

RESOLUTION NO. 104-17

A RESOLUTION AUTHORIZING THE ACQUISITION OF EASEMENTS ON PROPERTY OWNED BY THE BACH FAMILY TRUST TO BE USED FOR THE CLEAR SPRING RANCH BANK STABILIZATION PROJECT AND FOR ACCESS TO THE OWEN AND HALL DIVERSION STRUCTURE

WHEREAS, the City of Colorado Springs (the "City"), by and through its enterprise Colorado Springs Utilities ("Utilities"), currently provides utility systems, including wastewater systems and electric utility systems, as authorized by Article 1, Section 1-20(d) of the Charter of the City of Colorado Springs; and

WHEREAS, Utilities has implemented its Sanitary Sewer Creek Crossing Program ("SSCC Program") to design and construct stream stabilization projects needed to protect CSU infrastructure from erosion and flooding; and

WHEREAS, the Clear Spring Ranch Bank Stabilization Project is part of the SSCC Program and is required to protect Utilities' solids handling, or sludge, pipeline from damage resulting from erosion caused by Fountain Creek; and

WHEREAS, in order to construct a portion of the Clear Spring Ranch Bank Stabilization Project, Utilities requires one temporary construction easement and one permanent easement across a portion of property owned by the Bach Family Trust (the "Property Owner"), located at 12620 Old Pueblo Road, as further described in Exhibit 1, attached hereto and incorporated herein by reference; and

WHEREAS, Utilities' Owen and Hall Diversion Structure supplies water for irrigation on Clear Spring Ranch which recharges the shallow aquifer used to supply process water for Utilities' Ray D. Nixon and Front Range Power Plants; and

WHEREAS, Utilities requires two additional permanent easements across a portion of the property located at 12620 Old Pueblo Road, as further described in Exhibit 2, attached hereto and incorporated herein by reference, for purposes of ensuring it has the necessary access to the Owen and Hall Diversion Structure located at Utilities' Clear Spring Ranch site for performing required maintenance on and inspection of the Owen and Hall Diversion Structure; and

WHEREAS, the easements to be obtained for the Clear Spring Ranch Bank Stabilization Project are legally described in Exhibit 1-B attached hereto and depicted in Exhibit 1-C attached hereto and the easements to be obtained to provide access to the Owen and Hall Diversion Structure are legally described in Exhibit 2-B attached hereto and depicted in Exhibit 2-C attached hereto (collectively, these easements shall be referred to hereafter as the "Easements"); and

WHEREAS, the acquisition of the Easements is in the public interest and is necessary for the construction of the Clear Spring Ranch Bank Stabilization Project and to provide access to the Owen and Hall Diversion Structure; and

WHEREAS, pursuant to sections 4.1 and 8.6 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 total acquisition amount exceeds \$50,000.00 and if the total acquisition amount is in excess of 30% over the fair market value where fair market value exceeds \$20,000; and

WHEREAS, the fair market value of the Easements was determined based on a real estate appraisal conducted by an independent real estate appraiser; and

WHEREAS, the Utilities desires to offer and the Property Owner desires to accept a purchase price of \$75,000.00 for the Easements; and

WHEREAS, Colorado Springs Utilities requests the approval of City Council to purchase the Easements for a purchase price of \$75,000.00.

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 Easements 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 Easements from the Property Owner for the purchase price of \$75,000.00 to be used in connection with the Clear Spring Ranch Bank Stabilization Project and for access to the Owen and Hall Diversion Structure.


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

DATED at Colorado Springs, Colorado, this 26th day of September, 2017.



Council President

ATTEST:


Sarah B. Johnson, City Clerk

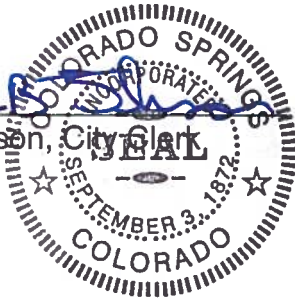


EXHIBIT 1
CLEAR SPRING RANCH BANK STABILIZATION
EASEMENTS



2435 Research Parkway, Suite 300
Colorado Springs, Colorado 80920
Phone: 719-575-0100
Fax: 719-575-0208
www.matrixdesigngroup.com

EXHIBIT 1-A
(BURDENED PROPERTY)

A PORTION OF LAND AS DESCRIBED IN THE QUITCLAIM DEED RECORDED ON JANUARY 10, 2005 AT RECEPTION NUMBER 205004745 IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF FOUNTAIN, COUNTY OF EL PASO, STATE OF COLORADO.



JUSTIN A. CONNER, P.L.S. 38421
PREPARED FOR AND ON BEHALF OF MATRIX DESIGN GROUP, INC.
1601 BLAKE STREET, SUITE 200
DENVER, CO 80202
PH. (303)572-0200



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Colorado Springs, Colorado 80920
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Fax: 719-575-0208
www.matrixdesigngroup.com

EXHIBIT 1-B
(TEMPORARY EASEMENT)

A PORTION OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF FOUNTAIN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER OF SECTION 20, MONUMENTED ON EACH END BY A FOUND 3-1/4" ALUMINUM CAP WITH APPROPRIATE SECTION CORNER STAMPING AND MARKED WITH "PLS 13830, 1999", ASSUMED TO BEAR NORTH 88°40'39" EAST, 2629.96 FEET.

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE NORTH 88°40'39" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1549.86 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN QUITCLAIM DEED RECORDED ON JANUARY 10, 2005 AT RECEPTION NUMBER 205004745 IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ALSO REPRESENTED ON LAND SURVEY PLAT RECORDED ON JANUARY 22, 2002 AT RECEPTION NUMBER 202900008 IN SAID RECORDS; THENCE NORTH 88°40'39" EAST, CONTINUING ALONG SAID NORTH LINE AND THE NORTH LINE OF SAID RECEPTION NUMBERS 202900008 AND 205004745, A DISTANCE OF 134.16 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 88°40'39" EAST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 109.59 FEET;

THENCE SOUTH 05°08'10" WEST, A DISTANCE OF 140.71 FEET;

THENCE SOUTH 37°59'08" EAST, A DISTANCE OF 217.05 FEET;

THENCE SOUTH 63°31'29" EAST, A DISTANCE OF 674.31 FEET TO A POINT ON THE SOUTH LINE OF SAID RECEPTION NUMBERS 202900008 AND 205004745;

THENCE CONTINUING ALONG SAID SOUTH LINE THE FOLLOWING 2 COURSES:

1. THENCE SOUTH 16°18'29" WEST, A DISTANCE OF 116.25 FEET;
2. THENCE SOUTH 41°02'42" WEST, A DISTANCE OF 20.69 FEET;

THENCE NORTH 61°41'44" WEST, A DISTANCE OF 314.16 FEET;

THENCE NORTH 52°45'19" WEST, A DISTANCE OF 253.97 FEET;

THENCE NORTH 65°18'49" WEST, A DISTANCE OF 144.30 FEET;

THENCE NORTH 38°27'36" WEST, A DISTANCE OF 263.10 FEET;

THENCE NORTH 04°54'39" WEST, A DISTANCE OF 168.15 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 110,499 SQUARE FEET OR (2.53670 ACRES), MORE OR LESS AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.



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**EXHIBIT 1-B Cont.
(PERMANENT EASEMENT)**

A PORTION OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF FOUNTAIN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER OF SECTION 20, MONUMENTED ON EACH END BY A FOUND 3-1/4" ALUMINUM CAP WITH APPROPRIATE SECTION CORNER STAMPING AND MARKED WITH "PLS 13830, 1999", ASSUMED TO BEAR NORTH 88°40'39" EAST, 2629.96 FEET.

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE NORTH 88°40'39" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1549.86 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN QUITCLAIM DEED RECORDED ON JANUARY 10, 2005 AT RECEPTION NUMBER 205004745 IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ALSO REPRESENTED ON LAND SURVEY PLAT RECORDED ON JANUARY 22, 2002 AT RECEPTION NUMBER 202900008 IN SAID RECORDS; THENCE NORTH 88°40'39" EAST, CONTINUING ALONG SAID NORTH LINE AND THE NORTH LINE OF SAID RECEPTION NUMBERS 202900008 AND 205004745, A DISTANCE OF 92.39 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 88°40'39" EAST, ALONG SAID NORTH LINES, A DISTANCE OF 41.77 FEET;

THENCE SOUTH 04°54'39" EAST, A DISTANCE OF 168.15 FEET;

THENCE SOUTH 38°27'36" EAST, A DISTANCE OF 263.10 FEET;

THENCE SOUTH 65°18'49" EAST, A DISTANCE OF 144.30 FEET;

THENCE SOUTH 52°45'19" EAST, A DISTANCE OF 253.97 FEET;

THENCE SOUTH 61°41'44" EAST, A DISTANCE OF 314.16 FEET TO A POINT ON THE SOUTH LINE OF SAID RECEPTION NUMBERS 202900008 AND 205004745;

THENCE CONTINUING ALONG SAID SOUTH LINE THE FOLLOWING 3 COURSES:

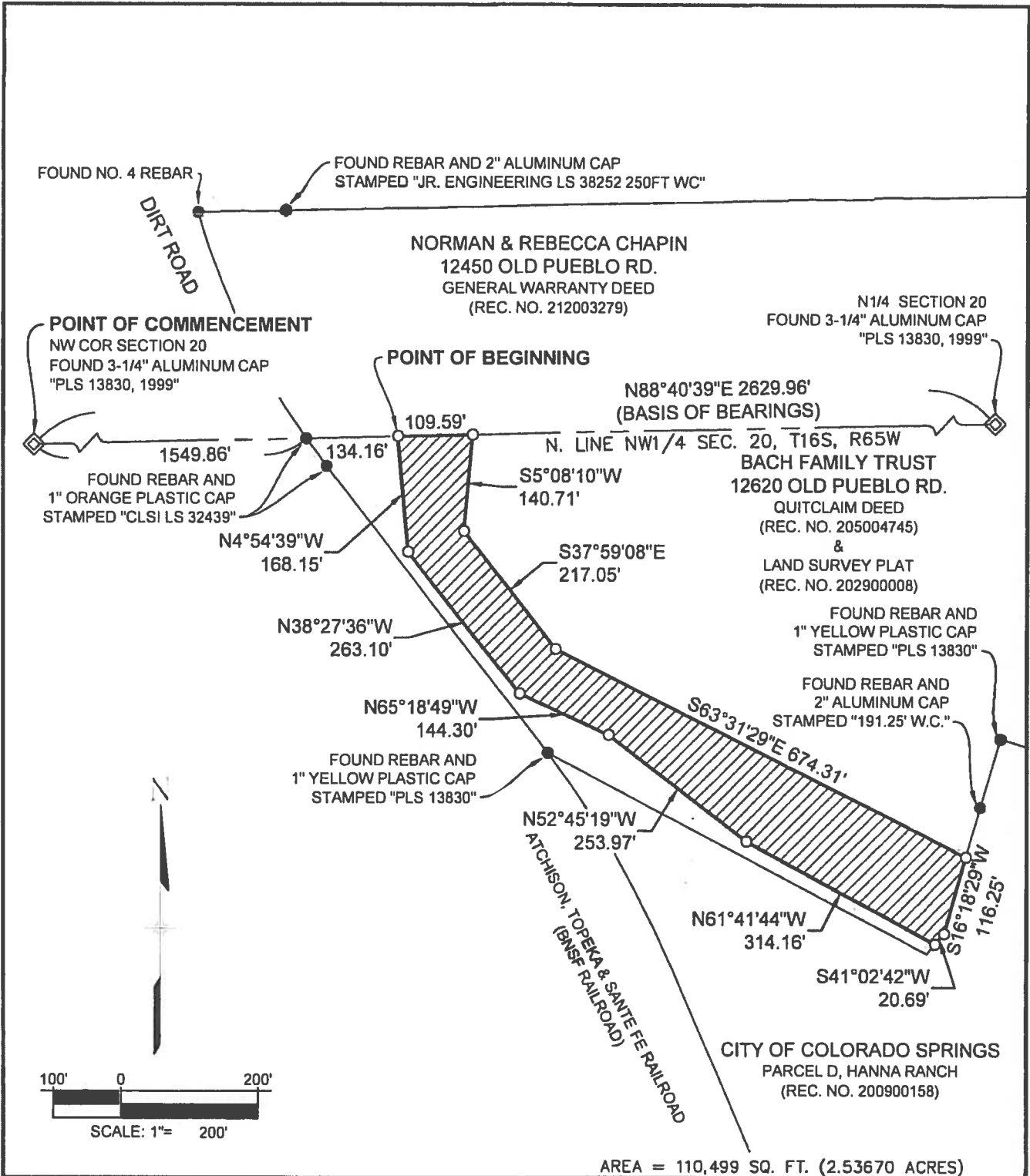
1. THENCE SOUTH 41°02'42" WEST, A DISTANCE OF 18.36 FEET;
2. THENCE NORTH 62°24'10" WEST, A DISTANCE OF 627.91 FEET;
3. THENCE NORTH 37°51'56" WEST, A DISTANCE OF 407.23 FEET;

THENCE NORTH 04°40'02" WEST, A DISTANCE OF 137.45 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 36,235 SQUARE FEET OR (0.83185 ACRES), MORE OR LESS AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.

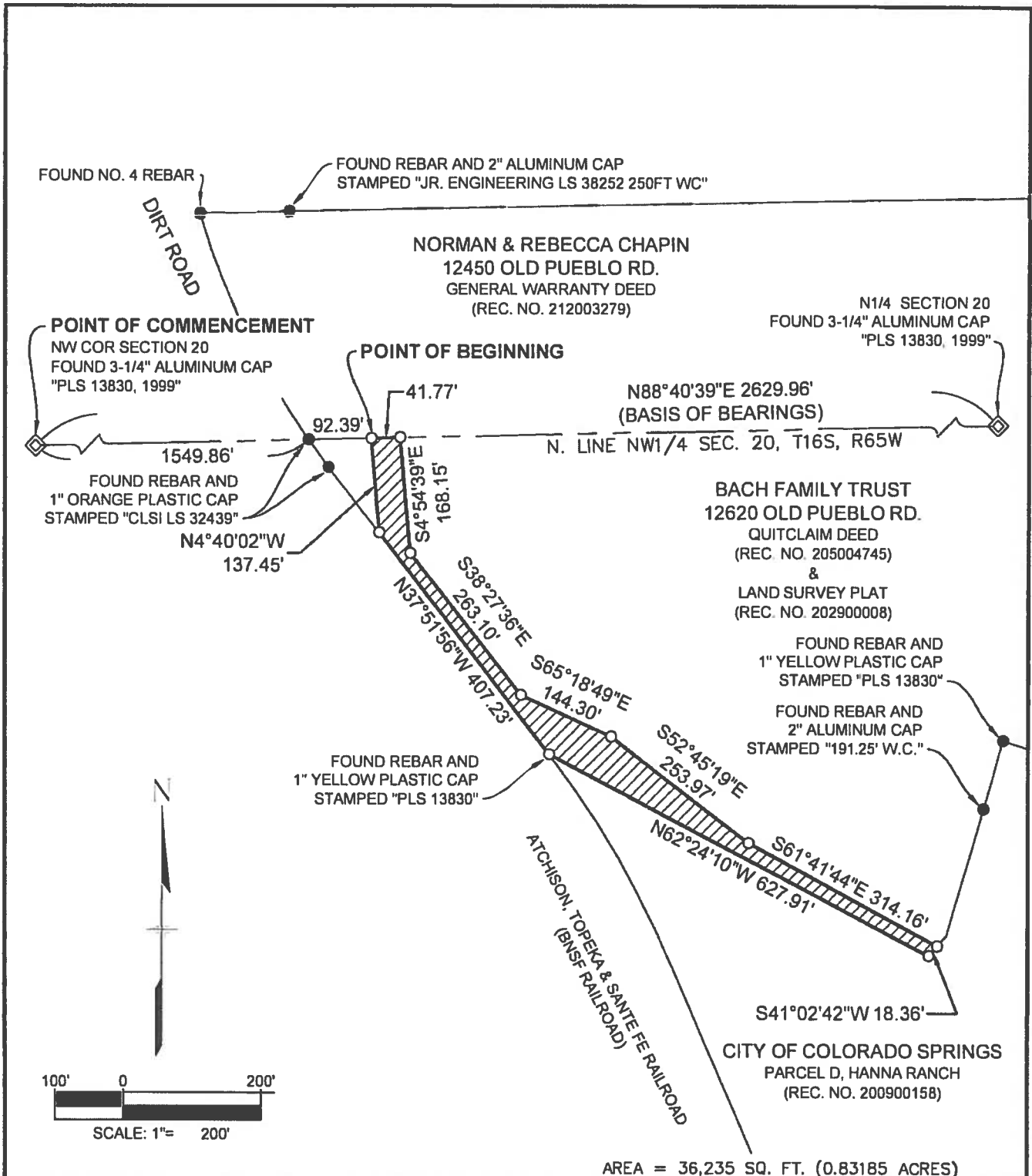


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TEMPORARY EASEMENT			
EXHIBIT "1-C"			
DRAWN BY:	JAC	DATE: DEC. 01, 2015	SHEET
CHECKED BY:	RLM	JN: 15.222.010	1 OF 1



2435 Research Parkway, Suite 300
Colorado Springs, CO 80920
Phone 719-575-0100
Fax 719-575-0208

PERMANENT EASEMENT

EXHIBIT "1-C Cont."

DRAWN BY:	JAC	DATE:	DEC. 01, 2015	SHEET
CHECKED BY:	RLM	JN:	15.222.010	1 OF 1

EXHIBIT 2
EASEMENTS FOR ACCESS TO OWEN AND HALL DIVERSION STRUCTURE

Exhibit 2-A - Description of Real Property

That portion of the Northwest ¼ of the Northeast ¼ of Section 20, Township 16 South, Range 65 West of the 6th P.M., El Paso County, Colorado, more specifically with-in the "Land Survey Plat" as recorded at Reception No. 202900008, of the records of El Paso County, Colorado.

Exhibit 2-B - Description of Permanent Easements

LEGAL DESCRIPTION:

Basis of Bearing:

A line between two found rebar with yellow plastic caps stamped L.S. 13830, both along the Southwesterly boundary line of said survey. The first is along the easterly line of the Atchison, Topeka and Santa Fe Railroad Right-of-Way on the North end, and the second is on the south line of the said Northwest ¼ of the Northeast ¼ of Section 20 on the South end, which is assumed to bear S 67° 55' 35" E.

Two access easements described as follows:

Easement No.1

Commencing at the Southeast corner of said Land Survey Plat;

Thence along the South line of said Plat, S 88° 45' 08" W distance of 74.80 feet;

Thence continue along the Southwest line of said Plat, N 70° 33' 30" W, a distance of 501.40 feet, to the Point of Beginning of Easement No.1;

Thence continue along said Southwest line, N 70° 33' 30" W, a distance of 674.04 feet, to a Point "A";

Thence along the Southeasterly line of a Parcel described in Book 3174, Page 946, N 16° 15' 57" E, a distance of 200.31 feet;

Thence departing from said line, S 70° 33' 30" E, a distance of 247.78 feet;

Thence S 19° 26' 30" W, a distance of 100.00 feet:

Thence S 70° 33' 30" E, a distance of 437.36 feet;

Thence S 19° 26' 30" W, a distance of 100.00 feet, to the Point of Beginning, and Containing 92,182 square feet or 2.12 acres more or less.

Easement No.2

Commencing at the aforementioned point "A";

Thence N 68° 57' 52" W distance of 346.34 feet,
to the Point of Beginning of Easement No.2;

Thence along the Southwest line of said Plat, N 62° 25' 13" W, a distance of 250.00 feet;

Thence departing from said line, N 27° 34' 47" E, a distance of 150.00 feet;

Thence S 69° 34' 31" E, a distance of 232.68 feet,
to the Northwesterly Line that Parcel described in Book 3174, Page 946;

Thence along said Northwesterly line the following 2 courses,


1) S 16° 15' 57" W, a distance of 143.80 feet;

2) S 41° 01' 39" W, a distance of 39.05 feet,

to the Point of Beginning, and Containing 40,864square feet or 0.94 acres more or less.

Legal description statement:

I, JEFFERY D. JONES, A LICENSED 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.


JEFFERY D. JONES

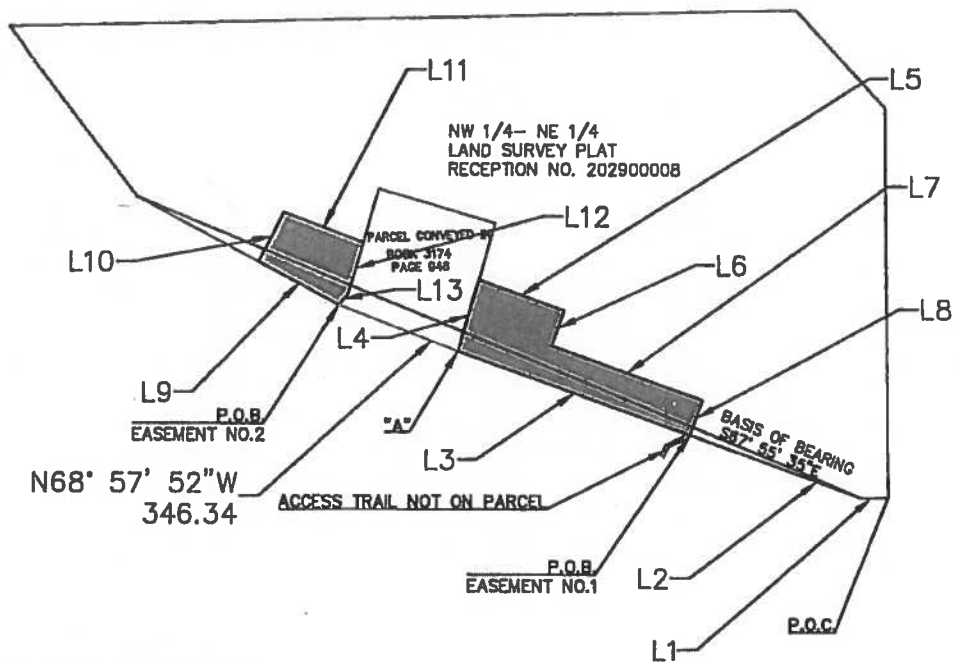
DATE 2-16-2016

COLORADO P.L.S. 28653

FOR AND ON BEHALF OF COLORADO SPRINGS UTILITIES



EXHIBIT 2-C



N68° 57' 52" W
346.34

P.O.B.
EASEMENT NO.2

NW 1/4- NE 1/4
LAND SURVEY PLAT
RECEPTION NO. 202900008

PARCEL CONVEYED BY
BOOK 3174
PAGE 948

"A"

ACCESS TRAIL NOT ON PARCEL

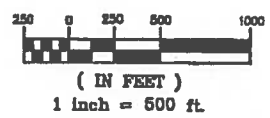
BASIS OF BEARING
S87° 55' 35" E

P.O.B.
EASEMENT NO.1

P.O.C.

EASEMENT NO.1		
Line #	Direction	Length
L1	S88° 45' 08"W	74.80
L2	N70° 33' 30"W	501.40
L3	N70° 33' 30"W	874.04
L4	N18° 15' 57"E	200.31
L5	S70° 33' 30"E	247.78
L6	S19° 28' 30"W	100.00
L7	S70° 33' 30"E	437.36
L8	S19° 28' 30"W	100.00

EASEMENT NO.2		
Line #	Direction	Length
L9	N62° 25' 13"W	250.00
L10	N27° 34' 47"E	150.00
L11	S69° 34' 31"E	232.68
L12	S18° 15' 57"W	143.80
L13	S41° 01' 39"W	39.05



THIS EASEMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE LOCATION OF THE INCLUDED WRITTEN DESCRIPTION

COLORADO SPRINGS UTILITIES
PLANNING & ENGINEERING DEPT.
**FOUNTAIN CREEK
DIVERSION ACCESS**

DATE 8-2014
BY JEFF JONES