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DISTRICT COURT, EL PASO COUNTY, COLORADO
20 East Vermijo Avenue
Colorado Springs, CO 80903

FILED DISTRICT & COUNTY
COURTS-EL PASO CO., CO

SEP 24 2001

DIVISION 5

Petitioner:

THE CITY OF COLORADO SPRINGS, a home rule City
and a Colorado Municipal Corporation

Respondents:

CHARLES JAMES BENSBERG; CHARLES KENT NEW;
MARGARET BENSBERG FARRELL; MARY PATRICIA
BENSBERG GLINES; CHARLOTTE VIRGINIA
BENSBERG; MARY NANETTE TAYLOR LEHR;
CHRISTINE MARIE BLOCK; CHARLES B. BENSBERG;
JAMES FOX; SARAH REGINA WILSON a/k/a SARAH
REGINA FLEMING; CHRISTINE M. BLOCK; GREGORY
ROBERT FOX; GEORGE PATRICK FOX; MARGARET
A. TAYLOR; JUDITH ANTOINETTE PASTUSEK;
JUDITH V. BENSBERG; J. WILLIAM BENSBERG;
WALTER ALLAN GLINES AND MARY PATRICIA
GLINES, TRUSTEES; ROBERT P. PASTUSEK,
TRUSTEE; CATHERINE BENSBERG KINGSTON;
UNITED STATES OF AMERICA; KEN KILE, as Treasurer
of El Paso County, Colorado; AND ALL OTHER
PERSONS WHO MAY CLAIM AN INTEREST IN THE
SUBJECT MATTER OF THIS ACTION.

▲COURT USE ONLY▲

Case Number: 00 CV 1096

Division: 5

Mark E. May (12049)

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EC**RULE AND ORDER**

THIS MATTER comes before the Court upon a Consent to Entry of Rule and Order filed herein for the compensation to be paid to Respondents Charles James Bensberg; Charles Kent New; Margaret Bensberg Farrell; Charlotte Virginia Bensberg; Mary Nanette Taylor Lehr; Christine Marie Block; James Fox; Sarah Regina Wilson a/k/a Sarah Regina Fleming; Gregory Robert Fox; George Patrick Fox; Margaret A. Taylor; Judith Antoinette Pastusek; Judy V. Bensberg; Karen A. Ager; Richard G. Bensberg; James M. Bensberg; J. William Bensberg; Mary Patricia Glines, Trustee; Robert R. Pastusek, Trustee (the "Bensbergs") for the taking of their interests in the Property by condemnation by the Petitioner City of Colorado Springs ("City"), and it appearing to the Court from the records and files herein that all persons interested as owners appearing of record have been joined as party Respondents and properly served,

THE COURT NOW FINDS:

1. The Court has full and complete jurisdiction of the subject matter of this action and the Bensberg parties thereto; that service of process has been made upon all interested parties as required by law, or that the same have subjected themselves to the jurisdiction of the Court; and that the Bensbergs are the owners of the Property being condemned herein.

2. The Bensbergs have consented to the forthwith entry of a Rule and Order conveying the Property described in Exhibit A attached hereto (the "Property") to the City upon payment by the City into the Registry of this Court the total sum of \$60,000.00. Said total settlement amount is composed of \$53,000.00 paid into the Court registry by the City when it obtained immediate possession and an additional \$7,000.00 paid into the Court registry pursuant to this Rule and Order.

3. Said payment of \$60,000.00 is in full, final and complete settlement of all claims and disputes in this matter, including payment of compensation for the Property taken, damages, costs, interest, expert witness fees and any other costs or expenses of litigation including attorney fees.

4. The accurate legal description of the Property interests being acquired by the City is set forth in Exhibit A attached hereto and incorporated herein.

It is:

ORDERED, ADJUDGED AND DECREED that the Property described in attached Exhibit A has been duly and lawfully taken and condemned by the City pursuant to the statutes and Constitution of the State of Colorado except as to the rights of the United States and the Bensbergs as set forth in that Decree on Declaration of Taking recorded in Book 1779 at page 185 of the books and records of the Clerk and Recorder of El Paso County, Colorado ; and it is

FURTHER ORDERED, ADJUDGED AND DECREED that title to the Property is hereby conveyed to the City; and it is

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FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the Court shall forthwith disburse to Opperman & Associates, P.C. Trust Account, 511 16th Street, Suite 410, Denver, Colorado 80202, the sum of \$60,000.00 ; and it is

FURTHER ORDERED, ADJUDGED AND DECREED that a Certified copy of this Rule and Order be recorded and indexed in the office of the Clerk and Recorder of El Paso County in like manner and in like effect as if it were a deed of conveyance from the Bensbergs to the City.

Dated this 24 day of September, 2001

BY THE COURT:

District Court Judge

State of Colorado, County of El Paso
Certified to be a true, and correct
copy of the original in my custody.

OCT 1 2001

LEE V. COLE, JR.
CLERK OF THE DISTRICT COUNTY COURT

By [Signature] Deputy

J. Patrick Kelly El Paso Cty, CO

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PARCEL A:

(TRACT 101E-1) ALL THAT PORTION OF A STRIP OF LAND 200.00 FEET IN WIDTH, PLUS ALL EXTENSIONS THERETO, SITUATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17 AND THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, LYING WESTERLY OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY # 115, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING 100.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE IN AN EASTERLY DIRECTION ALONG THE SOUTH LINE THEREOF FOR A DISTANCE OF 70.88 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE TO BE DESCRIBED; THENCE NORTH 00 DEGREES 46 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 620.10 FEET; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1432.00 FEET, FOR AN ARC LENGTH OF 591.67 FEET; THENCE NORTH 24 DEGREES 26 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 20.17 FEET; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1432.40 FEET, TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 17.

PARCEL B:

(TRACT 101E-2) A STRIP OF LAND 200.00 FEET IN WIDTH PLUS ALL EXTENSIONS THERETO, SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING 100.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER FOR A DISTANCE OF 1202.40 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE TO BE DESCRIBED; THENCE NORTH 5 DEGREES 14 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 240.69 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 318.31 FEET, FOR AN ARC LENGTH OF 288.89 FEET; THENCE NORTH 57 DEGREES 14 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 469.78 FEET; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 199.09 FEET; FOR AN ARC LENGTH OF 467.42 FEET; THENCE SOUTH 11 DEGREES 09 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 311.75 FEET; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 318.11 FEET, TO THE INTERSECTION WITH THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER.

EXHIBIT A

Parcel 100E

Parcel 101E-2

Parcel 101E-1

Parcel 102E-1

Parcel 102E-2

J.L. Ranch
(Denman Investments)

Bensburg

J.L. Ranch (Denman Investments)

Neal Property (Berry and Boyle MLV)

Property purchased by the Neal
Estate in Document Recorded in
Book 3440, Page 303, with Right
of access to MORAD Road.

Parcel 102-1

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