

Chuck Broerman
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El Paso County, CO



218107074

**SPECIAL WARRANTY DEED
and
GRANT OF PERMANENT ACCESS EASEMENT
and
GRANT OF OPTION FOR UTILITY EASEMENT**

D.F. \$0.00

NORTH PARK 200 LLC, a Colorado limited liability company, GRANTOR whose street address is **16650 Midway Ranch Road, Fountain, CO 80817, County of El Paso and State of Colorado**, for the consideration of Ten Dollars and no/100 (**\$10.00**), in hand paid, hereby sells and conveys to the City of Colorado Springs, Colorado, a home rule city and Colorado municipal corporation, **GRANTEE** whose street address is 30 South Nevada Avenue, Suite 502, City of Colorado Springs, County of El Paso and State of Colorado, the following real property in the County of El Paso and State of Colorado, to wit:

**Tract A as described and depicted on
Exhibits "A" and "B", attached hereto and made a part hereof**

AKA a portion of tax schedule number 57000-00-131

with all its appurtenances (the "Property") and Grantor further warrants the title against all persons claiming under Grantor, subject to easements, conditions and restrictions of record.

EXCEPTING AND RESERVING unto Grantor, its successors and assigns, the Grant of an 50-foot wide non-exclusive ingress, egress and access and utilities easement along the western edge of the Property, in the location described in the attached **Exhibit "C"** and depicted in the attached **Exhibit "B"** (the "Grantor Easement"). The Grantor Easement may be used for the benefit of Grantor's adjacent property and nearby property currently owned by affiliates of the Grantor. Grantor acknowledges that the Grantee's intended use of the Property is as a firearms training facility. The Grantor Easement shall be limited to use at times that Grantee is not using the Property for live firearms training. The use of the Grantor Easement shall require that Grantor notify Grantee of its intent to enter the Grantor Easement in advance, and the parties shall coordinate a mutually safe and convenient time for such use by Grantor. The Grantor shall bear the cost of installation and maintenance of the Grantor's utilities located in the Grantor Easement.

GRANTOR FURTHER CONVEYS to the Grantee a permanent access easement in the location described in the attached **Exhibit "D"** and depicted in the attached **Exhibit "B"** (the "Access Easement"). The Grantor shall not erect or construct any building or other permanent structure within the Access Easement. The Grantor shall not block said access. Grantor covenants and agrees that no act shall be permitted or committed within the Access Easement which is inconsistent with the rights herein granted, and that the grade or ground level of the Access Easement shall not be changed by the Grantor by excavation or filling by more than one foot, without the written consent of the

RES File Number 19270

City Council Resolution Number 16-18



55064018

[Signature]
MANAGER, NORTH PARK 200 LLC

Grantee; and Grantor shall refrain from all acts within the Access Easement which might reduce the safety of or cause a hazard to or which might increase the cost of, maintenance, operation, repair, removal, or replacement of the Grantee's facilities and improvements. The Access Easement shall be appurtenant to, and run with the ownership of, the Property.

GRANTOR FURTHER CONVEYS to the Grantee the right to receive a utility easement across the adjacent lands of Grantor for the purpose of providing utilities to the Property. Upon request by the Grantee, Grantor shall grant the utility easement to Grantee upon the terms set forth in this paragraph. The location of the utility easement shall be subject to the reasonable approval of both Grantor and Grantee, and may be relocated from time to time by the Grantor in order to accommodate the development of Grantor's adjacent property and the nearby property of affiliates of the Grantor. Any such relocation of the utility easement shall not adversely affect Grantee's permitted use of the Property and shall be at the Grantor's expense. Grantee also acknowledges and agrees that the initial cost to extend utility service to the Property shall be borne by the Grantee. The rights and burdens of this paragraph, regarding the utility easement, shall be a covenant running with the land, and shall burden the adjacent property of the Grantor and inure to the benefit of the Property; provided, however, that this paragraph, regarding the utility easement, shall be superseded by any subsequent written and recorded agreement between Grantor and Grantee, or their successors or assigns, regarding a utility easement to serve the Property.

CONVEYANCE is made under and subject to the Declaration of Protective Covenants attached hereto as **Exhibit "E."**

[The remainder of this page left intentionally blank - Signature page to follow]

Signed this 10th day of July, 2018.

NORTH PARK 200 LLC, a Colorado limited liability company

By: *Guy Kethe*

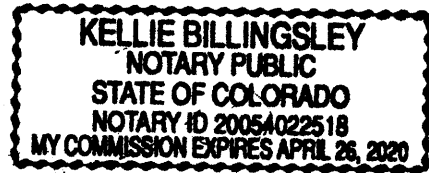
Its: MANAGER

State of Colorado)
) ss.
County of El Paso)

The foregoing instrument was acknowledged before me this 10th day of July, 2018 by Guy Kethe, as Manager of NORTH PARK 200 LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission expires: 04/26/2020



Kellie Billingsley
Notary Public

Accepted by the City of Colorado Springs

By: *Darlene Kennedy* this 13 day of September, 2018
Darlene Kennedy
Real Estate Services Manager

By: *Peter Carey* this 23 day of July, 2018
Peter Carey
Police Chief

Approved as to Form:

By: *M. J. Bolinger*
Benjamin J Bolinger, Senior Attorney
Office of the City Attorney

Date: July 23, 2018

EXHIBIT A & B

Legal Description - PROPOSED CITY OF COLORADO SPRINGS PROPERTY "TRACT A"

That portion of the parcel described at Reception No. 208075869, El Paso County, Colorado described as follows:
 The basis of bearings is a portion of the of the westerly line solid parcel described at Reception No. 208075869, monumented at each end with a #5 rebar and a 1 1/2" aluminum cap marked "JR ENG, PLS 10377". Solid line is assumed to bear North 22 degrees 59 minutes 14 seconds West, 2,813.09 feet.
 Beginning at an angle point on the west line of said parcel:

- 1) thence North 22 degrees 59 minutes 14 seconds West, along the westerly line of said parcel 1,210.76 feet;
- 2) thence North 67 degrees 00 minutes 46 seconds East, 590.00 feet;
- 3) thence South 22 degrees 59 minutes 14 seconds East, 1,270.82 feet;
- 4) thence South 67 degrees 00 minutes 46 seconds West, 590.00 feet;
- 5) thence North 22 degrees 59 minutes 14 seconds West, 59.89 feet to the point of beginning.

Legal Description - PROPOSED CITY OF FOUNTAIN PROPERTY "TRACT B"

That portion of the parcel described at Reception No. 208075869, El Paso County, Colorado described as follows:
 The basis of bearings is a portion of the of the westerly line solid parcel described at Reception No. 208075869, monumented at each end with a #5 rebar and a 1 1/2" aluminum cap marked "JR ENG, PLS 10377". Solid line is assumed to bear North 22 degrees 59 minutes 14 seconds West, 2,813.09 feet.
 Beginning at an angle point on the westerly line of said parcel:

- 1) thence North 67 degrees 00 minutes 46 seconds East, 590.00 feet;
- 2) thence South 22 degrees 59 minutes 14 seconds East, 1,270.82 feet;
- 3) thence South 67 degrees 00 minutes 46 seconds West, 590.00 feet;
- 4) thence North 22 degrees 59 minutes 14 seconds West, 59.89 feet to the point of beginning.

Legal Description - CITY ACCESS EASEMENT

That portion of the parcel described at Reception No. 208075869, El Paso County, Colorado described as follows:
 The basis of bearings is a portion of the of the westerly line solid parcel described at Reception No. 208075869, monumented at each end with a #5 rebar and a 1 1/2" aluminum cap marked "JR ENG, PLS 10377". Solid line is assumed to bear North 22 degrees 59 minutes 14 seconds West, 2,813.09 feet.
 Commencing at an angle point on the westerly line of said parcel; thence North 22 degrees 59 minutes 14 seconds West, 1,210.76 feet to the point of beginning; (the following five courses are along the westerly and northerly lines of said parcel):

- 1) thence North 22 degrees 59 minutes 14 seconds West, 1,602.33 feet;
- 2) thence North 11 degrees 28 minutes 31 seconds West, 400.44 feet;
- 3) thence North 42 degrees 58 minutes 31 seconds East, 207.91 feet;
- 4) thence North 03 degrees 38 minutes 49 seconds East, 46.50 feet;
- 5) thence North 48 degrees 39 minutes 43 seconds East, 1,100.27 feet to the westerly right of way line;
- 6) thence South 30 degrees 43 minutes 15 seconds East, along said right of way line, 50.87 feet;
- 7) thence South 48 degrees 39 minutes 43 seconds West, 1,070.33 feet;
- 8) thence South 03 degrees 38 minutes 49 seconds West, 43.54 feet;
- 9) thence South 42 degrees 58 minutes 31 seconds West, 1,99.92 feet;
- 10) thence South 11 degrees 28 minutes 31 seconds East, 369.70 feet;
- 11) thence South 22 degrees 59 minutes 14 seconds West, 1,587.27 feet;
- 12) thence South 67 degrees 00 minutes 46 seconds West, 50.00 feet to the point of beginning.

Legal Description - GRANITOR ACCESS EASEMENT

That portion of the parcel described at Reception No. 208075869, El Paso County, Colorado described as follows:
 The basis of bearings is a portion of the of the westerly line solid parcel described at Reception No. 208075869, monumented at each end with a #5 rebar and a 1 1/2" aluminum cap marked "JR ENG, PLS 10377". Solid line is assumed to bear North 22 degrees 59 minutes 14 seconds West, 2,813.09 feet.
 Beginning at an angle point on the westerly line of said parcel:

- 1) thence North 22 degrees 59 minutes 14 seconds West, along said westerly line, 1,210.76 feet;
- 2) thence North 67 degrees 00 minutes 46 seconds West, 50.00 feet;
- 3) thence South 22 degrees 59 minutes 14 seconds East, 1,225.08 feet;
- 4) thence South 67 degrees 00 minutes 46 seconds West, 94.47 feet;
- 5) thence North 22 degrees 59 minutes 14 seconds West, 94.47 feet to the point of beginning.

SURVEYOR'S STATEMENT:

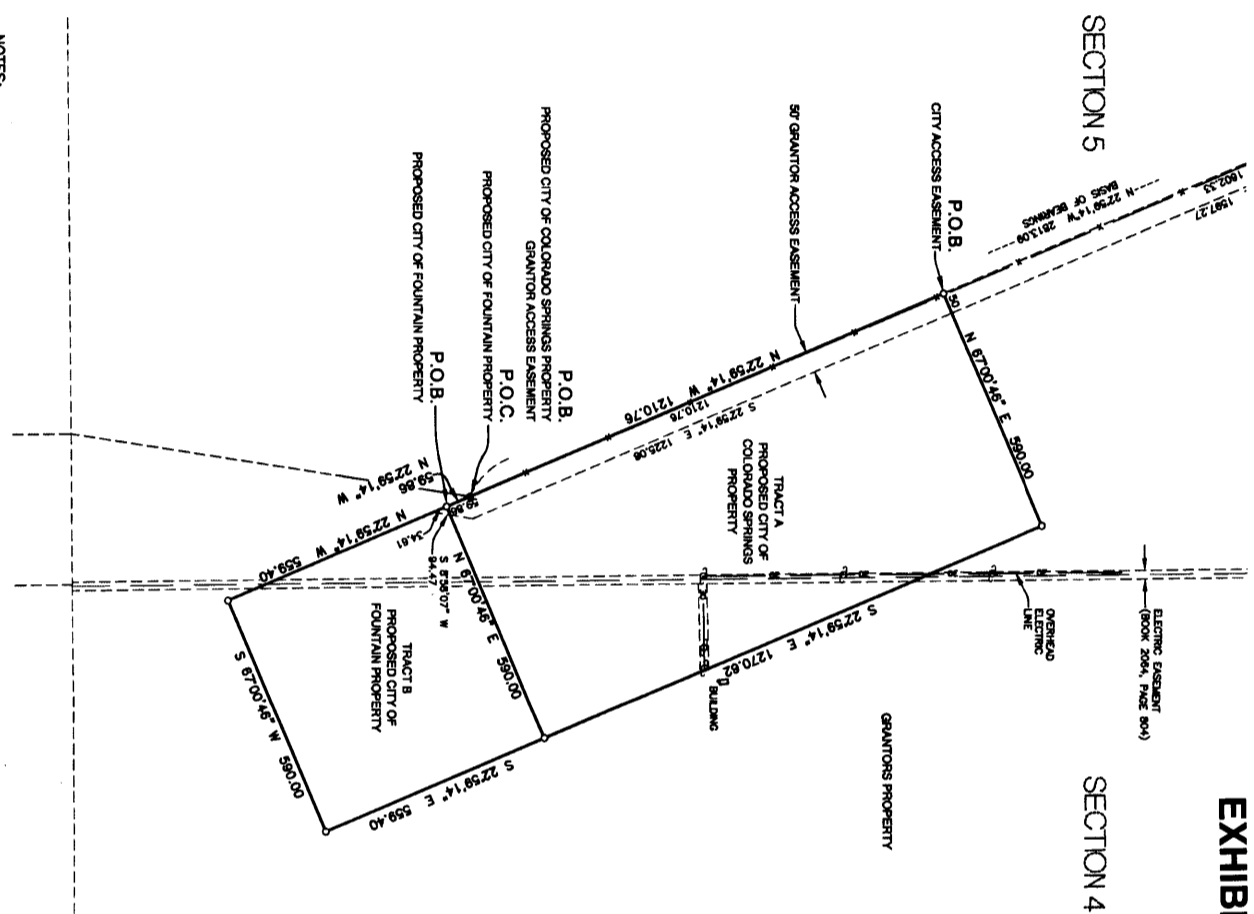
The undersigned Colorado Registered Professional Land Surveyor does hereby state and declare to Pikes Peak International Registry, exclusively, that the accompanying plat was surveyed and drawn by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor in El Paso County, Colorado and accordingly, I have the described tract of land thereon, and that the requirements of Title 38 of the Colorado Revised Statutes, 1973, as amended, have been met to the best of his professional knowledge, belief and opinion.
 This statement is neither a warranty, either expressed or implied.



APPROVED 8/18/2018
 NORTH PARK 200 LLC
 MANAGER, NORTH PARK 200 LLC

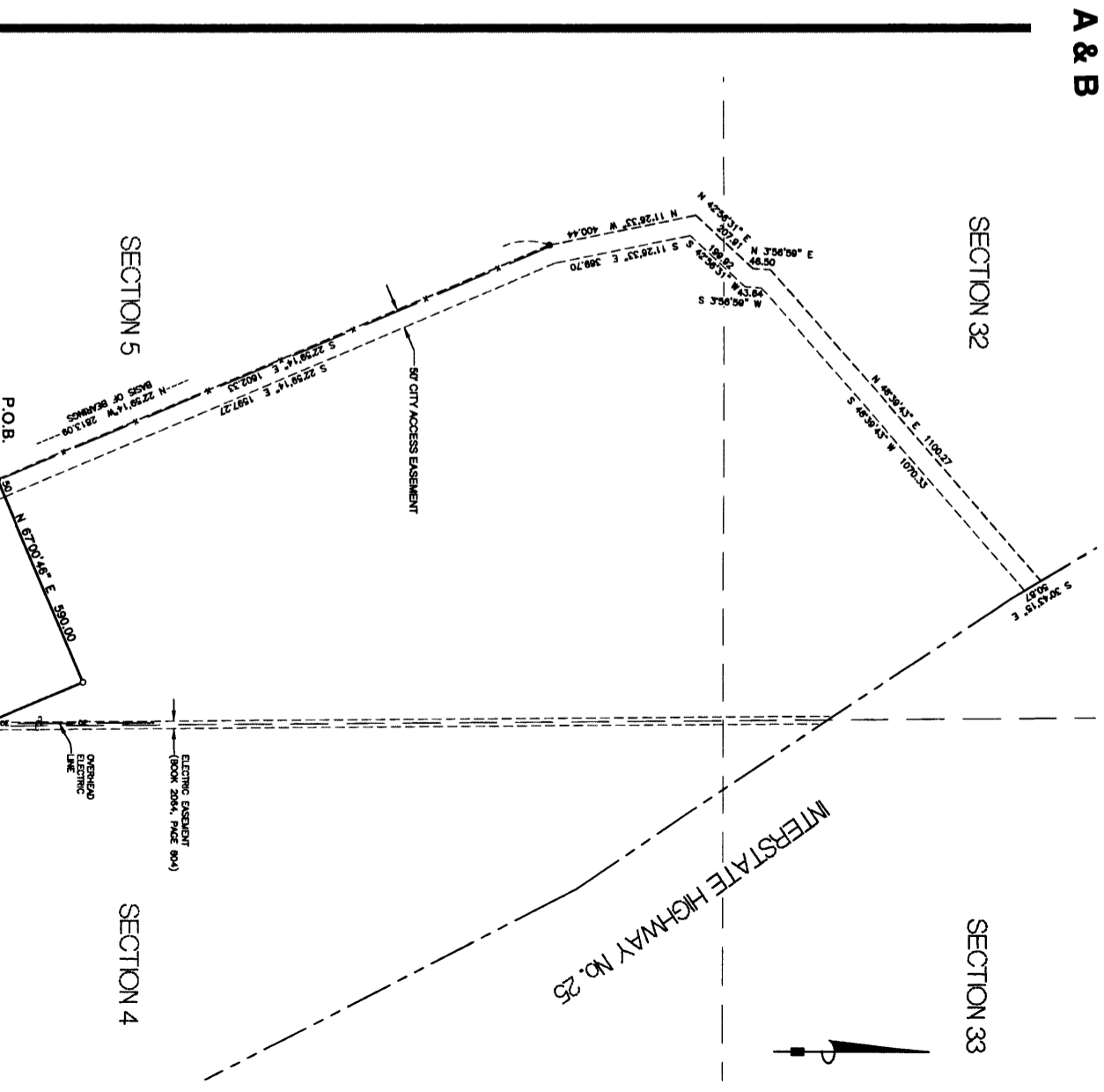
Mark S. Johnson
 Colorado Registered Professional Land Surveyor No. 39243
 For and on behalf of Compass Surveying and Mapping, LLC

COMPASS SURVEYING & MAPPING, LLC
 721 SOUTH 23RD STREET, SUITE B
 COLORADO SPRINGS, CO 80904
 719-554-4120
 WWW.CSAMLLC.COM



NOTES:

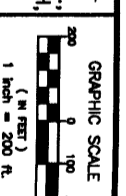
- 1) Denote recovered #5 rebar with a 1 1/2" aluminum cap stamped "JR ENG, PLS 10377", flush with ground.
 - o Denote set #5 rebar w/ 1 1/4" plastic cap marked "PLS 32439", flush with ground.
- 2) The basis of bearings is a portion of the of the westerly line of the parcel described at Reception No. 208075869, monumented as shown and assumed to bear North 22 degrees 59 minutes 14 seconds West, 2,813.09 feet.
- 3) This survey does not constitute a title search by Compass Surveying & Mapping, LLC to determine the availability of interests in the land. For all inquiries regarding the availability of any and title of record, Compass Surveying & Mapping, LLC relied upon a Commitment No. 570-FO475203-370-LTB with an effective date of February 6, 2014 at 7:00 A.M.
- 4) The lineal units used in this survey are U.S. Survey Feet.
- 5) Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action be commenced more than ten years from the date of the certification shown hereon.
- 6) Any utilities shown have been located from field survey information. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor is not responsible for the location of any utility not shown on the plat, although the location indicated on the plat does state that they are located as accurately as possible from the information available. This surveyor has not physically located the underground utilities.
- 7) Easements and other public documents shown or noted on this survey were examined as to obligations, terms, or as to the right to grant the same.



DEPOSITING CERTIFICATE:

Deposited this _____ day of _____ A.D. 2018 at _____ o'clock _____ M. in Book _____ of Land Survey Plats, at _____ of the records of the Clerk and Recorder's Office of El Paso County, Colorado.
 By: Deputy _____

LOCATED IN THE WEST HALF OF SECTION 4 AND THE EAST HALF OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE 6TH P.M., AND THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO



REVISIONS:	DATE	DESCRIPTION
1	7/15/18	Review Access Easement
2	7/27/18	Review Access Easement
3	8/05/18	Review City Access Easement
4	8/17/18	Local Tracts

PROJECT NO. 18005
 FEBRUARY 1, 2018
 SHEET 1 OF 1

EXHIBIT C

Legal Description – Grantor Access Easement

That portion of the parcel described at Reception No. 208075869, El Paso County, Colorado described as follows:

The basis of bearings is a portion of the of the westerly line said parcel described at Reception No. 208075869, monumented at each end with a #5 rebar and a 1 1/2" aluminum cap marked "JR ENG. PLS 10377". Said line is assumed to bear North 22 degrees 59 minutes 14 seconds West, 2,813.09 feet.

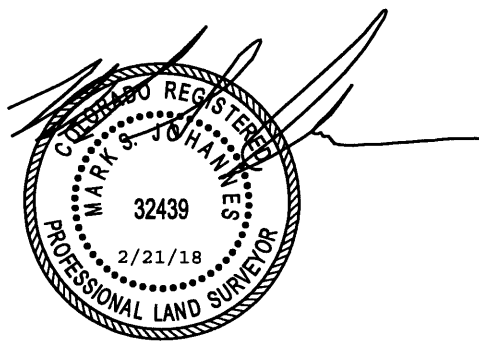
Beginning at an angle point on the westerly line of said parcel;

- 1) thence North 22 degrees 59 minutes 14 seconds West, along said westerly line, 1,210.76 feet;
- 2) thence North 67 degrees 00 minutes 46 seconds East, 50.00 feet;
- 3) thence South 22 degrees 59 minutes 14 seconds East, 1,225.08 feet;
- 4) thence South 8 degrees 58 minutes 07 seconds West, 94.47 feet;
- 5) thence North 22 degrees 59 minutes 14 seconds West, 94.47 feet to the point of beginning.

Containing a calculated area of 63,258 square feet (1.4522 acres), more or less.

This legal description was prepared by me or under my direct supervision and checking and is true and correct to the best of my knowledge, information and belief.

The above statement is neither a warranty or guarantee, either expressed or implied.



Mark S. Johannes, PLS, CFedS
Colorado Professional Land Surveyor No. 32439
For and on behalf of Compass Surveying & Mapping, LLC

EXHIBIT D

Legal Description – City Access Easement

That portion of the parcel described at Reception No. 208075869, El Paso County, Colorado described as follows:

The basis of bearings is a portion of the of the westerly line said parcel described at Reception No. 208075869, monumented at each end with a #5 rebar and a 1 1/2" aluminum cap marked "JR ENG. PLS 10377". Said line is assumed to bear North 22 degrees 59 minutes 14 seconds West, 2,813.09 feet.

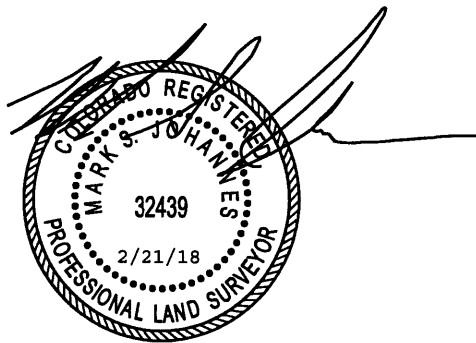
Commencing at an angle point on the westerly line of said parcel; thence North 22 degrees 59 minutes 14 seconds West, 1,210.76 feet to the point of beginning (the following five courses are along the westerly and northerly lines of said parcel;

- 1) thence North 22 degrees 59 minutes 14 seconds West, 1,602.33 feet;
- 2) thence North 11 degrees 26 minutes 33 seconds West, 400.44 feet;
- 3) thence North 42 degrees 56 minutes 31 seconds East, 207.91 feet;
- 4) thence North 03 degrees 56 minutes 59 seconds East, 46.50 feet;
- 5) thence North 48 degrees 39 minutes 43 seconds East, 1,100.27 feet to the westerly right of way line of Interstate Highway No. 25;
- 6) thence South 30 degrees 43 minutes 15 seconds East, along said right of way line, 50.87 feet;
- 7) thence South 48 degrees 39 minutes 43 seconds West, 1,070.33 feet;
- 8) thence South 03 degrees 56 minutes 59 seconds West, 43.64 feet;
- 9) thence South 42 degrees 56 minutes 31 seconds West, 199.92 feet;
- 10) thence South 11 degrees 26 minutes 33 seconds East, 369.70 feet;
- 11) thence South 22 degrees 59 minutes 14 seconds East, 1,597.27 feet;
- 12) thence South 67 degrees 00 minutes 46 seconds West, 50.00 feet to the point of beginning.

Containing a calculated area of 165,958 square feet (3.8099 acres), more or less.

This legal description was prepared by me or under my direct supervision and checking and is true and correct to the best of my knowledge, information and belief.

The above statement is neither a warranty or guarantee, either expressed or implied.



Mark S. Johannes, PLS, CFedS
Colorado Professional Land Surveyor No. 32439
For and on behalf of Compass Surveying & Mapping, LLC