

RESOLUTION 152-21

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS BEAR CREEK CANYON 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 the Bear Creek Canyon 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, Land Use Review Manager for the City of Colorado Springs dated October 5, 2021 (the "Planner's Affidavit"), and an affidavit from Robert L. Meadows, Jr., a registered professional land surveyor dated October 6, 2021 (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 the Bear Creek Canyon Addition No. 1 Annexation, on November 9, 2021 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 filed with the Clerk to the Board of County Commissioners and the El Paso County Development Services Department as the Property proposed to be annexed is comprised of more 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; that no annexation of all or any part of the Property has been commenced by any other municipality;

(k) 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;

(l) 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;

(m) 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;

(n) the applicable requirements of Section 31-12-105 of the Annexation Act have been satisfied;

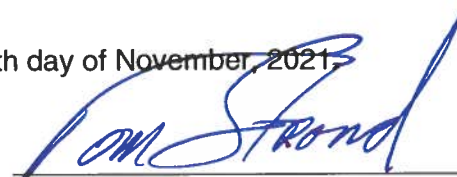
(o) no petition for election has been received nor is an election otherwise required under the provisions of Section 31-12-107(2) of the Annexation Act;

(p) the annexation of the Property, commonly known as the Bear Creek Canyon 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;

(q) 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 November 2021.



Council President

ATTEST:




Sarah B. Johnson, City Clerk




EXHIBIT A
BEAR CREEK CANYON PARK ANNEXATION FILING NO.1 – REZONE

(10) PARCELS OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 15, SECTION 16, THE EAST 1/2 OF SECTION 20, SECTION 21, THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, AND THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

TOWNSHIP FOURTEEN SOUTH (T14S) RANGE SIXTY-SEVEN WEST (R67W) OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.)

SECTION SIXTEEN (SEC. 16) ALL 640.0 ACRES, +/-

CONTAINING SIX HUNDRED [SIC] AND 00 [SIC] HUNDRETHS (640.0) ACRES, MORE OR LESS, ACCORDING TO U.S. GOVERNMENT SURVEY.

PARCEL 2

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY (20), THE WEST HALF OF THE NORTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION TWENTY-ONE (21), ALL IN TOWNSHIP (14) SOUTH, RANGE SIXTY-SEVEN (67) WEST, CONTAINING ONE HUNDRED AND SIXTY ACRES, MORE OR LESS.

PARCEL 3

THE NORTH WEST QUARTER OF THE NORTH EAST QUARTER OF SECTION TWENTY-NINE AND THE AND THE SOUTH HALF OF THE SOUTH EAST QUARTER AND THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION TWENTY, IN TOWNSHIP FOURTEEN SOUTH OF RANGE SIXTY-SEVEN WEST OF THE SIXTH PRINCIPAL MERIDIAN IN COLORADO CONTAINING ONE HUNDRED AND SIXTY ACRES.

PARCEL 4

AN UNDIVIDED SEVEN EIGHTHS (7/8) INTEREST IN AND TO THE SOUTH HALF OF THE SOUTHWEST QUARTER (S1/2SW1/4) OF SECTION TWENTY-ONE (21) AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4NW1/4) OF SECTION TWENTY-EIGHT (28) AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4NE1/4) OF SECTION TWENTY-NINE (29) ALL IN TOWNSHIP FOURTEEN (14) SOUTH OF RANGE SIXTY-SEVEN (67), WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN, BEING ABOUT 140 ACRES, MORE OR LESS, IN BEAR CREEK CANYON, SOUTHWEST OF COLORADO SPRINGS, COLORADO.

CITY FILE NO.: CPC ZC 21-00095

PARCEL 5

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 21, AND THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 22, ALL IN TOWNSHIP 14 SOUTH OF RANGE 67 WEST,

PARCEL 6

A PORTION OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPLE MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER;

THENCE NORTH 89°14'38" EAST, ALONG THE NORTHERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 15, A DISTANCE OF 755.53 FEET;

THENCE SOUTH 37°32'45" WEST, DEPARTING SAID NORTH LINE, A DISTANCE OF 81.31 FEET;

THENCE SOUTH 18°34'38" WEST, A DISTANCE OF 215.97 FEET;

THENCE SOUTH 15°57'14" WEST, A DISTANCE OF 41.30 FEET;

THENCE SOUTH 37°19'42" WEST, A DISTANCE OF 79.81 FEET;

THENCE SOUTH 19°19'50" WEST, A DISTANCE OF 180.93 FEET;

THENCE SOUTH 22°23'02" WEST, A DISTANCE OF 492.97 FEET;

THENCE SOUTH 09°52'21" WEST, A DISTANCE OF 40.76 FEET;

THENCE SOUTH 17°15'59" WEST, A DISTANCE OF 30.50 FEET;

THENCE SOUTH 43°34'18" WEST, A DISTANCE OF 49.86 FEET;

THENCE SOUTH 02°03'48" EAST, A DISTANCE OF 108.53 FEET;

THENCE SOUTH 12°58'48" WEST, A DISTANCE OF 139.10 FEET TO THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID SOUTHWEST ONE-QUARTER;

THENCE SOUTH 88°59'49" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 223.90 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER;

THENCE NORTH 01°12'04" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1342.56 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 612,142 SQUARE FEET OR 14.0528 ACRES, MORE OR LESS.

PARCEL 7

LEGAL DESCRIPTION CONT.....

A PORTION OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 15 ,
TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPLE MERIDIAN, COUNTY OF EL
PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER, 15;

THENCE NORTH 89°14'38" EAST, ALONG THE NORTHERLY LINE OF SAID SOUTHWEST OF
SECTION 15, A DISTANCE OF 755.53 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUE NORTH 89°14'38" EAST, ALONG SAID NORTH LINE OF THE SOUTHWEST
ONE-QUARTER, A DISTANCE OF 274.13 FEET;

THENCE SOUTH 17°00'40" WEST, DEPARTING SAID NORTH LINE, A DISTANCE OF 149.03 FEET;

THENCE SOUTH 08°15'02" WEST, A DISTANCE OF 149.27 FEET;

THENCE SOUTH 04°14'22" WEST, A DISTANCE OF 175.40 FEET;

THENCE SOUTH 37°51'05" WEST, A DISTANCE OF 190.84 FEET;

THENCE SOUTH 18°19'22" WEST, A DISTANCE OF 376.90 FEET;

THENCE SOUTH 09°54'42" WEST, A DISTANCE OF 69.53 FEET;

THENCE SOUTH 16°24'50" WEST, A DISTANCE OF 74.10 FEET;

THENCE SOUTH 03°34'34" WEST, A DISTANCE OF 231.88 FEET TO A POINT ON THE SOUTH LINE
OF SAID NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 15;

THENCE SOUTH 88°59'49" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 416.68 FEET;

THENCE NORTH 12°58'48" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 139.10 FEET;

THENCE NORTH 02°03'48" WEST, A DISTANCE OF 108.53 FEET;

THENCE NORTH 43°34'18" EAST, A DISTANCE OF 49.86 FEET;

THENCE NORTH 17°15'59" EAST, A DISTANCE OF 30.50 FEET;

THENCE NORTH 09°52'21" EAST, A DISTANCE OF 40.76 FEET;

THENCE NORTH 22°23'02" EAST, A DISTANCE OF 492.97 FEET;

THENCE NORTH 19°19'50" EAST, A DISTANCE OF 180.93 FEET;

THENCE NORTH 37°19'42" EAST, A DISTANCE OF 79.81 FEET;

THENCE NORTH 15°57'14" EAST, A DISTANCE OF 41.30 FEET;

THENCE NORTH 18°34'38" EAST, A DISTANCE OF 215.97 FEET;

THENCE NORTH 37°32'45" EAST, A DISTANCE OF 81.31 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 487,446 SQUARE FEET OR 11.1902 ACRES, MORE OR LESS.

PARCEL 8

A PORTION OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPLE MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 15;

THENCE NORTH 89°14'38" EAST, ALONG THE NORTHERLY LINE OF SAID SOUTHWEST ONE-QUARTER OF SECTION 15, A DISTANCE OF 1029.66 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUE NORTH 89°14'38" EAST, ALONG THE NORTHERLY LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 750.20 FEET TO A 760.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT WHOSE CENTER BEARS NORTH 85°33'26" EAST;

THENCE SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 23°53'37" AN ARC DISTANCE OF 316.94 FEET;

THENCE SOUTH 30°42'21" WEST, A DISTANCE OF 34.62 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF OLD GOLD CAMP ROAD AS DESCRIBED IN BOOK 297 AT PAGE 289 OF SAID EL PASO COUNTY RECORDS, SAID POINT BEING ON A 460.27 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT WHOSE CENTER BEARS SOUTH 01°06'41" EAST;

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

1. THENCE SOUTHWESTERLY ALONG SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 66°12'07" AN ARC DISTANCE OF 531.82 FEET TO A POINT OF TANGENT;
2. THENCE SOUTH 22°41'12" WEST, A DISTANCE OF 245.82 FEET;

THENCE NORTH 61°03'31" WEST, DEPARTING SAID NORTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 237.92 FEET;

THENCE NORTH 30°17'23" EAST, A DISTANCE OF 47.12 FEET;

THENCE NORTH 61°20'06" WEST, A DISTANCE OF 178.07 FEET;

THENCE NORTH 31°08'44" EAST, A DISTANCE OF 79.63 FEET;

THENCE NORTH 57°34'42" WEST, A DISTANCE OF 105.64 FEET;

THENCE NORTH 04°14'22" EAST, A DISTANCE OF 175.40 FEET;

THENCE NORTH 08°15'02" EAST, A DISTANCE OF 149.27 FEET;

THENCE NORTH 17°00'40" EAST, A DISTANCE OF 149.03 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 480,111 SQUARE FEET OR 11.0218 ACRES, MORE OR LESS.

PARCEL 9

A PORTION OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPLE MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 15;

THENCE NORTH 89°14'38" EAST, ALONG THE NORTHERLY LINE OF SAID SOUTHWEST ONE-QUARTER OF SECTION 15, A DISTANCE OF 1779.86 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUE NORTH 89°14'38" EAST, ALONG THE NORTHERLY LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 60.14 FEET TO A 700.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT WHOSE CENTER BEARS NORTH 85°14'27" EAST;

THENCE SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 29°39'34" AN ARC DISTANCE OF 362.36 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF OLD GOLD CAMP ROAD AS DESCRIBED IN BOOK 297 AT PAGE 289 OF SAID EL PASO COUNTY RECORDS;

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

1. THENCE NORTH 86°30'35" WEST, A DISTANCE OF 72.35 FEET TO A 460.27 FOOT RADIUS TANGENT CURVE TO THE LEFT;
2. THENCE WESTERLY ALONG SAID TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 04°36'06" AN ARC DISTANCE OF 36.97 FEET;

THENCE NORTH 30°42'21" EAST, DEPARTING SAID NORTHERLY RIGHT OF WAY LINE NON-TANGENT TO THE PREVIOUS CURVE, A DISTANCE OF 34.62 FEET TO A 760.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 61°39'49" EAST;

THENCE NORTHWESTERLY ALONG SAID NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 23°53'37" AN ARC DISTANCE OF 316.94 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 21,933 SQUARE FEET OR 0.5035 ACRE, MORE OR LESS.

PARCEL 10

A PORTION OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPLE MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 15;

THENCE NORTH 89°14'38" EAST, ALONG THE NORTHERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 15, A DISTANCE OF 1029.66 FEET;

THENCE SOUTH 17°00'40" WEST, DEPARTING SAID NORTH LINE, A DISTANCE OF 149.03 FEET;

THENCE SOUTH 08°15'02" WEST, A DISTANCE OF 149.27 FEET;

THENCE SOUTH 04°14'22" WEST, A DISTANCE OD 175.40 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 57°34'42" EAST, A DISTANCE OF 105.64 FEET;

THENCE SOUTH 31°08'44" WEST, A DISTANCE OF 79.63 FEET;

THENCE SOUTH 61°20'06" EAST, A DISTANCE OF 178.07 FEET;

THENCE SOUTH 30°17'23" WEST, A DISTANCE OF 47.12 FEET;

THENCE SOUTH 61°03'31" EAST, A DISTANCE OF 237.92 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF GOLD CAMP ROAD AS DESCRIBED IN BOOK 297, AT PAGE 289, OF SAID EL PASO COUNTY RECORDS;

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

1. THENCE SOUTH 22°41'12" WEST, A DISTANCE OF 443.24 FEET TO A NON-TANGENT POINT OF CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 67°23'54" WEST;
2. THENCE SOUTHWESTERLY ALONG SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1304.97 FEET, A CENTRAL ANGLE OF 4°40'30", AN ARC DISTANCE OF 106.48 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 15;

THENCE SOUTH 88°59'49" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 455.87 FEET;

THENCE NORTH 03°34'34" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 231.88 FEET;

THENCE NORTH 16°24'50" EAST, A DISTANCE OF 74.10 FEET;

THENCE NORTH 09°54'42" EAST, A DISTANCE OF 69.53 FEET;

THENCE NORTH 18°19'22" EAST, A DISTANCE OF 376.90 FEET;

THENCE NORTH 37°51'05" EAST, A DISTANCE OF 190.84 FEET TO THE **POINT OF BEGINNING.**

CONTAINING AN AREA OF 371,658 SQUARE FEET OR 8.5321 ACRES, MORE OR LESS.

THE ABOVE OVERALL DESCRIPTION PRODUCES A CALCULATED AREA OF 59,661,001 SQUARE FEET (1,369.65278 ACRES), MORE OR LESS



ROBERT L. MEADOWS, PLS 38977
PREPARED FOR AND ON BEHALF OF MATRIX DESIGN GROUP, INC.
2435 RESEARCH PKWY, SUITE 300
COLORADO SPRINGS, CO 80920
PH. (719)575-0100