

RESOLUTION NO. 71-18

A RESOLUTION FINDING A PETITION FOR ANNEXATION OF THE AREA KNOWN AS THE VILLANI ANNEXATION CONSISTING OF 13.10 ACRES TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND SETTING A HEARING DATE OF AUGUST 28, 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 Villani Annexation consisting of 13.10 acres and as more specifically described in Exhibit A (the "Petition for Annexation") was filed with the City Clerk on March 1, 2017; and

WHEREAS, on April 11, 2017, the City Clerk referred the Petition for Annexation to City Council as a communication; and

WHEREAS, on April 11, 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 August 28, 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 July, 2018.




Council President

ATTEST:



Sarah B. Johnson, City Clerk



PETITION FOR ANNEXATION
VILLANI 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 1 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.



LEGAL DESCRIPTION (VILLANI ANNEXATION)

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 65 WEST, OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, WHOSE BEARINGS ARE RELATIVE TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 7 ASSUMED TO BEAR N 87°50'18" E, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF DUBLIN NORTH 3A ANNEXATION, THENCE N87°35'02"E, 547.54 FEET;

THENCE ALONG THE WESTERLY LINE OF DUBLIN NORTH 3A ANNEXATION, S00°15'12"E, 702.31 FEET;

THENCE ALONG THE WESTERLY LINE OF DUBLIN NORTH 3A ANNEXATION, S87°59'14"W, 965.56 FEET;

THENCE CONTINUING ALONG THE WESTERLY LINE OF DUBLIN NORTH 3A ANNEXATION, N59°48'55"W, 94.53 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TUTT BOULEVARD;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF TUTT BOULEVARD 222.97 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT WHOSE RADIUS IS 654.00 FEET, HAS A CENTRAL ANGLE OF 19°32'02" AND WHOSE CHORD BEARS N10°37'46", 221.89 FEET;

THENCE CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF TUTT BOULEVARD N00°09'31"W, 55.61 FEET TO A POINT ON THE SOUTHERLY LINE OF TEMPLETON ANNEXATION NO. 2;

THENCE ALONG THE SOUTH LINE OF TEMPLETON ANNEXATION NO. 2, S82°21'08"E, 126.56 FEET;

THENCE ALONG THE SOUTH LINE OF TEMPLETON ANNEXATION NO. 2, S59°48'54"E, 80.00 FEET TO THE SOUTHEAST CORNER THEREOF;

THENCE ALONG THE EAST LINE OF TEMPLETON ANNEXATION NO. 2, N30°11'06"E, 519.41 FEET TO THE **POINT OF BEGINNING**.

CONTAINING A CALCULATED AREA OF 13.10 ACRES (570,793 SF) MORE OR LESS.

Prepared By:
M.V.E., Inc.
1903 Lelaray Street, Suite 200
Colorado Springs, CO 80909
February 28, 2017

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