

RESOLUTION 99-16

A RESOLUTION AUTHORIZING A LAND EXCHANGE  
BETWEEN THE CITY OF COLORADO SPRINGS AND  
OGC RE1, LLC

WHEREAS, the City of Colorado Springs ("City") holds fee title to a strip of vacant land consisting of approximately 8,702 square feet east of the current alignment of Colorado Avenue and south of Pikes Peak Avenue, which is legally described on Exhibit A, attached hereto and incorporated herein by reference, ("City Property"); and

WHEREAS, the Public Works Department is the Controlling Department of the City Property; and

WHEREAS, the City's Public Works Department has determined that the City Property is surplus and may be disposed; and

WHEREAS, no other City department or enterprise has expressed interest in maintaining fee ownership, and the City shall reserve a public improvement easement, and a utility easement on the City Property; and

WHEREAS, OGC RE1, LLC, holds fee title to a strip of vacant land consisting of approximately 41,037 square feet situated south of Pikes Peak Avenue and southerly along the Shooks Run drainage channel, which is legally described on Exhibit B and map depicted on Exhibit C, attached hereto and incorporated herein by reference ("OGC RE1, LLC Property"); and

WHEREAS, the City desires to acquire the OGC RE1, LLC Property and OGC RE1, LLC desires to acquire the City Property; and

WHEREAS, the City, pursuant to Section 4.5 of Chapter 4 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("RES Manual") is authorized to enter into a land exchange upon approval of City Council; and

WHEREAS, an exchange of the City Property for the OGC RE1, LLC Property would benefit the City by enhancing the City-owned Shooks Run Trail system and the City-owned Shooks Run drainage channel; and

WHEREAS, the OGC RE1, LLC Property that the City would receive in exchange for the City Property is of greater land area and of greater value than the City Property; and

WHEREAS, the parties have agreed the transaction costs for this land exchange shall be split equally by the parties if City Council approves the land exchange; and

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


Section 1. City Council hereby finds that the City Property is surplus property that is not necessary for the operation of the City, is unneeded for the proper conduct of City affairs, and its disposal is in compliance with City Code Section 7.71804 (A) and Chapter 5 of the RES Manual.

Section 2. Pursuant to the RES Manual, Chapter 4.5, City Council hereby finds that the proposed land exchange of greater land and value is in the best interest of the City and approves a land exchange with OGC RE1, LLC of the City Property for the OGC RE1, LLC Property.

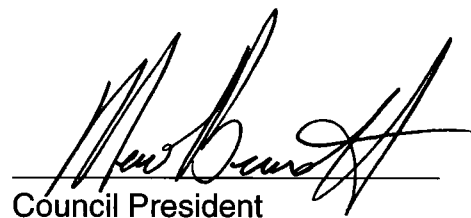
Section 3. Pursuant to the RES Manual, Chapter 2.11, City Council hereby authorizes the City's Real Estate Services Manager to execute all documents necessary to complete the land exchange of the City Property for the OGC RE1, LLC Property, and to obtain the Mayor's signature on the deed conveying the City Property to OGC RE1, LLC.

DATED at Colorado Springs, Colorado, this 11<sup>th</sup> day of October, 2016.

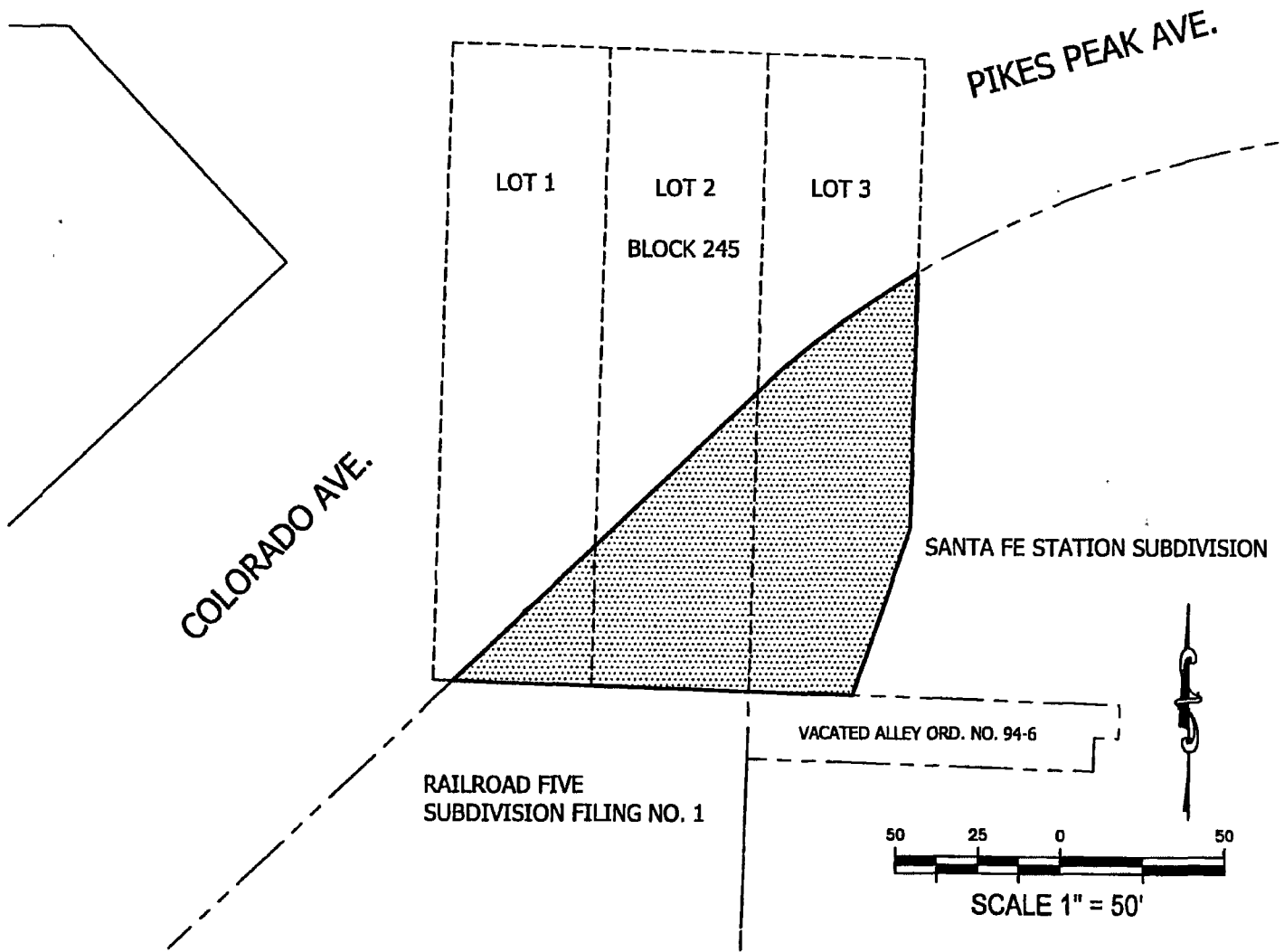
ATTEST:

  
Sarah B. Johnson, City Clerk



  
Council President

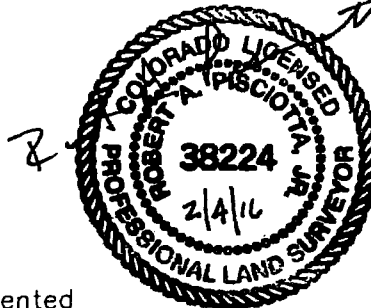
# EXHIBIT A




A parcel of land located in ELIZABETH F. WOLFE SUBDIVISION OF BLOCK 245 OF ADDITION NUMBER 1 TO THE CITY OF COLORADO SPRINGS as recorded in Plat Book A page 29 in the records of El Paso County, Colorado. More particularly described as follows;

A portion of lots 1,2 and 3 in Block 245 of said ELIZABETH F. WOLFE subdivision lying southeast of the Right of Way of Colorado Ave./Pikes Peak Ave. and west of SANTA FE STATION SUBDIVISION as recorded in Plat Book L-3 page 64 in the records of El Paso County, Colorado. Containing approximately 8,702 square feet more or less. Subject to existing Public Utilities and drainage facilities.

This legal description was prepared for and on behalf of The City of Colorado Springs by Robert A. Pisciotta, Jr., Colorado P.L.S. 38224 Suite 402 30 S. Nevada Ave. Colorado Springs, CO. 719-385-5545



 CITY OF COLORADO SPRINGS	
PORTION OF LOTS 1,2 AND 3 BLOCK 245 E.F WOLFE SUB OF BLOCK 245 OF ADD NO.1 TO THE CITY OF COLO. SPGS	
Drawn By: R. Kotwica	Date: FEBRUARY 03, 2016
Job Number: 2015110	

This map does not represent a monumented survey and is only intended to illustrate the attached parcel description.

September 14, 2015

LEGAL DESCRIPTION

A parcel of land located within the tracts of land described in the deeds recorded in the office of the El Paso County Clerk and Recorder in Book 5691 at Page 739, Book 6720 at Page 1097 and Book 5769 at Page 1464, El Paso County, Colorado, with all of the bearings contained herein based upon a bearing of S89°55'22"W, as measured between a 1 1/2 inch aluminum washer, PLS 31548, found in place, and a #4 rebar and 1" plastic cap, LS 4842, found in place, marking the south line of said tract of land recorded in Book 5769 at Page 1464, being more particularly described as follows:

Beginning at the northeast corner of said Tract of land recorded in Book 5691 at Page 739, being marked on the ground by a #5 rebar and 1 1/4 inch plastic cap, PLS 31548, found in place; thence along the east line of said tracts of land recorded in Book 5691 at Page 739 and Book 6720 at Page 1097, S00°43'43"E, a distance of 373.72 feet, to the southeast corner of said tract of land recorded in Book 5691 at Page 739, being marked on the ground by a #5 rebar and 1" plastic cap, PLS 31548, found in place; thence along the east line of said tract of land recorded in Book 5769 at Page 1464, S00°43'42"E, a distance of 40.20 feet; thence leaving said east line, along the easterly top of bank of Shooks Run, the following four (4) courses:

- 1) S25°42'37"W, a distance of 47.57 feet,
- 2) S57°21'34"W, a distance of 34.73 feet,
- 3) S17°27'38"W, a distance of 167.78 feet,
- 4) S41°50'01"W, a distance of 61.91 feet,

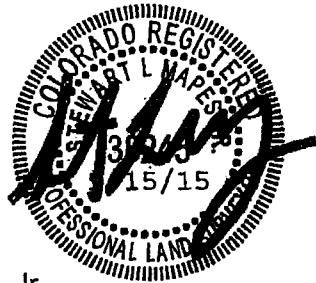
to the south line of said tract of land recorded in Book 5769 at Page 1464; thence along said south line, S89°55'22"W, a distance of 104.35 feet; thence leaving said south line, along the westerly top of bank of Shooks Run, the following nine (9) courses:

- 1) N38°37'53"E, a distance of 51.29 feet,
- 2) N51°36'47"E, a distance of 46.42 feet,
- 3) N28°38'47"E, a distance of 26.52 feet,
- 4) N17°12'48"W, a distance of 33.69 feet,
- 5) N14°07'14"E, a distance of 88.16 feet,
- 6) N35°55'50"E, a distance of 172.17 feet,
- 7) N22°50'55"E, a distance of 72.60 feet,
- 8) N04°47'06"E, a distance of 44.52 feet,
- 9) N00°30'07"W, a distance of 219.79 feet,

**EXHIBIT B 1 of 2**

to a point on the north line of said tract of land recorded in Book 5691 at Page 739, and a point on the southerly right-of-way line of E. Pikes Peak Ave.; thence along said north line, 17.00 feet along a non-tangent curve to the left, having a radius of 1350.00 feet, a delta of 0°43'17", and a chord of 17.00 feet that bears N84°56'13"E, to the Point of Beginning.

Said parcel contains 41,037 sq.ft. or 0.942 acres, more or less.



Stewart L. Mapes, Jr.  
Colorado Professional Land Surveyor No. 38245  
For and on behalf of Clark Land Surveying, Inc.

EXHIBIT B 2012

**E. PIKES PEAK AVE.**  
(Public R.O.W. varies)

L=122.74' (M)  
R=1350.00' (M)  
Δ=5°12'33" (M)  
CH=N87°10'51"E,  
122.69' (M)

Found, #5 rebar and  
1 1/4" plastic cap,  
PLS 31548,  
flush with grade

Found, #4 rebar and  
1" plastic cap, LS 4842,  
flush with grade

A 17.00'  
R 1350.00'  
D 0°43'17"  
B N84°56'13"E  
C 17.00'

P.O.B.

Vacated El Paso Street



Bk. 5691, Pg. 739

Alley Vacation  
(Bk. 6720, Pg. 1097)

PARCEL OF LAND  
41,037 SQ.FT.  
0.942 ACRES

Found, #4 rebar and  
1" plastic cap, illegible,  
0.4' below grade

N55°08'19"W 111.75' (M)  
N54°54'28"W 111.85' (R)

Top of bank and  
approximate boundary  
of flood Zone AE

Bk. 5769,  
Pg. 1464

Found, #5 rebar and  
1 1/4" plastic cap,  
PLS 31548,  
flush with grade

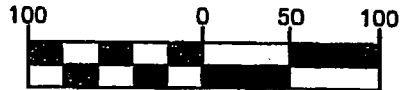
Found, #4 rebar and  
1" plastic cap, LS 4842,  
0.2' below grade

LINE	BEARING	DISTANCE
L1	S25°42'37"W	47.57'
L2	S57°21'34"W	34.73'
L3	S17°27'38"W	167.78'
L4	S41°50'01"W	61.91'
L5	N38°37'53"E	51.29'
L6	N51°36'47"E	46.42'
L7	N28°38'47"E	26.52'
L8	N17°12'48"W	33.69'
L9	N14°07'14"E	88.16'
L10	N35°55'50"E	172.17'
L11	N22°50'55"E	72.60'
L12	N04°47'06"E	44.52'

Found, 1 1/2" aluminum  
washer, PLS 31548,  
flush with grade

S89°55'22"W 321.18' (M) 20' Alley  
S89°55'17"W 321.08' (R)  
BASIS OF BEARINGS

GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

NOTE:  
This EXHIBIT does not represent a  
monumented land survey, and is  
only intended to depict the  
attached LEGAL DESCRIPTION.

Sheet 1 of 1

Revisions			
No.	Description	Date	By

Project No:  
**15833**

**Clark** 

Surveying x ALTA x Mapping

119 N. Wahsatch Ave. • Colorado Springs, CO 80903 • 719.633.8533  
www.clarkis.com

Drawn: SLM      Check: WRC      Date: 9/14/15

EXHIBIT C