

RESOLUTION NO. 21-17

A RESOLUTION AUTHORIZING THE ACQUISITION OF
PROPERTY OWNED BY TIMOTHY J. GARBER AND
DAWN K. DAWSON-GARBER TO BE USED FOR
SOUTHERN DELIVERY SYSTEM PROJECT
IMPROVEMENTS

WHEREAS, certain real property owned by Timothy J. Garber and Dawn K. Dawson-Garber (the "Property Owners"), consisting of 35.251 acres of land, which is located at 4475 Hammer Ranch Road, Colorado Springs, Colorado 80929 and known as El Paso County Tax Schedule Number 45000-00-106 ("Property"), has been identified as necessary for the completion of the Southern Delivery System Project; and

WHEREAS, by City Council Resolution No. 134-13, the City of Colorado Springs, through its enterprise Colorado Springs Utilities, was authorized to negotiate acquisition of the Property; and

WHEREAS, the Property is legally described on Exhibit A attached hereto and depicted on Exhibit B attached hereto; and

WHEREAS, the acquisition of the Property is in the public interest and is necessary for the construction of the Southern Delivery System Project; and

WHEREAS, pursuant to section 4.1 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("Real Estate Manual"), City Council approval is required for acquisition of real property interests if the purchase price exceeds \$50,000.00; and

WHEREAS, the fair market value for the Property was determined to be \$120,000.00 based on a real estate appraisal conducted by an independent real estate appraiser; and

WHEREAS, the City desires to offer and the Property Owners desire to accept a purchase price of \$120,000.00 for the Property; and

WHEREAS, Colorado Springs Utilities requests the approval of City Council to purchase the Property for a purchase price of \$120,000.00.

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

Section 1. That the City Council finds the acquisition of the Property is in compliance with the City's Real Estate Manual, the City Charter, City Code, and all other applicable laws.

Section 2. That in accord with the Real Estate Manual, the City Council hereby authorizes the acquisition of the Property from the Property Owners for the purchase price of \$120,000.00 to be used in connection with the Southern Delivery System Project.

Section 3. That the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the acquisition of the Property contemplated herein.

DATED at Colorado Springs, Colorado, this 28th day of February, 2017.

ATTEST:


Sarah B. Johnson, City Clerk




Council President

PARCEL DESIGNATION:	4500000106	DATE:	September 1, 2015
OWNER:	TIMOTHY J. GARBER AND DAWN K. DAWSON-GARBER (Owner current as of the date of certification hereon)		

EXHIBIT A
LEGAL DESCRIPTION

TRACT 11, HAMMER RANCH AS RECORDED SEPTEMBER 25, 2000 UNDER RECEPTION NO. 200115347 OF THE RECORDS OF EL PASO COUNTY, COLORADO, BEING A PORTION OF SECTION 6, TOWNSHIP 15 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO.

Said parcel contains 1,535,542 square feet or 35.251 acres, more or less.

EXHIBIT B SKETCH is attached hereto and is only intended to depict Exhibit A – Legal Description. In the event that Exhibit A contains an ambiguity, Exhibit B may be used to solve said ambiguity.

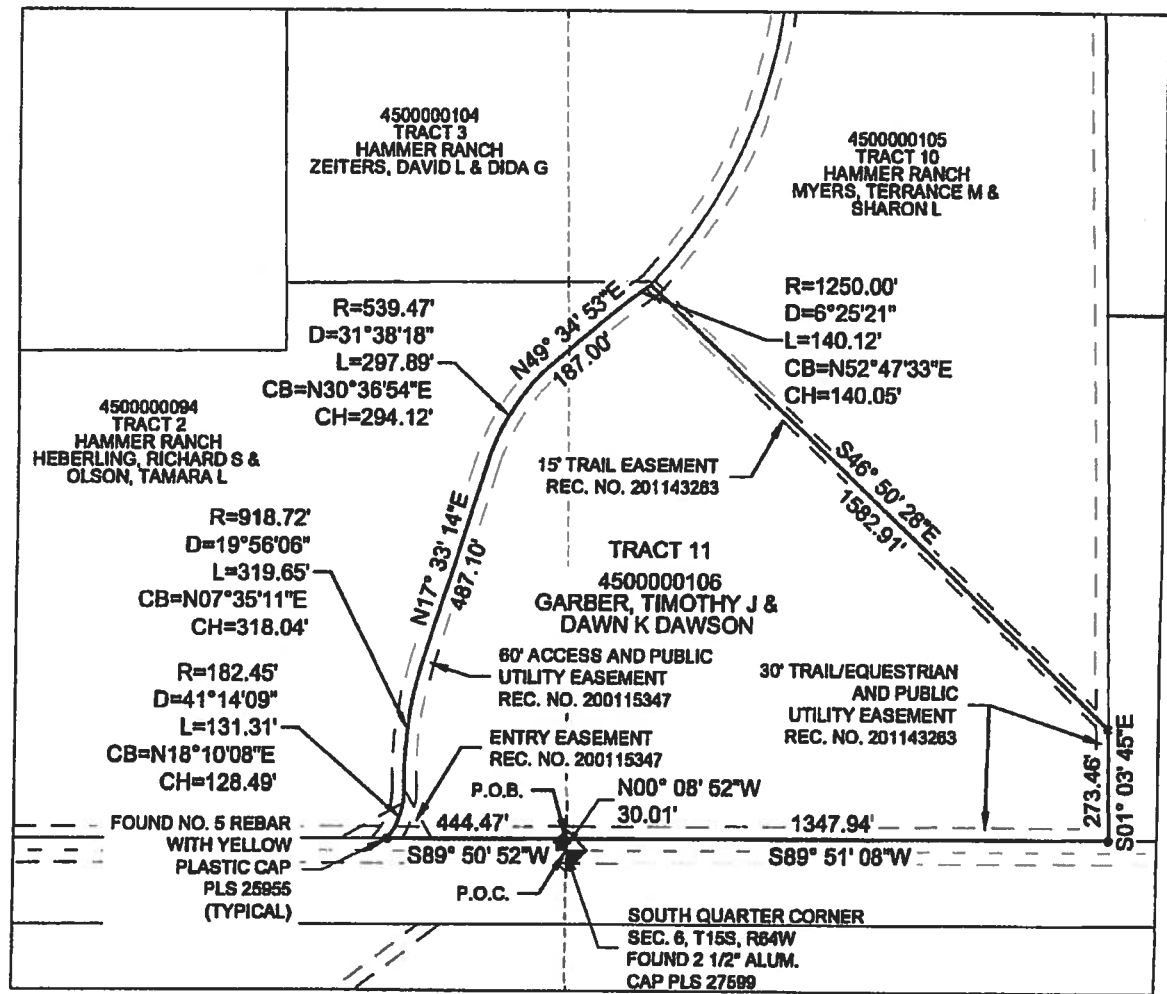
Prepared for and on behalf of Colorado Springs Utilities by: Basil Micah Hanson, PLS 38020, of CRITIGEN LLC, 2 North Cascade Avenue, Suite 460, Colorado Springs, CO 80903

4500000106_EXA.doc

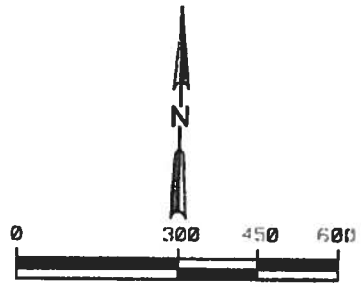
DATE: 01-SEPTEMBER-2015
 DRAWN BY: B HANSON
 CHECKED BY: R CASTILLO
 APPROVED BY: B HANSON
 DRAWING: 4500000106_EXB

EXHIBIT B SKETCH
 PARCEL #4500000106
 SECTION 6
 T 15 S, R 64 W, 6TH P.M.
 EL PASO COUNTY, COLORADO

**CITY OF
 COLORADO SPRINGS**



NOTES:
 1. This sketch does not constitute a land survey plat by CRITIGEN, LLC., and is only intended to depict Exhibit A - Legal Description. In the event that Exhibit A contains an ambiguity, Exhibit B may be used to solve said ambiguity.
 2. Bearings are based on a line from NGS Station "Coral Bluffs" (PID JK1153), monumented by a 3" brass disk set in concrete to NGS Station "Clevenger" (PID JK1353), monumented by a stainless steel rod set in concrete, said line was assumed to bear South 03°57'12" West according to a survey control diagram prepared by Kirkham Michael Consulting Engineers deposited with the El Paso County Surveyor on August 10, 2004 at Survey Deposit Number 204900110.



SCALE: 1" = 600' SHEET 1 OF 1