

RESOLUTION NO. 122 - 24

A RESOLUTION AUTHORIZING THE USE OF POSSESSION AND USE AND/OR EMINENT DOMAIN TO ACQUIRE CERTAIN EASEMENTS NEEDED FOR THE I-25 RAMPS/NEVADA TEJON CORRIDOR IMPROVEMENTS 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 I-25 Ramps/Nevada Tejon Corridor Improvements Project; and

WHEREAS, the Project to improve the Nevada Avenue and Tejon Street corridors and I-25 ramps 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 two (2) Property Owners to purchase permanent easements ("Easements") have reached an impasse and Public Works has an imminent need to acquire the Easements in order to construct the necessary improvements included in the Project; and

WHEREAS, the City will need to acquire rights on the following properties as set forth below and 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.

<b>Assessor's Parcel Number (APN)</b>	<b>Property Owner</b>	<b>Property Interest</b>	<b>Exhibits</b>
6419413062	Harman Management Corp	Permanent Easement 254 Square Feet	A and B
6419308001	KW 1502 LLC	Permanent Easement 245 Square Feet	C and D

**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 Easements from the Property Owners 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 Easements and to seek immediate possession of the Easements 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 8<sup>th</sup> day of October 2024.

  
Randy Helms, Council President

ATTEST:

  
Sarah B. Johnson, City Clerk



PARCEL DESIGNATION	6419413062	DATE:	JUNE 19, 2024
OWNER:	HARMAN MANAGEMENT CORPORATION		

## EXHIBIT A

### LEGAL DESCRIPTION

#### PE-04

A portion of that parcel of land as described in Reception Number 214013509 of the records of El Paso County, said parcel is located in Lot 1, Block 1, Harman Subdivision Filing No. 1 in the Southeast Quarter of Section 19, Township 14 South, Range 66 West of the Sixth Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

**Commencing** at a #4 rebar, at the Northwest corner of Lot 1, Holland Buerk Subdivision, thence N 00°43'41" W, a distance of 189.50 feet to the northwest corner of said property described in Reception Number 214013509, and the **POINT OF BEGINNING**, from whence the Southwest Corner of the Southeast Quarter of said Section 19 (being a 3-1/4" Aluminum cap "CDOT., PLS 9014") bears S 02°50'51" W, a distance of 766.61 feet.

1. Thence along the north line of said property, N 88°08'29" E, a distance of 14.37 feet;
2. Thence, S 62°24'40" W, a distance of 11.48 feet;
3. Thence, S 00°43'41" E, a distance of 50.42 feet;
4. Thence, S 89°16'19" W, a distance of 4.12 feet to a point on the west line of said property;
5. Thence along said west line, N 00°43'41" W, a distance of 55.32 feet to the **POINT OF BEGINNING**.

Said parcel of land contains 254 square feet, 0.006 acres more or less.

Acquired for construction and maintenance of roadway improvements.

Bearings are based on a GPS Static Survey performed 10/4/2022, by Wilson & Company Inc., Engineers & Architects. Bearings used in the calculations of coordinates are based on a Colorado State Plane South Zone grid bearing of N 00°43'41" W along the East line of North Nevada Avenue monumented by a 1.5" aluminum cap stamped "COLO DEPT OF TRANS LS28276 691" at the Northeast corner of the West 20 feet of Lot 4, Block 1, Lihue Subdivision and a #4 rebar at the Northwest corner of Lot 1, Holland Buerk Subdivision.

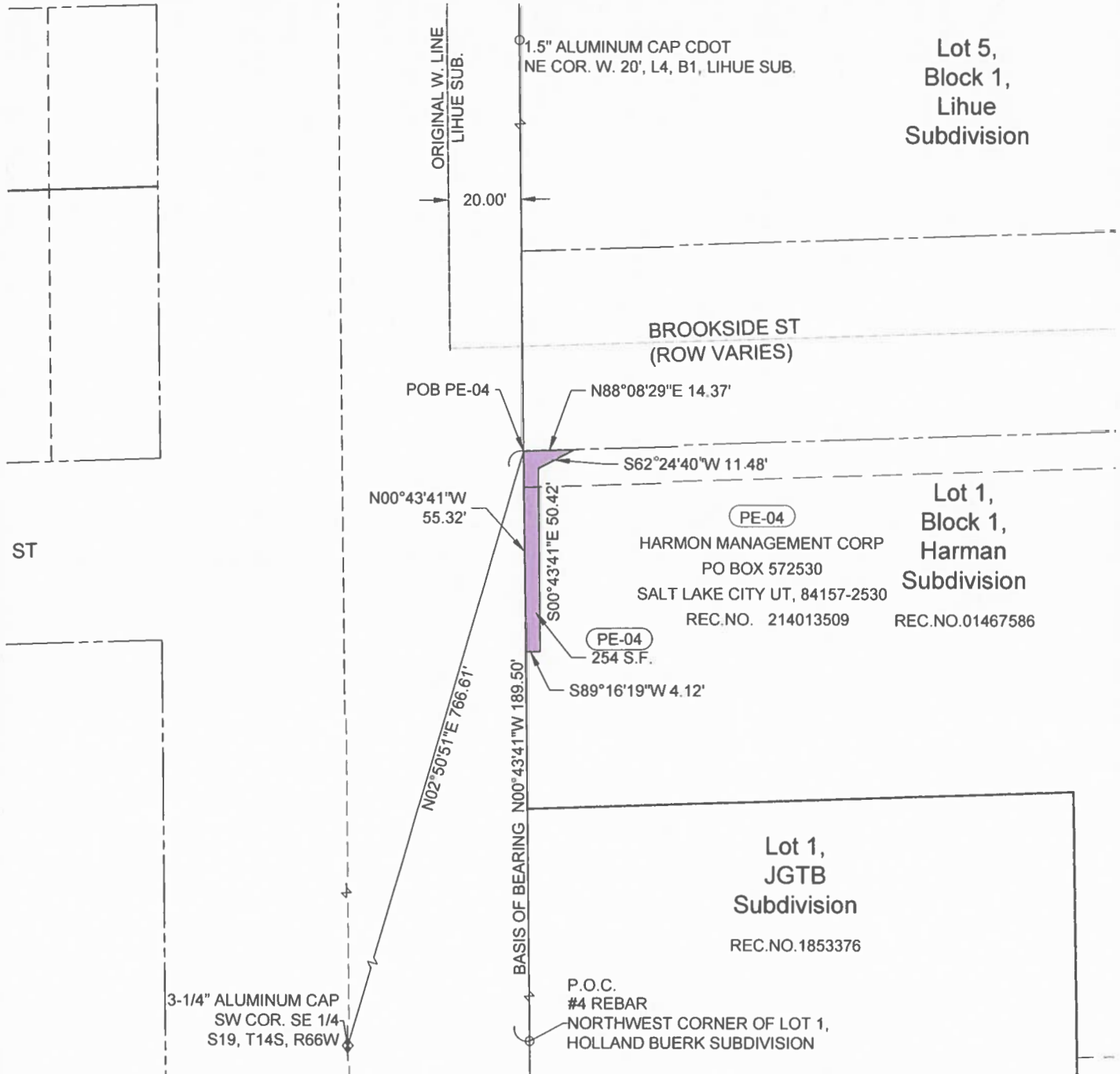
This description was prepared by:  
Michael Lindquist, P.L.S. 38666  
On behalf of Wilson & Co.  
990 S. Broadway, Ste. 220  
Denver, CO 80209  
(303) 297-2976



**EXHIBIT B**

"PE-04"

A PARCEL LOCATED IN LOT 1, BLOCK 1, HARMAN SUBDIVISION FILING NO.1, IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



NOTE:  
THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.



21-100-245

NO.	REVISION-DESCRIPTION	BY	DATE	CHK'D	APP'D

SHT NO	3 OF 3
SCALE	1" = 40'
DWN BY	CDW
DATE	5-03-2024
CHK BY	
PROJ MGR	MJL
DATE	5-16-2024
CLIENT APP	

**WILSON & COMPANY** 990 South Broadway Suite 220  
Denver, CO 80209  
Phone 303-297-2976  
Fax 303-297-2693

**EXHIBIT B**  
**PE-04**  
**CITY OF COLORADO SPRINGS**  
**COUNTY OF EL PASO**  
**STATE OF COLORADO**

PARCEL DESIGNATION	6419308001	DATE:	JUNE 19, 2024
OWNER:	KW 1502 LLC, A COLORADO LIMITED LIABILITY COMPANY		

## EXHIBIT C

### LEGAL DESCRIPTION

#### PE-10

A portion of that parcel of land described in Reception Number 220192019 of the records of El Paso County, said parcel is located in Lot 12, Block 3, Town of Brookside, in the Southwest Quarter of Section 19, Township 14 South, Range 66 West of the Sixth Principal Meridian, City of Colorado Springs, El Paso County, Colorado, more particularly described as follows:

**Commencing** at a #4 rebar at the Northwest corner of Lot 1, Holland Buerk Subdivision, thence N 36°34'34" W, a distance of 170.75 feet to the northeast corner of said property described in Reception Number 220192019, and the **POINT OF BEGINNING**, from whence the Southeast Corner of the Southwest Quarter of said Section 19 (being a 3-1/4" Aluminum cap "CDOT., PLS 9014") bears S 04°54'31" E, a distance of 715.94 feet;

1. Thence along the east line of said property, S 00°43'41" E, a distance of 12.31 feet;
2. Thence, S 89°16'19" W, a distance of 12.68 feet;
3. Thence, N 52°24'54" W, a distance of 19.00 feet to a point on the north line of said property;
4. Thence along said north line, N 88°10'14" E, a distance of 27.60 feet to the **POINT OF BEGINNING**.

Said parcel of land contains 245 square feet, 0.006 acres more or less.

Acquired for construction and maintenance of roadway improvements.

Bearings are based on a GPS Static Survey performed 10/4/2022, by Wilson & Company Inc., Engineers & Architects. Bearings used in the calculations of coordinates are based on a Colorado State Plane South Zone grid bearing of N 00°43'41" W along the East line of North Nevada Avenue monumented by a 1.5" aluminum cap stamped "COLO DEPT OF TRANS LS28276 691" at the Northeast corner of the West 20 feet of Lot 4, Block 1, Lihue Subdivision and a #4 rebar at the Northwest corner of Lot 1, Holland Buerk Subdivision.

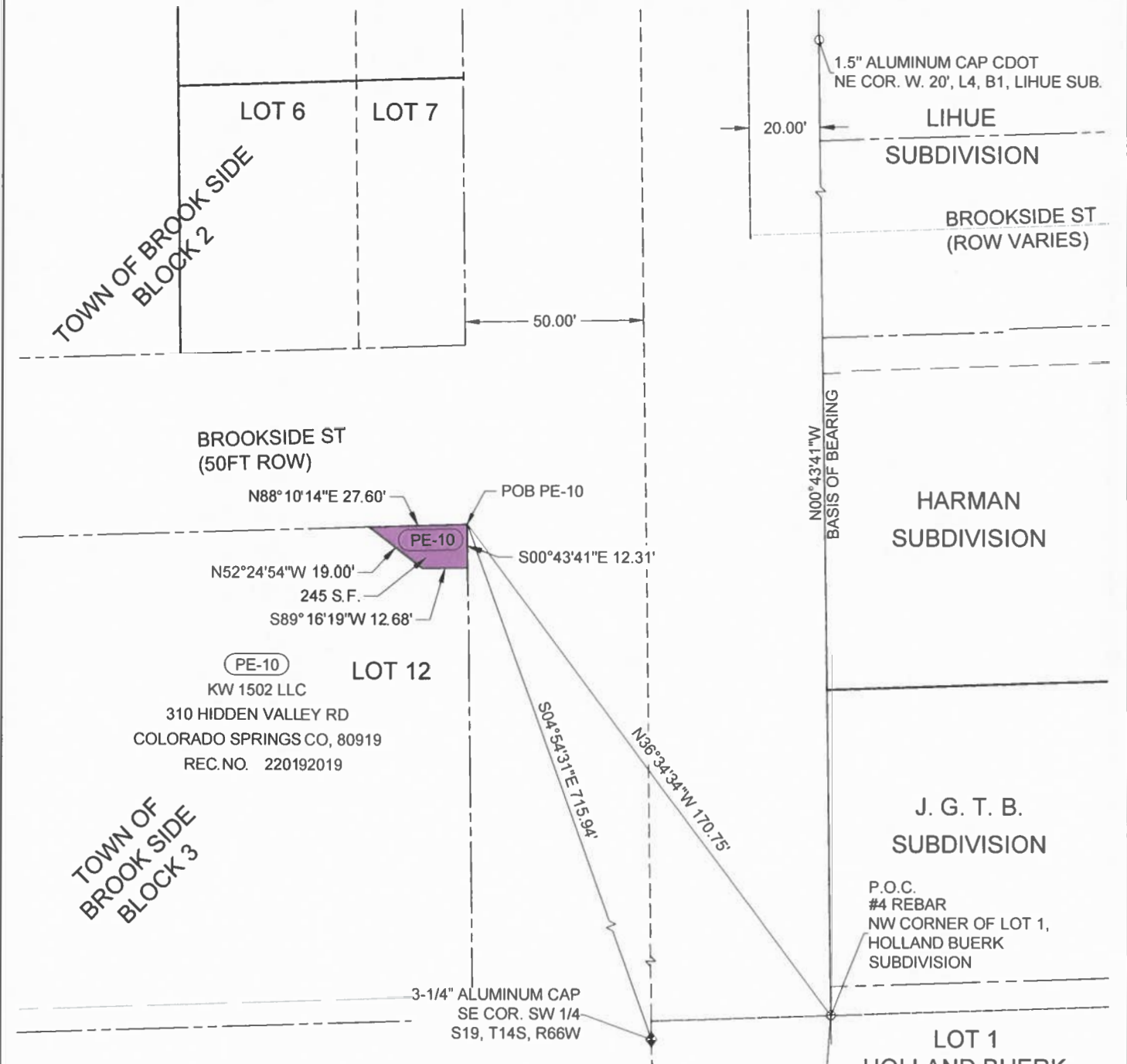
This description was prepared by:  
Michael Lindquist, P.L.S. 38666  
On behalf of Wilson & Co.  
990 S. Broadway, Ste. 220  
Denver, CO 80209  
(303) 297-2976



**EXHIBIT D**

"PE-10"

A PARCEL LOCATED IN LOT 12, BLOCK 3, TOWN OF BROOKSIDE, IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



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**21-100-245**

NO.	REVISION-DESCRIPTION	BY	DATE	CHK'D	APP'D

SHT. NO:	2 OF 2
SCALE:	1" = 40'
DWN. BY:	CDW
DATE:	5-03-2024
CHK. BY:	
PROJ. MGR:	MJL
DATE:	5-16-2024
CLIENT APP:	

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**EXHIBIT B**  
**PE-10**  
**CITY OF COLORADO SPRINGS**  
**COUNTY OF EL PASO**  
**STATE OF COLORADO**