

RESOLUTION 149-15

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS MOUNTAIN VALLEY PRESERVE 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 Tutt Corners Addition, 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, on February 24, 2015, the City Council, acting by resolution, found the petition for annexation to be in substantial compliance with Section 31-12-107(1) C.R.S of the Annexation Act and Section 30 of Article II of the Colorado Constitution, set a hearing to consider the annexation of the Property to the City of Colorado Springs on December 8, 2015 in Council Chambers, City Hall, 107 North Nevada Avenue, Colorado Springs, Colorado, and directed the City Clerk to give notice of said hearing in the manner prescribed in Section 31-12-108 of the Annexation Act; and

WHEREAS, in support of the annexation the following affidavits were filed with City Council: the City Clerk's affidavit dated November 23, 2015 (the "Clerk's Affidavit"), an affidavit of Meggan Herington, a planner for the City of Colorado Springs dated October 30, 2015 (the "Planner's Affidavit"), and an affidavit of Patrick C. O'Hearn, a registered professional land surveyor dated November 2, 2015 (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 Mountain Valley Preserve, on December 8, 2015, 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 Clerk's Affidavit, 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 an Annexation Impact Report was prepared and meets all applicable requirements identified in Section 31-12-108.5 of the Annexation Act;

(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 twenty (20) 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;

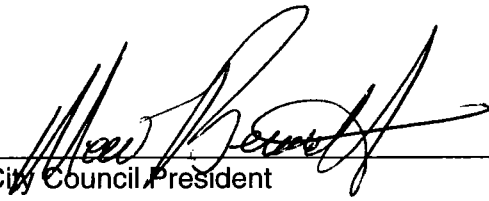
(p) no petition for election has been received nor is an election otherwise required under the provisions of Section 31-12-107(2) of the Annexation Act;

(q) the annexation of the Property, commonly known as Tutt Corners Addition 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.

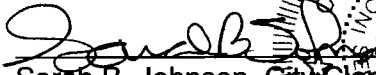
Section 2. No additional terms or conditions are to be imposed by the governing body upon this annexation.

Dated at Colorado Springs, Colorado this 8th day of December, 2015.



City Council President

ATTEST:


Sarah B. Johnson, City Clerk




EXHIBIT A

LEGAL DESCRIPTION – Mountain Valley Preserve Annexation

June 26, 2015

A TRACT OF LAND CONTAINING ALL THAT REAL PROPERTY DESCRIBED IN THOSE DEEDS RECORDED AS RECEPTION No. 099052711 AND AS RECEPTION No. 214089843 IN THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY COLORADO, TOGETHER WITH A PORTION OF THE RIGHT-OF-WAY OF NORTH MARKSHEFFEL ROAD, ALL LOCATED IN THE WEST HALF OF SECTION 16 AND THE EAST HALF OF SECTION 17, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS:

“COMMENCING” AT THE SOUTHWEST CORNER OF SAID SECTION 16, AND CONSIDERING THE WEST LINE OF SAID SECTION 16 TO BEAR NORTH 00°21’12” WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE NORTH 00°21’12” WEST, ALONG SAID WEST LINE, A DISTANCE OF 1992.82 FEET TO THE “POINT OF BEGINNING”; THENCE SOUTH 89°10’48” WEST, ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID TRACT DESCRIBED AT RECEPTION No. 214089843, A DISTANCE OF 60.00 FEET TO A POINT ON THE EASTERLY LINE OF THE LIMITS OF THE CITY OF COLORADO SPRINGS AS DESCRIBED IN ANNEXATION ORDINANCE No. 85-82 AND RECORDED IN BOOK 5108 AT PAGE 198, SAID EL PASO COUNTY RECORDS; THENCE NORTH 00°21’12” WEST, ALONG SAID EASTERLY LINE AND ALONG A LINE LYING 60.00 FEET WESTERLY OF AND PARALLEL WITH SAID WEST LINE OF SECTION 16, A DISTANCE OF 2672.08 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF SAID TRACT DESCRIBED AT RECEPTION No. 099052711; THENCE NORTH 88°54’34” EAST, ALONG SAID NORTHERLY LINE AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 729.95 FEET; THENCE SOUTH 00°15’22” EAST, A DISTANCE OF 1014.16 FEET TO THE NORTHEAST CORNER OF SAID TRACT DESCRIBED AT RECEPTION No. 214089843; THENCE SOUTH 00°21’12” EAST, ALONG THE EAST LINE OF SAID TRACT, A DISTANCE OF 1661.38 FEET; THENCE SOUTH 89°10’48” WEST, ALONG THE SOUTH LINE OF SAID TRACT AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 668.19 FEET TO THE “POINT OF BEGINNING”.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 44.716 ACRES OR 1,947,844 SQUARE FEET, MORE OR LESS.

I, PATRICK C. O’HEARN, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.



PATRICK C. O’HEARN PLS No. 23515
for and on behalf of
DREXEL, BARRELL & CO.
3 SOUTH 7TH STREET
COLORADO SPRINGS, COLORADO 80905
719-260-0887

Toy Ranches Enclave Map

