

RESOLUTION NO. 78-18

A RESOLUTION FINDING A PETITION FOR ANNEXATION OF THE AREA KNOWN AS THE AIRPORT SPECTRUM ADDITION NO. 1 CONSISTING OF 78.95 ACRES TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND SETTING A HEARING DATE OF SEPTEMBER 11, 2018 FOR THE COLORADO SPRINGS CITY COUNCIL TO CONSIDER THE ANNEXATION OF THE AREA

WHEREAS, a petition for annexation of the area known as the Airport Spectrum Addition No. 1 consisting of 78.95 acres and as more specifically described in Exhibit A (the "Petition for Annexation") was filed with the City Clerk on June 2, 2017 and

WHEREAS, on August 22, 2017, the City Clerk referred the Petition for Annexation to City Council as a communication; and

WHEREAS, on August 22, 2017, City Council referred the Petition for Annexation to the City Administration for review and recommendation; and

WHEREAS, the City Administration has reviewed the Petition for Annexation and recommends that the City Council find the Petition for Annexation to be in substantial compliance with Section 31-12-107(1), C.R.S.

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

Section 1. The City Council finds the Petition for Annexation to be in substantial compliance with Section 31-12-107(1), C.R.S.

Section 2. The City Council hereby sets a public hearing on the Petition for Annexation for September 11, 2018, at 1:00 P.M., at Council Chambers, City Hall Building, 107 N. Nevada Avenue, Colorado Springs, Colorado, for purposes of determining and finding whether the area proposed to be annexed meets applicable requirements of Section 31-12-104 and Section 31-12-105, C.R.S. and Section 30 of Article II of the Colorado Constitution, to determine the eligibility of the area for annexation and to determine whether the area should be annexed to the City of Colorado Springs.

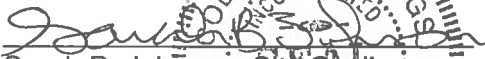
Section 3. The City Clerk is hereby directed to give notice of the hearing in the manner described in Section 31-12-108, C.R.S.

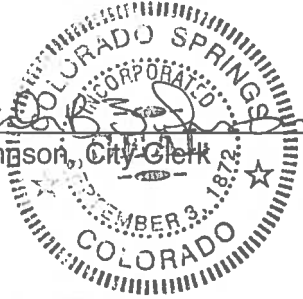
DATED at Colorado Springs, Colorado, this 24th day of July, 2018.



Council President

ATTEST:


Sarah B. Johnson, City Clerk



PETITION FOR ANNEXATION

AIRPORT SPECTRUM ADDITION NO. 1

To the City Council of the City of Colorado Springs

We, the undersigned, constituting and comprising the owners of 100% of the area (territory) (excluding public streets and alleys) described in Exhibit A attached hereto and made a part of the Petition (the "Described Area"), do hereby petition that the Described Area be annexed to and become part of the City of Colorado Springs and do represent and state:

1. It is desirable and necessary that the Described Area be annexed to the City of Colorado Springs.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S. 1973, as amended, exist or have been met as these sections apply to the annexation of the Described Area.
3. That the annexation of the Described Area complies with Section 30 of Article II of the Colorado Constitution.
4. That the undersigned request that the City of Colorado Springs approve the annexation of the Described Area.
5. That the legal description of the land owned by each Petitioner hereto is attached to and made part of this Petition.

The Petitioner(s) hereto understand and are cognizant of the fact that the City of Colorado Springs ("City") is not legally required to annex the Described Area, and that if the City does annex the Described Area, the annexation shall be upon the conditions and agreement of the Petitioner(s) as set forth in the Annexation Agreement.

NOW, THEREFORE, in consideration of the forgoing statement, and in further consideration of the benefits which will accrue to the Petitioner(s) and the obligations resulting to the City if the Described Area is annexed to the City, the Petitioner(s) agree and covenant that if the Described Area is annexed to the City, the Petitioner(s) will comply with all applicable provisions of the Code of the City of Colorado Springs 2001, as amended, and all applicable ordinances, resolutions, and regulations of the City now existing or as hereinafter amended.

The covenants and agreements herein above set forth shall run with the land owned by each Petition hereto which is subject to this annexation and shall extend to and be binding upon the heirs, assigns, legal representatives and successors to each Petitioner. Each Petitioner expressly accepts the aforesaid covenants and agreements by proceeding with the Petition for Annexation to the City.

*Each owner on the subject property must sign and have affidavit notarized.

BERT A. GETZ AS TRUSTEE OF THE BERT ATWATER GETZ TRUST DTD. SEPTEMBER 7, 1990

Bert A. Getz
Name (Print)

Bert A. Getz
Signature

8/3/2017
Date

6730 N. Scottsdale Road, Suite 250, Scottsdale, AZ 85253
Mailing Address

Legal Description: See Exhibit A

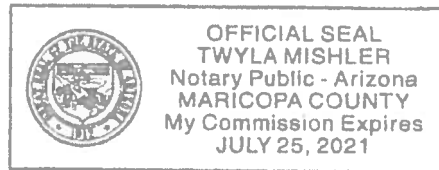
AFFIDAVIT

STATE OF Arizona)

) ss.

COUNTY OF Maricopa

The foregoing instrument was executed before me this 3rd day of August, 2017, by BERT A. GETZ AS TRUSTEE OF THE BERT ATWATER GETZ TRUST DTD. SEPTEMBER 7, 1990.



Witness my hand and official seal.

My Commission expires: July 25, 2021

Twyla Mishler
Notary Public

The notarization signatures above serve as the Affidavit of Circulator acknowledging that each signature herein is the signature of the person it purports to be (C.R.S. 31-12-107(1)(cc)(IX))



619 N. Cascade Avenue, Suite 200 (719)785-0790
Colorado Springs, Colorado 80903 (719)785-0799(Fax)

JOB NO. 2429.00-01
MAY 22, 2107
PAGE 1 OF 2

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: A PORTION OF THE WESTERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED IN BOOK 5307 AT PAGE 1472, EL PASO COUNTY RECORDS, BEING MONUMENTED AT THE NORTHERLY END (A POINT OF TANGENT FROM THE NORTHERLY MOST CURVE DESCRIBED IN SAID DOCUMENT) BY A 1" ORANGE PLASTIC CAP STAMPED "PLS 37928" AND AT THE SOUTHERLY END BY A 1" YELLOW PLASTIC CAP STAMPED "CO REG PLS 12368" IS ASSUMED TO BEAR S00°00'29"W, A DISTANCE OF 3242.82 FEET.

COMMENCING AT A POINT ON THE WESTERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED IN BOOK 5307 AT PAGE 1472, RECORDS OF EL PASO COUNTY, COLORADO, BEING THE POINT OF TANGENT FROM THE NORTHERLY MOST CURVE DESCRIBED IN SAID DOCUMENT, MONUMENTED BY A 1" ORANGE PLASTIC CAP STAMPED "CO REG PLS 12368";

THENCE N53°53'02"E, A DISTANCE OF 259.94 FEET TO A POINT ON THE WESTERLY LINE OF LOT 2, COLORADO SPRINGS AIRPORT FILING NO. 1, RECORDED UNDER RECEPTION NUMBER 201029279 OF SAID RECORDS, BEING ALSO A POINT ON THE EAST LINE OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S00°00'29"W, ON THE EAST LINE OF SAID SECTION 1 AND THE WESTERLY LINE OF SAID LOT 2 AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 3933.79 FEET;

THENCE S74°10'05"W, A DISTANCE OF 135.25' TO A POINT ON THE WESTERLY LINE OF SAID DOCUMENT RECORDED IN BOOK 5307 AT PAGE 1472;
THENCE S89°59'40"W, A DISTANCE OF 909.93 FEET TO A POINT ON THE THE EASTERLY LINE OF A WARRANTY DEED RECORDED UNDER RECEPTION NO. 201110423 OF SAID RECORDS;
THENCE N09°50'33"E ON SAID EASTERLY LINE, A DISTANCE OF 2272.48 FEET TO THE SOUTHEASTERLY CORNER OF A QUIT CLAIM DEED RECORDED UNDER RECEPTION NO. 202068128 OF SAID RECORDS, SAID POINT BEING MONUMENTED BY A 1/2" REBAR;
THENCE N05°45'54"W ON THE EASTERLY LINE OF SAID QUIT CLAIM DEED, A DISTANCE OF 536.32 FEET TO THE SOUTHEASTERLY CORNER OF A WARRANTY DEED RECORDED UNDER RECEPTION NO. 201110417 OF SAID RECORDS, SAID POINT BEING MONUMENTED BY A 1/2" REBAR;
THENCE N25°02'08"W ON THE EASTERLY LINE OF SAID WARRANTY DEED, A DISTANCE OF 438.64 FEET TO THE SOUTHEASTERLY CORNER OF A WARRANTY DEED RECORDED NO. 201110420 OF SAID RECORDS, SAID POINT BEING MONUMENTED BY A 1/2" REBAR;

THENCE ON THE EASTERLY LINE OF SAID WARRANTY DEED THE FOLLOWING (3) THREE COURSES;

1. N06°17'35"W, A DISTANCE OF 209.36 FEET TO A 1-1/2" ALUMINUM SURVEYORS CAP STAMPED "LS6169";
2. N26°32'43"W, A DISTANCE OF 535.77 FEET TO A 1-1/2" ALUMINUM SURVEYORS CAP STAMPED "LS 6169";
3. N39°01'33"W, A DISTANCE OF 214.27 FEET TO THE SOUTHEASTERLY CORNER OF DRENNAN ROAD AS PLATTED IN CLEAR VIEW ESTATES SUBDIVISION NO. 2, RECORDED IN BOOK M-2 AT PAGE 58 OF SAID RECORDS, SAID POINT BEING A 1" ORANGE PLASTIC CAP STAMPED "37928";



EXHIBIT A

THENCE N03°27'15"E ON THE EASTERLY LINE OF SAID DRENNAN ROAD, A DISTANCE OF 23.54 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MILTON E. PROBY PARKWAY (FORMERLY DRENNAN ROAD), BEING MONUMENTED BY A 1" ORANGE PLASTIC CAP STAMPED "PLS 37928";
THENCE S86°35'37"E, ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID MILTON E. PROBY PARKWAY, A DISTANCE OF 1289.81 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 78.955 ACRES.

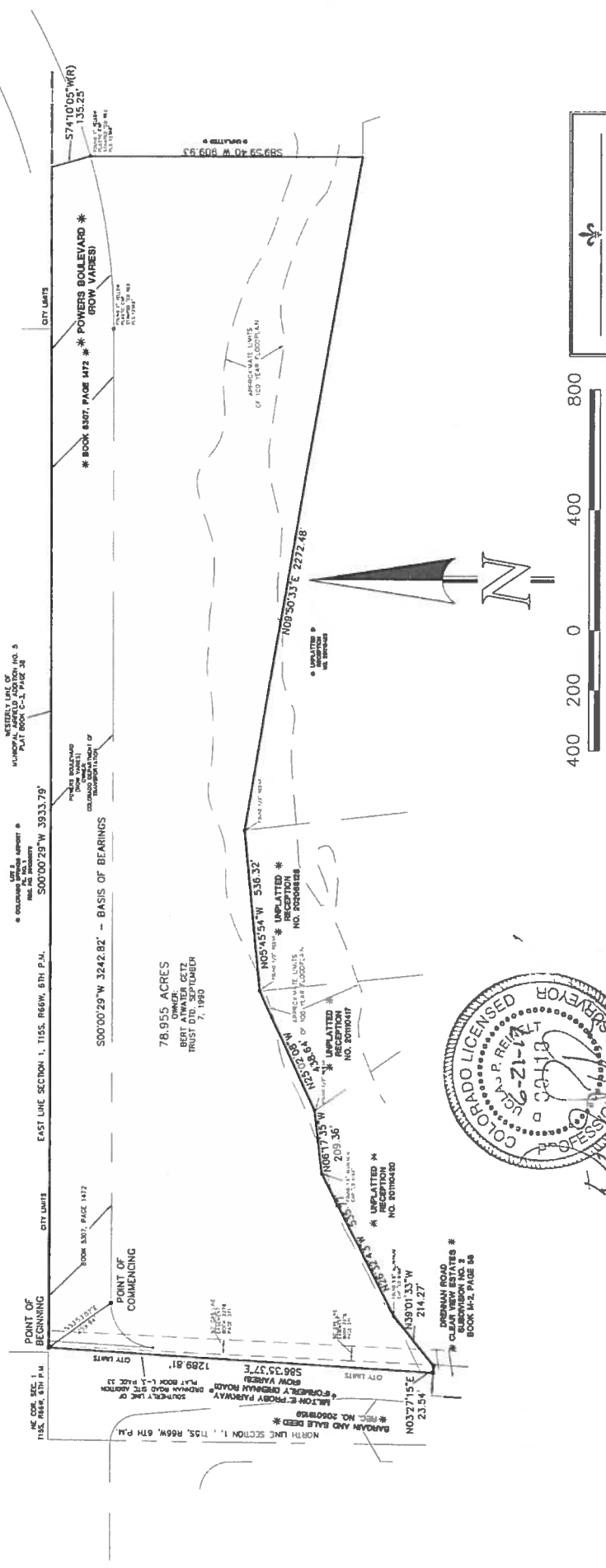
LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS P. REINELT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.



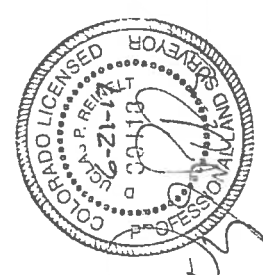
DOUGLAS P. REINELT, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 30118
FOR AND ON BEHALF OF CLASSIC CONSULTING
ENGINEERS AND SURVEYORS

MAY 22, 2017
DATE



SCALE: 1" = 400'

CCES, LLC DOES NOT EXPRESS NOR IMPLY ANY WARRANTY WITH THE ABOVE WRITTEN LEGAL DESCRIPTION AND EXHIBIT. THE LEGAL DESCRIPTION WAS WRITTEN FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT DEPICT A MONUMENTED LAND SURVEY.



AIRPORT SPECTRUM ANNEXATION SHEET 1 OF 1 JUNE 21, 2017

619 N. Cascade Avenue Suite 200
 Colorado Springs, Colorado 80903
 (719)785-0790 (719)785-0799 (Fax)