

RESOLUTION NO. 109 - 25

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE REAL PROPERTY AND A TEMPORARY CONSTRUCTION EASEMENT, ON REAL PROPERTY OWNED BY 7-ELEVEN, INC USING PPRTA FUNDS FOR THE DUBLIN BOULEVARD IMPROVEMENTS – PETERSON ROAD TO MARKSHEFFEL ROAD PROJECT

WHEREAS, pursuant to the provisions of Article XX, Section 1 of the Colorado Constitution and the City Charter, the City is empowered to acquire property interests within or without its territorial limits through institution of eminent domain proceedings, for all interests necessary for the City; and

WHEREAS, the Pikes Peak Rural Transportation Authority (“PPRTA”) has approved the construction of the Dublin Boulevard Improvements – Peterson Road to Marksheffel Road Project (“Project”); and

WHEREAS, the real property and temporary construction easement to be acquired for the Project are more particularly described and depicted on the attached exhibits (the “Property Interests”) and are purportedly owned by 7-Eleven, Inc. (the “Property Owner”); and

WHEREAS, the City has commenced good faith negotiations with the Property Owner; and

WHEREAS, if the Property Interests cannot be obtained voluntarily, the City is authorized to enter into a Possession and Use Agreement with the Property Owner and/or commence condemnation proceedings to acquire the Property Interests; and

WHEREAS, pursuant to section 4.3 of The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interest, Revised 2021, the City must obtain approval from City Council to enter into a Possession and Use Agreement and to utilize Eminent Domain for the acquisition of the Property Interests.

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

Section 1. City Council hereby finds the acquisition of the Property Interests as described in the attached legal descriptions to be necessary for the construction of the Project.

Section 2. City Council hereby finds the acquisition of the Property Interests serves the public purpose of enhancing public safety, reducing traffic congestion, and accommodating increased transportation demands resulting from community growth. The expanded roadway will improve traffic flow and provide better access for emergency services. In addition, the Project will include the construction of sidewalks and other features to improve accessibility and safety for pedestrians and other roadway users.

Section 3. The City Attorney is hereby authorized to take all action necessary to acquire the Property Interests, and to seek immediate relief by a voluntary Possession and Use Agreement, Eminent Domain, or other appropriate proceedings.

Section 4. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this 9th day of September 2025.



Lynette Crow-Iverson, Council President

ATTEST:


Sarah B. Johnson, City Clerk

EXHIBIT "A"

**RIGHT-OF-WAY PARCEL RW-17
PROJECT NO.: 5430007
NE 1/4 SECTION 17 & SE 1/4 SECTION 8,
TOWNSHIP 13 SOUTH, RANGE 65 WEST
SIXTH PRINCIPAL MERIDIAN
EL PASO COUNTY, COLORADO
DATE: JANUARY 17, 2025**

DESCRIPTION

A right-of-way parcel, RW-17, being a portion of Lot 1 of the Dublin and Issaquah, Filing No. 1 subdivision, as described in the Office of the El Paso County Clerk and Recorder at Reception No. 216713800, situated in the northeast 1/4 of Section 17 and the southeast 1/4 of Section 8, Township 13 South, Range 65 West, of the Sixth Principal Meridian, in El Paso County, Colorado, said right-of-way parcel being more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Dublin Boulevard, and the easterly right-of-way line of Issaquah Drive, from which the south center 1/16th corner of Section 8 (a found 3.25 inch aluminum cap survey marker number 2901, marked Oliver E. Watt PLS 9853) bears North 56°01'11" West a distance of 2,295.35 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence along said Dublin right-of-way line North 88°42'38" East, a distance of 57.00 feet;
2. Thence South 59°07'37" West, a distance of 49.63 feet;
3. Thence South 88°57'21" West to a point on the easterly right-of-way line of Issaquah Drive, a distance of 14.00 feet, more or less;
4. Thence along the easterly right-of-way line of Issaquah Drive, North 00°55'47" West, a distance of 24.44 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described right-of-way parcel contains 870 sq. ft. (0.020 acres), more or less.

Basis of Bearings: Bearings are based on a modified grid bearing of North 63°32'56" West from the south center 1/16th corner of Section 8 (a found 3.25 inch aluminum cap survey marker number 2901, marked Oliver E. Watt PLS 9853), to the west 1/4 corner of Section 8 (a found 3.25 inch aluminum cap, marked Colorado Department of Transportation, PLS 30107).

Lorelei A. Ward, PLS 34982
Farnsworth Group Inc.
5775 Mark Dabling Blvd. - Suite 190
Colorado Springs, CO 80919



EXHIBIT "B"

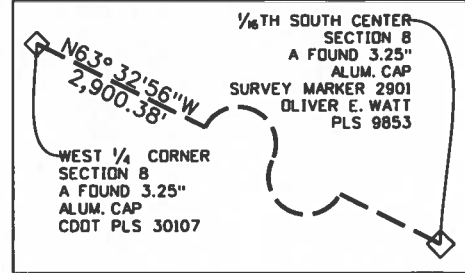
LEGEND

POB POINT OF BEGINNING
 © CHANGE IN COURSE ONLY

NOTE:

THIS IS NOT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO BE A GRAPHIC DEPICTION OF THE ATTACHED DESCRIPTION.

BASIS OF BEARINGS



1/16TH SOUTH CENTER
 SECTION 8
 A FOUND 3.25"
 ALUM. CAP
 SURVEY MARKER 2901
 OLIVER E. WATT
 PLS 9853

SEC. 8
 T-13-S, R-65-W
 6TH P.M.

DUBLIN BLVD

P.O.B.
 RW-17
 N88° 42'38"E
 57.00'

N00° 55'47"W
 24.44'

S88° 57'21"W
 14.00'

S59° 07'37"W
 49.63'

RW-17

LOT 1

7-ELEVEN INC.
 DUBLIN AND ISSAQUAH
 FILING No. 1
 RECEPTION NO. 216713800
 870 SQ FT
 0.020 ACRES

ISSAQUAH DR

0' 12.5' 25' 50'
 1"=50'

SEC. 17
 T-13-S, R-65-W
 6TH P.M.



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DUBLIN WIDENING PROJECT

RW-17

EXHIBIT "B"

7-ELEVEN INC.

Project No.:
 5430007

Project Code:
 2024040

Date:
 1-17-2025

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EXHIBIT "A"

**TEMPORARY EASEMENT TE-17
PROJECT NO.: 5430007
NE 1/4 SECTION 17 & SE 1/4 SECTION 8,
TOWNSHIP 13 SOUTH, RANGE 65 WEST
SIXTH PRINCIPAL MERIDIAN
EL PASO COUNTY, COLORADO
DATE: JANUARY 17, 2025**

DESCRIPTION

A temporary easement, TE-17, being a portion of Lot 1 of the Dublin and Issaquah, Filing No. 1 subdivision, as described in the Office of the El Paso County Clerk and Recorder at Reception No. 216713800, situated in the northeast 1/4 of Section 17 and the southeast 1/4 of Section 8, Township 13 South, Range 65 West, of the Sixth Principal Meridian, in El Paso County, Colorado, said temporary easement being more particularly described as follows:

Beginning at a point on the east property line of Dublin and Issaquah Filing No. 1 subdivision, from which the south center 1/16th corner of Section 8 (a found 3.25 inch aluminum cap survey marker number 2901, marked Oliver E. Watt PLS 9853) bears North 58°44'47" West a distance of 2,464.54 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence along said east property line South 01°17'20" East, a distance of 6.64 feet;
2. Thence South 88°42'38" West, a distance of 117.03 feet;
3. Thence North 01°17'22" West, a distance of 6.50 feet;
4. Thence South 88°42'38" West, a distance of 4.00 feet;
5. Thence South 01°17'22" East, a distance of 9.00 feet;
6. Thence South 89°04'27" West, a distance of 13.44 feet;
7. Thence North 00°55'27" West, a distance of 4.42 feet;
8. Thence South 88°42'38" West, a distance of 12.58 feet;
9. Thence South 58°57'07" West, a distance of 50.20 feet;
10. Thence North 01°15'18" West, a distance of 2.00 feet;
11. Thence North 28°54'59" East, a distance of 6.72 feet;
12. Thence North 59°07'37" East to a point on the southerly right-of-way line of Dublin Boulevard, a distance of 48.11 feet, more or less;
13. Thence along said right-of-way line North 88°42'37" East, a distance of 55.70 feet;
14. Thence North 89°59'05" East, a distance of 89.72 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described temporary easement contains 1,408 sq. ft. (0.032 acres), more or less.

Basis of Bearings: Bearings are based on a modified grid bearing of North 63°32'56" West from the south center 1/16th corner of Section 8 (a found 3.25 inch aluminum cap survey marker number 2901, marked Oliver E. Watt PLS 9853), to the west 1/4 corner of Section 8 (a found 3.25 inch aluminum cap, marked Colorado Department of Transportation, PLS 30107).

Lorelei A. Ward, PLS 34982
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EXHIBIT "B"

LEGEND

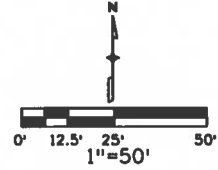
POB POINT OF BEGINNING
 ◎ CHANGE IN COURSE ONLY

NOTE:

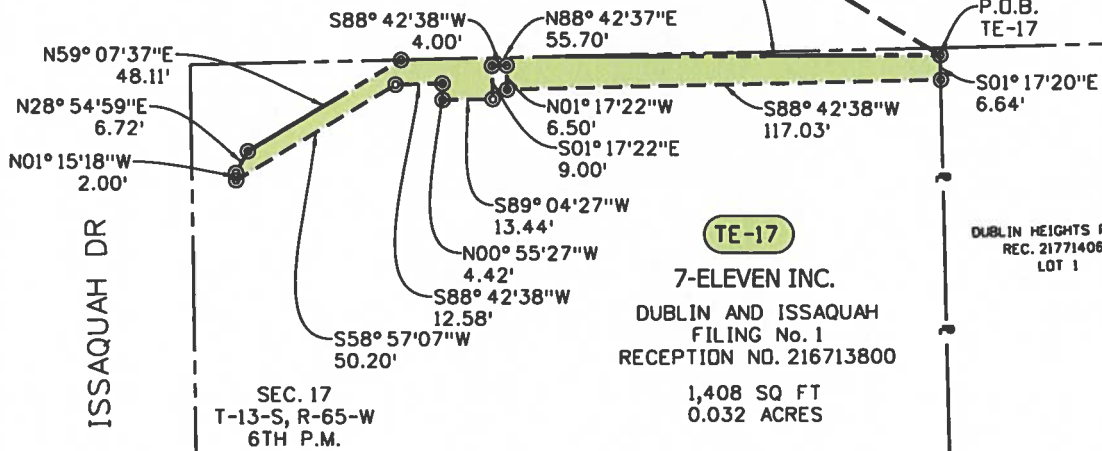
THIS IS NOT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO BE A GRAPHIC DEPICTION OF THE ATTACHED DESCRIPTION.

1/16TH SOUTH CENTER
 SECTION 8
 A FOUND 3.25"
 ALUM. CAP
 SURVEY MARKER 2901
 OLIVER E. WATT
 PLS 9853

SEC. 8
 T-13-S, R-65-W
 6TH P.M.



DUBLIN BLVD



DUBLIN HEIGHTS PLAZA
 REC. 217714060
 LOT 1

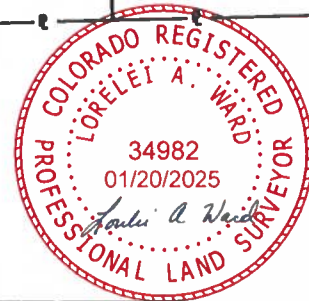
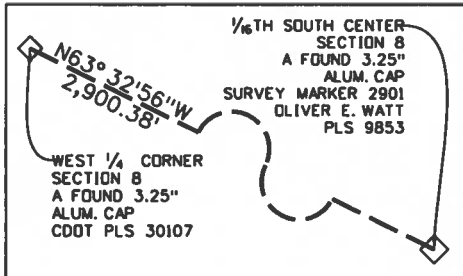
TE-17

7-ELEVEN INC.
 DUBLIN AND ISSAQUAH
 FILING No. 1
 RECEPTION NO. 216713800
 1,408 SQ FT
 0.032 ACRES

SEC. 17
 T-13-S, R-65-W
 6TH P.M.

LOT 1

BASIS OF BEARINGS



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DUBLIN WIDENING PROJECT

TE-17
 EXHIBIT "B"
 7-ELEVEN INC.

Project No.:
 5430007

Project Code:
 2024040

Date:
 1-17-2025

Page 2 of 2

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EXHIBIT "A"

**RIGHT-OF-WAY PARCEL RW-17A
PROJECT NO.: 5430007
NE 1/4 SECTION 17 & SE 1/4 SECTION 8,
TOWNSHIP 13 SOUTH, RANGE 65 WEST
SIXTH PRINCIPAL MERIDIAN
EL PASO COUNTY, COLORADO
DATE: JANUARY 17, 2025**

DESCRIPTION

A right-of-way parcel, RW-17A, being a portion of Lot 1 of the Dublin and Issaquah, Filing No. 1 subdivision, as described in the Office of the El Paso County Clerk and Recorder at Reception No. 216713800, situated in the northeast 1/4 of Section 17 and the southeast 1/4 of Section 8, Township 13 South, Range 65 West, of the Sixth Principal Meridian, in El Paso County, Colorado, said right-of-way parcel being more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Dublin Boulevard, and the east property line of Dublin and Issaquah Filing No. 1 subdivision, from which the south center 1/16th corner of Section 8 (a found 3.25 inch aluminum cap survey marker number 2901, marked Oliver E. Watt PLS 9853) bears North 58°47'08" West a distance of 2,463.46 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence along said east property line South 01°17'20" East, a distance of 2.00 feet;
2. Thence South 89°59'05" West to a point on the southerly right-of-way line of Dublin Boulevard, a distance of 89.72 feet, more or less;
3. Thence along said Dublin right-of-way line North 88°42'38" East, a distance of 89.69 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described right-of-way parcel contains 90 sq. ft. (0.002 acres), more or less.

Basis of Bearings: Bearings are based on a modified grid bearing of North 63°32'56" West from the south center 1/16th corner of Section 8 (a found 3.25 inch aluminum cap survey marker number 2901, marked Oliver E. Watt PLS 9853), to the west 1/4 corner of Section 8 (a found 3.25 inch aluminum cap, marked Colorado Department of Transportation, PLS 30107).

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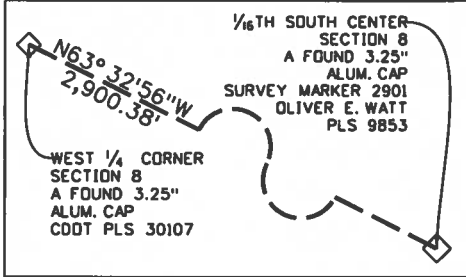


EXHIBIT "B"

LEGEND

POB POINT OF BEGINNING
 ⊙ CHANGE IN COURSE ONLY

BASIS OF BEARINGS



NOTE:

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SEC. 17
 T-13-S, R-65-W
 6TH P.M.

DUBLIN AND ISSAQUAH
 FILING No. 1
 RECEPTION NO. 216713800

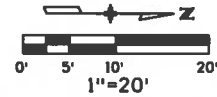
RW-17A
 7-ELEVEN INC.

90 SQ FT
 0.002 ACRES

S89° 59'05"W
 89.72'

N88° 42'38"E
 89.69'

SEC. 8
 T-13-S, R-65-W
 6TH P.M.



DUBLIN BLVD

S01° 17'20"E
 2.00'

P.O.B.
 RW-17A



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DUBLIN WIDENING PROJECT

RW-17A

EXHIBIT "B"

7-ELEVEN INC.

Project No.:
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Project Code:
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Date:
 1-17-2025

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