

RESOLUTION 172 - 22

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS WEST COLORADO AVENUE ADDITION NO. 2 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 West Colorado Avenue Addition No. 2 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 Catherine Carleo, Land Use Manager for the City of Colorado Springs dated October 6, 2022 (the "Planner's Affidavit"), and an affidavit from Lorelei A. Ward, a registered professional land surveyor dated October 5, 2022 (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 West Colorado Avenue Addition No. 2 Annexation, on October 25, 2022, 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 West Colorado Avenue Addition No. 2 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;

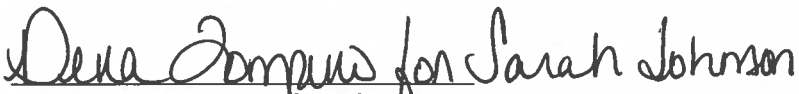
(r) the Property is eligible for annexation to the City of Colorado Springs.

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

Dated at Colorado Springs, Colorado this 25<sup>th</sup> day of October 2022.

  
Council President

ATTEST:

  
Sarah B. Johnson, City Clerk

**EXHIBIT A**

**WEST COLORADO AVENUE ADDITION NO. 2 DESCRIPTION**

THAT PORTION OF WEST COLORADO AVENUE LOCATED IN THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF 3501 WEST COLORADO ANNEXATION PLAT AS RECORDED AT RECEPTION NO. 20413224 IN THE EL PASO COUNTY CLERK AND RECORDERS OFFICE;

1. THENCE SOUTH 67°47'44" EAST, A DISTANCE OF 95.80 FEET ALONG THE NORTHERLY LINE OF SAID ANNEXATION PLAT TO THE NORTHWESTERLY CORNER OF THE EASTERLY HALF OF VACATED WILLIAMS STREET AS DESCRIBED IN BOOK 908, PAGE 244 IN SAID OFFICE;
2. THENCE SOUTH 80°26'54" EAST, A DISTANCE OF 454.97 FEET ALONG THE NORTHERLY LINES OF SAID VACATED WILLIAMS STREET, LOTS 1 THROUGH 14, BLOCK 2, PLAT OF EAST MANITOU, AS RECORDED IN PLAT BOOK B, PAGE 14, A PARCEL OF LAND AS DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 201113763 AND CONTINUING ALONG THE SAME LINE EXTENDED TO THE NORTHEASTERLY CORNER OF LOT 1, SONIC SUBDIVISION FILING NO. 2 AS RECORDED AT RECEPTION NO. 200152782 IN SAID OFFICE, ALSO BEING A POINT ON THE WESTERLY LINE OF CLEMENTS-REESE ADDITION ANNEXATION PLAT AS RECORDED IN PLAT BOOK B-2, PAGE 26 IN SAID OFFICE;
3. THENCE NORTH 09°31'59" EAST, A DISTANCE OF 63.00 FEET ALONG A WESTERLY LINE OF SAID ANNEXATION PLAT TO THE NORTHWESTERLY CORNER OF SAID ANNEXATION PLAT, ALSO BEING A POINT ON THE SOUTHERLY LINE OF LOT 15, BLOCK 5 OF THE PLAT OF RE-SUBDIVISION OF ARENSDALE AS RECORDED IN PLAT BOOK G, PAGE 32 IN SAID OFFICE;
4. THENCE NORTH 80°26'54" WEST, A DISTANCE OF 447.86 FEET ALONG THE SOUTHERLY LINES OF LOTS 15 THROUGH 24, BLOCK 5 OF SAID PLAT TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 24;
5. THENCE NORTH 67°47'44" WEST, A DISTANCE OF 91.96 FEET ALONG SAID SOUTHERLY LINE OF SAID LOT 24 TO A POINT ON A SOUTHERLY LINE OF COLORADO CITY & VICINITY #21 ANNEXATION;
6. THENCE DEPARTING SAID SOUTHERLY OF SAID ANNEXATION, SOUTH 19°26'19" WEST, A DISTANCE OF 63.10 FEET TO THE NORTHEASTERLY CORNER OF SAID 3501 WEST COLORADO AVENUE ANNEXATION PLAT AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY YIELDS A CALCULATED AREA OF 34,356 SQ. FT. OR 0.79 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST QUARTER LINE OF SECTION 3, TOWNSHIP 11 SOUTH, RANGE 67 WEST. SAID LINE IS MONUMENTED AT THE NORTHEAST CORNER OF SAID SECTION 3 WITH A 3" ALUMINUM CAP STAMPED "PLS 17496" AND THE EAST QUARTER CORNER OF SAID SECTION 3 WITH A FOUND 2" ALUMINUM CAP STAMPED "PLS 10945", SAID LINE BEARS S0°05'45"E.

SURVEYOR'S STATEMENT: I, LORELEI A. WARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ATTACHED LEGAL DESCRIPTION WAS PREPARED UNDER MY DIRECT RESPONSIBILITY, SUPERVISION, AND CHECKING, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

PREPARED FOR AND ON BEHALF OF FARNSWORTH GROUP, INC  
LORELEI A. WARD, PLS #34982  
FARNSWORTH GROUP, INC.  
5775 MARK DABLING BLVD. SUITE 190  
COLORADO SPRINGS, CO 80919

CPC A 22-00128

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