

RESOLUTION NO. 100-19

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF CERTAIN PROPERTY WHICH SHALL SERVE AS THE FUTURE SITE FOR PARKS, OPEN SPACE, ROADWAY IMPROVEMENTS, RETAINING WALLS, AND UTILITIES

WHEREAS, the Colorado Springs Public Works Department, a department of the City of Colorado Springs, desires to obtain additional property in order to maintain road infrastructure, install retaining walls; and

WHEREAS, the property is owned by Winds of the Spirit, LLC ("Owner"); and

WHEREAS, the parcel of real property consists of approximately 23.85 acres is known by El Paso County Tax Schedule Number 73341-06-001 (the "Property") see Exhibit A and B; and

WHEREAS, the Owner intends to donate the Property to the City without consideration, for the benefit of the City; and

WHEREAS, the donation will facilitate the improvement and future maintenance of Mesa Road and 30th Street; and

WHEREAS, the acceptance of the Property is in the public interest; and

WHEREAS, the Owner desires the conveyance to be acknowledged as a donation in accordance with Section 4.4 of Chapter 4 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* (the "RES Manual"); and

WHEREAS, pursuant to Section 4.4 of the RES Manual, City Council must accept donations of real property by resolution; and

WHEREAS, the Public Works Department recommends that the City Council accept the donation of the Property.

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

Section 1. City Council hereby finds that acceptance of the donation of the Property for the use of its Public Works Department and as the future site of parks, open space, roadway improvements, retaining walls, maintenance and utilities is in the best interest of the City of Colorado Springs.

Section 2. In accordance with Chapter 4, Section 4.4 of The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, City Council hereby accepts the donation of the Property to the City.

Section 3. The City's Real Estate Services Manager is hereby authorized to execute all documents necessary to effectuate Closing and, following Closing, the donation of the Property from the Owner to the City.

Dated at Colorado Springs, Colorado this 22nd day of October, 2019.



Council President

ATTEST:



Sarah B. Johnson, City Clerk



EXHIBIT A

LEGAL DESCRIPTION:

A tract of land being a portion of Lot 1, Block 1, Garden of the Gods Club Subdivision No. 1 Replat in the City of Colorado Springs, El Paso County, Colorado as recorded in Plat Book D-4 at Page 172 of the records of said El Paso County and in a portion of the Southeast quarter (SE1/4) of Section 27, in a portion of the Northeast quarter (NE1/4) of Section 34 and in a portion of the Northwest quarter (NW1/4) of Section 35, all in, Township 13 South, Range 67 West of the 6th P.M., El Paso County, Colorado being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 2, Block 1 of said Garden of the Gods Club Subdivision No. 1 Replat as recorded in Plat Book D-4 at Page 172 of the records of said El Paso County, the following two (2) courses are on the Northerly and Westerly boundary line of said Lot 2; thence: 1) S57°20'34"W a distance of 89.52 feet; 2) S28°53'26"E a distance of 681.53 feet to the most Northerly corner of that tract of land described and recorded at Reception No. 207021073 of the records of said El Paso County, the following four (4) courses are on the Westerly and Southerly boundary lines of said tract of land; thence: 1) S10°30'11"E a distance of 72.26 feet; 2) S18°03'54"E a distance of 148.90 feet; 3) S58°54'56"E a distance of 43.41 feet; 4) S87°54'17"E a distance of 41.96 feet to the Westerly boundary line of said Lot 2; thence S35°45'26"E on the Westerly boundary line of said Lot 2, a distance of 338.94 feet to the Northwest corner of Lot 34, The Ridge at Garden of the Gods Club Collection as recorded in Reception No. 217713941 of the records of said El Paso County, the following five (5) courses are on the Westerly line of said The Ridge at Garden of the Gods Club Collection; thence: 1) S35°45'26"E a distance of 135.03 feet; 2) S27°21'00"E a distance of 706.97 feet to a No. 4 rebar with a red cap stamped "ROCKWELL PLS 19586"; 3) S11°35'00"E, the basis of bearings used herein, a distance of 604.98 feet to a No. 5 rebar (no cap); 4) S04°32'48"E a distance of 68.09 feet; 5) S04°33'11"E a distance of 141.94 feet to the Northwest corner of Lot 8, of said The Ridge at Garden of the Gods Club Collection, formerly Lot 1, Gateway Vista Filing No. 1 as recorded at Reception No. 202032594 of the records of said El Paso County; thence S82°22'56"W a distance of 251.43 feet to the Easterly right-of-way line of Thirtieth Street as described in the Warranty Deed recorded in Book 1255 at Page 541 of the records of said El Paso County, the following two (2) courses are on said Easterly right-of-way line; thence: 1) N07°48'23"W a distance of 144.33 feet to a point on a curve; 2) on a curve to the left having a central angle of 09°21'08", a radius of 742.00 feet for an arc distance of 121.11 feet, whose chord bears N22°43'26"W to the Southerly most corner on Lot 1, Garden of the Gods Visitors Center as recorded in Plat Book F-5 at Page 160 of the records of said El Paso County, the following seven (7) courses are on the Easterly boundary line of said Lot 1; thence: 1) N12°01'34"E a distance of 423.00 feet; 2) N34°02'07"W a distance of 130.00 feet; 3) N28°27'33"W a distance of 300.00 feet; 4) N88°55'25"W a distance of 80.00 feet; 5) N27°17'10"W a distance of 345.00 feet; 6) N64°17'08"W a distance of 112.57 feet; 7) S81°53'00"W a distance of 100.00 feet to the Easterly right-of-way line of Thirtieth Street as described in said Garden of the Gods Visitors Center; thence N08°07'00"W on said Easterly right-of-way line, a distance of 42.50 feet to a point of curve; thence on said Easterly right-of-way line and the Northerly extension thereof, on a curve to the left having a central angle of 23°36'54", a radius of 742.00 feet for an arc distance of 305.82 feet, whose chord bears N19°55'27"W to a point on the Easterly right-of-way line of old Thirtieth Street as described in the El Paso County Assessor Parcel No. 73341-00-016, the following six (6) courses are on said Easterly right-of-way line; thence: 1) N34°57'22"W a distance of 418.97 feet; 2) N27°28'10"W a distance of 525.08 feet; 3) N22°46'33"W a distance of 205.39 feet to a point of curve; 4) on a curve to the right having a central angle of 30°47'35", a radius of 470.00 feet for an arc distance of 252.60 feet, whose chord bears N07°22'45"W; 5) N08°01'02"E a distance of 232.21 feet; 6) N12°21'15"W a distance of 896.15 feet to a 1-7/8" outside diameter iron pipe on the Southwesterly right-of-way line of Mesa Road, the following two (2) courses are on said Southwesterly right-of-way line; 1) S23°43'20"E a distance of 585.98 feet; 2) S25°18'44"E a distance of 880.19 feet to the Northeast corner to the POINT OF BEGINNING and containing 23.846 acres of land, more or less.

See Exhibit "B" attached.

Prepared by:
John L. Bailey PLS #19586
for and on behalf of
Rockwell Consulting, Inc.
September 4, 2019



EXHIBIT B

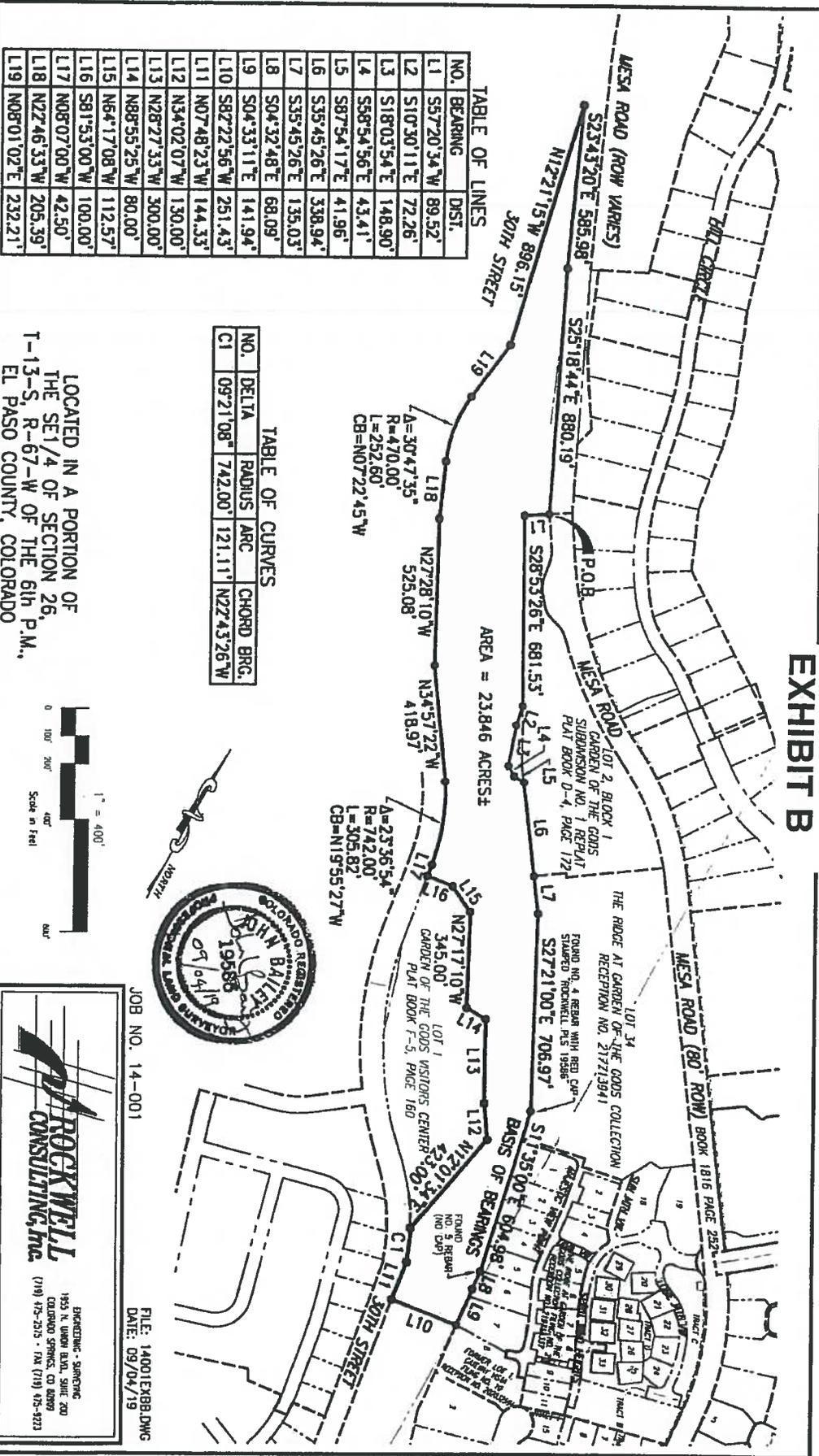


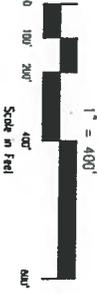
TABLE OF LINES

NO.	BEARING	DIST.
L1	S57°20'34"W	89.52'
L2	S10°30'11"E	72.26'
L3	S18°03'54"E	148.90'
L4	S58°54'56"E	43.41'
L5	S87°54'17"E	41.96'
L6	S35°45'26"E	338.94'
L7	S35°45'26"E	135.03'
L8	S04°32'48"E	68.09'
L9	S04°33'11"E	141.94'
L10	S87°22'56"W	251.43'
L11	N07°48'23"W	144.33'
L12	N34°02'07"W	130.00'
L13	N28°27'33"W	300.00'
L14	N88°55'25"W	80.00'
L15	N64°17'08"W	112.57'
L16	S81°53'00"W	100.00'
L17	N08°07'00"W	42.50'
L18	N22°46'33"W	205.39'
L19	N08°01'02"E	232.21'

TABLE OF CURVES

NO.	DELTA	RADIUS	ARC	CHORD BRG.
C1	09°21'08"	742.00'	121.11'	N22°43'26"W

LOCATED IN A PORTION OF
THE SE 1/4 OF SECTION 26,
T-13-S, R-67-W OF THE 6th P.M.,
EL PASO COUNTY, COLORADO



JOB NO. 14-001

FILE: 14001EXB.DWG
DATE: 09/04/19

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