

RESOLUTION 168-21

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS JIMMY JACK CREEK ADDITION NO. 1 ANNEXATION HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"

WHEREAS, in accord with Section 31-12-101, *et seq.*, C.R.S., known as the Municipal Annexation Act of 1965, as amended (the "Annexation Act"), the City Clerk of the City of Colorado Springs received a petition for annexation and an annexation plat for certain territory known as Jimmy Jack Creek Addition No. 1 Annexation, more specifically described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, said petition was signed by persons comprising one hundred percent (100%) of the landowners of the Property to be annexed and owning one hundred percent (100%) of the Property, excluding public streets and alleys, in compliance with the provisions of Article II, Section 30 of the Colorado Constitution, and Section 31-12-107(1) of the Annexation Act; and

WHEREAS, in support of the annexation the following affidavits were filed with City Council: an affidavit of Catherine Carleo, Land Use Review Manager for the City of Colorado Springs dated October 5, 2021 (the "Planner's Affidavit"), and an affidavit from Robert L. Meadows, Jr., a registered professional land surveyor dated October 6, 2021 (the "Surveyor's Affidavit").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council finds:

(a) that the City Council of the City of Colorado Springs has conducted a hearing to consider the annexation of the Property, described in Exhibit "A" and commonly known as Jimmy Jack Creek Addition No. 1 Annexation, on November 9, 2021 at City of Colorado Springs, in Council Chambers, City Hall, 107 North Nevada Avenue, Colorado Springs, Colorado, in accord with the Annexation Act;

(b) that at said hearing, City Council considered the annexation petition and annexation plat, testimony presented, the Planner's Affidavit, the Surveyor's Affidavit, the record of the City Planning Commission's decision recommending annexation, all other relevant information presented;

(c) that the City is the sole owner of the Property and no notice or hearing is required for annexation pursuant to Section 31-12-106(3);

(d) that the Annexation Impact Report identified in Section 31-12-108.5 of the Annexation Act was filed with the Clerk to the Board of County Commissioners and the El Paso County Development Services Department as the Property proposed to be annexed is comprised of more than ten (10) acres;

(e) that the Property proposed to be annexed is unincorporated;

(f) that the legal description of the Property on Exhibit "A" is the same as the area described in the annexation petition and the annexation plat;

(g) that at least one-sixth (1/6th) of the boundary of the perimeter of the Property proposed to be annexed is contiguous with the existing boundary of the City of Colorado Springs;

(h) that a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality as provided for in Section 31-12-104(b) of the Annexation Act;

(i) no land held in identical ownership within the Property proposed to be annexed has been divided into separate parts or parcels by the boundaries of such annexation without the written consent of the landowner except as such tracts or parcels are separated by a dedicated street, road or other public way;

(j) no land held in identical ownership within the area proposed to be annexed, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising five (5) acres or more (which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the next year preceding the annexation), has been included within the boundary of the area proposed to be annexed without the written consent of the landowners;

(k) that no annexation of all or any part of the Property has been commenced by any other municipality;

(l) the proposed annexation will not result in the detachment of an area from any school district and attachment of the same area to another school district;

(m) the proposed annexation will not extend boundaries of the city limits of the City of Colorado Springs more than three (3) miles in any direction from the municipal boundary;

(n) in establishing the boundaries of the Property proposed to be annexed, if a portion of a platted street or alley is annexed, the entire width of said street or alley is included within the Property proposed to be annexed;

(o) the applicable requirements of Section 31-12-105 of the Annexation Act have been satisfied;

(p) no petition for election has been received nor is an election otherwise required under the provisions of Section 31-12-107(2) of the Annexation Act;

(q) the annexation of the Property, commonly known as Jimmy Jack Creek Addition No. 1 Annexation and legally described in Exhibit "A" attached hereto, meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965 as amended, and Section 30 of Article II of the Colorado Constitution;

(r) the Property is eligible for annexation to the City of Colorado Springs.



Section 2. No additional terms or conditions are to be imposed by the governing body upon this annexation.

Dated at Colorado Springs, Colorado this 23rd day of November 2021



Council President

ATTEST:


Sarah B. Johnson, City Clerk




JIMMY CAMP CREEK ANNEXATION FILING NO. 1

LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, THE SOUTHEAST QUARTER OF SECTION 35 AND SECTION 36, TOWNSHIP 13 SOUTH, RANGE 65 WEST AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEARINGS ARE BASED ON A LINE FROM NGS POINT JK1153 "CORRAL BLUFFS", MONUMENTED BY A 3" BRASS DISK SET IN A 2.2 FOOT SQUARE CONCRETE PAD TO NGS POINT JK1353 "CLEVINGER", MONUMENTED BY A STAINLESS STEEL ROD SET IN CONCRETE, SAID LINE IS ASSUMED TO BEAR SOUTH 03°57'12" WEST ACCORDING TO A SURVEY CONTROL DIAGRAM PREPARED BY KIRKHAM MICHAEL CONSULTING ENGINEERS DEPOSITED WITH THE EL PASO COUNTY SURVEYOR AT RECEPTION NUMBER 203288215.

PARCEL 1

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL 2

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL 3

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 36, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL 4

PARCEL A: THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTH ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER IN SECTION 36, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL B: THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER IN SECTION 36, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL 5

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 13 SOUTH. RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL 6

THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER IN SECTION 36, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

CITY FILE NO.: CPC ZC 21-00089

PARCEL 7

THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 35
TOWNSHIP 13 SOUTH RANGE 65 WEST, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL 8

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, IN TOWNSHIP 13
SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF
COLORADO.

PARCEL 11

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36. TOWNSHIP 13
SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF
COLORADO.

PARCEL 12-A

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE
SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, ALSO KNOWN AS 'TRACT A' OF
THE JEFFREY E. POUNDING SUBDIVISION EXEMPTION, FILED FOR RECORD IN THE OFFICE OF
THE EL PASO COUNTY CLERK AND RECORDER ON NOVEMBER 19, 2004, UNDER DEPOSIT NO.
204900189, AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST COMER OF THE NORTHEAST QUARTER OF THE SOUTHEAST
QUARTER OF SAID SECTION 36, SAID POINT BEING MONUMENTED BY 3-1/4" ALUMINUM CAP
MARKED 'LS 36082', BEING AT THE SOUTHWEST CORNER OF SAID 'TRACT A';

THENCE ALONG THE BOUNDARY LINE OF SAID 'TRACT A' THE FOLLOWING FIVE CONSECUTIVE
COURSES:

1. NORTH 00°19'59" WEST A DISTANCE OF 661.04 FEET TO THE NORTHWEST CORNER OF
SAID 'TRACT A',
2. NORTH 89°30'17" EAST A DISTANCE OF 663.61 FEET TO THE NORTHEAST CORNER OF
SAID 'TRACT A',
3. SOUTH 00°24'27" EAST A DISTANCE OF 661.54 FEET TO THE SOUTHEAST CORNER OF
SAID 'TRACT A',
4. SOUTH 89°31'21" WEST A DISTANCE OF 332.74 FEET, AND
5. SOUTH 89°34'25" WEST A DISTANCE OF 331.73 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 439,170 SQUARE FEET OR 10.082 ACRES MORE OR LESS AS
MEASURED AT THE PROJECT DATUM AND CONTAINS AN AREA OF 439.498 SQUARE FEET OR
10.089 ACRES MORE OR LESS AS MEASURED ON THE GROUND.

PARCEL 12-B

THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND
THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION
36, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL
PASO, STATE OF COLORADO.

PARCEL 13

PARCEL A: THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST
QUARTER OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M. SUBJECT
TO A ROAD AND UTILITY RIGHT OF WAY FOR PUBLIC USE AND FOR THE USE AND BENEFIT OF
SURROUNDING PROPERTY OVER, ACROSS AND UNDER THE NORTH 15 FEET THEREOF.

PARCEL B: THE RIGHT OF INGRESS AND EGRESS AND A ROAD AND UTILITY RIGHT OF WAY FOR PUBLIC USE AND FOR THE USE AND BENEFIT OF GRANTEEES AND OF SURROUNDING PROPERTY OVER, ACROSS THE EAST 30 FEET OF THE NE1/4, SW1/4, SE1/4, SECTION 36, TOWNSHIP 13 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL 14

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO.

THE ABOVE DESCRIPTION PRODUCES A CALCULATED AREA OF 16,483,819 SQUARE FEET (378.4164 ACRES), MORE OR LESS,



ROBERT L. MEADOWS, PLS 38977
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