

RESOLUTION NO. 30 - 26

A RESOLUTION AUTHORIZING THE USE OF A POSSESSION AND USE AGREEMENT AND EMINENT DOMAIN TO ACQUIRE A PERMANENT EASEMENT ON REAL PROPERTY OWNED BY LOCKWOOD LIMITED LIABILITY COMPANY AND KNOWN AS EL PASO COUNTY TAX SCHEDULE NUMBER 6434112004 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 3690 Astrozon Boulevard, Colorado Springs, Colorado, also known as El Paso County Tax Schedule Number 6434112004 (the "Property") and owned by Lockwood Limited Liability Company (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 use of a Possession and Use Agreement with the Property Owner and/or 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 descriptions 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.

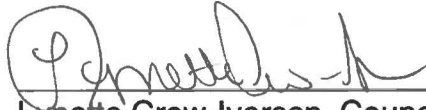
Section 3. That Utilities and the City's Real Estate Services Manager are hereby authorized to enter into a possession and use agreement with the Property Owner regarding the acquisition of the Easement.

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 14th day of April 2026.

ATTEST:


Lynette Crow-Iverson, Council President


Sarah B. Johnson, City Clerk



EXHIBIT A

PARCELS OF LAND LYING WITHIN SECTION 34, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1 SHARMA SUBDIVISION AS RECORDED IN THE REAL PROPERTY RECORDS OF EL PASO COUNTY, COLORADO AT RECEPTION NO. 96047188;

LOT 1 SHARMA SUBDIVISION, FILING NO. 2 AS RECORDED IN THE REAL PROPERTY RECORDS OF EL PASO COUNTY, COLORADO AT RECEPTION NO. 98011808 ;

EXHIBIT B

PARCEL OF LAND LYING WITHIN SECTIONS 34, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 SHARMA SUBDIVISION;

THENCE ALONG THE NORTH LINE OF SAID LOT 1, NORTH 89 DEGREES 19 MINUTES 58 SECONDS EAST, A DISTANCE OF 49.24 FEET;

THENCE SOUTH 48 DEGREES 48 MINUTES 39 SECONDS EAST, A DISTANCE OF 4.52 FEET;

THENCE SOUTH 28 DEGREES 58 MINUTES 12 SECONDS EAST, A DISTANCE OF 15.60 FEET;

THENCE SOUTH 00 DEGREES 40 MINUTES 02 SECONDS EAST, A DISTANCE OF 43.33 FEET;

THENCE NORTH 69 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 13.10 FEET;

THENCE NORTH 49 DEGREES 02 MINUTES 00 SECONDS WEST, A DISTANCE OF 19.75 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 21.35 FEET;

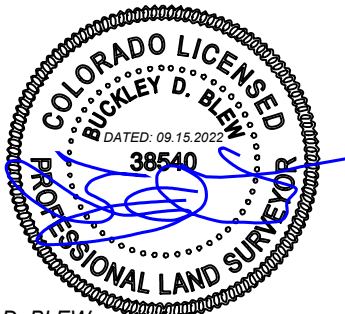
THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 24.59 FEET;

THENCE NORTH 49 DEGREES 02 MINUTES 00 SECONDS WEST, A DISTANCE OF 11.64 FEET;

THENCE NORTH 00 DEGREES 40 MINUTES 02 SECONDS WEST, A DISTANCE OF 12.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 1992 SQ. FEET, OR 0.046 ACRES, OF LAND MORE OR LESS.

SURVEYOR'S CERTIFICATE



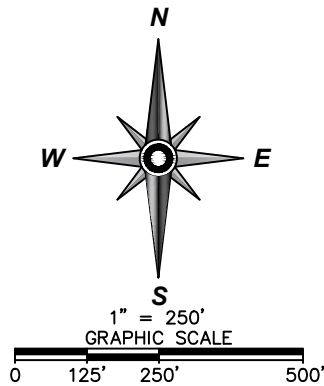
BUCKLEY D. BLEW
LICENSED PROFESSIONAL LAND SURVEYOR NO. 38540
STATE OF COLORADO

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





————— BOUNDARY LINE
 - - - - - PUBLIC UTILITY EASEMENT LINE
 - · - · - PLATTED EASEMENT LINE PER
 REC NO. 001199455 UNLESS
 NOTED OTHERWISE

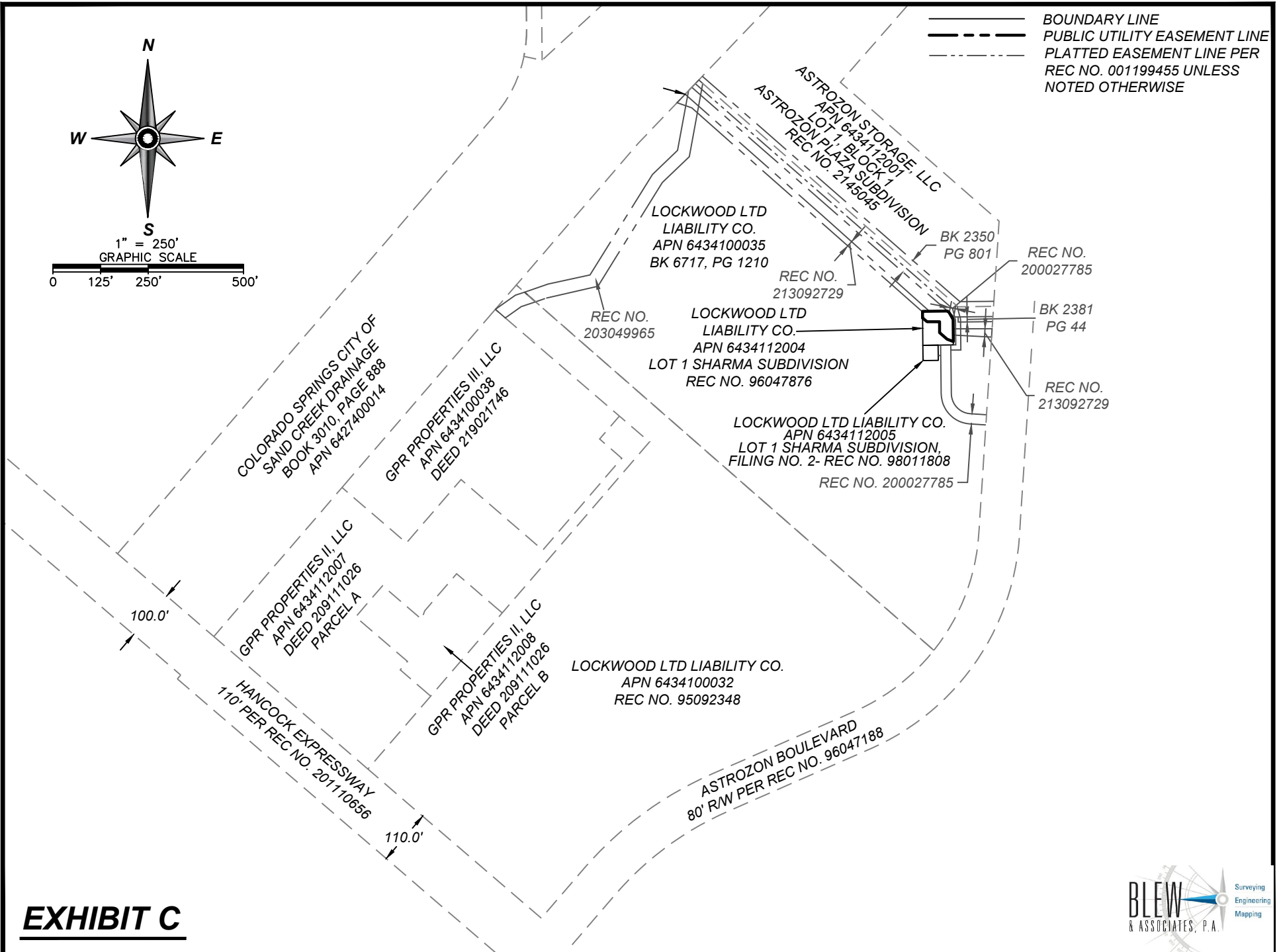
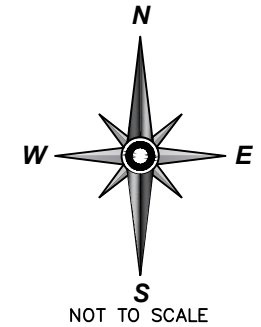


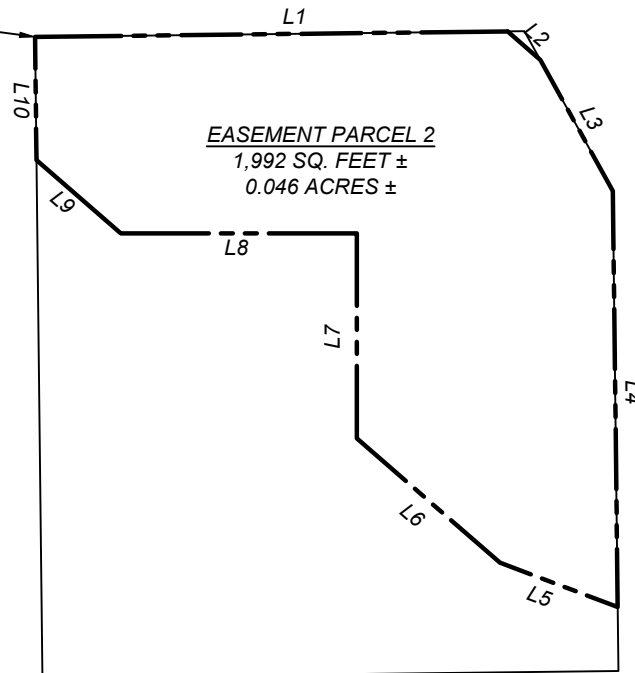
EXHIBIT C

EXHIBIT D

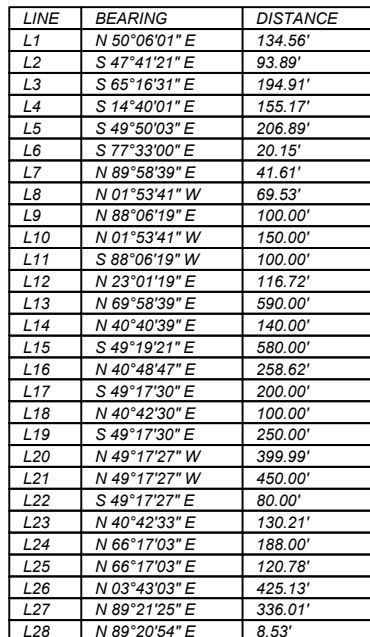
L1	N 89°19'58" E	49.24'
L2	S 48°48'39" E	4.52'
L3	S 28°58'12" E	15.60'
L4	S 00°40'02" E	43.33'
L5	N 69°22'30" W	13.10'
L6	N 49°02'00" W	19.75'
L7	N 00°00'00" W	21.35'
L8	N 90°00'00" W	24.59'
L9	N 49°02'00" W	11.64'
L10	N 00°40'02" W	12.84'



POINT OF BEGINNING
NORTHWEST CORNER OF LOT 1
SHARMA SUBDIVISION



P10: GPR PROPERTIES III, LLC APN 6434100038 REC NO. 219021746	P13: GAZELLE INVESTMENTS, LLC APN 6434108010 LOT 2 ASTROZON PLACE SUBDIVISION FILING NO. 3 REC NO. 201110656
P11: GPR PROPERTIES II, LLC APN 6434112008 DEED 209111026 PARCEL B	P14: LOCKWOOD LTD LIABILITY CO. APN 6434112004 LOT 1 SHARMA SUBDIVISION REC NO. 96047188
P12: GPR PROPERTIES II, LLC APN 6434112007 REC NO. 209111026 PARCEL A	P15: LOCKWOOD LTD LIABILITY CO. APN 6434112005 LOT 1 SHARMA SUBDIVISION, FILING NO. 2- REC NO. 9801808



P1: BFS RETAIL & COMMERCIAL APN 6434113012 LOT 2 SOUTH ACADEMY PLACE SUBDIVISION NO. 5 REC NO. 01590201	P4: REED INC. APN 6434113013 LOT 3 SOUTH ACADEMY PLACE SUBDIVISION NO. 5 - REC NO. 01590201	P7: CORINTHIAN REAL ESTATE APN 6434113008 LOT 1 SOUTH ACADEMY PLACE SUBDIVISION NO. 3 PLAT BK B-4, PG 7
P2: ACADEMY CAR CARE CENTER APN 6434113011 LOT 1 SOUTH ACADEMY PLACE SUB NO. 5 REC NO. 01590201	P5: REED INC. APN 6434113006 DEED 216141757 PARCEL A	P8: H PLAZA, LLC APN 6434111010 & 6434111012 LOT 1 & 3 HANCOCK PLAZA SUB FILING NO. 3 - REC NO. 221714666
P3: REED INC. APN 6434113005 LOT 1, BLOCK 1 SOUTH ACADEMY PLACE SUBDIVISION NO. 2 REC NO. 1320890	P6: REED INC. APN 6434113015 DEED 216141757 PARCEL C	P9: H PLAZA, LLC APN 6434111011 LOT 2 HANCOCK PLAZA SUB FILING NO. 3 - REC NO. 221714666

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	605.74'	184.27'	17°25'47"	S 56°33'38" E	183.56'
C2	206.00'	181.95'	50°36'24"	S 39°58'19" E	176.09'
C3	232.25'	142.55'	35°09'58"	S 32°15'02" E	140.32'
C4	426.40'	206.26'	27°42'55"	S 63°41'31" E	204.25'
C5	545.42'	118.73'	12°28'21"	S 83°47'11" E	118.50'
C6	640.00'	480.81'	43°02'39"	S 88°30'01" E	469.58'
C7	640.00'	327.28'	29°17'59"	N 55°19'39" E	323.73'

