

A RESOLUTION ADOPTING THE CONDITIONS
IN CONNECTION WITH THE JOINT USE OF
THE PROPOSED PIKES PEAK SUMMIT HOUSE BY
THE CITY OF COLORADO SPRINGS AND THE
MANITOU AND PIKES PEAK COG RAILWAY
COMPANY.

WHEREAS, the Manitou and Pikes Peak Railway Company has agreed to relinquish to The United States of America the following described property located at the Summit of Pikes Peak, to-wit:

That portion of the railroad right-of-way of the Manitou and Pikes Peak Railway the whole of which is described on Location Map of Manitou and Pikes Peak Railway, filed in United States Land Office, Pueblo, Colorado, on September 18, 1889, and approved by The Secretary of Interior March 10, 1890, described as follows:

Beginning at a point which is the Northeast corner of that tract of land shown on the drawing of the Station Grounds at Pikes Peak, Manitou and Pikes Peak Railway, sworn and subscribed to September 16, 1889 and approved by the Secretary of the Interior March 10, 1890, filed with the U. S. Land Office, Pueblo, Colorado on September 26, 1889, thence run easterly perpendicular to the centerline of the railroad as shown on said drawing 50 feet to a point, thence angle right parallel with said centerline a distance of 450 feet to a point, thence angle right perpendicular to said centerline a distance of 50 feet to a point on the east boundary of aforesaid Station Grounds, thence angle right a distance of 450 feet parallel with the railroad centerline and along the east boundary of the Station Grounds to the point of beginning, the same containing 0.52 acres.

Also all property covered by that certain 5 acre tract described as "Station Grounds at Pikes Peak", Manitou and Pikes Peak Railway, sworn and subscribed to September 16, 1889, filed in the U. S. Land Office, Pueblo, Colorado on September 26, 1889 and approved by the Secretary of Interior March 10, 1890.

All in the South Half of Section 7, Township 14 South, Range 68 West of the 6th Principal Meridian, El Paso County, Colorado.

in order to permit the construction by the City of Colorado Springs of certain improvements, including a Summit House, at the Summit of Pikes Peak in accordance with Term Special Use Permit USES-Pike, City of Colorado Springs, Road and Summit House 1/1/57, and

WHEREAS, said project cannot be undertaken unless such Relinquishment is made by The Manitou and Pikes Peak Railway Company and is accepted

by the Department of Interior of The United States of America, and

WHEREAS, The Manitou and Pikes Peak Railway Company is agreeable to making such Relinquishment provided that it receives from the City of Colorado Springs and from the United States of America assurances that said Station site and Railway right-of-way, together with the improvements to be erected thereon, shall continue to be available for the use of employees and agents of said Railway Company, and particularly for the use of passengers and other patrons of said Railway Company.

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of Colorado Springs, in consideration of the Agreement of the Manitou and Pikes Peak Railway Company, to relinquish the above described property located in the Summit of Pikes Peak to The United States of America in order to make possible the development, including the construction of a summit house by the City of Colorado Springs, at the Summit of Pikes Peak, that the City of Colorado Springs hereby agrees with the said Railway Company as follows:

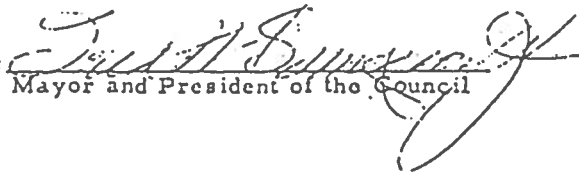
1. That the passengers and patrons of said Railway Company shall at all times have the right to reasonable use of the land relinquished by said Railway Company to the United States of America (as described above), together with the use of the improvements and facilities at any time constructed on said described land, it being the intention of all parties concerned that passengers and patrons of said Railway Company shall have the same right of access and reasonable use of said premises and improvements and facilities constructed thereon as shall be available to any other persons regardless of their method of reaching the summit of Pikes Peak.

2. That the City of Colorado Springs will operate or cause to be operated during the railway operating season of each year, the Summit House proposed to be constructed at the Summit of Pikes Peak.

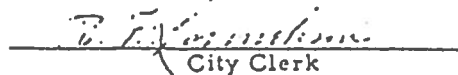
3. That in the event the City of Colorado Springs or its concessionaire shall cease to operate said Summit House during the railway operating season of each year for any reason whatsoever, then the City of Colorado Springs agrees to offer to said Railway Company the first right to operate and maintain said Summit House during the tourist season of each year on terms and conditions at least as favorable to said Railway Company as shall be offered to any other party.

4. It is understood and agreed that in consideration of the Relinquishment of said land by said Railway Company that said Railway Company shall have the right to the perpetual use of the railway facilities provided for in said Summit House without charge so long as said railway company, or its successor, shall operate railway service to the Summit of Pikes Peak.

Dated at Colorado Springs, Colorado, this 13th day of May, 1958.


Mayor and President of the Council

ATTEST:


City Clerk