

RESOLUTION NO. 04 - 24

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS CAPITAL DRIVE ADDITION NO. 3 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 Capital Drive Addition No. 3 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 Roland Sevigny, Planning Supervisor for the City of Colorado Springs dated December 27, 2023 (the "Planner's Affidavit"), and an affidavit from Robert A. Pisciotta Jr., a registered professional land surveyor dated October 30, 2023 (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 Capital Drive No. 3 Annexation, on January 9, 2024, 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 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 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;

(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 Capital Drive Addition No. 3 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 9<sup>th</sup> day of January 2024.

  
Randy Helms, Council President

ATTEST:

  
Sarah B. Johnson, City Clerk



LEGAL DESCRIPTION :

A TRACT OF LAND SITUATED IN THE NORTH WEST ONE-QUARTER OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO, BEING A PART OF A 40 foot Right of Way for Capital Drive as dedicated to El Paso County on the Plat of Marksheffel Industrial Park recorded December 30, 1985 in Plat Book Z-3 at page 125, AS RECORDED IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

**BEGINNING AT THE NORTH EAST CORNER OF LOT 7, OF SAID MARKSHEFFEL INDUSTRIAL PARK ;**  
THENCE N89°59'24" E AND COINCIDENT WITH THE NORTH BOUNDARY OF SAID MARKSHEFFEL INDUSTRIAL PARK A DISTANCE OF 40.00 FEET TO THE NORTH EAST CORNER OF SAID MARKSHEFFEL INDUSTRIAL PARK AND THE NORTH WEST CORNER OF CAPITAL ANNEXATION NO. 1 AS RECORDED AT RECEPTION NUMBER 214713533 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;  
THE FOLLOWING 2 COURSES ARE COINCIDENT WITH THE WEST BOUNDARY OF SAID CAPITAL ANNEXATION NO. 1 AND THE EAST BOUNDARY OF SAID MARKSHEFFEL INDUSTRIAL PARK;  
THENCE S00°04'52" W A DISTANCE OF 1080.25 FEET;  
THENCE S00°33'02" E A DISTANCE OF 20.16 FEET TO THE NORTH EAST CORNER OF THE SANDS INDUSTRIAL PARK FILING NO. 1 AS RECORDED AT RECEPTION NUMBER 220714571 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO AND THE NORTH EAST CORNER OF ANNEXATION PLAT THE SANDS ADDITION NO. 1 AS RECORDED AT RECEPTION NUMBER 218714210 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO ;  
THENCE N89°55'08" W AND COINCIDENT WITH THE NORTH BOUNDARY OF SAID THE NORTH EAST CORNER OF THE SANDS INDUSTRIAL PARK FILING NO. 1 AND SAID ANNEXATION PLAT THE SANDS ADDITION NO. 1 AND THE SOUTH BOUNDARY OF SAID MARKSHEFFEL INDUSTRIAL PARK A DISTANCE OF 40.22 FEET TO THE SOUTH WEST CORNER OF THE PLATTED RIGHT OF WAY OF CAPITAL DRIVE;  
THENCE N00°04'52" E AND COINCIDENT WITH THE WEST BOUNDARY OF SAID CAPITAL DRIVE A DISTANCE OF 1100.35 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 44,017 SQUARE FEET, (1.0105 ACRES), MORE OR LESS.

**EXHIBIT A**

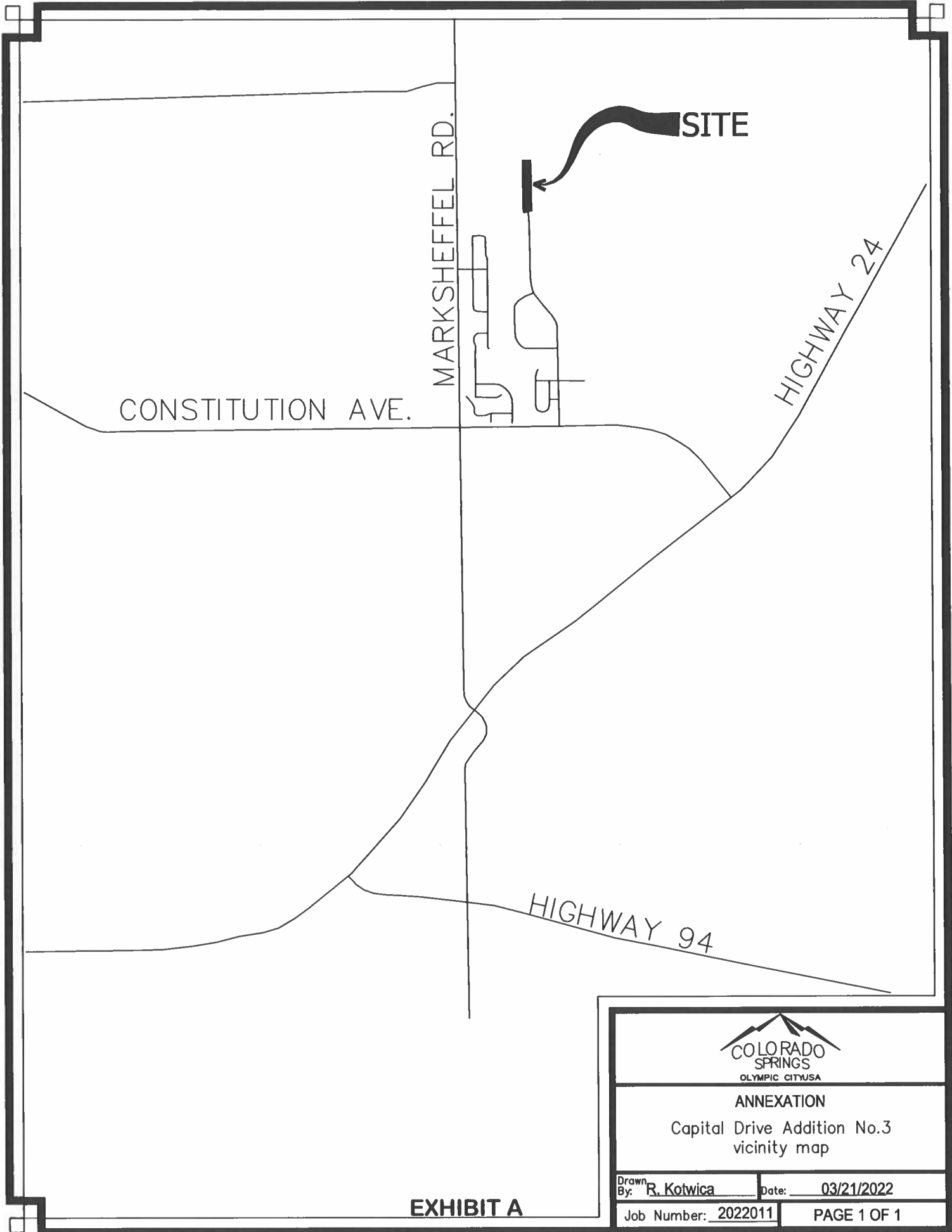


**ANNEXATION**

Capital Drive Addition No.3  
Description

Drawn By: R. Kotwica Date: 03/21/2022

Job Number: 2022011 PAGE 1 OF 1



**EXHIBIT A**



**ANNEXATION**  
Capital Drive Addition No.3  
vicinity map

Drawn By: <b>R. Kotwica</b>	Date: <b>03/21/2022</b>
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