

RESOLUTION NO. 122-16

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS THE RESERVE AT NORTHCREEK 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 the Reserve at Northcreek 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 September 13, 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 October 25, 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 September 26, 2016 (the "Clerk's Affidavit"), an affidavit of Michael Schultz, a planner for the City of Colorado Springs dated October 6, 2016 (the "Planner's Affidavit"), and an affidavit of James L. Sincovec, a registered professional land surveyor dated May 19, 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 as the Reserve at Northcreek Annexation, on October 25, 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, and 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 sent to the El Paso County Board of County Commissioner;

(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 the Reserve at Northcreek 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; and

(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 November, 2016.



Council President

ATTEST:



Sarah B. Johnson, City Clerk



KNOW ALL MEN BY THESE PRESENTS:

THAT [REDACTED] BEING THE PETITIONER FOR THE ANNEXATION OF THE HEREINAFTER DESCRIBED REAL PROPERTY:

A PORTION OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF LOT 1, BLOCK 1, INTERNATIONAL BIBLE SOCIETY FILING NO. 1 AS PLATTED IN THE EL PASO COUNTY RECORDS IN PLAT BOOK D-4 AT PAGE 86 BEING MONUMENTED AT THE NORTH END AND THE SOUTH END BY A SURVEY CAP STAMPED "PLS 20681" ASSUMED TO BEAR S00°01'38"E A DISTANCE OF 700.00 FEET.

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1, INTERNATIONAL BIBLE SOCIETY FILING NO. 1, SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°01'38"W AND ON THE EAST LINE OF SAID LOT 1 A DISTANCE OF 700.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE EASTERLY AND SOUTHERLY AND ON THE BOUNDARY OF FLYING HORSE RANCH ADDITION AS RECORDED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NUMBER 204011499 THE FOLLOWING TWO (2) COURSES:

1. N89°04'45"E A DISTANCE OF 622.45 FEET;
 2. S00°05'27"W A DISTANCE OF 701.12 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF NEW LIFE DRIVE;
- THENCE S89°10'49"W ON THE NORTH RIGHT-OF-WAY OF NEW LIFE DRIVE A DISTANCE OF 620.99 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 435,498 SQ. FEET, OR 9.998 ACRES.

TOGETHER WITH THAT PORTION OF NEW LIFE DRIVE DESCRIBED AS FOLLOWS:

COMMENCING AT SAID SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1, INTERNATIONAL BIBLE SOCIETY FILING NO.1, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF SAID NEW LIFE DRIVE AND THE POINT OF BEGINNING; THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1. N89°10'49"E, ON SAID NORTH RIGHT-OF-WAY LINE, 620.99 FEET TO A POINT ON THE BOUNDARY LINE OF SAID FLYING HORSE RANCH ADDITION;
2. THENCE CONTINUING N89°10'49"E ON THE NORTH RIGHT-OF-WAY OF NEW LIFE DRIVE A DISTANCE OF 782.58 TO A POINT ON CURVE, THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 9°43'08", A RADIUS OF 1,372.48 FEET AN ARC DISTANCE OF 232.80 FEET, HAVING A CHORD BEARING OF N74°59'05"E AND A CHORD DISTANCE OF 232.52 FEET TO A POINT ON CURVE;
3. THENCE S10°30'50"E A DISTANCE OF 38.48 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 24°15'22", A RADIUS OF 441.27 FEET AN ARC DISTANCE OF 188.81 FEET, HAVING A CHORD BEARING OF S88°23'10"E AND A CHORD DISTANCE OF 185.42 FEET TO A POINT ON CURVE; S78°15'28"E A DISTANCE OF 10.42 FEET; THENCE S78°15'29"E A DISTANCE OF 44.18 FEET; THENCE S00°15'49"W A DISTANCE OF 82.27 FEET; THENCE S00°15'49"W A DISTANCE OF 49.13 FEET; THENCE S89°03'28"W A DISTANCE OF 135.87 FEET; THENCE S50°57'29"W A DISTANCE OF 44.93 FEET; THENCE S89°10'49"W A DISTANCE OF 1701.97 FEET; THENCE N00°01'28"W A DISTANCE OF 180.02 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 308,005 SQ. FEET OR 7.025 ACRES.

CONTAINING A COMBINED AREA OF 741,503 SQ. FEET OR 17.023 ACRES.