

RESOLUTION NO. 67 - 24

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS AIR LANE 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 Air Lane 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 June 11, 2024 (the "Planner's Affidavit"), and an affidavit from Robert A. Pisciotta Jr., a registered professional land surveyor dated June 10, 2024 (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 Air Lane Addition No. 3 Annexation, on July 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 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 City owned right-of-way only;

(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 Air Lane 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 July 2024.

  
Randy Helms, Council President

ATTEST:

  
Sarah B. Johnson, City Clerk



## LEGAL DESCRIPTION :

A PORTION OF AIR LANE AS DEPICTED AS POTTER DRIVE IN **HILLCREST ACRES** AT PLAT BOOK B-2 PAGE 64 AND A PORTION OF A **20.00 FOOT TRACT AS RECORDED AT RECEPTION NUMBER 099087783 AND RECEPTION NUMBER 096075720** AND QUITCLAIMED TO THE CITY OF COLORADO SPRINGS AT **RECEPTION NUMBER 222134799** ALL OF THE RECORDS OF EL PASO COUNTY, COLORADO; IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M., IN EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF **SPACE VILLAGE ADDITION NO. 1 ANNEXATION PLAT** AS RECORDED **RECEPTION NUMBER 222715049** OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE N00°18'02" W AND COINCIDENT WITH THE WESTERLY LINE OF SAID AIR LANE A DISTANCE OF 30.00 FEET TO THE **POINT OF BEGINNING**;  
THENCE N00°18'02" W AND COINCIDENT WITH THE WESTERLY LINE OF SAID AIR LANE A DISTANCE OF 844.27 FEET MORE OR LESS TO THE POINT OF CURVE;  
THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 368.53 FEET AND A CENTRAL ANGLE OF 28°47'47", AN ARC DISTANCE OF 185.22 FEET TO A POINT;  
THENCE S69°22'54" E A DISTANCE OF 60.68 FEET TO A POINT OF A NON-TANGENT CURVE ON THE EAST RIGHT OF WAY LINE OF SAID AIR LANE;  
THENCE SOUTHWESTERLY AND COINCIDENT WITH SAID EAST RIGHT OF WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 308.53 FEET AND A CENTRAL ANGLE OF 23°12'32", AN ARC DISTANCE OF 124.98 FEET AND A CHORD BEARING OF S18°26'10" W A DISTANCE OF 124.12 FEET TO A NON-TANGENT LINE ;  
THENCE N49°05'22" E A DISTANCE OF 31.79 FEET TO A POINT OF A NON-TANGENT CURVE ON THE EAST BOUNDARY LINE OF A 20.00 FOOT TRACT OF LAND AS RECORDED AT **RECEPTION NUMBER 096075720**;  
THENCE SOUTHWESTERLY AND COINCIDENT WITH THE EAST LINE OF SAID 20.00 FOOT TRACT ON A CURVE TO THE LEFT HAVING A RADIUS OF 288.49 FEET AND A CENTRAL ANGLE OF 11°48'35", AN ARC DISTANCE OF 59.46 FEET AND A CHORD BEARING OF S06°00'20" W A DISTANCE OF 59.36 FEET;  
THENCE S00°18'02" E AND COINCIDENT WITH THE EAST LINE OF SAID **20.00 FOOT TRACT AS RECORDED AT RECEPTION NUMBER 096075720 AND RECEPTION NUMBER 099087783** A DISTANCE OF 254.27;  
THENCE S89°41'58" W A DISTANCE OF 20.00 FEET TO THE WEST LINE OF SAID 20.00 FOOT TRACT AT **RECEPTION NUMBER 099087783** AND THE EAST RIGHT OF WAY LINE OF SAID AIR LANE;  
THENCE S00°18'02" E AND COINCIDENT WITH THE WEST LINE OF SAID 20.00 FOOT TRACT AND EAST RIGHT OF WAY LINE OF SAID AIR LANE A DISTANCE OF 439.97 FEET;  
THENCE S89°41'58" W A DISTANCE OF 10.00 FEET;  
THENCE S00°18'02" E A DISTANCE OF 150.01 FEET;  
THENCE S89°40'19" W A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING**  
SAID PARCEL CONTAINS 65,680 SQUARE FEET, (1.508 ACRES), MORE OR LESS.  
THE LINEAR UNIT OF MEASURE USED FOR THIS SURVEY IS THE U.S. Survey foot.



### ANNEXATION

AIR LANE Addition No.3  
Description

Drawn By: R. Kotwica

Date: 10/11/2023

Job Number: 2023028

PAGE 1 OF 1

## AIR LANE ADDITION NO. 3

A map showing the proposed site location. The site is marked with a large 'C' and labeled 'SITE'. It is located at the intersection of Highway 10 and Highway 11. The map also shows the 'WATER VILLAGE' and 'Hwy 10' and 'Hwy 11' labels. A north arrow is present in the bottom right corner.

**VICINITY MAP**  
NEXT TO SCALE

BE IT KNOWN BY THESE PRESENTS:

THAT THE CITY OF COLORADO SPRINGS, COLORADO, A HOME RULE CITY AND COLORADO MUNICIPAL CORPORATION, BEING THE PETITIONER FOR THE APPREXATION OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WFT

**LEGAL DESCRIPTION:**

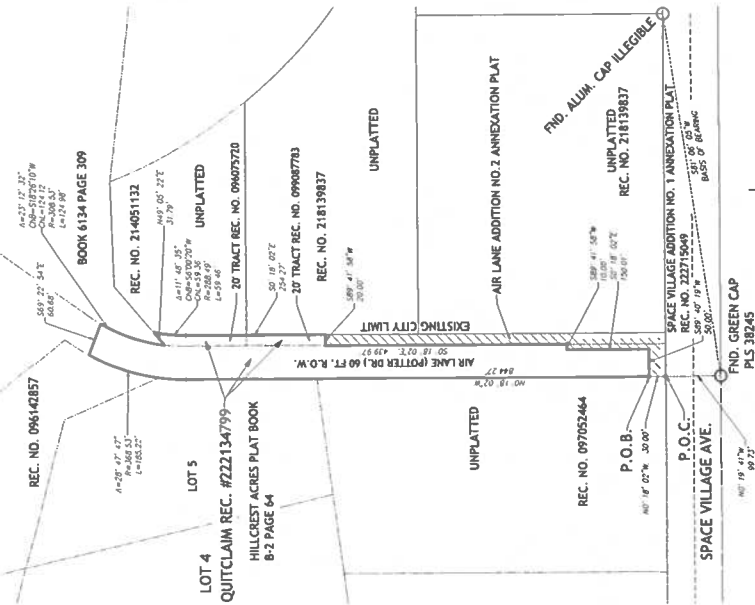
A PORTION OF AN LANE AS DEPICTED AS POTTER DRIVE IN YELLOWST ACRES AT PLAT BOOK 6-2 PAGE 84 AND A PORTION OF A SUBP TRACT AS NUMBERED AT RECEPTION NUMBER ENRIETTES AND DESCRIPTION NUMBER ENRIETTES AND OUTLINED TO THE CITY OF COLORADO APPROX AT RECEPTION NUMBER EXTRACTING ALL OF THE RECORDS OF EL PASO COUNTY, COLORADO; IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 14 SOUTH, RANGE 10 WEST OF THE 9TH E.M., IN EL PASO COUNTY, COLOARDO, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

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[illegible][illegible]

PLS 35294.  
Said parcel contains 65,000 square feet, (1.508 acres), more or less.  
The linear unit of measure used for this survey is the U.S. Survey foot.  
TOTAL PERIMETER OF THE AREA FOR INDICATION: 2,325.04'  
ORIENTMENT (NORTH OF THE PARCEL) OF THE LINEAR UNIT OF MEASURE IS INDICATED BY THE ARROWS. THE CORNER POINTS OF THE AREA ARE IDENTIFIABLE BY THIS CORNER CITY (MARKER) (25.2543)

**NOTICE**—ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE RECORDING OF THIS SURVEY.



**SURVEYOR'S STATEMENT:**

**SURVEYOR'S STATEMENT:**

THE UNDERSIGNED REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO HEREBY CERTIFIES THAT THE ACCOMPANYING ABSTRACT AND PLAT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND, AND THAT AT LEAST ONE SIXTH (1/6) OF THE MEMBERSHIP OF SAID TRACT IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF COLORADO SPRINGS, COLORADO, EL PASO COUNTY, COLORADO AND BELIEVES.

THIS DAY OF 2008  
Robert A. Picot, Jr., Colorado P.L.B. 36724  
for and on behalf of The City of Colorado Springs  
30 S. Nevada Ave., Suite 402  
Colorado Springs, CO 80901  
118-365-6648

**OWNER:**

The abovesigned, City of Colorado Springs, Colorado, a home rule city and Colorado Municipal Corporation, has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2024 A.D.

Blessing A. Mbatia,  
Mayor

City Clerk

State of Colorado )

County of El Paso)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024 A.D. by Blasquez A. Mochales, Mayor of the City of Colorado Springs, Colorado, a home rule city and Colorado Municipal Corporation.

Witness my hand and seal

**My commission expires:** \_\_\_\_\_

Notary Public

## CITY OF COLORADO SPRINGS APPROVAL:

On behalf of the City of Colorado Springs, the undersigned hereby approve for filing the accompanying annexation plat of "Air Lane Addition No. 3".

Date \_\_\_\_\_  
Signature \_\_\_\_\_

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The orientation of the road network shown on this plot is assumed

The annexation of the real property shown on this plat is approved pursuant to an ordinance made and adopted by THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, by actions of The City Council of The City of Colorado Springs at its meeting on day of \_\_\_\_\_, 2024, A.D.

[illegible]

## CLERK AND RECORDER

STATE OF COLORADO )

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COUNTY OF EL PASO )

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. THIS \_\_\_\_\_ OF THE \_\_\_\_\_

DAY OF \_\_\_\_\_ 2024 A.D. AND IS FULLY RECORDED AT RECEPTION NUMBER \_\_\_\_\_

DATE OF \_\_\_\_\_ 19\_\_\_\_, A.D.; AND IS BE:  
RECORDS OF EL PASO COUNTY, COLORADO.

STEVE SCHLEIKER

22

DEPUTY

ANEX-23-0026

AIR LANE ADDITION NO. 3	
ANNEXATION PLAT	
DATE	10/11/23
FOR NUMBER	2023026
DATE OF SALE	10/11/23