

RESOLUTION NO. 66 - 24

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS AIR LANE ADDITION NO. 2 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 Air Lane Addition No. 2 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 Roland Sevigny, Planning Supervisor for the City of Colorado Springs dated June 11, 2024 (the "Planner's Affidavit"), and an affidavit from Robert A. Pisciotta Jr., a registered professional land surveyor dated June 10, 2024 (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 Air Lane Addition No. 2 Annexation, on July 9, 2024, 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 Clerk has provided notice as directed and said notice complies with the requirements of Section 31-12-108 of the Annexation Act;

(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 City owned right-of-way only;

(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 Air Lane Addition No. 2 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 9th day of July 2024.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



LEGAL DESCRIPTION :

A PORTION OF AIR LANE AS DEPICTED AS POTTER DRIVE IN HILLCREST ACRES AT PLAT BOOK B-2 PAGE 64 AND A PORTION OF A **20.00 FOOT TRACT AS RECORDED AT RECEPTION NUMBER 099087783** AND QUITCLAIMED TO THE CITY OF COLORADO SPRINGS AT **RECEPTION NUMBER 222134799** ALL OF THE RECORDS OF EL PASO COUNTY, COLORADO;
IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO.
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF **SPACE VILLAGE ADDITION NO. 1 ANNEXATION PLAT** AS RECORDED RECEPTION NUMBER 222715049 OF THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE N00°18'02" W AND COINCIDENT WITH THE WESTERLY LINE OF SAID AIR LANE A DISTANCE OF 10.00 FEET TO A THE **POINT OF BEGINNING**;
THENCE N00°18'02" W AND COINCIDENT WITH THE WESTERLY LINE OF SAID AIR LANE A DISTANCE OF 20.00 FEET TO A POINT;
THENCE N89°40'19" E A DISTANCE OF 50.00 FEET;
THENCE N00°18'02" W A DISTANCE OF 150.01 FEET;
THENCE N89°41'58" E A DISTANCE OF 10.00 FEET TO THE EAST RIGHT OF WAY LINE OF AIR LANE (POTTER DRIVE) AND THE WEST LINE OF SAID 20.00 FOOT TRACT;
THENCE N00°18'02" W AND COINCIDENT WITH SAID 20.00 FOOT TRACT AND EAST RIGHT OF WAY LINE A DISTANCE OF 439.97 FEET;
THENCE N89°41'58" E A DISTANCE OF 20.00 FEET TO THE EAST LINE OF SAID 20.00 FOOT TRACT;
THENCE S00°18'02" E AND COINCIDENT WITH THE EAST LINE OF SAID 20.00 FOOT TRACT A DISTANCE OF 459.97;
THENCE S89°41'58" W A DISTANCE OF 10.00 FEET ;
THENCE S00°18'02" E A DISTANCE OF 150.00 FEET;
THENCE S89°40'19" W A DISTANCE OF 70.00 FEET TO THE **POINT OF BEGINNING**

SAID PARCEL CONTAINS 133,399 SQUARE FEET, (3.062 ACRES), MORE OR LESS.

THE LINEAR UNIT OF MEASURE USED FOR THIS SURVEY IS THE U.S. Survey foot.



ANNEXATION

AIR LANE Addition No.2
Description

Drawn
By: R. Kotwica

Date: 10/11/2023

Job Number: 2023028

PAGE 1 OF 1

AIR LANE ADDITION NO. 2

ANEX-23-0025

[illegible]