

ORDINANCE NO. 22 - 80

AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS WEST COLORADO AVENUE ADDITION NO. 3 CONSISTING OF 0.92-ACRES LOCATED ALONG WEST COLORADO AVENUE WEST OF SOUTH 31ST STREET

WHEREAS, pursuant to Article II, Section 30 of the Colorado Constitution and Section 31-12-101, *et seq.*, C.R.S., known as the Municipal Annexation Act of 1965, as amended (the "Annexation Act"), the City of Colorado Springs is the sole owner of that certain territory known as West Colorado Avenue Addition No. 3, more specifically described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"), which is not solely a public street or right-of-way; and

WHEREAS, in accord with Section 31-12-106(3) of the Annexation Act, the Property is eligible for annexation in accordance with Section 30(1)(c) of Article II of the Colorado Constitution and Sections 31-12-104(1)(a) and 105 of the Annexation Act; and

WHEREAS, pursuant to Section 31-12-106(3) of the Annexation Act the City Council of the City of Colorado Springs may annex the Property without complying with the notice and hearing provisions of Sections 31-12-108 and 109; and

WHEREAS, in accord with the Annexation Act, the City Council has determined that said area should be annexed forthwith as part of the City of Colorado Springs; and

WHEREAS, City Code section 7.5.403(A) provides that, unless waived, all requests for annexation must be accompanied by a land use master plan; and

WHEREAS, because the Property is City-owned and the City has no present intent to develop the Property, City Council finds that City Code section 7.5.403(A) does not apply.

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

Section 1. The Property, known as West Colorado Avenue Addition No. 3 Annexation and more specifically described on the attached Exhibit "A", is hereby annexed to the City of Colorado Springs.

Section 2. When this annexation is complete, the Property shall become a part of the City of Colorado Springs for all intents and purposes on the effective date of this

ordinance, provided that the conditions of Section 31-12-113(2) C.R.S. are satisfied, with the exception of general taxation, in which respect said annexation shall not be effective until on or after January 1 next ensuing.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

Introduced, read, passed on first reading and ordered published this 25th day of October 2022.

Finally passed: November 8, 2022


Council President

Mayor's Action:

X Approved on November 10, 2022.

Disapproved on _____, based on the following objections:

John W. Sittler
Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTES 
Sarah B. Johnson
Sarah B. Johnson, City Clerk

CAO: MS
COS: —

EXHIBIT A

WEST COLORADO AVENUE ADDITION NO. 3 DESCRIPTION

THAT PORTION OF WEST COLORADO AVENUE LOCATED IN THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A NORTHEASTERLY CORNER OF LOT 1, GARTH'S SUBDIVISION FILING NO. 1, AS RECORDED AT RECEPTION NO. 205185891 IN THE EL PASO COUNTY CLERK AND RECORDERS OFFICE, ALSO BEING A NORTHEASTERLY CORNER OF WESTER ADDITION ANNEXATION PLAT AS RECORDED IN PLAT BOOK J2, PAGE 61 IN SAID OFFICE;

1. THENCE SOUTH 57°56'50" EAST, A DISTANCE OF 113.70 FEET ALONG A SOUTHERLY RIGHT-OF-WAY LINE OF WEST COLORADO AVENUE TO AN ANGLE POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE;
2. THENCE SOUTH 42°33'24" EAST, A DISTANCE OF 365.72 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO A POINT ON AN EASTERLY RIGHT-OF-WAY LINE OF GOLDEN LANE ROAD, ALSO BEING A POINT ON A WESTERLY LINE OF COLORADO CITY AND VICINITY #21 ANNEXATION;
3. THENCE NORTH 38°39'02" EAST, A DISTANCE OF 83.11 FEET ALONG SAID WESTERLY LINE OF SAID ANNEXATION TO THE SOUTHWESTERLY CORNER OF LOT 35, BLOCK 154, GRAND VIEW AND LOVE AND QUINBY'S ADDITION TO COLORADO CITY AS RECORDED IN PLAT BOOK A, PAGE 182 IN SAID OFFICE;
4. THENCE NORTH 42°33'24" WEST, A DISTANCE OF 374.76 FEET ALONG THE SOUTHERLY LINES OF LOTS 35 THROUGH 37 OF SAID BLOCK 154 OF SAID PLAT, THE SOUTHERLY LINE OF WENDY'S SUBDIVISION FILING NO. 2 AS RECORDED IN PLAT BOOK I-3, PAGE 13 IN SAID OFFICE, AND THE SOUTHERLY LINES OF LOTS 42 THROUGH 44 OF SAID BLOCK 154 OF SAID PLAT, ACROSS A PORTION OF SOUTH 31ST STREET TO AN ANGLE POINT;
5. THENCE NORTH 54°09'47" WEST, A DISTANCE OF 108.66 FEET ACROSS A PORTION OF SOUTH 31ST STREET TO A POINT ON THE SOUTHERLY LINE OF LOT 11, BLOCK 2 OF SAID GRAND VIEW AND LOVE AND QUINBY'S ADDITION TO COLORADO CITY, SAID POINT ALSO BEING AN ANGLE POINT IN SAID WESTER ADDITION ANNEXATION PLAT;
6. THENCE SOUTH 35°50'46" WEST, A DISTANCE OF 92.33 FEET ALONG AN EASTERLY LINE OF SAID WESTER ADDITION ANNEXATION PLAT TO A NORTHEASTERLY CORNER OF SAID LOT 1 OF SAID GARTH'S SUBDIVISION FILING NO. 1 AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY YIELDS A CALCULATED AREA OF 40,254 SQ. FT. OR 0.92 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST QUARTER LINE OF SECTION 3, TOWNSHIP 11 SOUTH, RANGE 67 WEST. SAID LINE IS MONUMENTED AT THE NORTHEAST CORNER OF SAID SECTION 3 WITH A 3" ALUMINUM CAP STAMPED "PLS 17496" AND THE EAST QUARTER CORNER OF SAID SECTION 3 WITH A FOUND 2" ALUMINUM CAP STAMPED "PLS 10945", SAID LINE BEARS S0°05'45"E.

SURVEYOR'S STATEMENT: I, LORELEI A. WARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ATTACHED LEGAL DESCRIPTION WAS PREPARED UNDER MY DIRECT RESPONSIBILITY, SUPERVISION, AND CHECKING, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

PREPARED FOR AND ON BEHALF OF FARNSWORTH GROUP, INC
LORELEI A. WARD, PLS #34982
FARNSWORTH GROUP, INC.
5775 MARK DABLING BLVD. SUITE 190
COLORADO SPRINGS, CO 80919

CPC A 22-00129

EXHIBIT A

I HEREBY CERTIFY that the foregoing ordinance entitled **“AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS WEST COLORADO AVENUE ADDITION NO. 3 CONSISTING OF 0.92-ACRES LOCATED ALONG WEST COLORADO AVENUE WEST OF SOUTH 31ST STREET”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on October 25, 2022; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 8th day of November 2022, and that the same was published by title and in full, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 8th day of November 2022.


Sarah B. Johnson, City Clerk



1st Publication Date: October 28, 2022

2nd Publication Date: November 16, 2022

Effective Date: November 21, 2022

Initial: SBJ
City Clerk