

RESOLUTION NO. 72 – 24

A RESOLUTION TO APPROVE AND ACCEPT A QUITCLAIM DEED FROM THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, CONCERNING PORTIONS OF TROY HILL ROAD FROM EAST PLATTE AVENUE TO 275 FEET NORTH OF AIRPORT ROAD

WHEREAS, pursuant to Article 1, Section 1-20(d) of the Charter of the City of Colorado Springs (the "City"), the City has the authority to purchase, acquire and maintain ways for the use of the City and its inhabitants; and

WHEREAS, the Transportation Commission of the State of Colorado and the Colorado Department of Transportation ("CDOT") seek to expedite the implementation of improvements to highways of, and transit in, the State of Colorado and to solicit partnerships in transportation solutions; and

WHEREAS, CDOT is directed to improve the State's transportation infrastructure and leveraging state transportation dollars by creating public-public partnerships between CDOT and local governments to potentially move forward with projects that CDOT would not be able to fund alone; and

WHEREAS, on April 18, 2024 the Colorado Transportation Commission adopted Resolution #TC-2024-04-04, which determined that the portion of Troy Hill Road between East Platte Avenue and 275 feet north of Airport Road no longer serves the ongoing purpose of the state highway system; and

WHEREAS, CDOT has executed a Quitclaim Deed in consideration of the sum of Ten Dollars and No Cents (\$10.00) and other good and valuable consideration as discussed herein, for Troy Hill Road that is to be owned by the City which shall be recorded by the City in the El Paso County Clerk and Recorder's Office, and a copy shall be provided to CDOT within 60 days of the City's receipt of payment; and

WHEREAS, the Quitclaim Deed contains a reverter clause which states that in the event the property conveyed fails to be used for public purposes, then the Quitclaim Deed will become null and void and the property conveyed shall revert to the Colorado Department of Transportation; and

WHEREAS, Colorado Springs City Council has determined that it would serve the best interests of the public to approve the acceptance of the road and execution of the Quitclaim Deed attached hereto and incorporated herein as Exhibit 1, to effectuate the hereinabove transaction.

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


Section 1. In accordance with Chapter 2.11 of the Real Estate Services Manual, City Council hereby authorizes the conveyance of the Troy Hill Road to the City from CDOT.

Section 2. Pursuant to the Real Estate Manual, Chapter 2, section 2.11, the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the conveyance of the Property.

Dated at Colorado Springs, Colorado this 23rd day of July 2024.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



QUITCLAIM DEED

THIS DEED is dated _____, and is made between **DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO**, the "Grantor", whose legal address is 2829 W. Howard Place, Denver, CO 80204, of the City and County of Denver and State of Colorado, and the City of Colorado Springs, Colorado, a home rule city and Colorado municipal corporation the "Grantee," whose legal address is c/o Real Estate Services, P.O. Box 1575 MC 525, Colorado Springs, CO 80901, in the County of El Paso, State of Colorado.

WITNESS, that the Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, sell and QUITCLAIM unto the Grantee, and the Grantee's heirs and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with any improvements thereon, located in the County of El Paso and State of Colorado, described as follows:

Any and all existing right of way of the Department of Transportation, State of Colorado, of Troy Hill Road in the east half of Section 13, Township 14 South, Range 66 West of the 6th Principal Meridian, in the County of El Paso, State of Colorado, from Platte Avenue south to a line more specifically described in Exhibit "A" and shown on Exhibit "B".

Beginning, ending, and other right-of-way limits more specifically as described in attached Exhibit "A" dated January 31, 2024, and shown on Exhibit "B".

also known by street address as approximately: vacant land
and assessor's schedule or parcel number: N/A

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, and the Grantee's heirs and assigns, forever.

SUBJECT TO ANY AND ALL EASEMENTS OF RECORD, AND TO ANY AND ALL EXISTING UTILITIES AS CONSTRUCTED, AND FOR THEIR MAINTENANCE AS NECESSARY.

IN THE EVENT THE PROPERTY HEREIN CONVEYED FAILS TO BE USED FOR PUBLIC PURPOSES THEN THIS DEED SHALL BECOME NULL AND VOID AND THE PROPERTY SHALL REVERT TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

ATTEST:

**DEPARTMENT OF TRANSPORTATION:
STATE OF COLORADO**

**Hope Wright
Chief Clerk - Property Management**

**Keith Stefanik, P.E
Chief Engineer**

STATE OF COLORADO)
) ss:
City and County of Denver)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Keith Stefanik, P.E. as Chief Engineer and Hope Wright as Chief Clerk, Property Management for the State of Colorado, Department of Transportation.

Witness my hand and official seal:
My commission expires:

Notary Public

Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)

GRANTEE:
City of Colorado Springs, Colorado, a home rule city and
Colorado municipal corporation

Accepted:

By: _____
Kellie Billingsley, Acting Real Estate Services Manager

By: _____
Gayle Sturdivant, Deputy Public Works Director

Approved as to Form:

EXHIBIT "A"

DATE: January 31, 2024

Beginning at the south right-of-way line of Platte Ave, as shown on page 9A of the Department of Transportation, State of Colorado Project No. "STA-STE-NH(CX) 024-3(41) Unit 2" plans, said line and parcel being more particularly described as follows:

All of Troy Hill Road Right-of-Way from a line described from point 7026 to 6162 as shown on page 9A of the Department of Transportation, State of Colorado Project No. "STA-STE-NH(CX) 024-3(41) Unit 2" plans, said line also being the northerly limit of Troy Hill Road and the southerly limit of Platte Ave, to a line from the "Point of Beginning" of parcel RW-22F, Southeasterly to the Southwest corner of Tract A as shown on Subdivision Plat: Westgate at Powers Filing NO. 2 recorded in El Paso County Records at Reception Number: 219714417

The following parcels from the Department of Transportation, State of Colorado Project No. "STA-STE-NH(CX) 024-3(41) Unit 2" are included in this transfer:

1. That portion of "Unit 2 Parcel 220" as described in the El Paso County records at Book 6434, Pages 1164 (described on page 1165) lying south of the above described northerly limit of Troy Hill Road;
2. That portion of "Unit 2 Parcel 217" beginning at "Also" as described in the El Paso County records at Reception Number 098021111 (Exhibit "A" on page 3) and all of "Unit 2 Parcel 217-A" as described in the El Paso County records at Reception Number 098021111 (Exhibit "D" on page 4);
3. All of "Unit 2 Parcel R217-A" as described in the El Paso County records at Book 6550, Pages 704 (705);
4. That portion of "Unit 2 Parcel 208" as described in the El Paso County records at Book 6699, Pages 1116 (1118) starting from the word "ALSO";
5. That portion of "Unit 2 Parcel 207" as described in the El Paso County records at Book 6503, Pages 862 (863) starting from the word "ALSO";
6. All of "Unit 2 Parcel 205" as described in the El Paso County records at Book 6263, Pages 47 (48);

Also included in this transfer is the following parcel from the Department of Transportation, State of Colorado Project No. "STA-STE-NH(CX) 024-3(41) Unit 1":

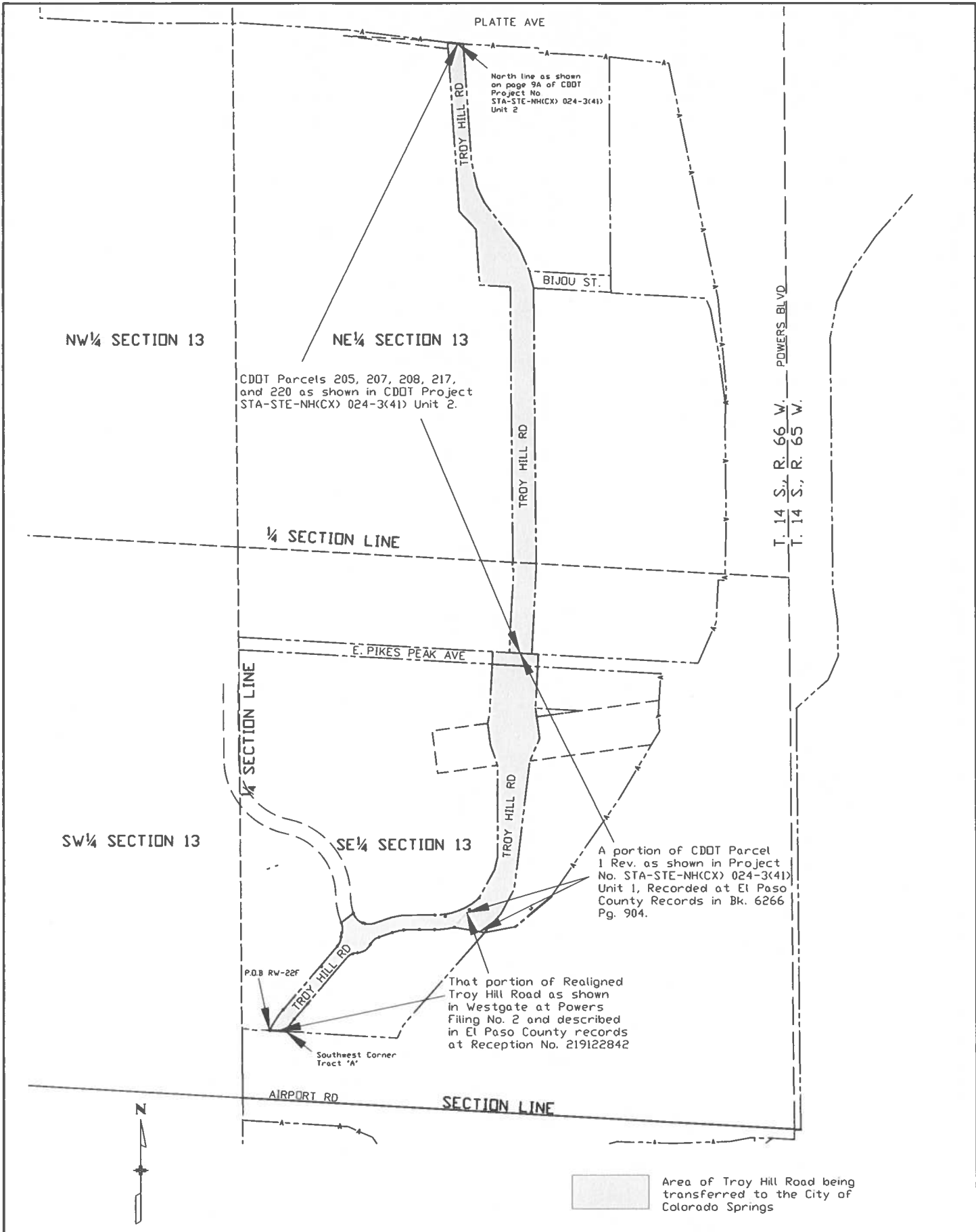
7. That portion of "Unit 1 Parcel 1 Rev." as described in the El Paso County records at Book 6902, Pages 1054 (1057 & 1058) ending at the word "Also",

EXCEPT parcel 22-EX1, a previously vacated portion of said "Parcel 1 Rev" recorded in El Paso County records at Reception Number 219122842.

Also included in this transfer is parcel EA-22A from the Department of Transportation, State of Colorado Project No. "C R200-142", and Project No. STU 0212-005, parcels RW-22C, RW-22D, RW-22E, RW-22F described in El Paso County records at Reception Number 219122842.

EXCEPT parcels 22-EX2, 22-EX3, 22-EX4 and 22EX-5 from the Department of Transportation, State of Colorado Project No. STU 0212-005, a previously vacated portion of EA-22A described in El Paso County records at Reception Number 219122842.

THE TOTAL AREA OF THE ALL OF THE ABOVE-DESCRIBED PARCELS IS 645,282 SQ FT, (14.814 ACRES), MORE OR LESS.



Date: 1/30/2024



TROY HILL RD
EXHIBIT "B"



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