

RESOLUTION NO. 198 - 25

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE A PERMANENT EASEMENT ON REAL PROPERTY KNOWN AS EL PASO COUNTY TAX SCHEDULE NUMBER 6433102038 OWNED BY WESTON ROAD HOLDINGS COMPANY LLC 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, a permanent easement on the property located at 2565 Weston Road, Colorado Springs, Colorado, also known as El Paso County Tax Schedule Number 6433102038 (the "Property") and owned by Weston Road Holdings Company LLC (the "Property Owner") has been identified as necessary for the Kelker to South Plant Transmission Project ("Project"); and

WHEREAS, the permanent easement to be acquired for this Project is more particularly described and depicted on the attached exhibits (the "Easement"); and

WHEREAS, the acquisition of the Easement 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 Easement, City Council may authorize the City to enter into a possession and use agreement with the Property Owner and/or commence condemnation proceedings to acquire the Easement, 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 Easement as described in the attached legal description to be necessary for the construction of the Project.

Section 2. That City Council hereby finds the acquisition of the Easement serves 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 Easement.

Section 4. That the City Attorney is hereby authorized to take all action necessary to acquire the Easement, 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 9<sup>th</sup> day of December 2025.

ATTEST:

  
Sarah B. Johnson, City Clerk



  
Lynnette Crow-Iverson, Council President

## EXHIBIT A

A PARCEL OF LAND LYING WITHIN SECTION 33, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS A PART OF TRACT D SPROUL RAIL INDUSTRIAL PARK FILING NO. 1, AS RECORDED IN THE REAL PROPERTY RECORDS OF EL PASO COUNTY, COLORADO AT RECEPTION NO. 220182719.

## EXHIBIT B

A PARCEL OF LAND LYING WITHIN SECTION 33, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS A PART OF TRACT D SPROUL RAIL INDUSTRIAL PARK FILING NO. 1, AS RECORDED IN THE REAL PROPERTY RECORDS OF EL PASO COUNTY, COLORADO AT RECEPTION NO. 220182719.

COMMENCING AT THE SOUTHWESTERLY CORNER OF TRACT D OF SPROUL RAIL INDUSTRIAL PARK FILING NO. 1, THENCE NORTH 49 DEGREES 51 MINUTES 14 SECONDS EAST, A DISTANCE OF 96.85 FEET;

THENCE DEPARTING SAID LINE, SOUTH 47 DEGREES 44 MINUTES 57 SECONDS EAST, A DISTANCE OF 6.05 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 47 DEGREES 44 MINUTES 57 SECONDS EAST, A DISTANCE OF 498.21 FEET;

THENCE NORTH 50 DEGREES 06 MINUTES 01 SECONDS EAST, A DISTANCE OF 22.02 FEET;

THENCE NORTH 47 DEGREES 48 MINUTES 23 SECONDS WEST, A DISTANCE OF 498.37 FEET ALONG THE NORTHEASTERLY BOUNDARY LINE OF A 60 FOOT CANAL EASEMENT, ALSO BEING THE NORTHEASTERLY LINE OF THE SUBJECT PROPERTY;

THENCE SOUTH 49 DEGREES 51 MINUTES 14 SECONDS WEST, A DISTANCE OF 21.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,746 SQ. FEET, OR 0.247 ACRES, OF LAND MORE OR LESS.

## SURVEYOR'S CERTIFICATE



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

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

FIMS 720744 U

CLIENT PARCEL #28 (POLE 64)

REVISED 07-06-2023 [KLR]

SHEET 1 OF 3

## 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 C**

- FOUND MONUMENT AS NOTED
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- A(#) ADJOINER
- BOUNDARY LINE
- PUBLIC UTILITY EASEMENT LINE
- PLATTED EASEMENT LINE
- PER REC. NO. 456855

**6' DRAINAGE & UTILITY  
EASEMENTS PER PLAT**

WESTON RD

TNR DEVELOPMENT LLC  
APN 6433102037  
PART OF TRACT D LYING  
IN PART OF 601 CANAL EASEMENT PARK  
RAIL INDUSTRIAL PARK  
REC NO. 45889  
1 - 2

ROAD HOLDINGS -  
APN 6433110203  
REC. NO. 22018271  
REC. EXCEPT PART L  
REC. D. CANAL EASEMENT  
TRAC. D. 60 CANAL INDUSTRIAL PARK  
NELLY OF 60 RAIL INDUSTRIAL PARK  
SERVING NO. 1 - REC. NO. 456855  
SELLING NO. 1 - REC. NO. 456855  
ATCHISON, TOP

REvised  
CANAL  
EASEMENT  
REC NO.  
218057895

AT&T EASEMENT  
PER PLAT

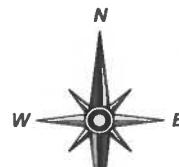
FOUND PK NAIL & WASHER  
"LWA PLS 28658" FLUSH

EDW. C. LEVY CO.  
APN 6434204013, 6434200020,  
6434200002, & 6434200026  
DEED BOOK 6820, PAGE 1065

**GRAPHIC SCALE**

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

LINE	BEARING	DISTANCE
L1	N 49°51'14" E	96.85'
L2	S 47°44'57" E	6.05'
L3	S 47°44'57" E	498.21'
L4	N 50°06'01" E	22.02'
L5	N 47°48'23" W	498.37'
L6	S 49°51'14" W	21.51'



1" = 100'  
GRAPHIC SCALE

0 50' 100' 200'

A graphic scale diagram showing a horizontal line with tick marks at 0, 50', 100', and 200'. Above the line, the text "1" = 100'" is centered, and below the line, the words "GRAPHIC SCALE" are centered.

SHEET 2 OF 3