

RESOLUTION 127-19

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS THE TUTT BOULEVARD 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 Tutt Boulevard 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, Principal Planner for the City of Colorado Springs dated October 29, 2019 (the "Planner's Affidavit"), and an affidavit from John L Bailey, a registered professional land surveyor dated October 29, 2019 (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 Tutt Boulevard Addition No. 1 Annexation, on November 12, 2019 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 not required because the Property proposed to be annexed is comprised of less 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 Tutt Boulevard 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 12th day of November, 2019.



Council President

ATTEST:



Sarah B. Johnson, City Clerk

A portion of the tract of land described in the Warranty Deed recorded at Reception No. 217058373 of the records of El Paso County, Colorado and located in a portion of the North 472 feet of Government Lot 5, being the Southwest quarter of the Northwest quarter (SW1/4NW1/4) of Section 6, Township 13 South, Range 65 West of the 6th P.M., El Paso County, Colorado being more particularly described as follows:

COMMENCING at a No. 6 rebar with 3-1/4" aluminum cap stamped by PLS No. 19586 at the Northeast corner of Government Lot 4, being the Northwest quarter of the Northwest quarter (NW1/4NW1/4) of Section 6, Township 13 South, Range 65 West of the 6th P.M., from which a No. 6 rebar with 3-1/4" aluminum cap stamped by RLS No 10377 bears N00°28'36"W a distance of 1320.85 feet at the Northeast corner of the Southwest quarter of the Southwest quarter (SW1/4SW1/4) of Section 31, Township 12 South, Range 65 West of the 6th P.M, and is the basis of bearings used herein; thence S00°19'26"W on the East line of said Government Lot 4, a distance of 1303.18 feet to a No. 6 rebar with 3-1/4" aluminum cap stamped by PLS No. 19586, at the Northeast corner of said SW1/4NW1/4 and the POINT OF BEGINNING; thence S00°19'26"W on the East line of said SW1/4NW1/4, a distance of 472.19 feet to the Southeast corner of said tract of land; thence S88°42'56"W on the South line of said tract of land, a distance of 290.29 feet; thence N00°46'13"W a distance of 175.60 feet; thence N64°33'08"E a distance of 270.42 feet to a point fifty (50.00) feet West of said East line, as measured perpendicular thereto; thence S89°40'34"E a distance of 19.50 feet to a point thirty and one-half (30.50) feet West of said East line, as measured perpendicular thereto; thence N00°19'26"E parallel with said East line, a distance of 186.33 feet to the North line of said SW1/4NW1/4; thence N88°42'56"E on said North line, a distance of 30.51 feet to the POINT OF BEGINNING and containing 1.744 acres or 79,949 square feet of land, more or less.

Total perimeter: 1444.84 feet.

One-sixth (1/6th) of perimeter: 240.81 feet.

Contiguous perimeter to the existing city limits: 762.47 feet.

TUTT BOULEVARD
ANNEXATION
CPC A 19-00067

JOB NO. 17-023

FILE: 17023fp-annex.DWG
DATE: 5/28/19



EXHIBIT A