

RESOLUTION NO. 78 - 25

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE REAL PROPERTY, PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS, ON REAL PROPERTY OWNED BY WAL-MART REAL ESTATE BUSINESS TRUST USING PPRTA FUNDS FOR THE MARKSHEFFEL ROAD IMPROVEMENTS – WOODMEN ROAD TO NORTH CAREFREE CIRCLE 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 outside of its territorial limits through institution of eminent domain proceedings, for all interests necessary for the City; and

WHEREAS, in connection with the Marksheffel Road – Woodmen Road to North Carefree Circle Project (“Project”), the City of Colorado Springs Public Works Department has identified the need to acquire real property, permanent easements and temporary easements more particularly described and depicted on the attached exhibits (the “Property”) from Wal-Mart Real Estate Business Trust (the “Property Owner”); and

WHEREAS, negotiations with the Property Owner have reached an impasse and the City has an imminent need to acquire the Property in order to allow construction of the Project; 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.

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

Section 1. City Council finds the acquisition of the Property to be in the best interest of the citizens of Colorado Springs.

Section 2. The City Attorney is hereby authorized to take all action necessary to acquire the real property, permanent easements, and temporary easements, and to seek immediate relief by a voluntary Possession and Use Agreement, Eminent Domain, or other appropriate proceedings.

Section 3. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this 24<sup>th</sup> day of June 2025.



Lynette Crow-Iverson, Council President

ATTEST:



Sarah B. Johnson, City Clerk



PARCEL DESIGNATION	5316204032	DATE:	April 26, 2024
OWNER:	WAL-MART REAL ESTATE		

## EXHIBIT A

### LEGAL DESCRIPTION

#### RIGHT OF WAY – RW-31

A portion of that parcel of land as described in Reception 217055247, of the records of El Paso County, said parcel is located in Lot 1, Block 1, Dublin Towne Centre in the Northwest Quarter of Section 16, Township 13 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado, more particularly described as follows:

**Commencing** at the Northwest Corner of said Section 16 (being a 2 1/2" Aluminum cap PLS 23515), thence S. 9°18'25" E., a distance of 514.16 feet, to a point being on the west line of said Lot 1, said point also being on the east right of way line of Marksheffel Road and the **POINT OF BEGINNING**;

Thence along said west line of Lot 1 and said east right of way line the following two (2) courses:

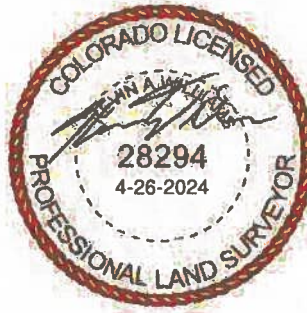
1. Thence N. 00°21'20" W., a distance of 451.22 feet;
2. Thence N. 25°12'52" E., to a northeasterly corner of said Lot 1, said corner also being on the south right of way line of Dublin Blvd., a distance of 30.46 feet;
3. Thence along said north line of lot 1 and said south right of way line, N. 89°08'56" E., a distance of 2.00 feet;
4. Thence S. 23°11'31" W., a distance of 30.33 feet;
5. Thence S. 00°21'20" E., a distance of 396.00 feet;
6. Thence S. 02°48'12" W., a distance of 55.00 feet, more or less, to the **POINT OF BEGINNING**.

The above-described parcel contains 1,355 sq. ft. (0.031 acres), more or less.

EXHIBIT B SKETCH is attached hereto and thereby incorporated as a part of the preceding legal description.

Bearings are based on a GPS Static Survey performed July 20, 2006, by CH2M Hill Inc. The west line of the Southwest Quarter of Section 16 from the said Southwest Corner (a 3-1/4" aluminum cap, PLS 17496) to the West Quarter Corner of said Section 16 (a 3-1/4" aluminum cap, PLS 30829) bears N 0°21'14" W., a distance of 2,657.28 feet.

This description was prepared by:  
Kevin Williams, P.L.S. 28294  
On behalf of Wilson & Co.  
990 S. Broadway, Ste. 220  
Denver, CO 80209



DATE: 26-APRIL-2024

APPROVED BY: K. WILLIAMS

18300ROW\_RW-31\_Exhibit\_1-2.dgn

## EXHIBIT B SKETCH

RIGHT OF WAY RW-31  
PARCEL 5316204032  
SECTION 16  
T 13 S, R 65 W, 6TH P.M.  
CITY OF COLORADO SPRINGS,  
EL PASO COUNTY, COLORADO



MATCHLINE SHEET 2 OF 2

(RW-31)  
WAL-MART REAL ESTATE  
P.O. Box 8050 M/S 0555  
Bentonville, AR 72716-0555  
Rec. 217055247  
Sch. #5316204032  
Lot 1, Block 1, Dublin Towne Centre  
AREA-1,355 SQ. FT. (0.031 AC.)

MARKSHEFFEL ROAD

Existing ROW

N 0°21'20" W 2657.15'

(BOB West line of NW 1/4 Section 16)  
W 1/4 Cor Sec 16 - Fnd 3-1/4" Alum. Cap PLS 30829  
POC NW Cor Sec. 16 - Fnd 2-1/2" Alum. Cap PLS 23515

POB RW-31  
NW CORNER SEC 16  
T13S, R65W, 6TH PM  
BEARS N9°18'25"W, 514.16'

S0°21'20"E 396.00'  
N0°21'20"W 451.22'

S2°48'12"W 55.00'

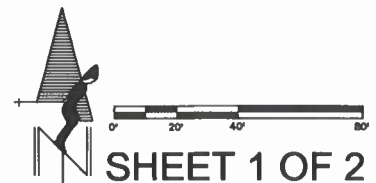
Existing ROW

ANDERS RIDGE LANE



### NOTES:

1. This sketch does not constitute a land survey plat by Wilson & Co.
2. This sketch is a graphic representation of the burdened property. In the event Exhibit B is inconsistent with Exhibit A. Exhibit A shall control.
3. Bearings are based on a GPS Static Survey performed July 20, 2006 by CH2M Hill Inc. The line between stations DOT1 and E\_24 bears N 48°53'48" E a distance of 40,950.79 ft.



SHEET 1 OF 2

DATE: 26-APRIL-2024

APPROVED BY: K. WILLIAMS

18300ROW\_RW-31\_Exhibit\_2-2.dgn

## EXHIBIT B SKETCH

RIGHT OF WAY RW-31  
PARCEL 5316204032  
SECTION 16  
T 13 S, R 65 W, 6TH P.M.  
CITY OF COLORADO SPRINGS,  
EL PASO COUNTY, COLORADO



DUBLIN BLVD.

NW CORNER SEC 16  
T13S, R65W, 6TH PM

Existing ROW

N89°08'56"E  
2.00'  
N25°12'52"E  
30.46'  
S23°11'31"W  
30.33'

MARKSHEFFEL ROAD

RW-31

N 0°21'20" W 2657.15'

(BOB West line of NW 1/4 Section 16)  
W 1/4 Cor Sec 16 - Fnd 3-1/4" Alum. Cap PLS 30829  
POC NW Cor Sec. 16 - Fnd 2-1/2" Alum. Cap PLS 23515

N0°21'20"W 451.22'  
S0°21'20"E 395.00'

Existing ROW

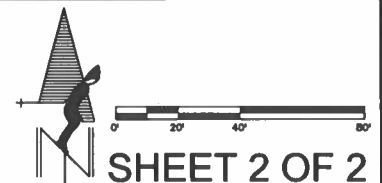
(RW-31)  
WAL-MART REAL ESTATE  
P.O. Box 8050 M/S 0555  
Bentonville, AR 72716-0555  
Rec. 217055247  
Sch. #5316204032  
Lot 1, Block 1, Dublin Towne Centre  
AREA-1,355 SQ. FT. (0.031 AC.)



MATCHLINE SHEET 1 OF 2

### NOTES:

1. This sketch does not constitute a land survey plat by Wilson & Co.
2. This sketch is a graphic representation of the burdened property. In the event Exhibit B is inconsistent with Exhibit A, Exhibit A shall control.
3. Bearings are based on a GPS Static Survey performed July 20, 2006 by CH2M Hill Inc. The line between stations DOT1 and E\_24 bears N 48°53'48" E a distance of 40,950.79 ft.



PARCEL DESIGNATION	5316204032	DATE:	February 13, 2025
OWNER:	WAL-MART REAL ESTATE		

## EXHIBIT A

### LEGAL DESCRIPTION

#### PERMANENT EASEMENT – PE-31 REV

A portion of that parcel of land as described in Reception 217055247, of the records of El Paso County, said parcel is located in Lot 1, Block 1, Dublin Towne Centre in the Northwest Quarter of Section 16, Township 13 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado, more particularly described as follows:

**Commencing** at the Northwest Corner of said Section 16 (being a 2 1/2" Aluminum cap PLS 23515), thence S. 7°25'34" E., a distance of 649.93 feet, to the southwest corner of said Lot 1, said point also being on the east right of way line of Marksheffel Road and the **POINT OF BEGINNING**;

1. Thence along said west line of Lot 1 and said east right of way line, N. 00°21'20" W., a distance of 137.09 feet;
2. Thence N. 02°48'12" E., a distance of 55.00 feet;
3. Thence N. 00°21'20" W., a distance of 85.42 feet;
4. Thence N. 89°38'40" E., a distance of 17.34 feet;
5. Thence S. 00°21'20" E., a distance of 47.81 feet;
6. Thence N. 89°38'40" E., a distance of 15.20 feet;
7. Thence S. 00°21'20" E., a distance of 29.00 feet;
8. Thence S. 17°28'54" W., a distance of 75.01 feet;
9. Thence S. 00°21'20" E., to the south line of said Lot 1, a distance of 129.14 feet;
10. Thence along said south line, S. 89°19'35" W., a distance of 12.60 feet, more or less, to the **POINT OF BEGINNING**.

The above-described parcel contains 5,011 sq. ft. (0.115 acres), more or less.

EXHIBIT B SKETCH is attached hereto and thereby incorporated as a part of the preceding legal description.

Bearings are based on a GPS Static Survey performed July 20, 2006, by CH2M Hill Inc. The west line of the Northwest Quarter of Section 16, from the West Quarter Corner of said Section 16 (a 3-1/4" aluminum cap, PLS 30829) to the Northwest Corner (a 2-1/2" aluminum cap, PLS 23515), bears N 0°21'20" W., a distance of 2,657.15 feet.

This description was prepared by:  
Kevin Williams, P.L.S. 28294  
On behalf of Wilson & Co.  
990 S. Broadway, Ste. 220  
Denver, CO 80209





DATE: 13-FEB-2025

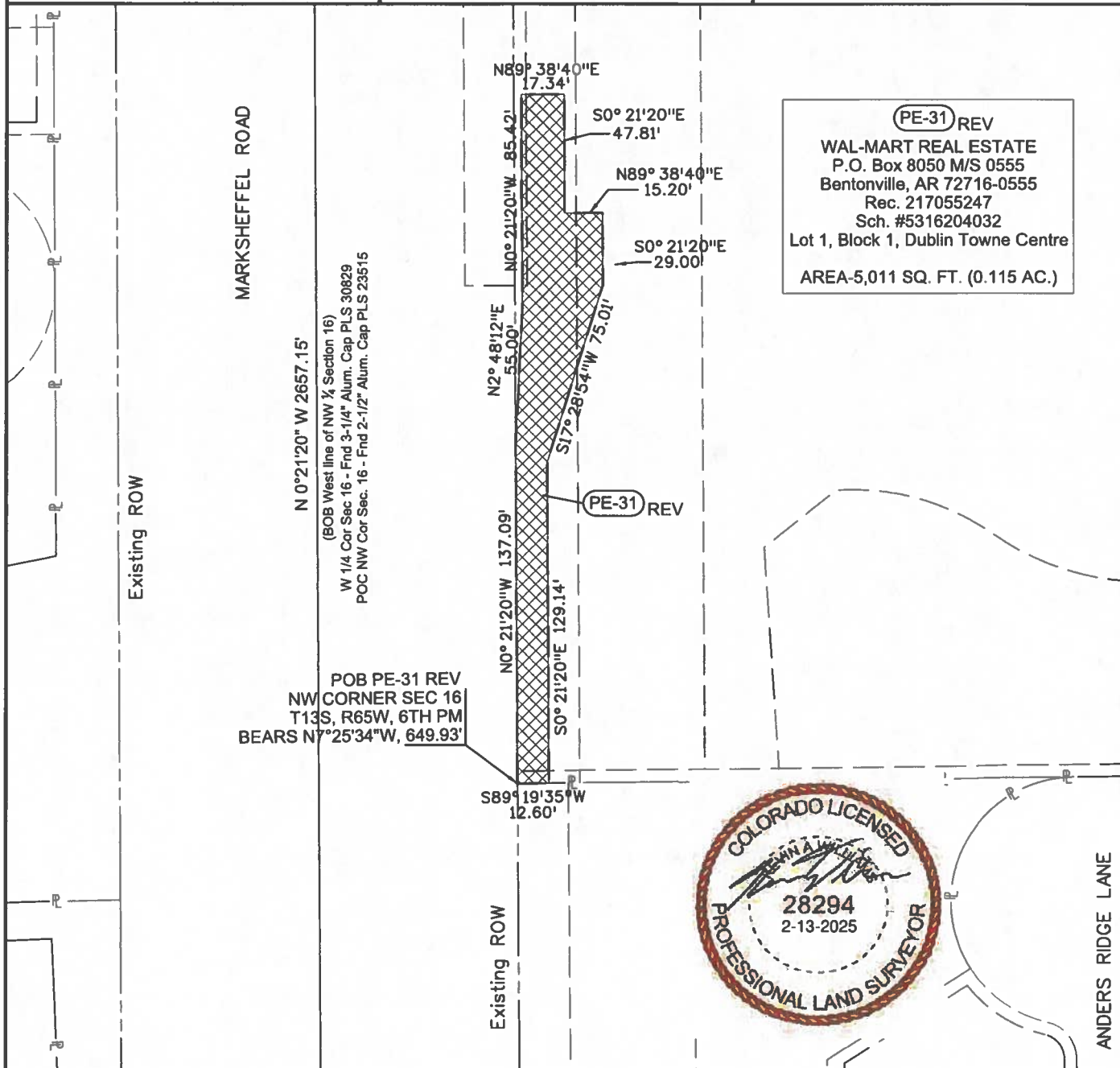
APPROVED BY: K. WILLIAMS

18300ROW\_PE-31-REV\_Exhibit.dgn

**EXHIBIT B SKETCH**  
PERMANENT EASEMENT PE-31 REV  
PARCEL 5316204032  
SECTION 16  
T 13 S, R 65 W, 6TH P.M.  
CITY OF COLORADO SPRINGS,  
EL PASO COUNTY, COLORADO



(PE-31) REV  
WAL-MART REAL ESTATE  
P.O. Box 8050 M/S 0555  
Bentonville, AR 72716-0555  
Rec. 217055247  
Sch. #5316204032  
Lot 1, Block 1, Dublin Towne Centre  
AREA-5,011 SQ. FT. (0.115 AC.)



**NOTES:**

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2. This sketch is a graphic representation of the burdened property. In the event Exhibit B is inconsistent with Exhibit A. Exhibit A shall control.
3. Bearings are based on a GPS Static Survey performed July 20, 2006 by CH2M Hill Inc. The line between stations DOT1 and E\_24 bears N 48°53'48" E a distance of 40,950.79 ft.



DATE: 13-FEB-2025

## EXHIBIT A SKETCH

TEMPORARY EASEMENT TE-31 REV

PARCEL 5316204032

SECTION 16

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

CITY OF COLORADO SPRINGS,  
EL PASO COUNTY, COLORADO

APPROVED BY: K. WILLIAMS

18300ROW\_TE-31-REV\_Exhibit\_1-2.dgn



NW CORNER SEC 16  
T13S, R65W, 6TH PM

POB TE-31 REV  
NW CORNER SEC 16  
T13S, R65W, 6TH PM  
BEARS N73°18'24"W, 99.52'

DUBLIN BLVD.

N89°08'56"E  
26.34'  
N23°11'31"E  
30.33'  
S25°13'02"W  
32.69'

(TE-31) REV  
WAL-MART REAL ESTATE  
P.O. Box 8050 M/S 0555  
Bentonville, AR 72716-0555  
Rec. 217055247  
Sch. #5316204032  
Lot 1, Block 1, Dublin Towne Centre  
AREA-8,612 SQ. FT. (0.198 AC.)

MARKSHEFFEL ROAD

N 0°21'20" W 2657.15'

(BOB West line of NW 1/4 Section 16)  
W 1/4 Cor Sec 16 - Fnd 3-1/4" Alum. Cap PLS 30829  
POC NW Cor Sec. 16 - Fnd 2-1/2" Alum. Cap PLS 23515

Existing ROW  
N 0°21'20"W — 310.58'  
S 0°21'20"E 356.94'

(TE-31) REV

S89°38'40"W  
17.34'



MATCHLINE SHEET 2 OF 2

### NOTES:

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3. Bearings are based on a GPS Static Survey performed July 20, 2006 by CH2M Hill Inc.  
The line between stations DOT1 and E\_24 bears N 48°53'48" E a distance of 40,950.79 ft.



SHEET 1 OF 2

DATE: 13-FEB-2025

## EXHIBIT A SKETCH

TEMPORARY EASEMENT TE-31 REV

PARCEL 5316204032

SECTION 16

T 13 S, R 65 W, 6TH P.M.  
CITY OF COLORADO SPRINGS,  
EL PASO COUNTY, COLORADO

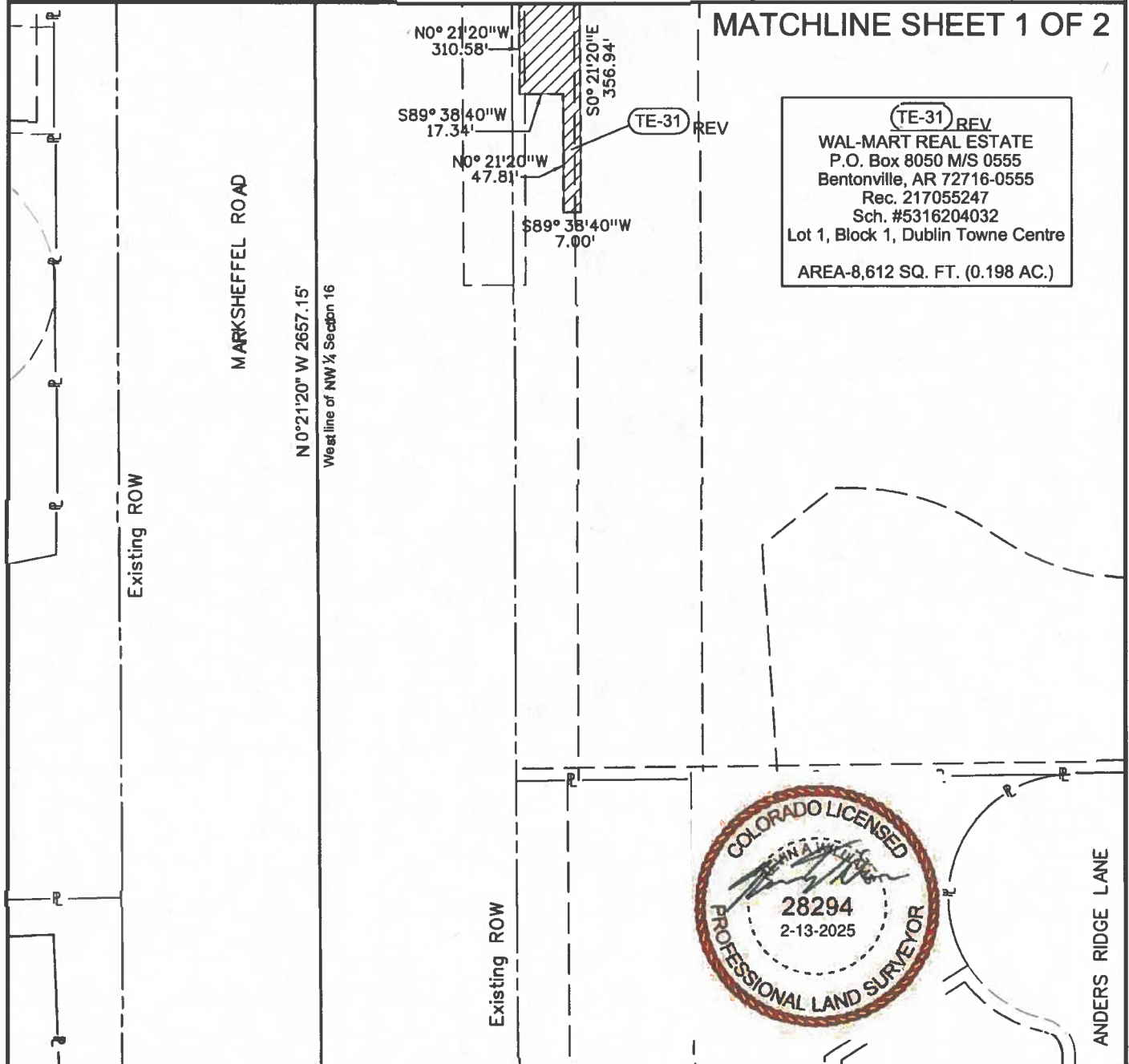


APPROVED BY: K. WILLIAMS

18300ROW\_TE-31-REV\_Exhibit\_2-2.dgn

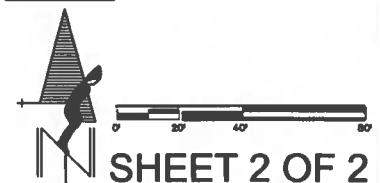
MATCHLINE SHEET 1 OF 2

(TE-31) REV  
WAL-MART REAL ESTATE  
P.O. Box 8050 M/S 0555  
Bentonville, AR 72716-0555  
Rec. 217055247  
Sch. #5316204032  
Lot 1, Block 1, Dublin Towne Centre  
AREA-8,612 SQ. FT. (0.198 AC.)



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SHEET 2 OF 2

DATE: 13-FEB-2025

APPROVED BY: K. WILLIAMS

18300ROW\_TE-31A\_Exhibit.dgn

**EXHIBIT B SKETCH**  
TEMPORARY EASEMENT TE-31A  
PARCEL 5316204032  
SECTION 16  
T 13 S, R 65 W, 6TH P.M.  
CITY OF COLORADO SPRINGS,  
EL PASO COUNTY, COLORADO



(TE-31A)

WAL-MART REAL ESTATE  
P.O. Box 8050 M/S 0555  
Bentonville, AR 72716-0555  
Rec. 217055247  
Sch. #5316204032  
Lot 1, Block 1, Dublin Towne Centre  
AREA-1,447 SQ. FT. (0.033 AC.)

MARKSHEFFEL ROAD

Existing ROW

N 0°21'20" W 2657.15'

(BOB West line of NW 1/4 Section 16)  
W 1/4 Cor Sec 16 - Fnd 3-1/4" Alum. Cap PLS 30829  
POC NW Cor Sec. 16 - Fnd 2-1/2" Alum. Cap PLS 23515

POB TE-31A  
NW CORNER SEC 16  
T13S, R65W, 6TH PM  
BEARS N8°31'36"W, 651.53'

N 17°28'54"E 32.65'  
N 0°21'20"W 129.14'

(TE-31A)

S 89°19'35"W 10.00'

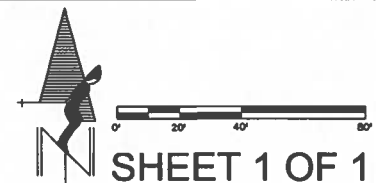
Existing ROW



ANDERS RIDGE LANE

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**SHEET 1 OF 1**