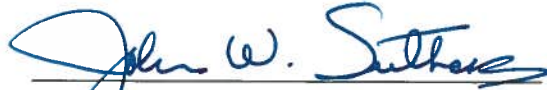
- Approved on January 26, 2017.
- Disapproved on \_\_\_\_\_, based on the following objections:

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\_\_\_\_\_  
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 A PUBLIC RIGHT-OF-WAY CONSISTING OF 0.043 ACRES LOCATED AT THE INTERSECTION OF VISTA DEL FLORES STREET AND VISTA DEL TIERRA DRIVE AND PORTIONS OF EXCESS RIGHT-OF-WAY CONSISTING OF 0.145 ACRES LOCATED ALONG DUBLIN BOULEVARD”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on January 10<sup>th</sup> 2017; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 24<sup>th</sup> day of January, 2017, 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 26<sup>th</sup> day of January, 2017.

  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: January 13<sup>th</sup>, 2017

2<sup>nd</sup> Publication Date: January 27<sup>th</sup>, 2017

Effective Date: February 1<sup>st</sup>, 2017    Initial: SBJ  
City Clerk



619 N. Cascade Avenue, Suite 200  
Colorado Springs, Colorado 80903

(719)785-0790  
(719) 785-0799(Fax)

JOB NO. 2366.38-02  
APRIL 30, 12016  
PAGE 1 OF 2

**LEGAL DESCRIPTION: RIGHT OF WAY VACATION**

TWO (2) PARCELS OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 15, BEING MONUMENTED AT THE NORTHWEST CORNER BY A 2-1/2" ALUMINUM CAP STAMPED "GMS INC. PLS 22095" AND AT THE WEST ONE-QUARTER BY A 2-1/2" ALUMINUM CAP STAMPED "DREXEL BARRELL & CO LS 17664", AND IS ASSUMED TO BEAR N00°20'14"E, A DISTANCE OF 2646.40 FEET.

**PARCEL 1**

A PARCEL OF LAND BEING A PORTION OF DUBLIN BOULEVARD AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1, RECORDED UNDER RECEPTION NO. 205087777, RECORDS OF EL PASO COUNTY, COLORADO,

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO SAID POINT BEING AN ANGLE POINT IN THE SOUTHERLY RIGHT OF WAY OF DUBLIN BOULEVARD AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1, RECORDED UNDER RECEPTION NO. 205087777, RECORDS OF EL PASO COUNTY, COLORADO,

THENCE N86°20'32"E, A DISTANCE OF 1316.70 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID DUBLIN BOULEVARD, AS PLATTED IN SAID BANNING LEWIS RANCH FILING NO. 1, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE NORTHERLY RIGHT OF WAY LINE OF SAID DUBLIN BOULEVARD THE FOLLOWING THREE (3) COURSES;

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N02°53'07"E, HAVING A DELTA OF 02°50'50", A RADIUS OF 4917.00 FEET AND A DISTANCE OF 244.35 FEET TO A POINT OF TANGENT;
2. S89°57'43"E, A DISTANCE OF 427.80 FEET;
3. N45°09'54"E, A DISTANCE OF 36.85 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF VISTA DEL TERRA DRIVE AS PLATTED IN SAID BANNING LEWIS RANCH FILING NO. 1;

THENCE S00°17'30"W, ON SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 10.25 FEET;

THENCE S45°02'17"W, A DISTANCE OF 35.00 FEET;

THENCE N89°57'43"W, A DISTANCE OF 429.12 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 02°50'50", A RADIUS OF 4926.00 FEET AND A DISTANCE OF 244.80 FEET;

THENCE N02°53'07"E, A DISTANCE OF 9.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 0.145 ACRES.

**PARCEL 2**

A PARCEL OF LAND BEING A PORTION OF VISTA DEL TIERRA DRIVE AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1, RECORDED UNDER RECEPTION NO. 205087777, RECORDS OF EL PASO COUNTY, COLORADO,

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO SAID POINT BEING AN ANGLE POINT IN THE SOUTHERLY RIGHT OF WAY OF DUBLIN

BOULEVARD AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1, RECORDED UNDER RECEPTION NO. 205087777, RECORDS OF EL PASO COUNTY, COLORADO,

THENCE N66°45'00"E, A DISTANCE OF 2126.80 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID VISTA DEL TIERRA DRIVE, AS PLATTED IN SAID BANNING LEWIS RANCH FILING NO. 1, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE WESTERLY RIGHT OF WAY LINE OF SAID VISTA DEL TIERRA DRIVE THE FOLLOWING FIVE (5) COURSES;

1. N69°01'46"W, A DISTANCE OF 28.79 FEET;
2. S66°58'16"W, A DISTANCE OF 5.01 FEET;
3. N28°09'00"W, A DISTANCE OF 58.23 FEET;
4. N66°58'16"E, A DISTANCE OF 5.04 FEET;
5. N17°57'03"E, A DISTANCE OF 26.49 FEET TO A POINT ON CURVE;

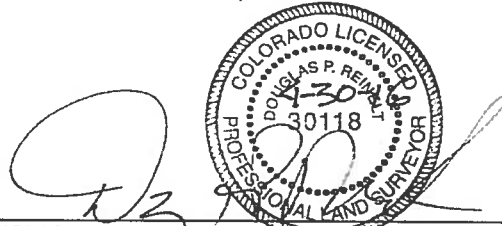
THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S58°15'51"W, HAVING A DELTA OF 07°30'00", A RADIUS OF 752.00 FEET AND A DISTANCE OF 98.44 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 0.043 ACRES.

**CONTAINING A TOTAL CALCULATED AREA OF 0.188 ACRES.**

**LEGAL DESCRIPTION STATEMENT:**

I, DOUGLAS P. REINELT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.



DOUGLAS P. REINELT, PROFESSIONAL LAND SURVEYOR  
COLORADO P.L.S. NO. 30118  
FOR AND ON BEHALF OF CLASSIC CONSULTING,  
ENGINEERS AND SURVEYORS, LLC.

APRIL 30, 2016  
DATE

# RIGHT OF WAY VACATION BANNING LEWIS RANCH FILING NO. 18

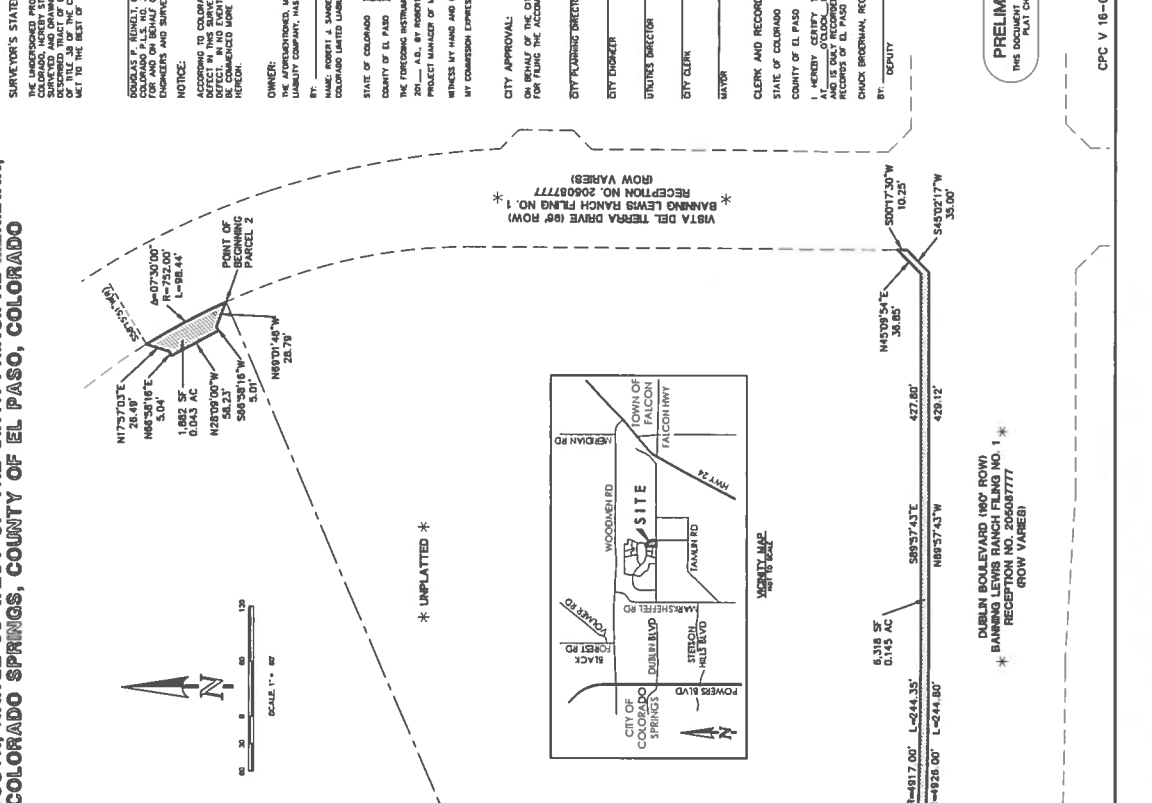
## A PORTION OF DUBLIN BOULEVARD AND A PORTION OF VISTA DEL TERRA DRIVE AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1, RECORDED UNDER RECEPTION NO. 20608777, RECORDS OF EL PASO COUNTY, COLORADO, BEING A PORTION OF SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 05 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, COLORADO

**LEGAL DESCRIPTION:**  
TWO (2) PARCELS OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 10, BEING  
COUNTY, COLORADO, BEING RECORDED AS FOLLOWS:

- BASES OF BANNING LEWIS RANCH FILING NO. 1, RECORDED UNDER RECEPTION NO. 20608777, RECORDS OF EL PASO COUNTY, COLORADO, BEING RECORDED AS FOLLOWS:**
- 1. THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 10, BEING
  - MONUMENTED AT THE NORTHWEST CORNER BY A 3-1/2" ALUMINUM CAP
  - 2. THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 10, BEING
  - 1-7/8" ALUMINUM CAP STAMPED "MCCALL BARRELL & CO 13 17848", AND IS
  - ASSIGNED TO BEAR NORTH75°11' E, A DISTANCE OF 244.40 FEET.
- PARCEL 1**
- A PARCEL OF LAND BEING A PORTION OF DUBLIN BOULEVARD AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1, RECORDED UNDER RECEPTION NO. 20608777, RECORDS OF EL PASO COUNTY, COLORADO, BEING RECORDED AS FOLLOWS:
- 1. THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 10, BEING MONUMENTED AT THE NORTHWEST CORNER BY A 3-1/2" ALUMINUM CAP
  - 2. THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 10, BEING MONUMENTED AT THE NORTHWEST CORNER BY A 3-1/2" ALUMINUM CAP
  - 3. THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, BEING MONUMENTED AT THE SOUTHWEST CORNER BY A 3-1/2" ALUMINUM CAP
  - 4. THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 10, BEING MONUMENTED AT THE SOUTHWEST CORNER BY A 3-1/2" ALUMINUM CAP
- PARCEL 2**
- A PARCEL OF LAND BEING A PORTION OF VISTA DEL TERRA DRIVE AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1, RECORDED UNDER RECEPTION NO. 20608777, RECORDS OF EL PASO COUNTY, COLORADO, BEING RECORDED AS FOLLOWS:
- 1. THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 10, BEING MONUMENTED AT THE NORTHWEST CORNER BY A 3-1/2" ALUMINUM CAP
  - 2. THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 10, BEING MONUMENTED AT THE NORTHWEST CORNER BY A 3-1/2" ALUMINUM CAP
  - 3. THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, BEING MONUMENTED AT THE SOUTHWEST CORNER BY A 3-1/2" ALUMINUM CAP
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  - 3. THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, BEING MONUMENTED AT THE SOUTHWEST CORNER BY A 3-1/2" ALUMINUM CAP
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  - 3. THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, BEING MONUMENTED AT THE SOUTHWEST CORNER BY A 3-1/2" ALUMINUM CAP
  - 4. THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 10, BEING MONUMENTED AT THE SOUTHWEST CORNER BY A 3-1/2" ALUMINUM CAP



**SURVEYOR'S STATEMENT:**  
I, THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HAVE PERSONALLY EXAMINED THE ORIGINAL RECORDS OF THE SURVEY AND DRAWING UNDER HIS RESPONSIBLE CHARGE, AND ACCURATELY SHOW THE LOCATION OF THE MONUMENTS AND THE BOUNDARIES OF THE PARCELS OF LAND AS SET FORTH IN FILE NO. 18 OF THE COLORADO REVISED STATUTES, 1973, AS AMENDED, HAVE BEEN MET TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

ROBERT J. SHARMAN, PROFESSIONAL LAND SURVEYOR  
COUNTY OF EL PASO, COLORADO  
DATE \_\_\_\_\_

ROBERT J. SHARMAN, PROFESSIONAL LAND SURVEYOR  
COUNTY OF EL PASO, COLORADO  
DATE \_\_\_\_\_

**NOTICE:**  
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION AGAINST ANY PARTY DEFECTIVE IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. THIS SURVEY IS NOT GUARANTEED TO BE ACCURATE. THE SURVEYOR'S LIABILITY IS LIMITED TO THE AMOUNT OF THE FEE CHARGED FOR THIS SURVEY. THE SURVEYOR'S LIABILITY SHALL NOT BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

**OWNER:**  
THE CITY OF COLORADO SPRINGS, BEING COLORADO INVESTMENTS, L.L.C. A DELAWARE LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_.

**BY:**  
NAME: ROBERT J. SHARMAN AS EXECUTIVE VICE PRESIDENT OF GARDWOOD HOMES, L.L.C. A COLORADO LIMITED LIABILITY COMPANY, PROJECT MANAGER.  
BY COMMISSION EMPLOYEE: \_\_\_\_\_ NOTARY PUBLIC: \_\_\_\_\_

**CITY APPROVAL:**  
ON BEHALF OF THE CITY OF COLORADO SPRINGS, THE UNDERSIGNED HEREBY APPROVE FOR THE RECORDING OF THIS INSTRUMENT FOR THE REASONING SET FORTH IN THIS INSTRUMENT.  
DATE \_\_\_\_\_

**CITY PLANNING DIRECTOR:** \_\_\_\_\_ DATE \_\_\_\_\_

**CITY ENGINEER:** \_\_\_\_\_ DATE \_\_\_\_\_

**UTILITY SERVICES DIRECTOR:** \_\_\_\_\_ DATE \_\_\_\_\_

**CITY CLERK:** \_\_\_\_\_ DATE \_\_\_\_\_

**DEPUTY:** \_\_\_\_\_ DATE \_\_\_\_\_

**CLERK AND RECORDER:** \_\_\_\_\_

COUNTY OF EL PASO, COLORADO  
THE INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_ O'CLOCK, IN THE CITY OF COLORADO SPRINGS, COLORADO, ON \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_, OF THE RECORDS OF EL PASO COUNTY, COLORADO.

CHUCK BROOKMAN, RECORDER  
BY: \_\_\_\_\_ DEPUTY

**RIGHT OF WAY VACATION SKETCH**  
DUBLIN BOULEVARD AND A PORTION OF VISTA DEL TERRA DRIVE  
BANNING LEWIS RANCH FILING NO. 1  
JOB NO. 2366.38  
APRIL 18, 2016  
SHEET 1 OF 1

**PRELIMINARY**  
THIS DOCUMENT HAS NOT BEEN PLAT CHECKED

CLASSIC  
CONSULTING ENGINEERS & SURVEYORS  
17705-008  
17705-008 (Rev. 08/01)

CPC V 16-00067