

ORDINANCE NO. 21-_____

AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS THE NORTH GATE OPEN SPACE ADDITION NO. 1 ANNEXATION CONSISTING OF 9.436 ACRES LOCATED NORTH OF NORTH GATE BOULEVARD AND SOUTHWEST OF THE TERMINUS OF WALSEN ROAD

WHEREAS, pursuant to Article II, Section 30 of the Colorado Constitution and Section 31-12-101, *et seq.*, C.R.S., known as the Municipal Annexation Act of 1965, as amended (the "Annexation Act"), the City of Colorado Springs is the sole owner of that certain territory known as North Gate Open Space Addition No. 1, more specifically described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"), which is not solely a public street or right-of-way; and

WHEREAS, in accord with Section 31-12-106(3) of the Annexation Act, the Property is eligible for annexation in accordance with Section 30(1)(c) of Article II of the Colorado Constitution and Sections 31-12-104(1)(a) and 105 of the Annexation Act; and

WHEREAS, pursuant to Section 31-12-106(3) of the Annexation Act the City Council of the City of Colorado Springs may annex the Property without complying with the notice and hearing provisions of Sections 31-12-108 and 109; and

WHEREAS, City Code section 7.5.403(A) provides that, unless waived, all requests for annexation must be accompanied by a land use master plan; and

WHEREAS, because the Property is City-owned and part of the Parks, Recreation, Trails, Open Space and Cultural Services master plan and the City has no present intent to develop the Property, City Council finds that City Code section 7.5.403(A) does not apply; and

WHEREAS, the City Council has determined that said area should be annexed forthwith as part of the City of Colorado Springs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The Property, known as the North Gate Open Space Addition

No. 1 Annexation and more specifically described on the attached Exhibit "A", is hereby annexed to the City of Colorado Springs.

Section 2. When this annexation is complete, the Property shall become a part of the City of Colorado Springs for all intents and purposes on the effective date of this ordinance, provided that the conditions of Section 31-12-113(2) C.R.S. are satisfied, with the exception of general taxation, in which respect said annexation shall not be effective until on or after January 1 next ensuing.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

Introduced, read, passed on first reading and ordered published this __ day of _____ 2021.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk