

RESOLUTION 123-17

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS 2864 SOUTH CIRCLE 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 2864 South Circle 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 26, 2017, 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 November 14, 2017, 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 October 16, 2017 (the "Clerk's Affidavit"), an affidavit of Lonna Thelen, Principal Planner for the City of Colorado Springs dated October 16, 2017 (the "Planner's Affidavit"), and an affidavit from Douglas P. Reinelt, a registered professional land surveyor dated September 21, 2017 (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 2864 South Circle Annexation, on November 14, 2017 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 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 2864 South Circle 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.

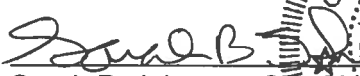
Section 2. No additional terms or conditions are to be imposed by the governing body upon this annexation.


Dated at Colorado Springs, Colorado this 14th day of November, 2017.



Council President

ATTEST:


Sarah B. Johnson, City Clerk



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 SOUTH, RANGE 66 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTHERLY BOUNDARY OF LOT 1, BLOCK 1, AMOCO SUBDIVISION FILING NO. 1 RECORDED IN PLAT BOOK D-4 AT PAGE 65, RECORDS OF EL PASO COUNTY, COLORADO, MONUMENTED AT BOTH ENDS BY A 1-1/4" ALUMINUM SURVEYORS CAP "29749", IS ASSUMED TO BEAR S89°45'10"W, A DISTANCE OF 100.00 FEET.

COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 1, BLOCK 1, AMOCO SUBDIVISION FILING NO. ONE RECORDED IN PLAT BOOK D-4 AT PAGE 65, RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF JANITELL ROAD AS PLATTED IN HARRISON SUBDIVISION FILING NO. 1 RECORDED IN PLAT BOOK A-3 AT PAGE 85, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ON THE SOUTHERLY, EASTERLY AND NORTHERLY BOUNDARY OF SAID AMOCO SUBDIVISION FILING NO. ONE, THE FOLLOWING (3) THREE COURSES:

1. N89°45'10"E, A DISTANCE OF 100.00 FEET;
2. N00°14'50"W, A DISTANCE OF 100.00 FEET;
3. S89°45'10"W, A DISTANCE OF 100.00 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE OF JANITELL ROAD;

THENCE N00°14'50"W, ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 565.40 FEET;

THENCE N89°45'10"E, A DISTANCE OF 367.14 FEET;

THENCE S01°37'10"W, A DISTANCE OF 769.22 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF HARRISON ANNEXATION PLAT AS RECORDED IN PLAT BOOK J-2 AT PAGE 58;

THENCE N78°25'30"W, ON SAID NORTHERLY BOUNDARY, A DISTANCE OF 291.33 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CIRCLE DRIVE;

THENCE N87°06'50"W, ON SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 57.04 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE OF JANITELL ROAD;

THENCE N00°14'50"W, ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 8.80 FEET TO A POINT ON SAID NORTHERLY BOUNDARY OF HARRISON ANNEXATION PLAT;

THENCE CONTINUING N00°14'50"W, ON SAID EASTERLY RIGHT OF WAY LINE OF JANITELL ROAD AND THE EASTERLY BOUNDARY OF SAID HARRISON ANNEXATION PLAT, A DISTANCE OF 31.81 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 5.754 ACRES.