RESOLUTION NO. 113-15

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE REAL PROPERTY OWNED BY GERALD R. HAAG AND JACQUELINE V. HAAG NEEDED TO COMPLETE THE WOODMEN ROAD CORRIDOR IMPROVEMENT PROJECT

WHEREAS, the City of Colorado Springs (the "City") currently provides transportation and drainage systems as authorized by Article 1, Section 1-20(d) of the Charter of the City of Colorado Springs; and

WHEREAS, on November 2, 2004, the voters approved the formation of the Pikes Peak Rural Transportation Authority ("PPRTA"), for the purpose of providing improved funding for expansion and maintenance of regional roadways and transit systems; and

WHEREAS, the list of PPRTA capital projects, which included the Woodmen Road Corridor Improvement Project, was approved by the voters of El Paso County, the City, the City of Manitou Springs, and the Town of Green Mountain Falls; and

WHEREAS, pursuant to the provisions of the Charter and the PPRTA intergovernmental agreement, the City is empowered to acquire property by lease, purchase, gift, bequest, dedication or other suitable means of conveyance, or through institution of eminent domain proceedings, for all land necessary for PPRTA projects; and

WHEREAS, on January 24, 2006, City Council approved Resolution No. 7-06 identifying the Woodmen Road Corridor Improvements as necessary to address traffic safety and congestion that is limiting the mobility of the citizens of the City and needed for the public safety and endorsing the proposed action plan to improve Woodmen Road through the Colorado Springs urbanized area as detailed in the Woodmen Road Corridor Improvement Environmental Assessment (EA) document; and

WHEREAS, the acquisition of certain real property, including the property owned by Gerald R. Haag and Jacqueline V. Haag ("Haag") identified on attached Exhibit A, (the "Property") is necessary for the completion of the Woodmen Road Corridor Improvement Project; and

WHEREAS, acquisition of the Property is subject to the procedures of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("Real Estate Manual"), and State and Federal Guidelines; and

WHEREAS, the City has negotiated with Haag for the acquisition of the Property in accordance with the applicable requirements; and

WHEREAS, Haag has entered into a Real Estate Purchase Agreement with the City and has given the City possession and use of the Property; and

WHEREAS, the Property is subject to a deed of trust in favor of Bank of America N.A. and the deed of trust holder is unwilling to release the Property from the lien created by the deed of trust which makes it impossible for the City to complete the acquisition of the Property from Haag; and

WHEREAS, the negotiations with the deed of trust holder have reached an impasse.

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

Section 1. The City Council finds it to be in the interest of the public health, safety and welfare to acquire the Property from Haag for the purpose of constructing the Woodmen Road Corridor Improvement Project.

Section 2. The City Attorney is hereby authorized to take action as may be necessary to acquire the Property by eminent domain or other appropriate proceedings.

DATED at Colorado Springs, Colorado, this 10th day of November, 2015.

ATTEST:

Sarah B. Johnson,

Council President

EXHIBIT A

Description of the Property

Right of Way-fee interest Parcels RW-231, RW-231A-REV1 Permanent Easement Parcel PE-231, PE231A-REV1, PE-231B Temporary Construction Easement Parcel TE-231-REV1, TE231A

EXHIBIT "A"

Project No. STU M240-046 Unit II Project Code: 12717 Date: August 1, 2014

DESCRIPTION

A tract or parcel No. RW231 of the City of Colorado Springs, State of Colorado, Project No. STU M240-046 Unit II located in a portion of Lot 23 Block 8, of Columbine Estates recorded with reception No. 199789 in the records of El Paso County, Colorado, located in the NW 1/4 Section 10, Township 13 South, and Range 66 West of the 6th Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

The point of beginning at the southeast corner of said lot 23;

- 1) Thence S89°25'29"W on the south line of lot 23, a distance of 352.00 feet to the southwest corner of said lot 23;
- 2) Thence N00°28'31"W on the west line of lot 23, a distance of 75.00 feet;
- 3) Thence N89°25'29"E a distance of 54.11 feet;
- 4) Thence S83°29'20"E a distance of 72.96 feet;
- 5) Thence N89°25'29"E a distance of 82.18 feet;
- 6) Thence S87°22'42"E a distance of 143.50 feet to the east line of said lot 23;
- 7) Thence S00°28'31"E on said east line, a distance of 58.00 feet to the point of beginning.

The above tract of land contains 23,471 square feet or 0.539 acres more or less.

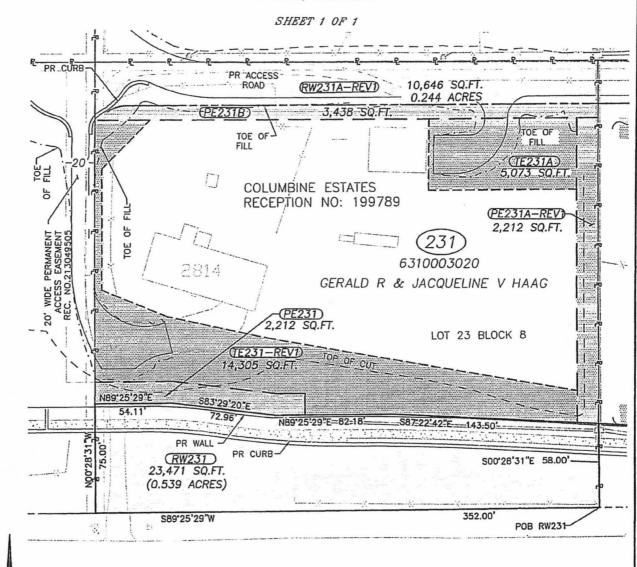
Basis of Bearings for this description are based on the North line of the Northeast Quarter of section 10, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County Colorado, said line bears N89°22'46"E a distance of 2619.18 feet from the North 1/4 corner of Section 10 (monumented with a 3 1/4" Alum. Cap PLS 10377) to the Northeast corner of section 10 (monumented with a 3 1/4" Alum. Cap PLS 10956)

The forgoing description has been prepared by or under my direct supervision.



LEGAL DESCRIPTION EXHIBIT "A-1"

PARCEL NO. RW231 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. STU M240-046 UNIT II, LOCATED IN THE NW 1/4 SECTION 10, TOWNSHIP 13 SOUTH, AND RANCE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



NW 1/4, SEC 10 SW 1/4, SEC 10 WOODMEN ROAD

SCALE 1"=60' DATE: 8/01/14

THIS SURVEY MAP DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO ILLUSTRATE THE ATTACHED LEGAL DESCRIPTION.

LEGEND

PERMANANT EASEMENT

TEMPORARY EASEMENT

RIDGELINE LAND SURVEYING LLC

31 EAST PLATTE AVE, SUITE 206 COLORADO SPRINGS, CO 80903

TEL: (719) 238-2917

EXHIBIT "B"

Project No. STU M240-046 Unit II Project Code: 12717 Date: August 1, 2014

DESCRIPTION

A tract or parcel No. RW231A-REV1 of the City of Colorado Springs, State of Colorado, Project No. STU M240-046 Unit II located in a portion of Lot 23 Block 8, of Columbine Estates recorded with reception No. 199789 in the records of El Paso County, Colorado, located in the NW 1/4 Section 10, Township 13 South, and Range 66 West of the 6th Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

Beginning at the Northwest corner of said lot 23;

- 1) Thence N89°25'29"E on the north line of lot 23, a distance of 352.00 feet to the northeast corner of said lot 23;
- 2) Thence S00°28'31"E on the east line of lot 23, a distance of 30.00 feet;
- 3) Thence S89°25'29"W a distance of 329.81 feet to a point of curve to the left;
- 4) Thence on the arc of said curve, having a radius of 25.00 feet, a delta angle of 62°41'50", an arc length of 27.36 feet, whose long chord bears S58°04'34"W a distance of 26.01 feet to the west line of said lot 23:
- 5) Thence N00°28'31"W on said west line, a distance of 43.53 feet to the point of beginning.

The above tract of land contains 10,646 square feet or 0.244 acres, more or less.

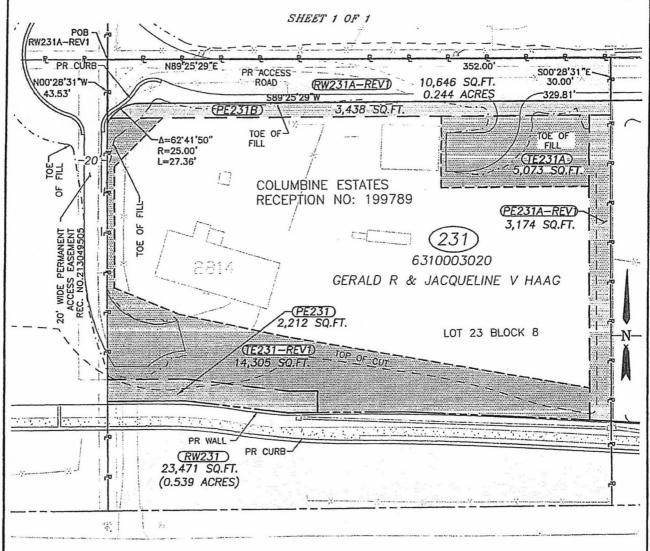
Basis of Bearings for this description are based on the North line of the Northeast Quarter of section 10, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County Colorado, said line bears N89°22'46"E a distance of 2619.18 feet from the North 1/4 corner of Section 10 (monumented with a 3 1/4" Alum. Cap PLS 10377) to the Northeast corner of section 10 (monumented with a 3 1/4" Alum. Cap PLS 10956)

The forgoing description has been prepared by or under my direct supervision.



LEGAL DESCRIPTION EXHIBIT "B-1"

PARCEL NO.RW231A-REV1 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. STU M240-046 UNIT II, LOCATED IN THE NW 1/4 SECTION 10, TOWNSHIP 13 SOUTH, AND RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



NW 1/4, SEC 10 SW 1/4, SEC 10 WOODMEN ROAD

LEGEND

SCALE 1"=60' DATE: 8/01/14

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PERMANANT
EASEMENT
TEMPORARY
EASEMENT

EXHIBIT "C"

Project No. STU M240-046 Unit II
Project Code: 12717
Date: August 1, 2014
Easement Purpose: Wall Maintenance

DESCRIPTION

A tract or parcel No. PE231 of the City of Colorado Springs, State of Colorado, Project No. STU M240-046 Unit II located in a portion of Lot 23, Block 8, of Columbine Estates recorded with reception No. 199789 in the records of El Paso County, Colorado, located in the NW 1/4 Section 10, Township 13 South, and Range 66 West of the 6th Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

Commencing at the southwest corner of said lot 23 Block 8, Thence N00°28'31"W on west line of said lot 23, a distance of 75.00 feet to the Point of Beginning;

- 1) Thence N00°28'31"W continuing on said west line, a distance of 15.00 feet;
- 2) Thence N89°25'29"E a distance of 55.01 feet;
- 3) Thence S83°29'20"E a distance of 72.96 feet;
- 4) Thence N89°25'29"E a distance of 19.52 feet;
- 5) Thence S00°34'31"E a distance of 15.00 feet;
- 6) Thence S89°25'29"W a distance of 20.45 feet;
- 7) Thence N83°29'20"W a distance of 72.96 feet;
- 8) Thence S89°25'29"W a distance of 54.11 feet to the point of beginning.

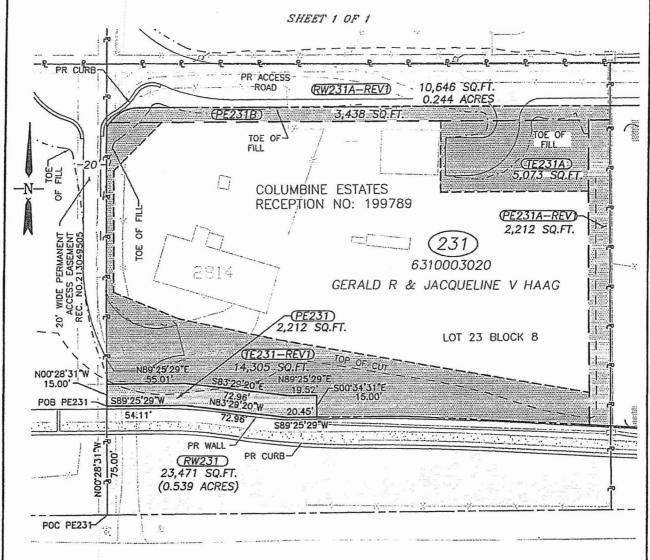
The above tract of land contains 2,212 square feet or 0.051 acres, more or less.

Basis of Bearings for this description are based on the North line of the Northeast Quarter of section 10, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County Colorado, said line bears N89°22'46"E a distance of 2619.18 feet from the North 1/4 corner of Section 10 (monumented with a 3 1/4" Alum. Cap PLS 10377) to the Northeast corner of section 10 (monumented with a 3 1/4" Alum. Cap PLS 10956)

The forgoing description has been prepared by or under my direct supervision.

LEGAL DESCRIPTION EXHIBIT "C-1"

PARCEL NO. PE231 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. STU M240-046 UNIT II, LOCATED IN THE NW 1/4 SECTION 10, TOWNSHIP 13 SOUTH, AND RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



NW 1/4, SEC 10 SW 1/4, SEC 10 WOODMEN ROAD

LEGEND

SCALE 1"=60' DATE: 8/01/14

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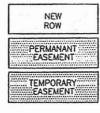


EXHIBIT "D"

Project No. STU M240-046 Unit II
Project Code: 12717
Date: August 1, 2014

Easement Purpose: Storm drain maintenance

DESCRIPTION

A tract or parcel No. PE231A-REV1 of the City of Colorado Springs, State of Colorado, Project No. STU M240-046 Unit II located in a portion of Lot 23 Block 8, of Columbine Estates recorded with reception No. 199789 in the records of El Paso County, Colorado, located in the NW 1/4 Section 10, Township 13 South, and Range 66 West of the 6th Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

Commencing at the northeast corner of said lot 23, Thence S00°28'31"E on the east line of said lot 23, a distance of 40.00 feet to the point of beginning;

- 1) Thence S00°28'31"E continuing on the east line of said lot 23, a distance of 212.00 feet;
- 2) Thence N87°22'42"W a distance of 15.02 feet;
- 3) Thence N00°28'31"W a distance of 211.16 feet;
- 4) Thence N89°25'29"E a distance of 15.00 feet to the point of beginning.

The above tract of land contains 3,174 square feet or 0.073 acres, more or less.

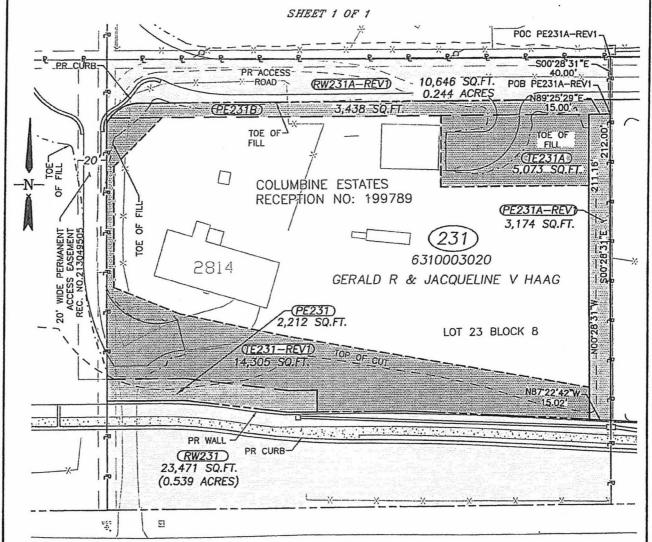
Basis of Bearings for this description are based on the North line of the Northeast Quarter of section 10, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County Colorado, said line bears N89°22'46"E a distance of 2619.18 feet from the North 1/4 corner of Section 10 (monumented with a 3 1/4" Alum. Cap PLS 10377) to the Northeast corner of section 10 (monumented with a 3 1/4" Alum. Cap PLS 10956)

The forgoing description has been prepared by or under my direct supervision.



LEGAL DESCRIPTION EXHIBIT "D-1"

PARCEL NO.PE231A—REV1 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. STU M240—046 UNIT II, LOCATED IN THE NW 1/4 SECTION 10, TOWNSHIP 13 SOUTH, AND RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



NW 1/4, SEC 10 SW 1/4, SEC 10 WOODMEN ROAD

SCALE 1"=60' DATE: 8/01/14

THIS SURVEY MAP DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO ILLUSTRATE THE ATTACHED LEGAL DESCRIPTION.



PERMANANT EASEMENT

TEMPORARY....

RIDGELINE LAND SURVEYING LLC

31 EAST PLATTE AVE, SUITE 206 COLORADO SPRINGS, CO 80903 TEL: (719) 238–2917

EXHIBIT "E"

Project No. STU M240-046 Unit II Project Code: 12717 Date: August 1, 2014 Easement Purpose: Utility Easement

DESCRIPTION

A tract or parcel No. PE231B of the City of Colorado Springs, State of Colorado, Project No. STU M240-046 Unit II located in a portion of Lot 23 Block 8, of Columbine Estates recorded with reception No. 199789 in the records of El Paso County, Colorado, located in the NW 1/4 of Section 10, Township 13 South, and Range 66 West of the 6th Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

Commencing at the Northeast corner of said lot 23, Thence S00°28'31"E on the east line of said lot 23, a distance of 30.00 feet to the point of beginning;

1) Thence S00°28'31"E continuing on said east line, a distance of 10.00 feet;

2) Thence S89°25'29"W a distance of 349.79 feet to a non tangent curve to the right;

3) Thence on the arc of said curve, having a radius of 25.00 feet, a delta angle of 53°07'48" an arc length of 23.18 feet, whose long chord bears N62°51'35"E a distance of 22.36 feet;

4) Thence N89°25'29"E a distance of 329.81 feet to the point of beginning.

The above tract of land contains 3,438 square feet or 0.079 acres, more or less.

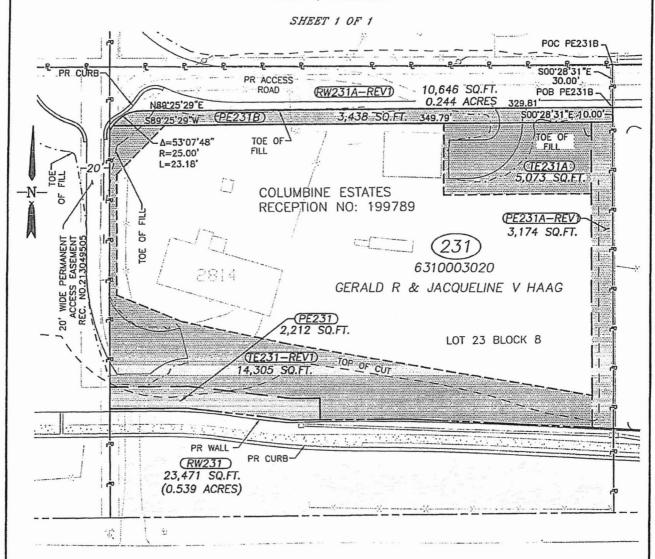
Basis of Bearings for this description are based on the North line of the Northeast Quarter of section 10, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County Colorado, said line bears N89°22'46"E a distance of 2619.18 feet from the North 1/4 corner of Section 10 (monumented with a 3 1/4" Alum. Cap PLS 10377) to the Northeast corner of section 10 (monumented with a 3 1/4" Alum. Cap PLS 10956)

The forgoing description has been prepared by or under my direct supervision.



LEGAL DESCRIPTION EXHIBIT "E-1"

PARCEL NO.PE231B OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. STU M240-046 UNIT II, LOCATED IN THE NW 1/4 SECTION 10, TOWNSHIP 13 SOUTH, AND RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



NW 1/4, SEC 10 SW 1/4, SEC 10 WOODMEN ROAD

LEGEND

SCALE 1"=60' DATE: 8/01/14

THIS SURVEY MAP DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO ILLUSTRATE THE ATTACHED LEGAL DESCRIPTION.

NEW ROW

PERMANANT
EASEMENT:

TEMPORARY
EASEMENT:

EXHIBIT "F"

Project No. STU M240-046 Unit II Project Code: 12717 Date: August 1, 2014

Easement Purpose: Construction and Grading of Woodmen Road and Access road

DESCRIPTION

A tract or parcel No. TE231-REV1 of the City of Colorado Springs, State of Colorado, Project No. STU M240-046 Unit II located in a portion of Lot 23, Block 8, of Columbine Estates recorded with reception No. 199789 in the records of El Paso County, Colorado, located in the NW 1/4 of Section 10, Township 13 South, and Range 66 West of the 6th Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

Commencing at the Southwest corner of said lot 23, thence N00°28'31"W on the west line of lot 23 a distance of 90.00 feet to the point of beginning;

- 1) Thence N00°28'31"W continuing on said west line, a distance of 176.47 feet to non tangent curve to the right:
- 2) Thence on the arc of said curve, having a radius of 25.00 feet, a delta angle of 09°34′01", an arc length of 4.17 feet, whose long chord bears N31°30′40"E a distance of 4.17 feet;
- 3) Thence N89°25'29"E a distance of 36.31 feet;
- 4) Thence S44°28'29"W a distance of 47.44 feet;
- 5) Thence S00°28'31"E a distance of 83.09 feet;
- 6) Thence S68°23'28"E a distance of 49.05 feet;
- 7) Thence S78°25'34"E a distance of 73.47 feet;
- 8) Thence S80°26'21"E a distance of 218.03 feet;
- 9) Thence S00°28'31"E a distance of 22.21 feet;
- 10) Thence N87°22'42"W a distance of 128.48 feet;
- 11) Thence S89°25'29"W a distance of 61.74 feet;
- 12) Thence N00°34'31"W a distance of 15.00 feet;
- 13) Thence S89°25'29"W a distance of 19.52 feet;
- 14) Thence N83°29'20"W a distance of 72.96 feet;
- 15) Thence S89°25'29"W a distance of 55.01 feet to the point of beginning.

The above tract of land contains 14,305 square feet or 0.328 acres, more or less.

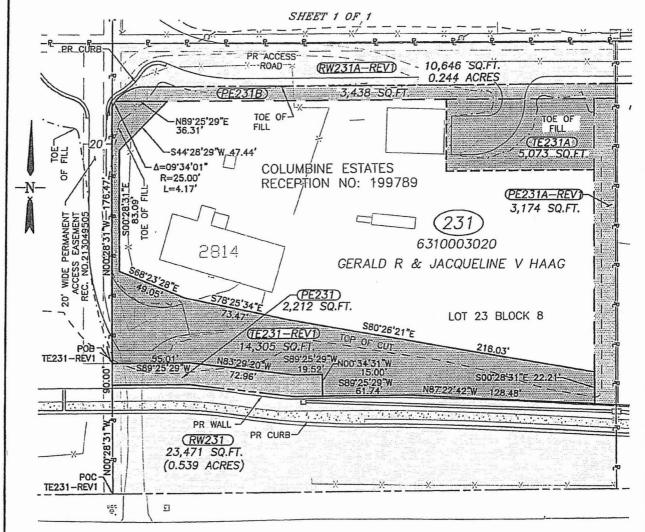
Basis of Bearings for this description are based on the North line of the Northeast Quarter of section 10, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County Colorado, said line bears N89°22'46"E a distance of 2619.18 feet from the North 1/4 corner of Section 10 (monumented with a 3 1/4" Alum. Cap PLS 10377) to the Northeast corner of section 10 (monumented with a 3 1/4" Alum. Cap PLS 10956)

The forgoing description has been prepared by or under my direct supervision.



LEGAL DESCRIPTION EXHIBIT "F-1"

PARCEL NO.TE231-REV1 OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. STU M240-046 UNIT II, LOCATED IN THE NW 1/4 SECTION 10, TOWNSHIP 13 SOUTH, AND RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



NW 1/4, SEC 10 SW 1/4, SEC 10 WOODMEN ROAD

SCALE 1"=60' DATE: 8/01/14

THIS SURVEY MAP DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO ILLUSTRATE THE ATTACHED LEGAL DESCRIPTION.

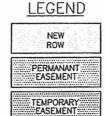


EXHIBIT "G"

Project No. STU M240-046 Unit II
Project Code: 12717
Date: August 1, 2014

Easement Purpose: Construction and grading of Driveway

DESCRIPTION

A tract or parcel No. TE231A of the City of Colorado Springs, State of Colorado, Project No. STU M240-046 Unit II located in a portion of Lot 23 Block 8, of Columbine Estates recorded with reception No. 199789 in the records of El Paso County, Colorado, located in the NW 1/4 of Section 10, Township 13 South, and Range 66 West of the 6th Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

Commencing at the Northeast corner of said lot 23, Thence S20°04'07"W a distance of 42.74 feet to the point of beginning;

- 1) Thence S00°28'31"E a distance of 49.20 feet;
- 2) Thence S89°25'29"W a distance of 103.11 feet;
- 3) Thence N00°28'31"W a distance of 49.20 feet;
- 4) Thence N89°25'29"E a distance of 103.11 feet to the point of beginning.

The above tract of land contains 5,073 square feet or 0.116 acres, more or less.

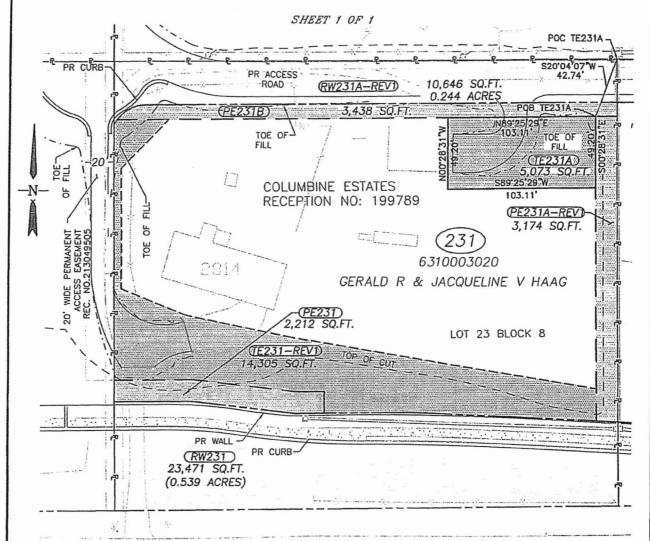
Basis of Bearings for this description are based on the North line of the Northeast Quarter of section 10, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County Colorado, said line bears N89°22'46"E a distance of 2619.18 feet from the North 1/4 corner of Section 10 (monumented with a 3 1/4" Alum. Cap PLS 10377) to the Northeast corner of section 10 (monumented with a 3 1/4" Alum. Cap PLS 10956)

The forgoing description has been prepared by or under my direct supervision.



LEGAL DESCRIPTION EXHIBIT "G-1"

PARCEL NO.TE231A OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO, PROJECT NO. STU M240-046 UNIT II, LOCATED IN THE NW 1/4 SECTION 10, TOWNSHIP 13 SOUTH, AND RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



NW 1/4, SEC 10 SW 1/4, SEC 10 WOODMEN ROAD

SCALE 1"=60' DATE: 8/01/14

THIS SURVEY MAP DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO ILLUSTRATE THE ATTACHED LEGAL DESCRIPTION.





(PE213) (PE213A) (TE213-REVI)

A TOTAL TOTAL CITY OF COLORADO SPRINGS

Ridgeline Land Surveying

(TE236)

(RW229) (TE229)

Sheet Revisions				Sheet Revisions	Right of Way Plans	
Date 11/13	Description Change in ownership parcels TE236 & TE237	Initials	Date 11/14	Description Change of ownership parcel RW229	Initials	OWNERSHIP MAP
6/14	Revisions on porcels: TE213, TE214, TE217, RW224, TE224, RW228, TE228, TE228A, RW231A, PE231A, TE231, PE232, TE232, TE235, TE247					Project Number: STU M240-046 UNIT II Project Number: STU M240-148 Project Location: WOODMEN ROAD, STINSON TO
6/14	Added parcels: PE214,PE217,PE228, PE231B,TE231A,PE235A,PE247	JFL				Project Code: Last Mod. Date Subset Sheets Sheet No Tot 12717 & 19450 9-8-2014 80.1-8.03 8.02

