#### RESOLUTION NO. 28 – 24

#### A RESOLUTION AUTHORIZING A LAND EXCHANGE BETWEEN THE CITY OF COLORADO SPRINGS AND CLOUD FAMILY PARTNERSHIP, LLLP AND CSFM RE LLC

WHEREAS, the City of Colorado Springs ("City") holds an interest in 2.938 acres more or less of Karr Road between East Platte Avenue and Sand Creek ("Karr Road") for the purpose of constructing and maintaining a public highway as originally granted to El Paso County in Deeds recorded June 10, 1958 in Book 1682 at page 598, and Book 1682 at page 598, subsequently conveyed to the City of Colorado Springs in Quitclaim Deed recorded June 30, 2020 at Reception No. 220092936, now under the control of the City's Public Works Department ("Public Works"), as shown on **Exhibit A**, (the "City Exchange Parcel"); and

WHEREAS, Cloud Family Partnership, LLLP, a Colorado limited liability limited partnership ("Cloud"), owns approximately 55.76 acres of real property located southeast of East Platte Avenue and Wooten Road identified by El Paso County Tax Schedule Nos. 6413000139 and 6413000141 ("Cloud Properties"); and

WHEREAS, a portion of Karr Road consisting of 1.276 acres is adjacent to the northern portion of the Cloud Properties, and a 1.070-acre portion of Karr Road is located between the Cloud Properties on the south ("City Exchange Property") more particularly described on **Exhibits B and D**, and depicted on **Exhibits C and E**; and

WHEREAS, Cloud conveyed approximately 15.176 acres of real property to CSFM RE LLC, a Delaware limited liability company ("CSFM") identified by El Paso County Tax Schedule Nos. 6413000138 and 6413000140 ("CSFM Parcels") in Deed recorded March 2019 at Reception No. 219032360, which included a 0.592-acre portion of Karr Road in the legal description ("Karr Road-CSFM Property") more particularly described on **Exhibit F** and depicted on **Exhibit G**, and

WHEREAS, approximately 5.515 acres of the Cloud Property more particularly described on **Exhibits H and J**, and depicted on **Exhibits I and K** located along Sand Creek (the "Cloud Exchange Properties") is needed for the Sand Creek Stabilization (West Fork and Main Stem) Project (the "Project") located southwest of East Platte Avenue and South Powers Boulevard; and

WHEREAS, Cloud desires the City Exchange Property for its future development of its property and Cloud and CSFM desire for the City to convey the Karr Road-CSFM Property to CSFM in order to provide clarity of title; and

WHEREAS, the exchange of the City Exchange Property and the Karr Road-CSFM Property for the Cloud Exchange Property is known as the "Land Exchange"; and WHEREAS, pursuant to Chapters 1 and 6 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised* 2021 ("RES Manual"), the City may enter into the Land Exchange; and

WHEREAS, the proposed parcels of exchange have not been appraised to determine value; however, City Council may waive any appraisal requirement contained in the Manual.

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

Section 1. Pursuant to the RES Manual, Chapter 6, City Council hereby finds that the proposed Land Exchange is in the best interest of the City and approves the Land Exchange.

Section 2. Council finds that the Cloud Exchange Properties are likely of greater or equal value to the City Exchange Properties and Karr Road-CSFM Property and waives RES Manual Section 9.2 and any provision of the RES Manual that may require appraisal of the parcels included in the Land Exchange.

Section 3. Pursuant to the RES Manual, Section 1.5, City Council hereby finds that the proposed conveyance to CSFM RE, LLC, a Delaware limited liability company is in the best interest of the City and approves the conveyance of the City's interest in the Karr Road-CSFM Parcel to CSFM RE, LLC, a Delaware limited liability company.

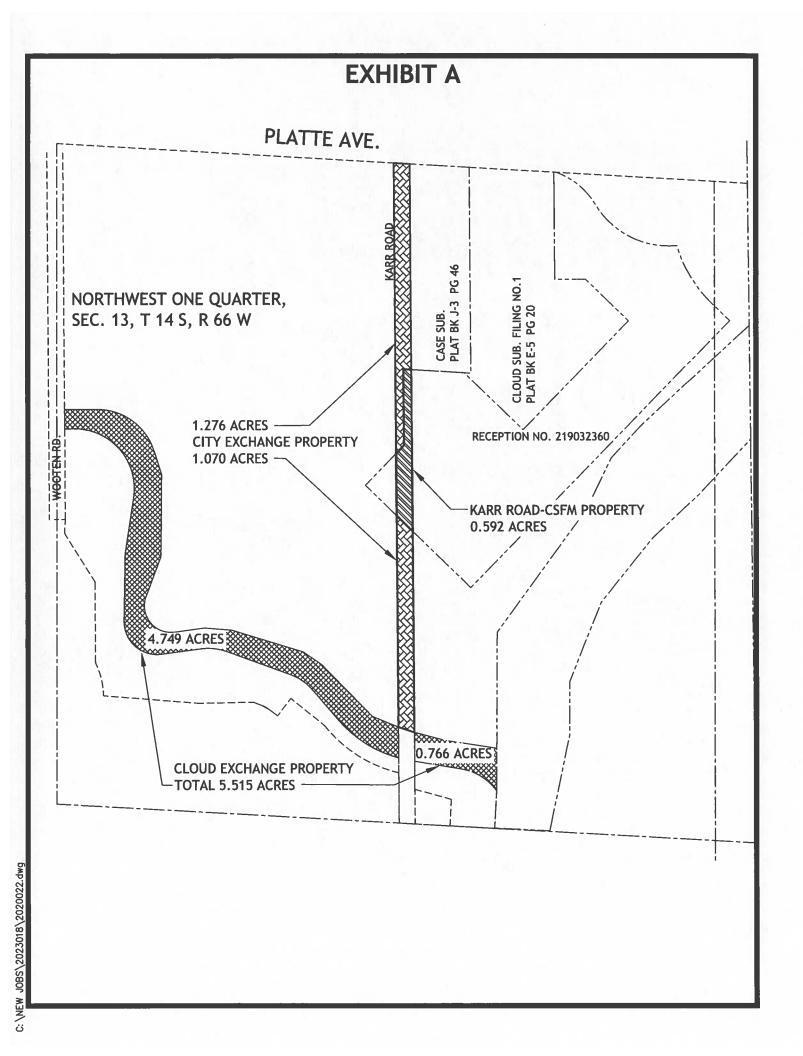
Section 4. Pursuant to the RES Manual, Section 2.11, City Council hereby authorizes the City's Real Estate Services Manager to execute all documents necessary to complete the proposed land exchange subject to the terms, restrictions and conditions contained in this Resolution and more fully expressed in the Real Estate Land Exchange Agreement, and to obtain the Mayor's signature on the deed(s) conveying the City's interest in the City Exchange Parcel to Cloud Family Partnership, LLLP, a Colorado limited liability limited partnership.

Section 5. Pursuant to the RES Manual, Section 2.11, City Council hereby authorizes the City's Real Estate Services Manager to execute all documents necessary to complete the proposed conveyance of the City's interest in the CSFM-Karr Road Parcel to CSFM RE, LLC.

DATED at Colorado Springs, Colorado, this 9<sup>th</sup> day of April 2024.

ATTEST: Sarah B. Johnson, City Clerk SEAL COLORADO

Randy Helms, Council President



### EXHIBIT B

A parcel of land located in northwest one-quarter of SECTION 13, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH P.M., El Paso County, Colorado, a portion of a right of way 60.00 feet in width centered on the north/south center line of said northwest one-quarter as recorded at Book 1682 at Page 598, and Book 1682 at Page 599 and Reception no. 220092936 all of the records of the Clerk and Recorder of El Paso County, Colorado, more particularly described as follows;

COMMENCING at the southeast corner of the west one half of the northwest one-quarter of said SECTION 13 and the center line of said 60.00 foot right of way centered on the north/south center line ;

thence N00°36'06"E a distance of 1708.66 feet more or less to the southwest corner of the CASE SUBDIVISION as recorded at Plat Book J-3 at Page 46 of the records of the Clerk and Recorder of El Paso County, Colorado, and the POINT OF BEGINNING;

thence N86°40'51"W and coincident with the south line extended westerly of said CASE SUBDIVISION a distance of 30.06 feet to a point on the north/south center line of said right of way; thence S00°24'45"E and coincident with said center line a distance of 286.94 feet more or less to a point of intersection on the northwest line of a tract as recorded at reception no. 219032360 of the records of the Clerk and Recorder of El Paso County, Colorado;

thence thence S44°04'30"W and coincident with said northwest line of said tract as recorded at reception no. 219032360 a distance of 42.81 feet to a point on the west line of said right of way; thence N00°24'45"W and coincident with the west line of said right of way a distance of 1094.44 feet more or less to a point on the south line of Platte Ave.;

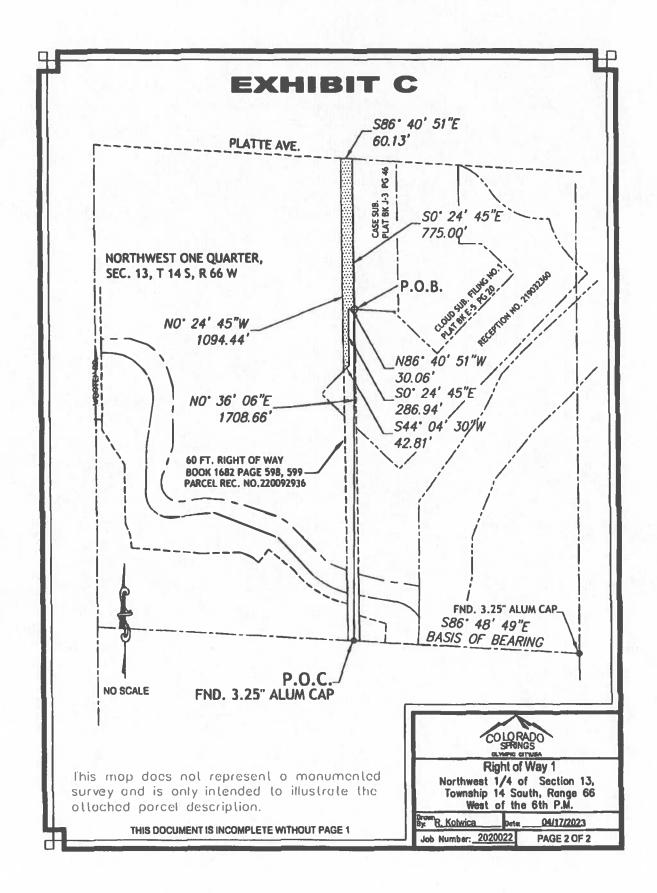
thence S86°40'51"E and coincident with the said south line of Platte Ave. a distance of 60.13 feet to the northwest corner of said CASE SUBDIVISION;

thence S00°24'45"E and coincident with the east boundary line of said right of way and the west boundary line of said CASE SUBDIVISION a distance of 775.00 feet to the southwest corner of said CASE SUBDIVISION and the POINT OF BEGINNING.

Said portion containing an area of 55,594 Square feet or 1.276 Acres more or less.

The bearings contained in this description are based on the south line of the southeast one quarter of the northwest one quarter of SECTION 13, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH P.M. as both ends of said line are monumented with a 3.25" aluminum cap PLS number 19625 and assumed to bear S86°48'49"E.

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 30 S. Nevada Ave., Suite 402 Colorado Springs, CO. 719-385-5545 COLORADO FRINGS OLYMPID OFFICE **Right of Way 1** Northwest 1/4 of Section 13, Township 14 South, Range 66 West of the 6th P.M. By R. Kotwica 04/17/2023 THIS DOCUMENT IS INCOMPLETE WITHOUT PAGE Job Number: 2020022 PAGE 1 OF 2



### EXHIBIT D

A parcel of land located in northwest one-quarter of SECTION 13, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH P.M., El Paso County, Colorado, a portion of a right of way 60.00 feet in width centered on the north/south center line of said northwest one-quarter as recorded at Book 1682 at Page 598, and Book 1682 at Page 599 and Reception no. 220092936 all of the records of the Clerk and Recorder of El Paso County, Colorado, more particularly described as follows; COMMENCING at the southeast corner of the west one half of the northwest one-quarter of said SECTION 13 and the center line of said 60.00 foot right of way centered on the north/south center line ;

thence N05°08'37"W a distance of 363.68 feet to a point on the west boundary line of said right of way and the POINT OF BEGINNING; thence N00°24'45"W and coincident with said west right of way boundary line a distance of 796.29 feet more or less to a point on the southwest line of a tract as recorded at reception no. 21903236 Of the records of the Clerk and Recorder of El Paso County, Colorado,;

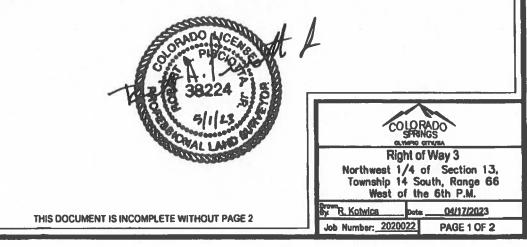
thence S45°46'10"E and coincident with said southwest line of tract as recorded at reception no. 21903236 a distance of 84.33 feet to a point on the east boundary line of said right of way; thence S00°24'45"E and coincident with the east boundary line of said right of way a distance of 757.25 feet more or less to a point;

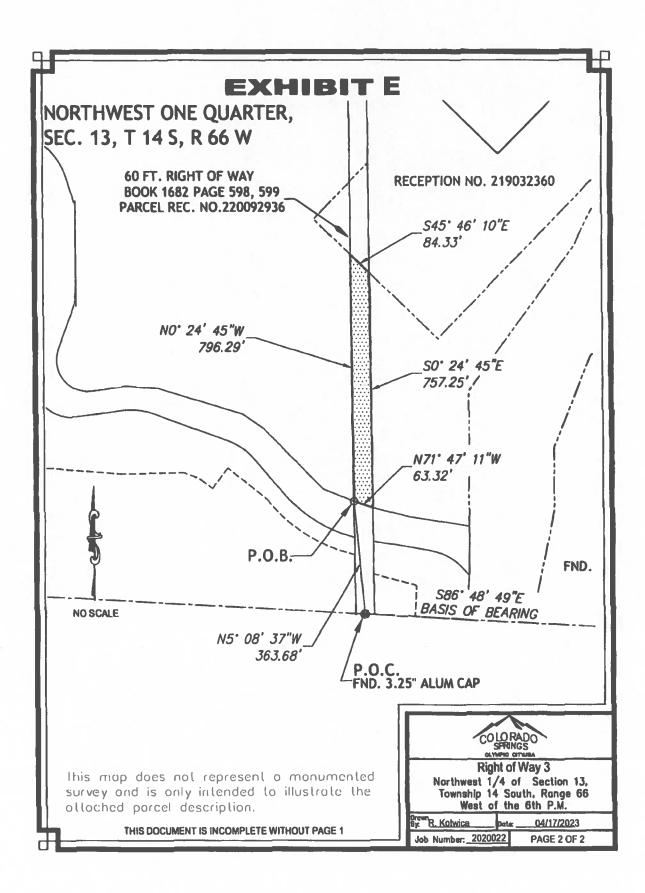
thence N71º47'11"W a distance of 63.32 feet to the POINT OF BEGINNING.

Said portion containing an area of 46,605 Square feet or 1.070 Acres more or less.

The bearings contained in this description are based on the south line of the southeast one quarter of the northwest one quarter of SECTION 13, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH P.M. as both ends of said line are monumented with a 3.25" aluminum cap PLS number 19625 and assumed to bear S86°48'49"E.

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 30 S. Nevada Ave., Suite 402 Colorado Springs, CO. 719-385-5545





## EXHIBIT F

A parcel of land located in northwest one-quarter of SECTION 13, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH P.M., El Paso County, Colorado, a portion of a right of way 60.00 feet in width centered on the north/south center line of said northwest one-quarter as recorded at Book 1682 at Page 598, and Book 1682 at Page 599 and Reception no. 220092936 all of the records of the Clerk and Recorder of El Paso County, Colorado, more particularly described as follows; COMMENCING at the southeast corner of the west one half of the northwest one-quarter of said SECTION 13 and the center line of said 60.00 foot right of way centered on the north/south center line;

thence N01°53'43"W a distance of 1159.12 feet more or less to the intersection of the west boundary line of said right of way and the southwest line of a tract as recorded at Reception no. 219032360 of the records of the Clerk and Recorder of El Paso County, Colorado, and the POINT OF BEGINNING; thence N00°24'45"W and coincident with said west right of way boundary line a distance of 234.15 feet more or less to the intersection point on the northwest line of said tract as recorded at reception no. 219032360;

thence N44°04'30"E and coincident with said northwest line of said tract as recorded at reception no. 219032360 a distance of 42.81 feet to a point on the north/south center line of said right of way;

thence N00°24'45'W and coincident with the center line of said right of way a distance of 286.94 feet more or less to a point of intersection of the south line extended westerly of CASE

SUBDIVISION as recorded at Plat Book J-3 at Page 46 of the records of the Clerk and Recorder of El Paso County, Colorado;

thence S86°40'51"E and coincident with said extended south line of CASE SUBDIVISION a distance of 30.06 feet to the southwest corner of said CASE SUBDIVISION and the east line of said right of way;

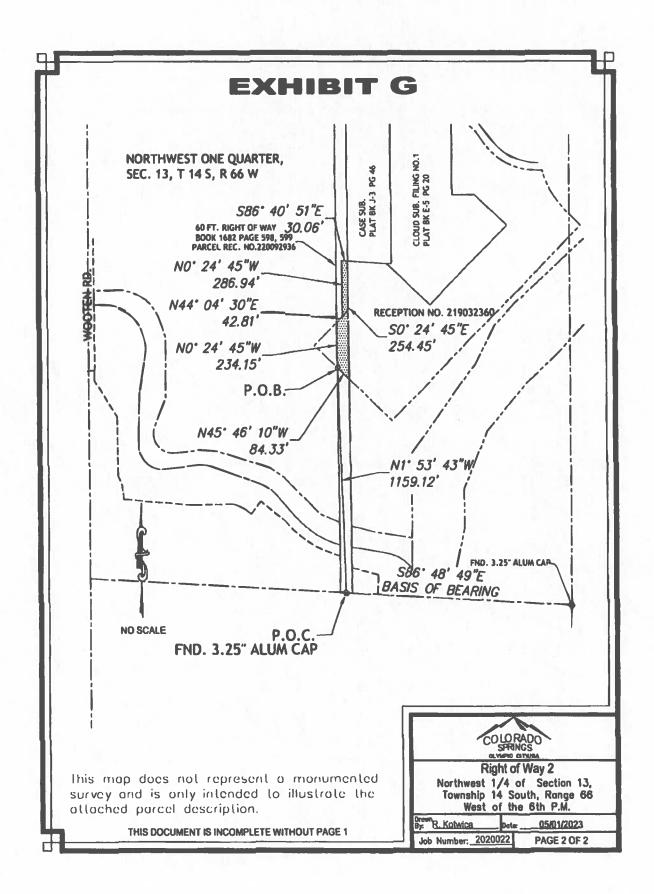
thence S00°24'45"E and coincident with the east boundary line of said right of way a distance of 254.45 feet more or less to a point of intersection with the southwest boundary line of said tract as recorded at Reception no. 219032360;

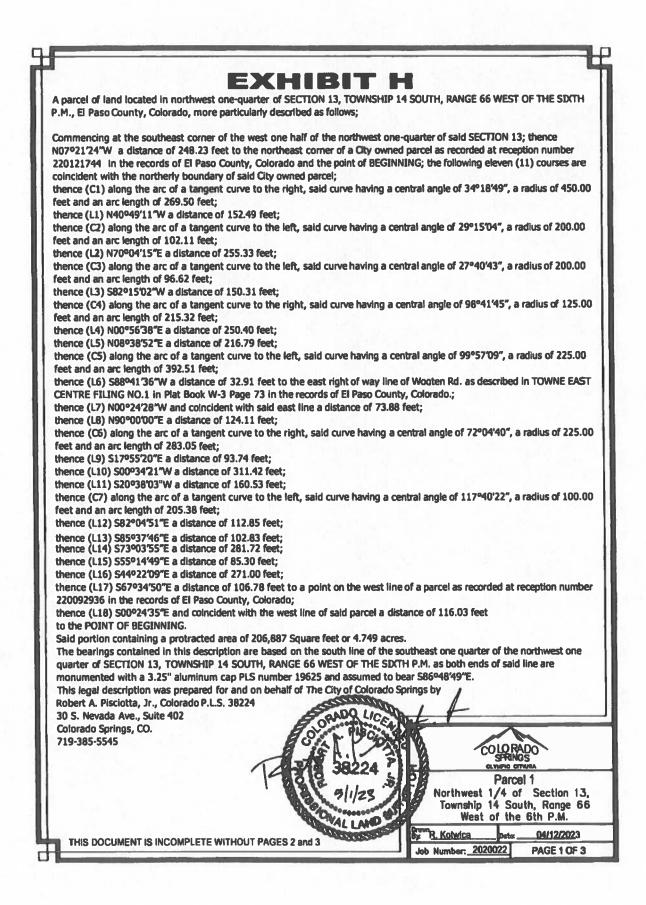
thence N45º46'10'W a distance of 84.33 feet to the POINT OF BEGINNING.

Said portion containing an area of 25,779 Square feet or 0.592 Acres more or less .

The bearings contained in this description are based on the south line of the southeast one quarter of the northwest one quarter of SECTION 13, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH P.M. as both ends of said line are monumented with a 3.25" aluminum cap PLS number 19625 and assumed to bear S86°48′49″E.

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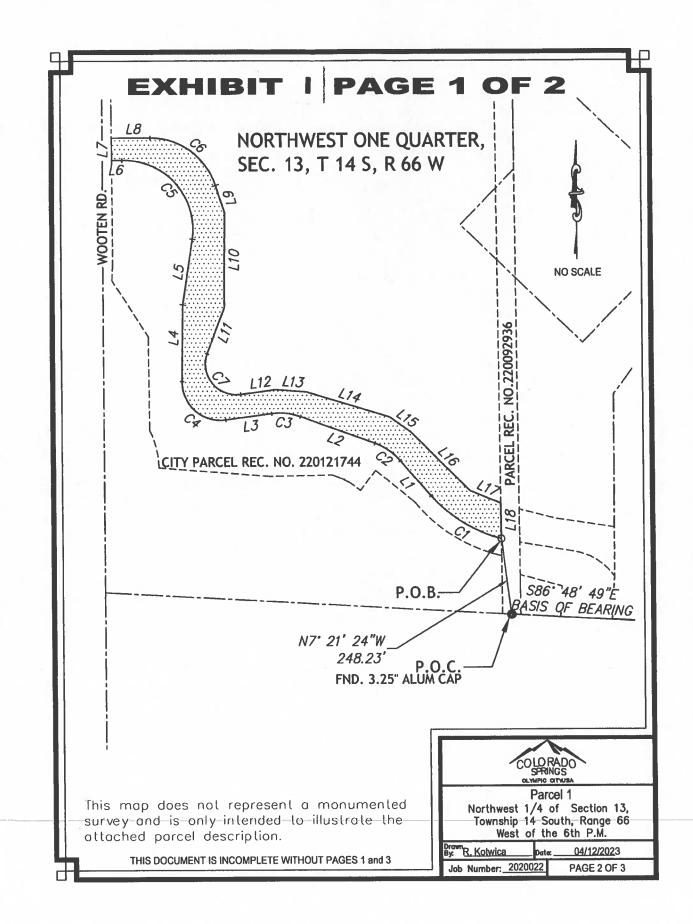


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#### CURVE TABLE

CURVE #	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	34' 18' 49"	450.00'	N57 58 35"W	265.49'	269.50'
C2	29' 15' 04"	200.00'	N55' 26' 43"W	101.00'	102.11'
C3	27' 40' 43"	200.00'	N83' 54' 37"W	95.68'	96.62'
C4	98' 41' 45"	125.00'	N48' 24' 10"W	189.67'	215.32'
C5	99' 57' 09"	225.00'	N41' 19' 46"W	344.60'	392.51
C6	72' 04' 40"	225.00'	S53' 57' 40"E	264.75'	283.05'
C7	117' 40' 22"	100.00'	S39' 04' 58"E	171.14'	205.38'

LINE TABLE				
Line #	Bearing	Length		
L1	N40" 49' 11"W	152.49'		
L2	N70' 04' 15"W	255.33'		
L3	S82' 15' 02"W	150.31'		
L4	NO' 56' 38"E	250.40'		
L5	N6" 38' 52"E	216.79'		
L6	S88' 41' 36"W	32.91'		
L7	NO' 24' 28"W	73.88'		
LB	N90' 00' 00"E	124.11'		
L9	S17' 55' 20"E	93.74'		
L10	S0' 34' 21"W	311.42'		
L11	S20' 38' 03"W	160.53'		
L12	N82' 04' 51"E	112.85'		
L13	S85' 37' 46"E	102.83'		
L14	S73' 03' 55"E	281.72'		
L15	S55' 14' 49"E	85.30'		
L16	S44' 22' 09"E	271.00'		
L17	S67' 34' 50"E	106.78'		
L18	S0' 24' 35"E	116.03'		
THIS DOCUMENT IS INCOMPLETE WITHOU				

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	COLORADO		
	Parcel 1		
	Northwest 1/4 of Section 13,		
	Township 14 South, Range 66 West of the 6th P.M.		
	Deter 04/12/2023		
	Job Number: 2020022 PAGE 3 OF 3		

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