

**AGENDA ITEM SUMMARY**

Agenda Item No: 7.c.

Date: November 5, 2009

To: Board of County Commissioners

From: Gary Hamacher - Engineer Manager, Development Services Division  
Jeff Rice - Engineer II, Development Services Department

Subject: Resolution to Approve a Disclaimer for property more particularly described as rights-of-way associated with Carnoustie Court and Portmarnock Court all within that portion of Woodmen Hills Subdivision, Filing No. 11 replatted as The Metropolitan Club subdivision.

SUMMARY (including information on budgeted matters):

The Property Owner desires to have the County disclaim any and all interest in the rights-of-way that were previously platted as Carnoustie and Portmarnock Courts in Woodmen Hills Subdivision, Filing No. 11 and the section lines of the Subject Properties. The Development Services Department recommends that the BOCC to disclaim any interest in the right-of-way.

BACKGROUND (including information on budgeted matters):

N/A

FINANCIAL IMPLICATIONS (completed only if not currently budgeted, and is an emergency, mandated or grant/unanticipated revenue funding request before the Board for consideration):

Revenue/Funding Sources:	<u>NA</u>
Revenue/Funding Amount:	<u>NA</u>
Subject to TABOR?	NA
Increase to Original Adopted Budget:	NA
Net Cost to El Paso County:	NA
Total Project Cost:	NA

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO**

Resolution to Approve a Disclaimer for property more particularly described as rights-of-way associated with Carnoustie Court and Portmarnock Court all within that portion of Woodmen Hills Subdivision, Filing No. 11 replatted as The Metropolitan Club subdivision.

**WHEREAS**, pursuant to §§30-11-101(1)(c)-(d), 30-11-102, 30-11-103, and 30-11-107(1)(a) C.R.S., the Board of County Commissioners of El Paso County, Colorado (hereinafter "BOCC") has the legislative authority to make such orders concerning the property belonging to the County when deemed by the Board to be in the best interests of the County; and

**WHEREAS**, Journey Homes is the owner of certain property located along Shinnecock Court and Portmarnock Court all within The Metropolitan Club subdivision, previously part of Woodmen Hills Subdivision, Filing No. 11, which properties are referred to herein as the Subject Properties; and,

**WHEREAS**, the Property Owner desires to have the County disclaim any and all interest in the rights-of-way that were previously platted as Carnoustie and Portmarnock Courts in Woodmen Hills Subdivision, Filing No. 11. The Title Company requests a formal document from El Paso County disclaiming an interest in certain rights-of-way identified herein. El Paso County desires to disclaim any and all interest in these rights-of-way, which also concerns a possible claim by El Paso County to right of way for highway purposes on the section lines located on the property, which claim may arise pursuant to a resolution of the Board of County Commissioners dated and recorded in the real property records of the El Paso County Clerk and Recorder on October 3, 1887, in Road Book A at Page 78, which provided that all section lines, township lines, and range lines on the public domain East of the Range line separating Ranges 65 West and 66 West are declared to be public highways having a width of 60 feet, being 30 feet on each side of said section lines, township lines, or range lines; and,

**WHEREAS**, the El Paso County Department of Public Services and the El Paso County Attorney's Office, having reviewed the records of the Transportation Division, the records of the Office of the El Paso County Assessor, and the real estate records of the Office of the El Paso County Clerk and Recorder, has determined upon their best information and belief that El Paso County does not claim, have never claimed, and does not have the right to claim any right of way in or upon the section lines of the Subject Properties and specifically, the rights-of-way associated with Carnoustie Court and Portmarnock Court as platted in Woodmen Hills Subdivision, Filing No. 11; and,

**WHEREAS**, based on said determination, the El Paso County Department of Transportation and the County Attorney's Office recommend to the Board of County Commissioners that it should disclaim any right, title or interest in or upon the section lines of the Subject Properties as identified herein; and,

**WHEREAS**, the Board of County Commissioners of El Paso County, Colorado, has determined that it would serve the best interests of the public to approve the attached Disclaimer concerning the Subject Properties.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of the County of El Paso, State of Colorado, hereby approves the attached Disclaimer.

**AND, BE IT FURTHER RESOLVED** that Jim Bensberg, duly elected, qualified member and Chairman of the Board of County Commissioners, or Sallie Clark, duly elected, qualified member and Vice Chair of the Board of County Commissioners, be and is hereby authorized on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

DONE THIS \_\_\_\_ day of \_\_\_\_\_, 2009, at Colorado Springs, Colorado.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: \_\_\_\_\_  
County Clerk and Recorder

By: \_\_\_\_\_  
Jim Bensberg, Chairman



**EXHIBIT A**  
EL PASO COUNTY  
**RIGHT-OF-WAY VACATION**  
**SHINNECOCK COURT**  
**WOODMEN HILLS FILING No. 11**

SITUATE  
THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6th P.M.  
EL PASO COUNTY, COLORADO

**LEGAL DESCRIPTION**

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6<sup>th</sup> P.M., SAID TRACT BEING THE RIGHT-OF-WAY OF SHINNECOCK COURT AS PLATTED BY WOODMEN HILLS FILING No. 11 AS RECORDED UNDER RECEPTION NUMBER 202145126 IN THE RECORDS OF EL PASO COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF SHINNECOCK COURT AND THE EASTERLY RIGHT-OF-WAY OF LAMBERT ROAD, THENCE ALONG SAID RIGHT-OF-WAY OF SHINNECOCK COURT THE FOLLOWING COURSES:**

1. SOUTH 31°41'39" EAST, A DISTANCE OF 32.22 FEET, THENCE;
2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 19°58'57", A RADIUS OF 580.00 FEET, AN ARC LENGTH OF 202.28 FEET, A CHORD BEARING OF SOUTH 63°48'27" EAST AND A CHORD LENGTH OF 201.26 FEET, THENCE;
3. SOUTH 53°48'59" EAST, A DISTANCE OF 8.43 FEET, THENCE;
4. ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 22°29'48", A RADIUS OF 100.55 FEET, AND AN ARC LENGTH OF 39.48 FEET, THENCE;
5. SOUTH 76°18'59" EAST, A DISTANCE OF 34.39 FEET, THENCE;
6. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 225°00'00", A RADIUS OF 55.00 FEET, AN ARC LENGTH OF 215.98 FEET, A CHORD BEARING OF SOUTH 36°10'45" WEST AND A CHORD LENGTH OF 101.63 FEET, THENCE;
7. NORTH 31°18'59" WEST, A DISTANCE OF 34.39 FEET, THENCE;
8. ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 22°29'48", A RADIUS OF 100.55 FEET, AND AN ARC LENGTH OF 39.48 FEET, THENCE;
9. NORTH 53°48'59" WEST, A DISTANCE OF 8.43 FEET, THENCE;
10. ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 19°51'11", A RADIUS OF 520.00 FEET, AND AN ARC LENGTH OF 180.18 FEET, THENCE;
11. SOUTH 62°10'28" WEST, TO THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF SHINNECOCK COURT AND THE EASTERLY RIGHT-OF-WAY OF LAMBERT ROAD, A DISTANCE OF 32.06 FEET, THENCE;
12. ALONG THE EASTERLY RIGHT-OF-WAY OF LAMBERT ROAD ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 09°46'18", A RADIUS OF 610.00 FEET, AN ARC LENGTH OF 104.03 FEET, A CHORD BEARING OF NORTH 15°04'45" EAST AND A CHORD LENGTH OF 103.91 FEET, TO THE **POINT OF BEGINNING.**

SAID TRACT OF LAND CONTAINS 26,072.03 SQUARE FEET, (0.60 ACRES).

ALL BEARINGS ARE BASED ON WOODMEN HILLS FILING No. 11



SCALE: NONE    DATE: 10/15/09  
DRAWING: ROWVACWH#11    BY: RLP

EL PASO COUNTY  
PUBLIC SERVICES DEPARTMENT

EXHIBIT A  
EL PASO COUNTY  
RIGHT-OF-WAY VACATION  
PORTMARNOCK COURT  
WOODMEN HILLS FILING No. 11

SITUATE  
THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6th P.M.  
EL PASO COUNTY, COLORADO

**LEGAL DESCRIPTION**

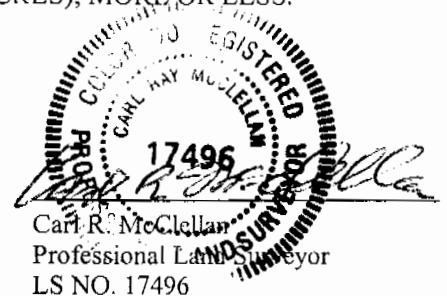
A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6<sup>th</sup> P.M., SAID TRACT BEING THE RIGHT-OF-WAY OF PORTMARNOCK COURT, AS PLATTED BY WOODMEN HILLS FILING No. 11, RECORDED UNDER RECEPTION NUMBER 202145126 IN THE RECORDS OF EL PASO COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING AT** THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF PORTMARNOCK COURT AND THE EASTERLY RIGHT-OF-WAY OF LAMBERT ROAD, THENCE ALONG SAID RIGHT-OF-WAY OF PORTMARNOCK COURT THE FOLLOWING COURSES:

1. SOUTH 21°39'14" EAST, A DISTANCE OF 31.12 FEET, THENCE;
2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 31°43'59", A RADIUS OF 330.00 FEET, AN ARC LENGTH OF 182.77 FEET, A CHORD BEARING OF SOUTH 50°25'46" EAST AND A CHORD LENGTH OF 180.44 FEET, THENCE;
3. SOUTH 34°33'46" EAST, A DISTANCE OF 50.04 FEET, THENCE;
4. ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 22°29'48", A RADIUS OF 100.55 FEET, AND AN ARC LENGTH OF 39.48 FEET, THENCE;
5. SOUTH 57°03'46" EAST, A DISTANCE OF 34.39 FEET, THENCE;
6. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 225°00'00", A RADIUS OF 55.00 FEET, AN ARC LENGTH OF 215.99 FEET, A CHORD BEARING OF SOUTH 55°26'24" WEST AND A CHORD LENGTH OF 101.63 FEET, THENCE;
7. NORTH 12°03'46" WEST, A DISTANCE OF 34.39 FEET, THENCE;
8. ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 22°29'48", A RADIUS OF 100.55 FEET, AND AN ARC LENGTH OF 39.48 FEET, THENCE;
9. NORTH 34°33'46" WEST, A DISTANCE OF 50.04 FEET, THENCE;
10. ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 31°39'10", A RADIUS OF 270.00 FEET, AND AN ARC LENGTH OF 149.16 FEET, THENCE;
11. SOUTH 68°23'11" WEST, TO THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF PORTMARNOCK COURT AND THE EASTERLY RIGHT-OF-WAY OF LAMBERT ROAD, A DISTANCE OF 31.13 FEET, THENCE;
12. NORTH 23°21'10" EAST, ALONG THE EASTERLY RIGHT-OF-WAY OF LAMBERT ROAD, A DISTANCE OF 104.00 FEET, TO THE **POINT OF BEGINNING**.

SAID TRACT OF LAND CONTAINS 27,086.80 SQUARE FEET, (0.62 ACRES), MORE OR LESS.

ALL BEARINGS ARE BASED ON WOODMEN HILLS FILING No. 11



Carl R. McClellan  
Professional Land Surveyor  
LS NO. 17496

SCALE: NONE    DATE: 10/15/09  
DRAWING: ROWVACWH#!! BY: RLP

EL PASO COUNTY  
PUBLIC SERVICES DEPARTMENT



