

RESOLUTION NO. 48 - 25

A RESOLUTION AUTHORIZING THE USE OF  
POSSESSION AND USE AND/OR EMINENT DOMAIN TO  
ACQUIRE REAL PROPERTY AND EASEMENTS NEEDED  
FOR THE MARKSHEFFEL ROAD – NORTH CAREFREE TO  
DUBLIN PROJECT

WHEREAS, the City of Colorado Springs (“City”), by and through its Public Works Department (“Public Works”) provides public roads, bridges, stormwater infrastructure and other works and ways, as authorized by Article 1, Section 1-20(d) of the Charter of the City of Colorado Springs; and

WHEREAS, the City is proceeding with the Marksheffel Road – North Carefree to Dublin Project; and

WHEREAS, the Project to improve the Marksheffel Road corridor is necessary for the public health, safety and welfare of the City, which is a necessary public purpose; and

WHEREAS, pursuant to the provisions of Title 38, Article 2 of the Colorado Revised Statutes and Article 1-20 of the City Charter, the City is empowered to acquire property interests within or without its territorial jurisdiction through institution of eminent domain proceedings, for all interests necessary for the City; and

WHEREAS, negotiations with the Property Owner to purchase Real Property and Utility and Temporary Easements (“Property”) have reached an impasse and Public Works has an imminent need to acquire the Property in order to perform the necessary maintenance included in the Project; and

WHEREAS, the City will need to acquire the rights on the Property as set forth below, and further described in the legal descriptions attached hereto, to allow the Project to proceed as scheduled and to avoid delays which could adversely impact this Project and the City.

Property Owner	TSN	Property Interest	Exhibit
Stetson Hills Property Owner LLC	5321001005	9,364 Sq.Ft. Real Property 31,967 Sq.Ft. CSU Easement 12,464 Sq.Ft. Temporary Easement	A

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

Section 1. City Council hereby finds it to be in the interest of public health, safety and, welfare, and that the City has a need to, and it is necessary to, acquire the Property from the Property Owner for constructing and maintaining the Project which is for a public purpose.

Section 2. The City Attorney is hereby authorized to take all action necessary to acquire the Property, and to seek immediate possession of the Property by a voluntary Possession and Use Agreement, eminent domain, or other appropriate proceedings.


Section 4. This Resolution is contingent on funding of the Purchase by the Pikes Peak Rural Transportation Authority ("PPRTA").

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

Dated at Colorado Springs, Colorado this 8<sup>th</sup> day of April 2025.

  
Randy Helms, Council President

ATTEST:

  
Sarah B. Johnson, City Clerk



# EXHIBIT A - PAGE 1 of 9

PARCEL DESIGNATION	5321001005	DATE:	April 9, 2024
OWNER:	STETSON HILLS PROPERTY OWNER LLC		

## EXHIBIT A

### LEGAL DESCRIPTION

#### RIGHT OF WAY – RW-15 REV

A portion of that parcel of land as described in Reception Number 217045733 of the records of El Paso County, said parcel is located in Lot 3 of the Cnty Subdivision No. 2, in the West Half of Section 21, Township 13 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado, more particularly described as follows:

**Commencing** at the West Quarter Corner of said Section 21 (being a 2 ½" Aluminum cap "LS 17664), thence N. 5°02'55" E., a distance of 870.47 feet, to a point being on the southerly property line of said property described by Reception Number 217045733, said point also being the **POINT OF BEGINNING**;

1. Thence along said southerly property line, S. 89°26'19" W., to the east right of way line of Marksheffel Road, a distance of 5.89 feet;
2. Thence along said east right of way line, N. 0°36'50" W., a distance of 361.33 feet;
3. Thence continuing along said east right of way line, S. 89°23'10" W., a distance of 20.00 feet;
4. Thence continuing along said east right of way line, N. 0°32'48" W., to the north line of said property described in Reception Number 217045733, a distance of 277.67 feet;
5. Thence along said north line, N. 89°09'00" E., a distance of 25.85 feet;
6. Thence S. 0°35'18" E., a distance of 639.11 feet, more or less, to the **POINT OF BEGINNING**.

Said parcel of land contains 9,364 square feet or 0.215 acres, more or less.

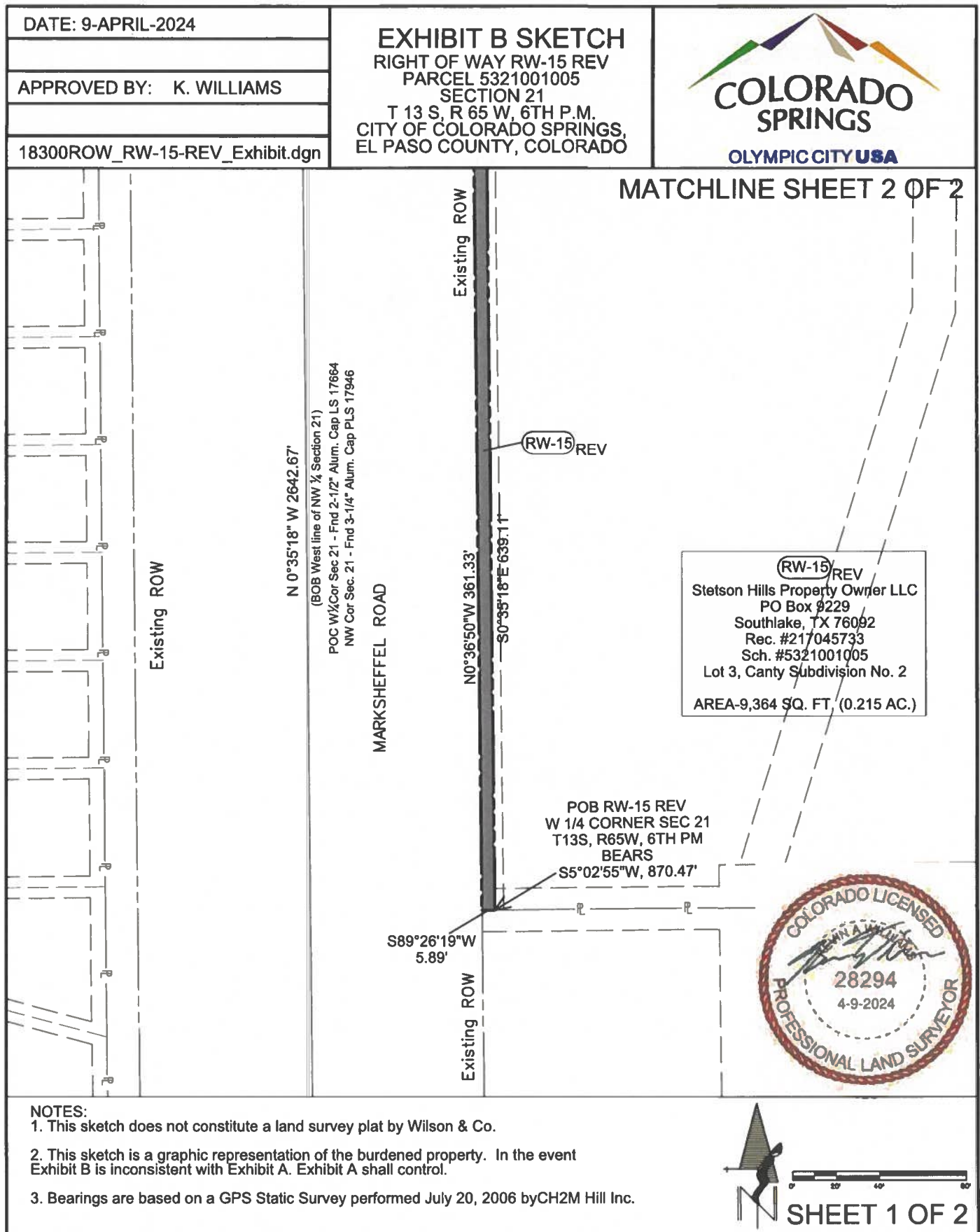
EXHIBIT B SKETCH is attached hereto and thereby incorporated as a part of the preceding legal description.

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 21 from the said West Quarter Corner (a 2-1/4" aluminum cap, PLS 17664) to the Northwest Corner of said Section 21 (a 3-1/4" aluminum cap, PLS 17946) bears N 0°35'18" W., a distance of 2,642.67 feet.

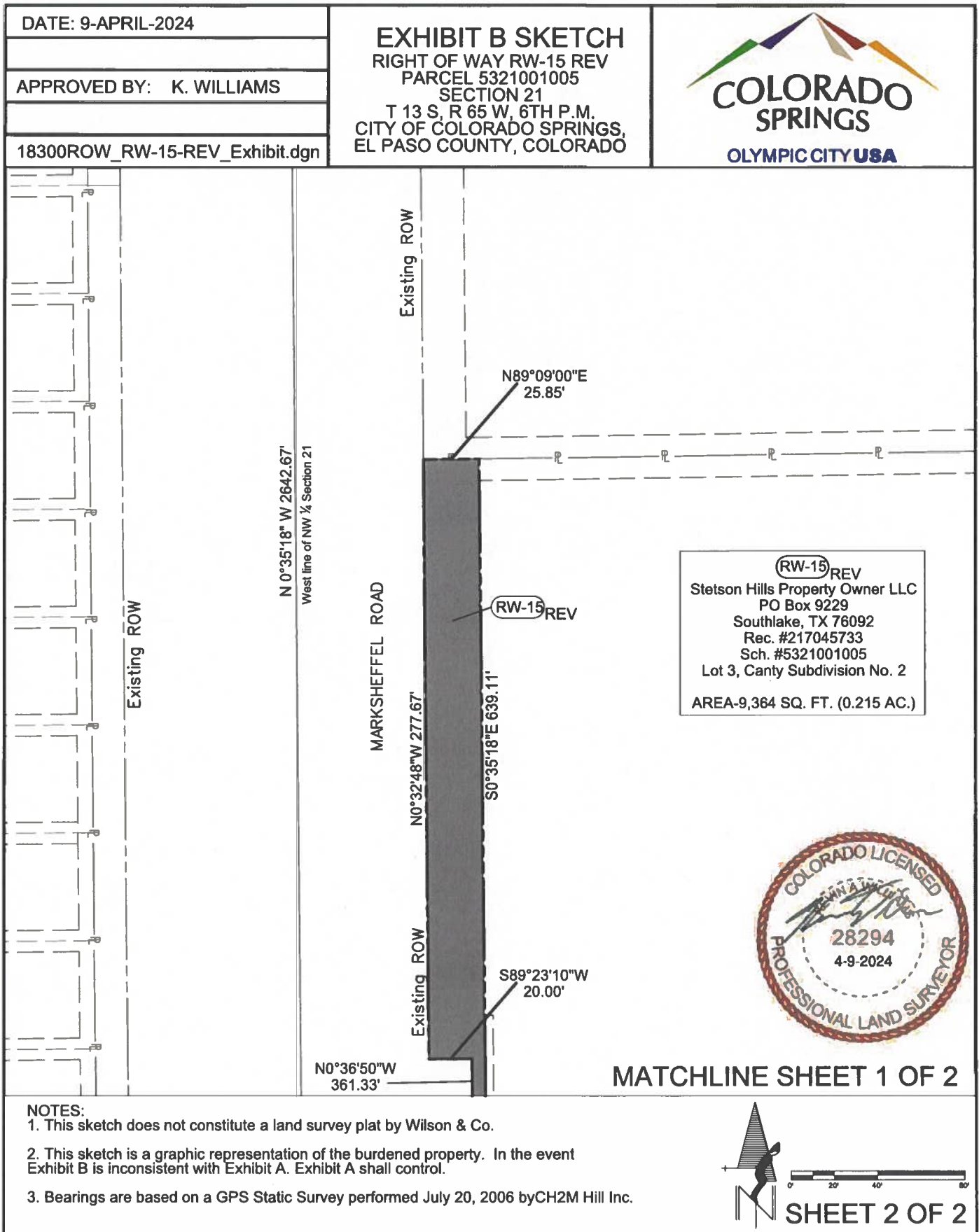
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This description was prepared by:  
Kevin Williams, P.L.S. 28294  
On behalf of Wilson & Co.  
990 S. Broadway, Ste. 220  
Denver, CO 80209





# EXHIBIT A - PAGE 4 of 9



PARCEL DESIGNATION	5321001005	DATE:	May 1, 2024
OWNER:	STETSON HILLS PROPERTY OWNER LLC		

**EXHIBIT B****LEGAL DESCRIPTION****UTILITY EASEMENT – UE-15A**

A portion of that parcel of land as described in Reception Number 217045733 of the records of El Paso County, said parcel is located in Lot 3 of the Cnty Subdivision No. 2, in the West Half of Section 21, Township 13 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado, more particularly described as follows:

**Commencing** at the West Quarter Corner of said Section 21 (being a 2 ½" Aluminum cap "LS 17664), thence N. 6°21'20" E., a distance of 872.66 feet, to a point being on the southerly property line of said property described by Reception Number 217045733 from which the southwest corner of said property bears S. 89°26'19" W., a distance of 25.89 feet, said point also being the **POINT OF BEGINNING**;

1. Thence N. 0°35'18" W., to the north line of said property described in Reception Number 217045733, a distance of 639.21 feet;
2. Thence along said north line, N. 89°09'00" E., a distance of 50.00 feet;
3. Thence S. 0°35'18" E., to the said southerly property line, a distance of 639.46 feet;
4. Thence along said southerly property line, S. 89°26'19" W., a distance of 50.00 feet, more or less, to the **POINT OF BEGINNING**.

Said parcel of land contains 31,967 square feet or 0.734 acres, more or less.

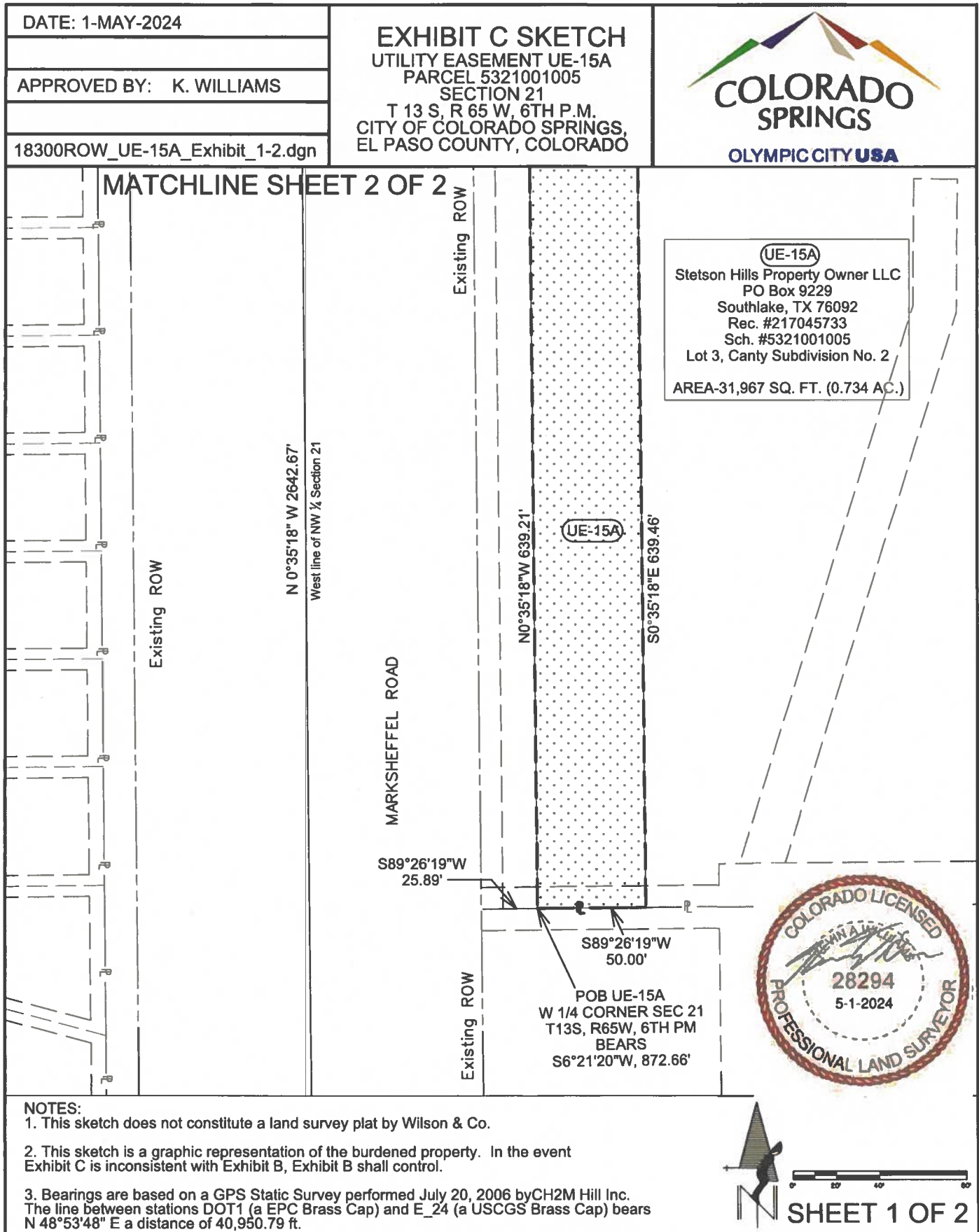
EXHIBIT C SKETCH is attached hereto and thereby incorporated as a part of the preceding legal description.

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

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



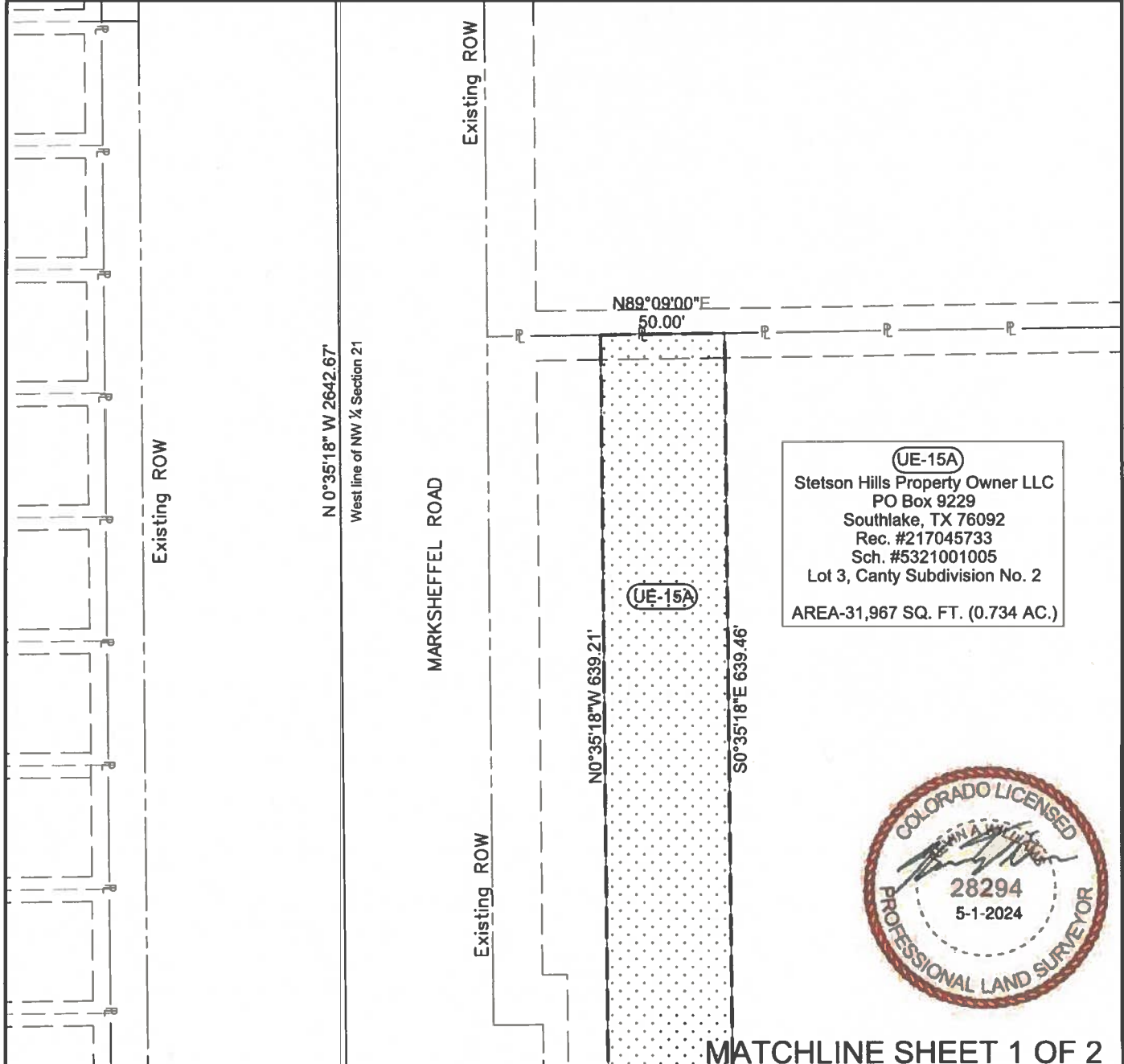
# EXHIBIT A - PAGE 6 of 9





# EXHIBIT A - PAGE 7 of 9

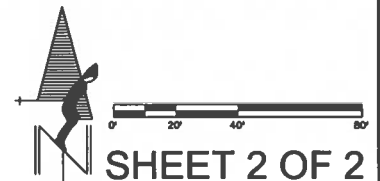
DATE: 1-MAY-2024	<b>EXHIBIT C SKETCH</b> UTILITY EASEMENT UE-15A PARCEL 5321001005 SECTION 21 T 13 S, R 65 W, 6TH P.M. CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO	
APPROVED BY: K. WILLIAMS		
18300ROW UE-15A_Exhibit.dgn		

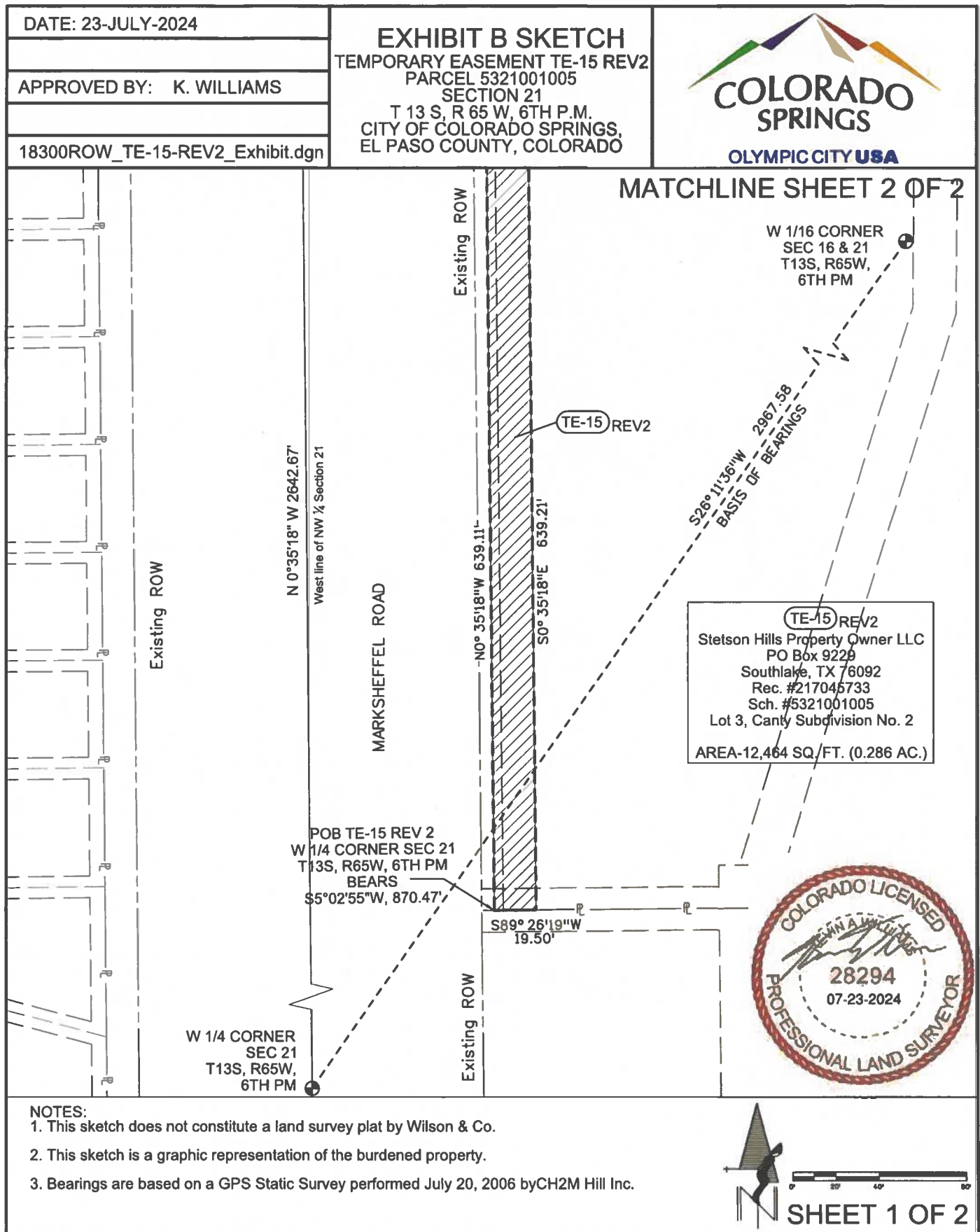


MATCHLINE SHEET 1 OF 2

**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 C is inconsistent with Exhibit B, Exhibit B shall control.
3. Bearings are based on a GPS Static Survey performed July 20, 2006 by CH2M Hill Inc. The line between stations DOT1 (a EPC Brass Cap) and E\_24 (a USCGS Brass Cap) bears N 48°53'48" E a distance of 40,950.79 ft.





# EXHIBIT A - PAGE 9 of 9

