

RESOLUTION NO. 8-19

A RESOLUTION FINDING A PETITION FOR ANNEXATION OF THE AREAS KNOWN AS USAFA ANNEXATION ADDITION NO. 1 CONSISTING OF 85.23 ACRES AND USAFA ANNEXATION ADDITION NO. 2 CONSISTING OF 97.90 ACRES TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND SETTING A HEARING DATE OF FEBRUARY 26, 2019 FOR THE COLORADO SPRINGS CITY COUNCIL TO CONSIDER THE ANNEXATION OF THE AREA

WHEREAS, a petition for annexation of the areas known as USAFA Annexation Addition No. 1 consisting of 85.23 acres and USAFA Annexation Addition No. 2 consisting of 97.90 acres and as more specifically described in Exhibit A (the "Petition for Annexation") was filed with the City Clerk on October 9, 2018; and

WHEREAS, on October 23, 2018, the City Clerk referred the Petition for Annexation to City Council as a communication; and

WHEREAS, on October 23, 2018, 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:

Section 1. That 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 February 26, 2019, 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 22nd day of January, 2019.



Council President

ATTEST:



Sarah B. Johnson, City Clerk



PETITION FOR ANNEXATION

USAFA Enhanced Use Lease (EUL) Development

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 A attached hereto and made a part of the Petition (the "Described Area"), do hereby petition that the Described Area be annexed to and become 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. The Petitioner(s) reserves the right, at its sole discretion, to withdraw this annexation petition at any point prior to annexation of the Described Area by the City at no cost to the Petitioner(s).

NOW, THEREFORE, in consideration of the forgoing 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, for such portions of the Described Area that are leased to a third-party lessee, the Petitioner(s) will endeavor to ensure that such third-party lessee, and such lessee's contractors, agents, employees, and invitees, 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 except that if the Unified Facilities Criteria (UFC) guidelines as identified in the Department of Defense Building Code standards applies to any construction on the Described Area, then the UFC guidelines shall take precedence. In addition, Petitioner(s) further agrees to comply with applicable provisions of the Code of the City of Colorado Springs 2001, as amended, and all applicable

ordinances, resolutions, and regulations insofar that such Code, ordinances, resolutions, and regulations do not conflict with applicable federal requirements or the rights and interests of the United States as Land Owner of the Described Area.

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. The Petitioner(s) expressly reserves any and all existing or applicable water rights in the Described Area, subjected to the proposed annexation. The Petitioner(s) further defers any and all applicable costs now existing or as hereinafter of the Annexation to Blue & Silver Development Partners, LLC, the Developer.

Land Owner:

IN WITNESS WHEREOF, I have hereunto set my hand at the direction of the Secretary of the Air Force on this 14 day of SEPTEMBER, 2018.

UNITED STATES OF AMERICA, acting by
and through the Secretary of the Air Force

By: Shawn W. Campbell
SHAWN W. CAMPBELL, Colonel, USAF
Commander, 10th Air Base Wing

AFFIDAVIT

STATE OF COLORADO)

) ss.

COUNTY OF EL PASO)

The foregoing instrument was executed before me this 14th day of September, 2018, by Shawn W. Campbell, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her duly authorized capacity, and acknowledged that he/she executed the same for the purposes therein contained and in my presence signed and sealed the same.

Witness my hand and official seal.

CHRISTOPHER C ROAN, Capt USAF
Adj. Secy
Notary Public (Title 10 U S C 1044 a/b)
Office of the Staff Judge Advocate



My Commission expires: _____

CR

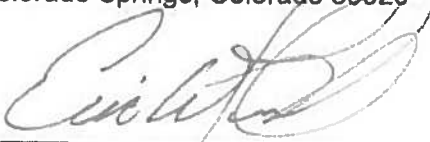
Notary Public

CHRISTOPHER C ROAN, Capt, USAF

The notarization 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))

Developer:

Eric W. Smith
Vice President – Director of Development
Blue & Silver Development Partners, LLC
2435 Research Parkway, Suite 300
Colorado Springs, Colorado 80920



9/14/18

Signature

Date

AFFIDAVIT

STATE OF COLORADO)

) ss.

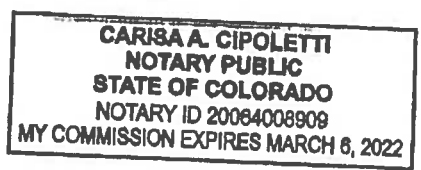
COUNTY OF EL PASO)

The foregoing instrument was executed before me this 14th day of September, 2018, by Eric W. Smith

Witness my hand and official seal.

My Commission expires: 03/06/22

Carisa A. Cipoletti
Notary Public



**LEGAL DESCRIPTION
(ANNEXATION PARCEL)**

A PARCEL OF LAND LOCATED IN THE EAST ONE-HALF OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 67 WEST AND THE WEST ONE-HALF OF SECTION 7, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 67 WEST BEING MONUMENTED ON THE NORTH END BY A FOUND 6 INCH CONCRETE MONUMENT EMBEDDED WITH A 3-1/2 INCH METAL DISC STAMPED WITH SYMBOLOGY INDICATING IT BEING THE NORTH ONE-QUARTER CORNER OF SECTION 1 AND "1970 U.S. AIR FORCE 6786 BDY 47" AND ON THE SOUTH END BY FOUND REBAR CAPPED WITH A 3-1/4 INCH METAL AND 6 INCH CONCRETE MONUMENT EMBEDDED WITH A BRASS DISC STAMPED WITH SYMBOLOGY INDICATING IT BEING THE CENTER OF SECTION 1 AND "U.S. DEPT. OF INTERIOR - BUREAU OF LAND MANAGEMENT 1966" - BEARING SOUTH 0°12'17" EAST A DISTANCE OF 2674.46 FEET

COMMENCE AT THE CENTER OF SAID SECTION 1; THENCE SOUTH 40°07'17" EAST A DISTANCE OF 4,501.50 FEET TO AN ANGLE POINT ON THE EXTERIOR OF THE UNITED STATES AIR FORCE ACADEMY PROPERTY BEING MONUMENTED BY A 6 INCH CONCRETE MONUMENT EMBEDDED WITH A 3-1/2 INCH METAL DISC STAMPED "1970 U.S. AIR FORCE 6786 BDY 38"; THENCE SOUTH 25°23'28" EAST, ALONG SAID THE EXTERIOR A DISTANCE OF 21.63 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUE SOUTH 25°23'28" EAST, ALONG SAID EXTERIOR, A DISTANCE OF 566.18 FEET TO THE NORTHWEST CORNER OF LOT 4 OF BASS PRO AT NORTHGATE FILING NO. 1 ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED JULY 18, 2012 UNDER RECEPTION NUMBER 212713238 SAID CORNER ALSO BEING THE NORTHWEST CORNER OF THE CURRENT COLORADO SPRING CORPORATE CITY LIMITS;

THENCE CONTINUE SOUTH 25°23'28" EAST, ALONG SAID UNITED STATES AIR FORCE ACADEMY EXTERIOR AND COLORADO SPRINGS CORPORATE CITY LIMITS, A DISTANCE OF 2,290.00 FEET;
THENCE SOUTH 66°17'28" WEST A DISTANCE OF 1,184.56 FEET TO THE EASTERLY RIGHT-OF-WAY OF THE FORMER ATCHISON TOPEKA AND SANTA FE RAILROAD AS DEPICTED IN THAT CERTAIN BOUNDARY SURVEY OF THE UNITED STATES AIR FORCE ACADEMY RECORDED DECEMBER 3, 1970 IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDERS IN PLAT BOOK O2 PAGE 84 (RECEPTION NUMBER 768143) ALSO BEING THE WESTERLY LINE OF THAT CERTAIN EASEMENT GRANTED BY THE UNITED STATES AIR FORCE ACADEMY FOR ROAD, STREET AND HIGHWAY RECORDED AUGUST 11, 1958 IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER IN BOOK 1691 PAGE 594;

THENCE NORTH 23°42'32" WEST, ALONG SAID COMMON LINE, A DISTANCE OF 304.96 FEET;

THENCE LEAVING SAID RAILROAD RIGHT-OF-WAY LINE SOUTH 66°17'28" WEST, ALONG THE SAID HIGHWAY EASEMENT LINE, A DISTANCE OF 70.00 FEET;

THENCE NORTHWESTERLY, ALONG SAID HIGHWAY EASEMENT LINE BEING 20 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE PREVIOUSLY CITED RAILROAD RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES;

1. THENCE NORTH 23°42'32" WEST A DISTANCE OF 886.71 FEET TO A TANGENT 1,990.08 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTHWESTERLY;
2. THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°00'57" AN ARC DISTANCE OF 660.49 FEET;
3. THENCE NORTH 42°43'29" WEST A DISTANCE OF 1,023.31 FEET;

LEGAL DESCRIPTION
ANNEXATION PARCEL

THENCE NORTH 64°36'31" EAST A DISTANCE OF 1,613.43 FEET TO THE **POINT OF BEGINNING**.
THE ABOVE DESCRIPTION PRODUCES A CALCULATED AREA OF 3,712,960 SQUARE FEET (85.23783 ACRES),
MORE OR LESS.

**LEGAL DESCRIPTION
(ANNEXATION PARCEL)**

A PARCEL OF LAND LOCATED IN THE SOUTH ONE-HALF OF SECTION 1 AND THE NORTH ONE-HALF OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 67 WEST BEING MONUMENTED ON THE NORTH END BY A FOUND 6 INCH CONCRETE MONUMENT EMBEDDED WITH A 3-1/2 INCH METAL DISC STAMPED WITH SYMBOLOGY INDICATING IT BEING THE NORTH ONE-QUARTER CORNER OF SECTION 1 AND "1970 U.S. AIR FORCE 6786 BDY 47" AND ON THE SOUTH END BY FOUND REBAR CAPPED WITH A 3-1/4 INCH METAL AND 6 INCH CONCRETE MONUMENT EMBEDDED WITH A BRASS DISC STAMPED WITH SYMBOLOGY INDICATING IT BEING THE CENTER OF SECTION 1 AND "U.S. DEPT. OF INTERIOR - BUREAU OF LAND MANAGEMENT 1966" - BEARING SOUTH 0°12'17" EAST A DISTANCE OF 2674.46 FEET

COMMENCE AT THE CENTER OF SAID SECTION 1; THENCE SOUTH 40°07'17" EAST A DISTANCE OF 4,501.50 FEET TO AN ANGLE POINT ON THE EXTERIOR OF THE UNITED STATES AIR FORCE ACADEMY PROPERTY BEING MONUMENTED BY A 6 INCH CONCRETE MONUMENT EMBEDDED WITH A 3-1/2 INCH METAL DISC STAMPED "1970 U.S. AIR FORCE 6786 BDY 38"; THENCE SOUTH 25°23'28" EAST, ALONG SAID THE EXTERIOR A DISTANCE OF 2,877.81 FEET; THENCE SOUTH 66°17'28" WEST A DISTANCE OF 1,184.56 FEET TO THE EASTERLY RIGHT-OF-WAY OF THE FORMER ATCHISON TOPEKA AND SANTA FE RAILROAD AS DEPICTED IN THAT CERTAIN BOUNDARY SURVEY OF THE UNITED STATES AIR FORCE ACADEMY RECORDED DECEMBER 3, 1970 IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDERS IN PLAT BOOK O2 PAGE 84 (RECEPTION NUMBER 768143) ALSO BEING THE WESTERLY LINE OF THAT CERTAIN EASEMENT GRANTED BY THE UNITED STATES AIR FORCE ACADEMY FOR ROAD, STREET AND HIGHWAY RECORDED AUGUST 11, 1958 IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER IN BOOK 1691 PAGE 594 SAID POINT ALSO BEING THE **POINT OF BEGINNING**;

THENCE CONTINUE SOUTH 66°17'28" WEST A DISTANCE OF 300.00 FEET TO THE WESTERLY LINE OF SAID RAILROAD RIGHT OF WAY;

THENCE NORTHWESTERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING SEVEN (7) COURSES;

1. THENCE NORTH 23°42'32" WEST A DISTANCE OF 336.78 FEET;
2. THENCE NORTH 66°17'28" EAST A DISTANCE OF 50.00 FEET;
3. THENCE NORTH 23°42'32" WEST A DISTANCE OF 854.90 FEET TO A TANGENT 1,810.08 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTHWESTERLY;
4. THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°00'57" AN ARC DISTANCE OF 600.75 FEET;
5. THENCE NORTH 42°43'29" WEST A DISTANCE OF 1,023.31 FEET;
6. THENCE NORTH 47°16'31" EAST A DISTANCE OF 50.00 FEET;
7. THENCE NORTH 42°43'29" WEST A DISTANCE OF 343.87 FEET TO A 80.00 RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 42°07'25" EAST;

THENCE SOUTHWESTERLY, ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 47°52'38" AN ARC DISTANCE OF 66.85 FEET;

LEGAL DESCRIPTION
ANNEXATION PARCEL

THENCE SOUTH 00°00'03" EAST A DISTANCE OF 140.37 FEET TO A 175.00 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 23°10'30" WEST;

THENCE WESTERLY, ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 83°30'14" AN ARC DISTANCE OF 255.05 FEET;

THENCE SOUTH 29°40'16" WEST A DISTANCE OF 37.92 FEET TO A TANGENT 650.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 60°19'44" EAST;

THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°20'36" AN ARC DISTANCE OF 219.44 FEET;

THENCE SOUTH 10°19'41" WEST A DISTANCE OF 132.87 FEET;

THENCE SOUTH 73°39'41" WEST A DISTANCE OF 229.00 FEET TO A 400.00 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 42°55'43" WEST;

THENCE WESTERLY, ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 52°11'39" AN ARC DISTANCE OF 364.38 FEET;

THENCE SOUTH 80°44'03" WEST A DISTANCE OF 155.40 FEET TO A TANGENT 250.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 09°15'57" EAST;

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 55°38'16" AN ARC DISTANCE OF 242.77 FEET;

THENCE NORTH 84°11'55" WEST A DISTANCE OF 248.27 FEET TO A 190.00 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS NORTH 61°24'42" WEST;

THENCE NORTHWESTERLY, ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 104°37'40" AN ARC DISTANCE OF 346.96 FEET;

THENCE NORTH 04°36'41" WEST A DISTANCE OF 679.72 FEET;

THENCE NORTH 00°09'17" EAST A DISTANCE OF 248.27 FEET;

THENCE NORTH 25°23'30" EAST A DISTANCE OF 961.56 FEET TO A 1,030.26 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS NORTH 78°39'45" WEST;

THENCE NORTHERLY, ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 18°03'07" AN ARC DISTANCE OF 324.60 FEET;

THENCE NORTH 06°02'06" WEST A DISTANCE OF 315.66 FEET TO A 445.00 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 59°36'21" WEST;

THENCE NORTHWESTERLY, ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 66°46'46" AN ARC DISTANCE OF 518.66 FEET;

THENCE NORTH 75°12'03" WEST A DISTANCE OF 194.56 FEET;

THENCE NORTH 03°34'03" WEST A DISTANCE OF 290.66 FEET;

THENCE NORTH 30°07'25" EAST A DISTANCE OF 404.21 FEET TO A 435.00 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS NORTH 08°07'17" WEST;

LEGAL DESCRIPTION
ANNEXATION PARCEL

THENCE NORTHEASTERLY, ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 71°29'15" AN ARC DISTANCE OF 542.75 FEET;

THENCE SOUTH 89°03'22" EAST A DISTANCE OF 256.21 FEET TO THE EASTERLY LINE OF THE PREVIOUSLY CITED RAILROAD RIGHT-OF-WAY;

THENCE SOUTHEASTERLY, ALONG SAID RIGHT-OF-WAY, THE FOLLOWING FOUR (4) COURSES;

1. THENCE SOUTH 12°37'36" EAST A DISTANCE OF 2,150.77 FEET TO A TANGENT 1,382.69 FOOT RADIUS CURVE WHOSE CENTER BEARS NORTH 77°22'24" EAST;
2. THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 30°05'53" AN ARC DISTANCE OF 726.34 FEET;
3. THENCE SOUTH 42°43'29" EAST A DISTANCE OF 904.60 FEET;
4. THENCE NORTH 47°16'31" EAST A DISTANCE OF 30.00 FEET TO THE PREVIOUSLY CITED WESTERLY LINE OF THAT CERTAIN EASEMENT GRANTED BY THE UNITED STATES AIR FORCE ACADEMY FOR ROAD, STREET AND HIGHWAY RECORDED AUGUST 11, 1958 IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER IN BOOK 1691 PAGE 594;

THENCE SOUTHEASTERLY, ALONG SAID HIGHWAY EASEMENT, THE FOLLOWING FOUR (4) COURSES;

1. THENCE SOUTH 42°43'29" EAST A DISTANCE OF 1,023.31 FEET TO A TANGENT 1,990.08 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTHWESTERLY;
2. THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°00'57" AN ARC DISTANCE OF 660.49 FEET;
3. THENCE SOUTH 23°42'32" EAST A DISTANCE OF 886.71 FEET;
4. THENCE NORTH 66°17'28" EAST A DISTANCE OF 70.00 FEET TO THE PREVIOUSLY CITED RAILROAD RIGHT-OF-WAY;

THENCE SOUTH 23°42'32" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 304.96 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIPTION PRODUCES A CALCULATED AREA OF 4,264,574 SQUARE FEET (97.90091 ACRES), MORE OR LESS.