

RESOLUTION NO. 196 - 25

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE PERMANENT EASEMENTS ON REAL PROPERTIES OWNED BY LOCKWOOD LIMITED LIABILITY COMPANY AND KNOWN AS EL PASO COUNTY TAX SCHEDULE NUMBERS 6434100032 AND 6434100035 NEEDED FOR THE KELKER TO SOUTH PLANT TRANSMISSION PROJECT

WHEREAS, the City of Colorado Springs ("City") on behalf of its enterprise Colorado Springs Utilities ("Utilities") 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 pursuant to the provisions of Article XX, Section 1 of the Colorado Constitution and the City Charter; and

WHEREAS, certain permanent easements on the properties located at Astrozon Boulevard, Colorado Springs, Colorado, also known as El Paso County Tax Schedule Numbers 6434100032 and 6434100035 (the "Properties") and owned by Lockwood Limited Liability Company (the "Property Owner") have been identified as necessary for the Kelker to South Plant Transmission Project ("Project"); and

WHEREAS, the permanent easements to be acquired for this Project are more particularly described and depicted on the attached exhibits (the "Easements"); and

WHEREAS, the acquisition of the Easements is in the public interest and is necessary for the Project; and

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

WHEREAS, if the City and the Property Owner cannot reach agreement on the purchase and sale of the Easements, City Council may authorize the use of a possession and use agreement with the Property Owner and/or commence condemnation proceedings to acquire the Easements pursuant to section 4.3 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interest, Revised 2021*.

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

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

Project.

Section 2. That City Council hereby finds the acquisition of the Easements serve the public purpose of providing grid reliability, resiliency and redundancy for the City's electric system.

Section 3. That Utilities and the City's Real Estate Services Manager are hereby authorized to enter into a possession and use agreement with the Property Owner regarding the acquisition of the Easements.

Section 4. That the City Attorney is hereby authorized to take all action necessary to acquire the Easements, and to seek immediate relief by a voluntary possession and use agreement, eminent domain, or other appropriate proceedings.

Section 5. This Resolution shall be in full force and effect immediately upon its adoption.

DATED at Colorado Springs, Colorado, this 9th day of December 2025.

ATTEST:


Lynette Crow-Iverson, Council President


Sarah B. Johnson, City Clerk



EXHIBIT A

PARCELS OF LAND LYING WITHIN SECTION 34, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LAND REFERENCED IN SPECIAL WARRANTY DEED 95092348 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHEAST CORNER OF LOT 1 BLK 1 ASTROZON PLAZA SUBDIVISION, THENCE S 03°46'00" W 449.08 FEET TO A POINT OF CURVATURE, THENCE SOUTHWESTERLY ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 410.0 FEET, A CENTRAL ANGLE OF 34°48'36", AN ARC DISTANCE OF 249.10 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 410.0 FEET, A CENTRAL ANGLE OF 27°45'24", AN ARC DISTANCE OF 198.62 FEET TO A POINT OF TANGENCY, S 66°20'00" W 308.78 FEET, THENCE ALONG WESTERLY RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT WITH A RADIUS OF 700.0 FEET, A CENTRAL ANGLE OF 01°37'02", AN ARC DISTANCE OF 19.76 FEET, THENCE CONTINUE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 700.0 FEET, A CENTRAL ANGLE OF 23°57'28", AN ARC DISTANCE OF 292.70 FEET TO A POINT OF TANGENCY, S 40°45'30" W 130.20 FEET TO A POINT ON NORTHEASTERLY RIGHT-OF-WAY LINE OF HANCOCK RD, N 49°14'30" W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE 450.0 FEET, N 40°45'30" E 849.42 FEET, N 49°14'30" W 400.0 FEET TO A POINT ON SOUTHEASTERLY LINE OF EXISTING SAND CREEK GREENBELT, N 40°45'30" E 63.24 FEET, S 48°45'42" E 1091.79 FEET TO THE POINT OF BEGINNING.

A PORTION OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, ASTROZON PLAZA SUBDIVISION AS RECORDED IN PLAT BOOK X-3 AT PAGE 121 OF THE EL PASO COUNTY RECORDS, SAID CORNER BEING A POINT OF THE WESTERLY LINE OF ASTROZON BOULEVARD AS DESCRIBED IN BOOK 2357 AT PAGE 861 OF THE EL PASO COUNTY RECORDS; THENCE S 03 DEGREES 46'00" W ALONG THE WESTERLY LINE OF SAID ASTROZON BOULEVARD (BASIS OF BEARING FOR THIS DESCRIPTION) 449.08 FEET TO A POINT OF CURVE; THENCE ON A CURVE TO THE RIGHT, WITH A RADIUS OF 410.00 FEET AND A CENTRAL ANGLE OF 34 DEGREES 48'55", AN ARC DISTANCE OF 249.13 FEET; THENCE N 48 DEGREES 45'42" W 1091.76 FEET TO THE SOUTHEASTERLY LINE OF SAND CREEK GREENBELT AS DEFINED IN PLAT BOOK I-2 AT PAGE 14 AND IN PLAT BOOK J-2 AT PAGE 90 OF THE EL PASO COUNTY RECORDS; THENCE N 40 DEGREES 45'30" E ALONG SAID SOUTHEASTERLY LINE 368.28 FEET; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE N 43 DEGREES 45'57" E 172.00 FEET TO THE SOUTHWESTERLY CORNER OF AFORESAID LOT 1, BLOCK 1, ASTROZON PLAZA SUBDIVISION; THENCE S 48 DEGREES 45'42" E ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1, BLOCK 1 A DISTANCE OF 677.79 FEET; THENCE N 89 DEGREES 22'55" E ALONG THE SOUTHERLY LINE OF SAID LOT 1, BLOCK 1 A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PORTION PLATTED AS SHARMA SUBDIVISION RECORDED APRIL 22, 1996 IN PLAT BOOK H6 AT PAGE 31 AND EXCEPT THAT PORTION AS SHARMA SUBDIVISION FILING NO. 2 RECORDED JANUARY 30, 1998 IN PLAT BOOK 98 AT PAGE 16.

SURVEYOR'S CERTIFICATE



BUCKLEY D. BLEW
LICENSED PROFESSIONAL LAND SURVEYOR NO. 38540
STATE OF COLORADO

BASIS OF BEARING

ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83. THE BEARING OF THE LINE BETWEEN NGS PID JK0841 (A STAINLESS STEEL ROD IN MONUMENT CASE STAMPED "Y 395 1983") AND NGS PID JK0839 (A STAINLESS STEEL ROD IN MONUMENT CASE STAMPED "S 393 1983") IS S 44°54'47" E. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES. COMBINED PROJECT SCALE FACTOR (GRID TO GROUND) IS 1.00018917943.

SURVEYED BY:
BLEW & ASSOCIATES P.A.
3825 N SHILOH DRIVE
FAYETTEVILLE, AR, 72703
PHONE #479-443-4506
SURVEY@BLEWINC.COM



EXHIBIT B

PARCELS OF LAND LYING WITHIN SECTIONS 34, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

EASEMENT PARCEL 1:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 SHARMA SUBDIVISION;

THENCE ALONG THE NORTH LINE OF SAID LOT 1, NORTH 89 DEGREES 19 MINUTES 58 SECONDS EAST, A DISTANCE OF 49.24 FEET;

THENCE NORTH 48 DEGREES 48 MINUTES 39 SECONDS WEST, A DISTANCE OF 668.72 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAND CREEK DRAINAGEWAY;

THENCE ALONG SAID LINE, SOUTH 43 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 151.98 FEET;

THENCE SOUTH 40 DEGREES 42 MINUTES 33 SECONDS WEST, A DISTANCE OF 431.52 FEET;

THENCE SOUTH 49 DEGREES 17 MINUTES 27 SECONDS EAST, A DISTANCE OF 59.32 FEET;

THENCE NORTH 42 DEGREES 12 MINUTES 05 SECONDS EAST, A DISTANCE OF 201.15 FEET;

THENCE NORTH 42 DEGREES 12 MINUTES 05 SECONDS EAST, A DISTANCE OF 337.13 FEET;

THENCE SOUTH 49 DEGREES 02 MINUTES 00 SECONDS EAST, A DISTANCE OF 574.88 FEET;

THENCE NORTH 00 DEGREES 40 MINUTES 02 SECONDS WEST, A DISTANCE OF 12.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 63694 SQ. FEET, OR 1.462 ACRES, OF LAND MORE OR LESS.

EASEMENT PARCEL 2:

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 1 ASTROZON PLAZA SUBDIVISION;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF ASTROZON BOULEVARD, SOUTH 03 DEGREES 43 MINUTES 03 SECONDS WEST, A DISTANCE OF 30.09 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID LINE, SOUTH 03 DEGREES 43 MINUTES 03 SECONDS WEST, A DISTANCE OF 66.82 FEET;

THENCE NORTH 69 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 77.91 FEET TO A POINT ON THE EAST LINE OF LOT 1 SHARMA SUBDIVISION;

THENCE ALONG SAID LINE, NORTH 00 DEGREES 40 MINUTES 02 SECONDS WEST, A DISTANCE OF 43.33 FEET;

THENCE NORTH 28 DEGREES 58 MINUTES 12 SECONDS WEST, A DISTANCE OF 15.60 FEET;

THENCE SOUTH 48 DEGREES 48 MINUTES 39 SECONDS EAST, A DISTANCE OF 13.09 FEET;

THENCE NORTH 89 DEGREES 19 MINUTES 58 SECONDS EAST, A DISTANCE OF 7.65 FEET;

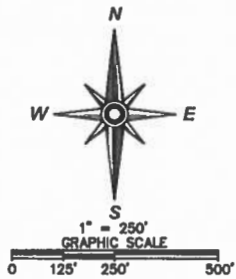
THENCE SOUTH 00 DEGREES 40 MINUTES 02 SECONDS EAST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 89 DEGREES 19 MINUTES 58 SECONDS EAST, A DISTANCE OF 67.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 4108 SQ. FEET, OR 0.094 ACRES, OF LAND MORE OR LESS.

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SURVEY@BLEWINC.COM





_____ BOUNDARY LINE
 _____ PUBLIC UTILITY EASEMENT LINE
 _____ PLATTED EASEMENT LINE PER
 REC NO. 001199455 UNLESS
 NOTED OTHERWISE

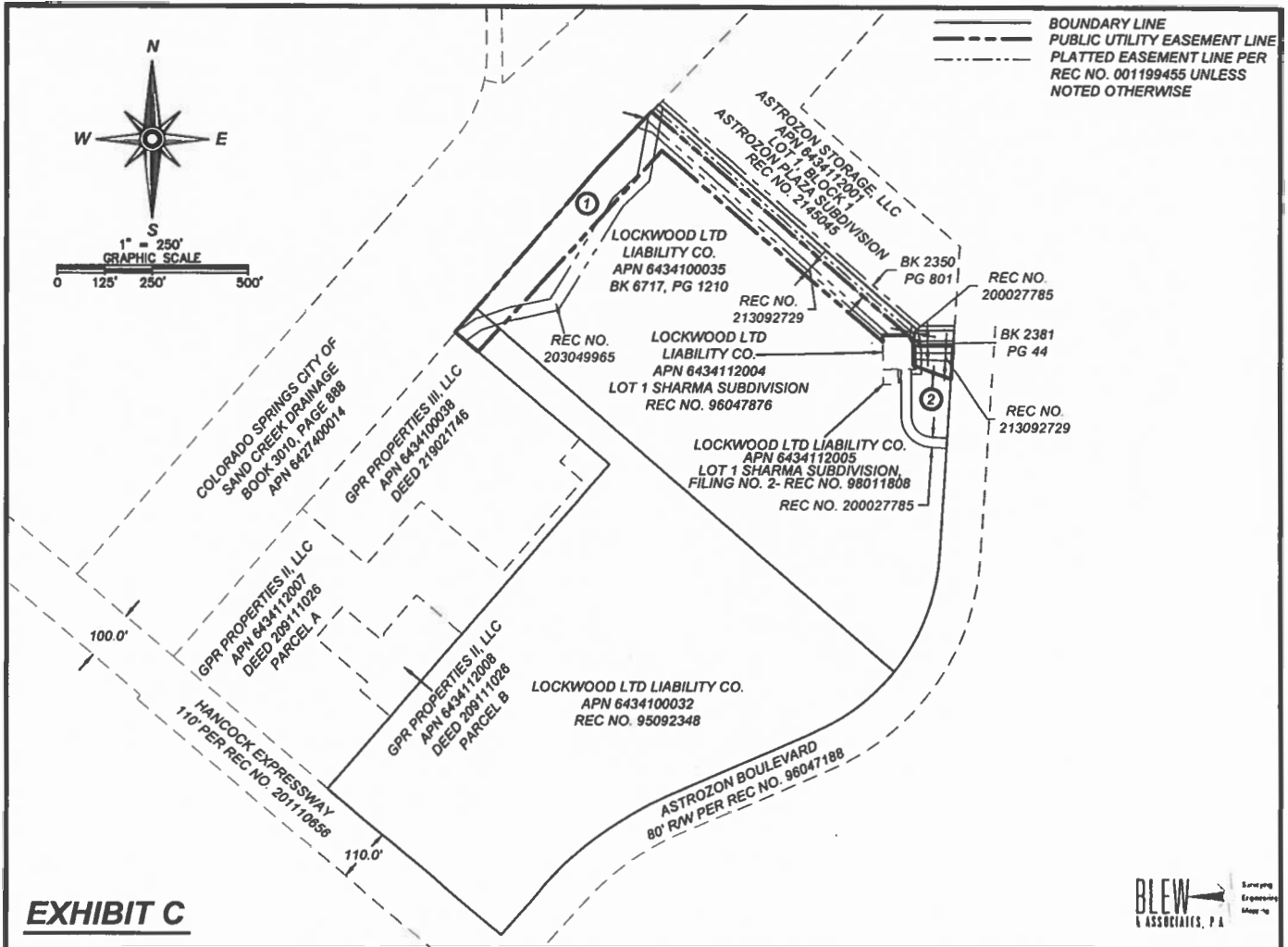
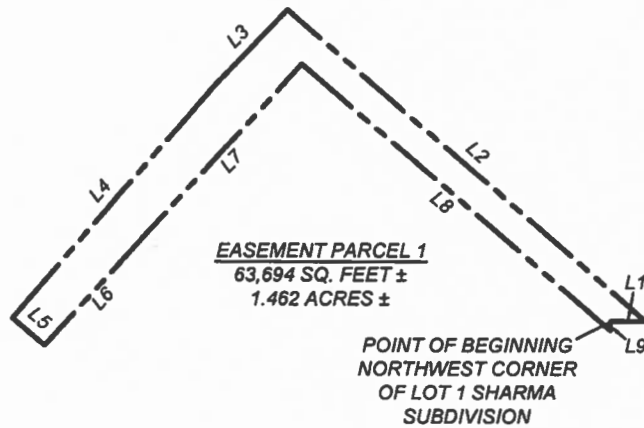


EXHIBIT C

JOB NUMBER: 21-7171.01
 DRAWN BY: KLR - 03/04/2022

BLEW
 & ASSOCIATES, P.A.
 Surveying
 Engineering
 Mapping

SHEET 3 OF 5



POINT OF COMMENCEMENT
THE SOUTHEASTERLY CORNER OF
LOT 1 ASTROZON PLAZA SUBDIVISION

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 89°19'58" E | 49.24' |
| L2 | N 48°48'39" W | 668.72' |
| L3 | S 43°43'00" W | 151.98' |
| L4 | S 40°42'33" W | 431.52' |
| L5 | S 49°17'27" E | 59.32' |
| L6 | N 42°12'05" E | 201.15' |
| L7 | N 42°12'05" E | 337.13' |
| L8 | S 49°02'00" E | 574.88' |
| L9 | N 00°40'02" W | 12.84' |
| L10 | S 03°43'03" W | 30.09' |
| L11 | S 03°43'03" W | 66.82' |
| L12 | N 69°22'30" W | 77.91' |
| L13 | N 00°40'02" W | 43.33' |
| L14 | N 28°58'12" W | 15.60' |
| L15 | S 48°48'39" E | 13.09' |
| L16 | N 89°19'58" E | 7.65' |
| L17 | S 00°40'02" E | 10.00' |
| L18 | N 89°19'58" E | 67.70' |

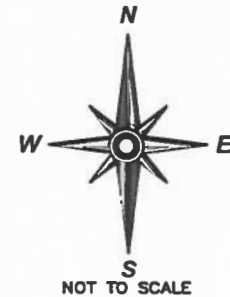
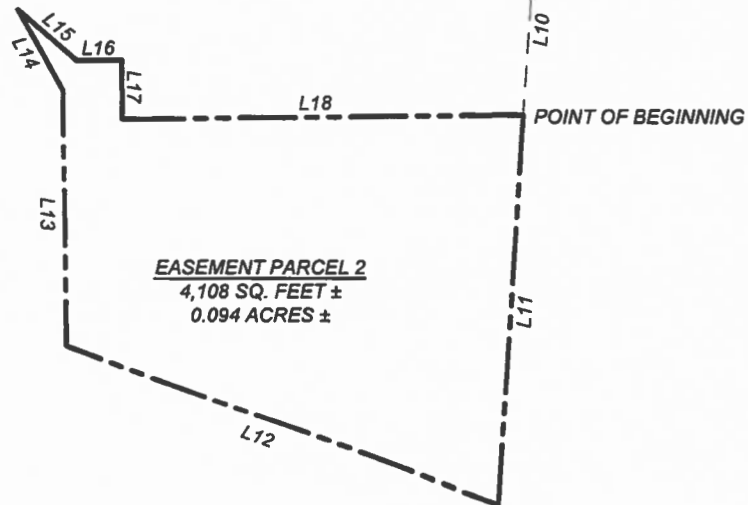


EXHIBIT D