

RESOLUTION NO. 26-18

A RESOLUTION FINDING A PETITION FOR ANNEXATION OF THE AREA KNOWN AS THE SANDS ADDITION NOS. 1-4 CONSISTING OF 140.61 ACRES TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND SETTING A HEARING DATE OF MAY 22, 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 Sands Addition Nos. 1-4 consisting of 140.61 acres and as more specifically described in Exhibit A (the "Petition for Annexation") was filed with the City Clerk on April 24, 2017; and

WHEREAS, on May 23, 2017, the City Clerk referred the Petition for Annexation to City Council as a communication; and

WHEREAS, on May 23, 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 May 22, 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 10th day of April 2018.

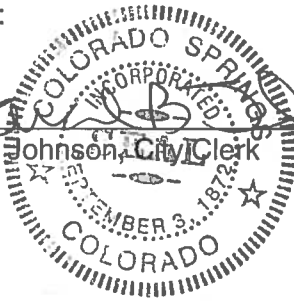


Council President

ATTEST:



Sarah B. Johnson, City Clerk





20 Boulder Crescent, STE 110
Colorado Springs, CO 80903
Mail to: PO Box 1360
Colorado Springs, CO 80901
v 719.955.5485

The Sands Addition No. 1 Annexation

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD BEING COINCIDENT WITH A LINE BEING 80.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID SECTION 33, BEING MONUMENTED AT THE SOUTH END BY A REBAR WITH A YELLOW PLASTIC CAP STAMPED "AZTEC LS 36567", AND AT THE NORTH END BY A NO. 5 REBAR, ASSUMED TO BEAR N00°10'57"E.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33;
THENCE S00°10'57"W, A DISTANCE OF 1125.01 FEET TO A POINT COINCIDENT WITH THE CENTERLINE OF MARKSHEFFEL ROAD;
THENCE S89°49'03"E, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD AS CONVEYED TO EL PASO COUNTY BY THE WARRANTY DEED, AS RECORDED SEPTEMBER 14, 2010 UNDER RECEPTION NO. 210107562 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER SAID POINT ALSO BEING A POINT ON THE SOUTHERLY LINE OF MARKSHEFFEL INDUSTRIAL PARK, AS RECORDED IN PLAT BOOK Z-3 AT PAGE 125 OF SAID COUNTY RECORDS SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING FIVE (5) COURSES:

1. S89°47'51"E, A DISTANCE OF 663.52 FEET;
2. N66°36'44"E, A DISTANCE OF 81.74 FEET;
3. S89°55'19"E, A DISTANCE OF 349.88 FEET;
4. S00°12'12"E, A DISTANCE OF 4.51 FEET;
5. S89°55'54"E, A DISTANCE OF 270.12 FEET;

THENCE S00°04'42"W, A DISTANCE OF 1099.90 FEET TO THE CENTERLINE OF A 80 FOOT EASEMENT FOR ROAD AND UTILITY PURPOSES (PURSUANT TO BOOK 3863 AT PAGE 1414 AND BOOK 2988 AT PAGE 476 OF SAID COUNTY RECORDS);

THENCE S89°59'11"W ALONG SAID CENTERLINE, A DISTANCE OF 695.32 FEET;

THENCE S00°04'20"W, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH LINE OF SAID EASEMENT;

THENCE S89°55'04"E ALONG THE SOUTH LINE OF SAID EASEMENT, A DISTANCE OF 665.24 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD;

THENCE N89°49'03"W, A DISTANCE OF 160.00 FEET;

THENCE N00°10'57"E, A DISTANCE OF 1116.24 FEET;

THENCE S89°49'03"E, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 38.6766 ACRES OF LAND, MORE OR LESS.

PETITION FOR ANNEXATION

The Sands Addition No. 1 ANNEXATION

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 I attached hereto and made a part of the Petition (the "Described Area"), do hereby petition that the Described Area be annexed to and become a 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 foregoing 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 Petitioner 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.

AFFIDAVIT

STATE OF COLORADO)

) ss.

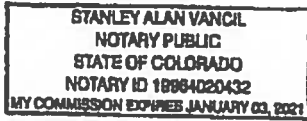
COUNTY OF EL PASO)

The foregoing instrument was executed before me this 4th day of January, 2017, by Jeff Mark, Vice President

Larson South Land Corp.
212 N. Wahatch Ave, Suite 301
Colorado Springs, CO 80903

Witness my hand and official seal.

My Commission expires: 1-3-2021



Stanley Alan Vancil
Notary Public

The notarized 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)).



20 Boulder Crescent, STE 110
Colorado Springs, CO 80903
Mail to: PO Box 1360
Colorado Springs, CO 80901
v 719.955.5485

The Sands Addition No. 1 Annexation

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD BEING COINCIDENT WITH A LINE BEING 80.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID SECTION 33, BEING MONUMENTED AT THE SOUTH END BY A REBAR WITH A YELLOW PLASTIC CAP STAMPED "AZTEC LS 36567", AND AT THE NORTH END BY A NO. 5 REBAR, ASSUMED TO BEAR N00°10'57"E.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33;
THENCE S00°10'57"W, A DISTANCE OF 1125.01 FEET TO A POINT COINCIDENT WITH THE CENTERLINE OF MARKSHEFFEL ROAD;
THENCE S89°49'03"E, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD AS CONVEYED TO EL PASO COUNTY BY THE WARRANTY DEED, AS RECORDED SEPTEMBER 14, 2010 UNDER RECEPTION NO. 210107562 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER SAID POINT ALSO BEING A POINT ON THE SOUTHERLY LINE OF MARKSHEFFEL INDUSTRIAL PARK, AS RECORDED IN PLAT BOOK Z-3 AT PAGE 125 OF SAID COUNTY RECORDS SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING FIVE (5) COURSES:

1. S89°47'51"E, A DISTANCE OF 663.52 FEET;
2. N66°36'44"E, A DISTANCE OF 81.74 FEET;
3. S89°55'19"E, A DISTANCE OF 349.88 FEET;
4. S00°12'12"E, A DISTANCE OF 4.51 FEET;
5. S89°55'54"E, A DISTANCE OF 270.12 FEET;

THENCE S00°04'42"W, A DISTANCE OF 1099.90 FEET TO THE CENTERLINE OF A 80 FOOT EASEMENT FOR ROAD AND UTILITY PURPOSES (PURSUANT TO BOOK 3863 AT PAGE 1414 AND BOOK 2988 AT PAGE 476 OF SAID COUNTY RECORDS);

THENCE S89°59'11"W ALONG SAID CENTERLINE, A DISTANCE OF 695.32 FEET;

THENCE S00°04'20"W, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH LINE OF SAID EASEMENT;

THENCE S89°55'04"E ALONG THE SOUTH LINE OF SAID EASEMENT, A DISTANCE OF 665.24 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD;

THENCE N89°49'03"W, A DISTANCE OF 160.00 FEET;

THENCE N00°10'57"E, A DISTANCE OF 1116.24 FEET;

THENCE S89°49'03"E, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 38.6766 ACRES OF LAND, MORE OR LESS.

PETITION FOR ANNEXATION

The Sands Addition No. 2 ANNEXATION

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 I attached hereto and made a part of the Petition (the "Described Area"), do hereby petition that the Described Area be annexed to and become a 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 foregoing 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 Petitioner 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.

Babcock Land Corp.

Jeff Mark - Vice President
Name (Print)


Signature

1/4/17
Date

212 N. Webster Ave., Suite 301, Colorado Springs, CO 80903
Mailing Address

Legal Description: See Exhibit A

Name (Print) Signature Date

Mailing Address

Legal Description: See Exhibit _____

Name (Print) Signature Date

Mailing Address

Legal Description: See Exhibit _____

Name (Print) Signature Date

Mailing Address

Legal Description: See Exhibit _____

AFFIDAVIT

STATE OF COLORADO)

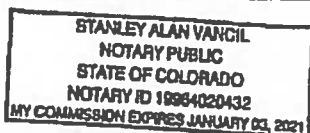
) ss.

COUNTY OF EL PASO)

The foregoing instrument was executed before me this 4th day of January,
2017, by Jeff Mark, Vice President, Balcock Land Corp.
212 N. Wahsatch Ave. Suite 301
Colorado Springs, CO 80903

Witness my hand and official seal.

My Commission expires: 1-3-2021



Stanley Alan Vangil
Notary Public

The notarized 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)).



20 Boulder Crescent, STE 110
Colorado Springs, CO 80903
Mail to: PO Box 1360
Colorado Springs, CO 80901
v 719.955.5485

The Sands Addition No. 2 Annexation

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD BEING COINCIDENT WITH A LINE BEING 80.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID SECTION 33, BEING MONUMENTED AT THE SOUTH END BY A REBAR WITH A YELLOW PLASTIC CAP STAMPED "AZTEC LS 36567", AND AT THE NORTH END BY A NO. 5 REBAR, ASSUMED TO BEAR N00°10'57"E.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33;
THENCE S00°10'57"W, A DISTANCE OF 2241.25 FEET TO A POINT COINCIDENT WITH THE CENTERLINE OF MARKSHEFFEL ROAD;

THENCE S89°49'03"E, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD AS CONVEYED TO EL PASO COUNTY BY THE WARRANTY DEED AS RECORDED SEPTEMBER 14, 2010 UNDER RECEPTION NO. 210107562 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER SAID POINT ALSO BEING A POINT ON THE SOUTH LINE OF A 80 FOOT EASEMENT FOR ROAD AND UTILITY PURPOSES (PURSUANT TO BOOK 3863 AT PAGE 1414 AND BOOK 2988 AT PAGE 476 OF SAID COUNTY RECORDS) SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE N89°55'04"E ALONG THE SOUTH LINE OF SAID EASEMENT, A DISTANCE OF 665.24 FEET TO A POINT ON THE WESTERLY LINE OF ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 202014735 OF SAID COUNTY RECORDS;
THENCE S00°04'20"W ALONG SAID WESTERLY LINE, A DISTANCE OF 1259.99 FEET;
THENCE S89°55'04"W, A DISTANCE OF 667.66 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD;
THENCE N89°49'03"W, A DISTANCE OF 160.00 FEET;
THENCE N00°10'57"E, A DISTANCE OF 1260.00 FEET;
THENCE S89°49'03"E, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 23.9054 ACRES OF LAND, MORE OR LESS.

PETITION FOR ANNEXATION

The Sands Addition No. 3 ANNEXATION

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 I attached hereto and made a part of the Petition (the "Described Area"), do hereby petition that the Described Area be annexed to and become a 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 foregoing 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 Petitioner 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.

Babcock Land Corp

Jeff Mark - Vice President
Name (Print)


Signature

1/4/17

Date

212 N. Walsatch Ave., Suite 301, Colorado Springs, CO 80903
Mailing Address

Legal Description: See Exhibit A

Name (Print)

Signature

Date

Mailing Address

Legal Description: See Exhibit _____

Name (Print)

Signature

Date

Mailing Address

Legal Description: See Exhibit _____

Name (Print)

Signature

Date

Mailing Address

Legal Description: See Exhibit _____

AFFIDAVIT

STATE OF COLORADO)

) ss.

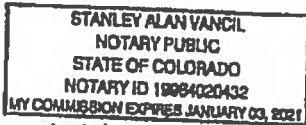
COUNTY OF EL PASO)

The foregoing instrument was executed before me this 4th day of January,
2017, by Jeff Mark, Vice President

Babeau Land Corp.
212 N. Wabatch Ave., Suite 301
Colorado Springs, CO, 80903

Witness my hand and official seal.

My Commission expires: 1-3-2021



Stanley Alan Vancil
Notary Public

The notarized 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)).



20 Boulder Crescent, STE 110
Colorado Springs, CO 80903
Mail to: PO Box 1360
Colorado Springs, CO 80901
v 719.955.5485

The Sands Addition No. 3 Annexation

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD BEING COINCIDENT WITH A LINE BEING 80.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID SECTION 33, BEING MONUMENTED AT THE SOUTH END BY A REBAR WITH A YELLOW PLASTIC CAP STAMPED "AZTEC LS 36567", AND AT THE NORTH END BY A NO. 5 REBAR, ASSUMED TO BEAR N00°10'57"E.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33;
THENCE S00°10'57"W, A DISTANCE OF 3501.25 FEET TO A POINT COINCIDENT WITH THE CENTERLINE OF MARKSHEFFEL ROAD;

THENCE S89°49'03"E, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD AS CONVEYED TO EL PASO COUNTY BY THE WARRANTY DEED AS RECORDED SEPTEMBER 14, 2010 UNDER RECEPTION NO. 210107562 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE N89°55'04"E, A DISTANCE OF 667.66 FEET TO A POINT ON THE WESTERLY LINE OF ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 202014735 OF SAID COUNTY RECORDS;

THENCE S00°04'20"W ALONG SAID WESTERLY LINE, A DISTANCE OF 583.40 FEET TO THE SOUTHWESTERLY CORNER OF LOT 7, BLOCK 2 AS PLATTED IN SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1;

THENCE S00°05'10"W, A DISTANCE OF 716.59 FEET;

THENCE S89°55'04"W, A DISTANCE OF 669.99 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD;

THENCE N89°49'03"W, A DISTANCE OF 160.00 FEET;

THENCE N00°10'57"E, A DISTANCE OF 1300.00 FEET;

THENCE S89°49'03"E, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 24.7364 ACRES OF LAND, MORE OR LESS.

PETITION FOR ANNEXATION

The Sands Addition No. 4 ANNEXATION

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 I attached hereto and made a part of the Petition (the "Described Area"), do hereby petition that the Described Area be annexed to and become a 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 foregoing 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 Petitioner 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.



20 Boulder Crescent, STE 110
Colorado Springs, CO 80903
Mail to: PO Box 1360
Colorado Springs, CO 80901
v 719.955.5485

The Sands Addition No. 4 Annexation

A PARCEL OF LAND LYING WITHIN THE SOUTH HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST AND THE NORTH HALF OF SECTION 4, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD BEING COINCIDENT WITH A LINE BEING 80.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID SECTION 33, BEING MONUMENTED AT THE SOUTH END BY A REBAR WITH A YELLOW PLASTIC CAP STAMPED "AZTEC LS 36567", AND AT THE NORTH END BY A NO. 5 REBAR, ASSUMED TO BEAR N00°10'57"E.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33;
THENCE S00°10'57"W, A DISTANCE OF 4801.25 FEET TO A POINT COINCIDENT WITH THE CENTERLINE OF MARKSHEFFEL ROAD;
THENCE S89°49'03"E, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD AS CONVEYED TO EL PASO COUNTY BY THE WARRANTY DEED AS RECORDED SEPTEMBER 14, 2010 UNDER RECEPTION NO. 210107562 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE N89°55'04"E, A DISTANCE OF 669.99 FEET;
THENCE N00°05'10"E, A DISTANCE OF 716.59 FEET TO THE SOUTHWESTERLY CORNER OF LOT 7, BLOCK 2 AS PLATTED IN ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 202014735 OF SAID COUNTY RECORDS;
THENCE N89°58'07"E ALONG THE SOUTHERLY LINE OF BLOCK 2, AS PLATTED IN SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1, A DISTANCE OF 1004.19 FEET TO THE NORTHWEST CORNER OF THE SPECIAL WARRANTY DEED, AS RECORDED UNDER RECEPTION NO. 216016072 OF SAID COUNTY RECORDS;
THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID SPECIAL WARRANTY DEED THE FOLLOWING TWO (2) COURSES:

1. S00°01'38"E, A DISTANCE OF 250.00 FEET;
2. N89°58'07"E, A DISTANCE OF 200.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL DRIVE AS DESCRIBED IN THE RESOLUTION NO. 00-189, AS RECORDED UNDER RECEPTION NO. 200144328 OF SAID COUNTY RECORDS;

THENCE S00°01'38"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 974.05 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CONSTITUTION AVENUE AS RECORDED IN PLAT BOOK Y-3 AT PAGE 169 OF SAID COUNTY RECORDS;
THENCE N89°58'14"E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 688.41 FEET TO THE SOUTHEASTERLY CORNER OF LOT 7, BLOCK 1 AS PLATTED IN SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. N89°58'14"E, A DISTANCE 766.41 FEET TO A POINT ON CURVE;
2. ALONG THE ARC OF A 1,897.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14°26'03", AN ARC LENGTH OF 477.90 FEET (THE LONG CHORD OF WHICH BEARS S82°47'56"E, A LONG CHORD DISTANCE OF 476.63 FEET;

THENCE S14°24'55"W ACROSS SAID CONSTITUTION AVENUE, A DISTANCE OF 120.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CONSTITUTION AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. ALONG THE ARC OF A 1,777.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°27'53", AN ARC LENGTH OF 448.62 FEET (THE LONG CHORD OF WHICH BEARS N82°48'50"W, A LONG CHORD DISTANCE OF 447.42 FEET;
2. S89°58'14"W, A DISTANCE 3,491.75 FEET;

THENCE N00°10'57"E, A DISTANCE OF 627.40 FEET;

THENCE S89°49'03"E, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 53.2874 ACRES OF LAND, MORE OR LESS.