

RESOLUTION 65-16

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS KUM & GO STORE 685 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 Kum & Go Store 685 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, on May 10, 2016, 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 June 14, 2016, 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 May 26, 2016 (the "Clerk's Affidavit"), an affidavit of Michael Schultz, a planner for the City of Colorado Springs dated May 26, 2016 (the "Planner's Affidavit"), and an affidavit of Dana L. Sperling, a registered professional land surveyor dated April 22, 2016 (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 at Kum & Go Store 685 Annexation, on June 14, 2016 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 the Annexation Impact Report identified in Section 31-12-108.5 of the Annexation Act was not required because the Property proposed to be annexed is comprised of less 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 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 Kum & Go Store 685 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;

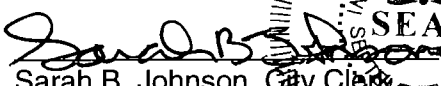
(r) the Property is eligible for annexation to the City of Colorado Springs.


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

Dated at Colorado Springs, Colorado this 14<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_  
Council President

ATTEST:

  
Sarah B. Johnson, City Clerk





October 26, 2015

RE: Kum & Go Store 685 Annexation

A Parcel of land situate in the Southeast Quarter of the Southeast Quarter of Section 12, Township 13 South, Range 66 West of the Sixth Principal Meridian and the Southwest Quarter of the Southwest Quarter of Section 7, Township 13 South, Range 65 West of the Sixth Principal Meridian, County of El Paso, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest Corner of said Section 7 as depicted on the Annexation Plat of Stetson Hills Master Plan - Phase II recorded January 8, 2002 at Reception Number 202004228 of the Records of El Paso County Clerk and Recorder; Thence N87°49'40"E along the South Line of said Section 7 a distance of 141.61 feet to the West Line of said Annexation and a point of non-tangent curve to the right; thence continuing along said West Line of Annexation 80.98 feet along the arc of said curve, said arc having a radius of 100.00 feet, a central angle of 46°23'59" and being subtended by a chord which bears N66°44'36"E a distance of 78.79 feet to a point of non-tangency; Thence N00°03'23"W continuing along said West Line of Annexation a distance of 90.21 feet to the North Line of Dublin and Powers Annexation Plat No. 2 as depicted on Plat recorded on September 26, 2003 at Reception Number 203226699 of said Records of El Paso County Clerk and Recorder and the POINT OF BEGINNING;

Thence along the North Line of said Dublin and Powers Annexation Plat No. 2 and Dublin and Powers Annexation Plat as depicted in Plat recorded on April 23, 1999 at Reception Number 99063329 of said Records of El Paso County Clerk and Recorder the following three (3) courses being contiguous with the City of Colorado Springs Corporate Boundary:

- 1) S89°56'50"W a distance of 568.77 feet to a point of curve to the right;
- 2) 175.43 feet along the arc of said curve, said arc having a radius of 214.00 feet, a central angle of 46°58'10" and being subtended by a chord which bears N66°34'05"W a distance of 170.56 feet to a point of tangency;
- 3) N43°05'00"W a distance of 188.00 feet to a point of non-tangent curve to the right being also the Southeast Corner of Hittle Addition as depicted in Annexation Plat recorded December 28, 2012 at Reception Number 212713286 of said Records of El Paso County Clerk and Recorder;

Thence along the Southeasterly Line of said Hittle Addition and Hittle Addition No. 2 as depicted in Annexation Plat recorded December 28, 2012 at Reception Number 212713287 of said Records of El Paso County Clerk and Recorder the following five (5) courses being contiguous with said City of Colorado Springs Corporate Boundary:

- 1) 39.27 feet along the arc of said curve, said arc having a radius of 25.00 feet, a central angle of 90°00'00" and being subtended by a chord which bears N01°55'08"E a distance of 35.36 feet to a point of non-tangency;
- 2) N46°55'14"E a distance of 113.24 feet to a point of non-tangent curve to the right;
- 3) 116.50 feet along the arc of said curve, said arc having a radius of 270.00 feet, a central angle of 24°43'22" and being subtended by a chord which bears N59°16'49"E a distance of 115.60 feet to a point of non-tangency;
- 4) N71°38'17"E a distance of 284.55 feet to a point of non-tangent curve to the left;
- 5) 229.87 feet along the arc of said curve, said arc having a radius of 183.62 feet, a central angle of 71°43'36" and being subtended by a chord which bears N35°46'54"E a distance of 215.15 feet to a point of non-tangency;

Thence leaving the City of Colorado Springs Corporate Boundary N89°55'53"E a distance of 173.78 feet to the East Right of Way Line as depicted in Warranty Deed recorded August 17, 1987 in Book 5409 at Page 1021 in said Records of El Paso County Clerk and Recorder;

Thence S00°04'07"E along said East Line a distance of 199.33 feet to the Northeast Corner of that Parcel as depicted in Quitclaim Deed recorded October 11, 1994 in Book 6541 at Page 924 in said Records of El Paso County Clerk and Recorder;

Thence along the East Line of said Parcel the following four (4) courses:

- 1) S00°04'06"E a distance of 281.72 feet to a point of non-tangent curve to the left;
- 2) 157.08 feet along the arc of said curve, said arc having a radius of 100.00 feet, a central angle of 89°59'56" and being subtended by a chord which bears S45°04'07"E a distance of 141.42 feet to a point of non-tangency;
- 3) S00°03'56"E a distance of 45.00 feet to the North Line of said Annexation Plat of Stetson Hills Master Plan - Phase II;
- 4) S00°03'56"E along the West Line of said Annexation being contiguous to said City of Colorado Springs Corporate Boundary a distance of 14.80 feet to the POINT OF BEGINNING.

Containing 335,873 square feet or 7.711 acres, more or less.

**BASIS OF BEARINGS:** Bearings are based on the West Line of Lot 24, Templeton Gap Heights Filing No. 3 being monumented at both the north and south ends by a number 5 rebar with a yellow plastic cap marked "PLS 38012" and having an assumed bearing of S00°03'18"E and a distance of 366.12 feet with all bearings contained herein relative thereto.



Dana L. Sperling  
Professional Land Surveyor  
Colorado License Number 38012

5285 McWhinney Blvd., Suite 160  
Loveland, CO 80538

TEL 970.461.7733  
www.olssonassociates.com  
**EXHIBIT A**