

RESOLUTION 171 - 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. 1 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. 1 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. 1 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. 1 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 25th day of October 2022.


Council President

ATTEST:


Sarah B. Johnson, City Clerk

EXHIBIT A

ANNEXATION ADDITION NO. 1 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 SOUTHWEST CORNER OF PARCEL B, AS DESCRIBED IN THE DOCUMENT RECORDED AT RECEPTION NO. 21713041 IN THE EL PASO COUNTY CLERK AND RECORDER'S OFFICE, ON THE WEST LINE OF SAID SECTION 3, ALSO BEING A POINT ON THE EXISTING COLORADO SPRINGS CITY LIMITS AND THE EAST LIMITS OF THE CITY OF MANITOU.

1. THENCE SOUTH 00°38'03" EAST, A DISTANCE OF 53.84 FEET ALONG SAID WESTERLY LINE OF SAID SECTION 3 TO THE NORTHEAST CORNER OF LOT 28, BECKER ADDITION, AS RECORDED IN PLAT BOOK P, PAGE 22 IN SAID OFFICE, ALSO BEING THE NORTHWESTERLY CORNER OF LOT 1, BLOCK 4, PLAT OF EAST MANITOU (PLAT BOOK B, PAGE 14), AS RECORDED IN PLAT BOOK B, PAGE 14 IN SAID OFFICE;
2. THENCE SOUTH 83°38'44" EAST, A DISTANCE OF 136.91 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WEST COLORADO AVENUE TO AN ANGLE POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE, ALSO BEING THE NORTHERLY LINE OF LOTS 1 AND A PORTION OF LOT 2 OF SAID BLOCK 4;
3. THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID WEST COLORADO AVENUE AND THE NORTHERLY LINES OF LOTS 2 THROUGH 9 OF SAID BLOCK 4, SOUTH 75°57'46" EAST, A DISTANCE OF 378.09 FEET TO THE NORTHWESTERLY CORNER OF PARCEL A, ALSO KNOWN AS PARCEL RW-36, IN THAT DEED RECORDED AT RECEPTION NO. 216094155 AND EXHIBIT B-3, IN THAT DEED RECORDED AT RECEPTION NO. 222062806 IN SAID OFFICE;
4. THENCE SOUTH 11°34'59" WEST, A DISTANCE OF 242.22 FEET ALONG THE WESTERLY LINE OF SAID PARCEL A TO THE SOUTHWESTERLY CORNER OF SAID PARCEL A;
5. THENCE SOUTH 89°15'36" EAST, A DISTANCE OF 103.75 FEET ALONG THE SOUTHERLY LINE OF SAID PARCEL A TO THE SOUTHEASTERLY CORNER OF SAID PARCEL A;
6. THENCE NORTH 11°32'24" EAST, A DISTANCE OF 237.01 FEET ALONG THE EASTERLY LINE OF SAID PARCEL A TO THE NORTHEASTERLY CORNER OF SAID PARCEL A, ALSO BEING THE NORTHEASTERLY CORNER OF LOT 12, BLOCK 4 OF SAID EAST MANITOU;
7. THENCE SOUTH 86°25'59" EAST, A DISTANCE OF 100.72 FEET ALONG THE NORTHERLY LINES OF LOTS 12 THROUGH 13 OF SAID BLOCK 4 TO A NORTHWESTERLY CORNER OF AN ACCESS EASEMENT AS DESCRIBED IN THE DOCUMENT RECORDED AT RECEPTION NO. 098161008 IN SAID OFFICE;
8. THENCE NORTH 19°38'07" EAST, A DISTANCE OF 19.82 FEET TO AN ANGLE POINT ON THE NORTHERLY LINE OF SAID EASEMENT;
9. THENCE NORTH 88°12'27" EAST, A DISTANCE OF 347.80 FEET ALONG THE NORTHERLY LINE OF SAID EASEMENT AND CONTINUING ALONG THE NORTHERLY LINE OF LOT 1, BLOCK 1 OF SAID EAST MANITOU TO THE NORTHEASTERLY CORNER OF SAID LOT 1, EXCEPT A PORTION OF RIGHT-OF-WAY AS DESCRIBED IN THE DEED RECORDED BOOK 910, PAGE 403;
10. THENCE SOUTH 88°25'44" EAST, A DISTANCE OF 104.71 FEET ALONG THE NORTHERLY LINES OF LOTS 2 AND 3, BLOCK 1 OF SAID EAST MANITOU TO THE NORTHEASTERLY CORNER OF SAID LOT 3, EXCEPT A PORTION OF RIGHT-OF-WAY AS DESCRIBED IN THE DEED RECORDED BOOK 910, PAGE 403;
11. THENCE SOUTH 86°36'31" EAST, A DISTANCE OF 100.56 FEET ALONG THE NORTHERLY LINES OF LOTS 4 THROUGH 7, BLOCK 1 OF SAID EAST MANITOU TO THE NORTHEASTERLY CORNER OF SAID LOT 7, EXCEPT RW-44, AS DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 218135788 AND EXHIBIT C-3, AS DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 222062806 IN SAID OFFICE;

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12. THENCE SOUTH 82°49'16" EAST, A DISTANCE OF 96.92 FEET ALONG THE NORTHERLY LINES OF LOTS 8 THROUGH 11, BLOCK 1 OF SAID EAST MANITOU TO THE NORTHEASTERLY CORNER OF SAID LOT 11, EXCEPT RW-46, AS DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 217134629 AND EXHIBIT D-3, AS DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 222062806 IN SAID OFFICE;
13. THENCE SOUTH 78°09'12" EAST, A DISTANCE OF 187.06 FEET ACROSS RIDGE ROAD TO THE NORTHWESTERLY CORNER OF RW-48, AS DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 218072176 AND EXHIBIT E-3, AS DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 222062806 IN SAID OFFICE;
14. THENCE SOUTH 19°38'42" WEST, A DISTANCE OF 268.92 FEET ALONG THE WESTERLY LINES OF SAID RW-48 AND RW-108, AS DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 218148008 AND EXHIBIT F-2, AS DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 222062806 IN SAID OFFICE TO A SOUTHWESTERLY CORNER OF SAID RW-108;
15. THENCE SOUTH 66°47'10" EAST, A DISTANCE OF 630.00 FEET ALONG SAID SOUTHERLY LINE OF SAID RW-108 TO AN ANGLE POINT ON SAID SOUTHERLY LINE;
16. THENCE CONTINUING ALONG SAID SOUTHERLY LINE OF SAID RW-108, SOUTH 77°35'28" EAST, A DISTANCE OF 50.00 FEET TO A SOUTHEASTERLY CORNER OF SAID RW-108;
17. THENCE NORTH 12°56'52" EAST, A DISTANCE OF 50.94 FEET, ALONG AN EASTERLY LINE OF SAID RW-108 TO AN ANGLE POINT ON SAID EASTERLY LINE OF SAID RW-108;
18. THENCE SOUTH 78°05'40" EAST, A DISTANCE OF 131.19 FEET ALONG A SOUTHERLY LINE OF SAID RW-108 TO AN EASTERLY CORNER OF SAID RW-108;
19. THENCE NORTH 70°22'46" WEST, A DISTANCE OF 132.06 FEET ALONG A NORTHERLY LINE OF SAID RW-108 TO AN ANGLE POINT SAID EASTERLY LINES OF SAID RW-108;
20. THENCE NORTH 12°56'52" EAST, A DISTANCE OF 50.34 FEET ALONG AN EASTERLY LINE OF SAID RW-108 TO THE NORTHEASTERLY CORNER OF SAID RW-108;
21. THENCE NORTH 70°22'46" WEST, A DISTANCE OF 587.29 FEET ALONG A NORTHERLY LINE OF SAID RW-108 TO THE SOUTHEASTERLY CORNER OF SAID RW-48;
22. THENCE NORTH 19°20'17" EAST, A DISTANCE OF 180.48 FEET ALONG THE EASTERLY LINE OF SAID RW-48 TO THE NORTHWESTERLY CORNER OF LOT 22, BLOCK 1 OF SAID PLAT OF EAST MANITOU (PLAT BOOK B, PAGE 14);
23. THENCE SOUTH 67°47'44" EAST, A DISTANCE OF 125.47 FEET ALONG THE NORTHERLY LINES OF LOTS 22 THROUGH 26 OF SAID BLOCK 1 OF SAID PLAT OF EAST MANITOU (PLAT BOOK B, PAGE 14);
24. THENCE NORTH 19°26'15" EAST, A DISTANCE OF 63.07 FEET TO A POINT ON A SOUTHERLY LINE OF COLORADO CITY AND VICINITY ANNEXATION, ALSO BEING THE NORTHWESTERLY CORNER OF 3501 WEST COLORADO AVENUE ANNEXATION PLAT AS DESCRIBED AT RECEPTION NO. 204132224 IN SAID OFFICE;
25. THENCE NORTH 67°47'44" WEST, A DISTANCE OF 333.68 FEET ALONG SAID SOUTHERLY LINE OF SAID COLORADO CITY AND VICINITY ANNEXATION TO AN ANGLE POINT ON SAID SOUTHERLY LINE;
26. THENCE NORTH 85°22'36" WEST, A DISTANCE OF 667.85 FEET ALONG SAID SOUTHERLY LINE OF SAID COLORADO CITY AND VICINITY ANNEXATION AND CONTINUING ALONG THE SOUTHERLY LINES OF LOTS 2 THROUGH 5, BLOCK 6 OF THE PLAT OF RE-SUBDIVISION OF ARENSDALE, AS RECORDED IN PLAT BOOK G, PAGE 32 IN SAID OFFICE, ACROSS 36TH STREET AND ALONG THE SOUTHERLY LINES OF LOTS 11 THROUGH 17 AND A PORTION OF LOT 18, BLOCK 7 OF SAID PLAT OF RE-SUBDIVISION OF ARENSDALE TO AN ANGLE POINT;
27. THENCE SOUTH 89°11'25" WEST, A DISTANCE OF 127.36 FEET ACROSS A PORTION OF LOT 18, BLOCK 7 TO THE SOUTHWESTERLY CORNER OF LOT 20, BLOCK 7 OF SAID PLAT OF RE-SUBDIVISION OF ARENSDALE;

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28. THENCE NORTH 82°58'21" WEST, A DISTANCE OF 39.65 FEET ACROSS COLUMBIA ROAD TO THE EASTERLY LINE OF COLUMBIA ADDITION ANNEXATION, ALSO BEING AN ANGLE POINT OF RW-35 AS DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 218098319 IN SAID OFFICE;
29. THENCE SOUTH 00°54'58" EAST, A DISTANCE OF 60.46 FEET ALONG SAID EASTERLY LINE OF SAID ANNEXATION TO A SOUTHEASTERLY CORNER OF SAID ANNEXATION;
30. THENCE NORTH 85°39'16" WEST, A DISTANCE OF 87.76 FEET ALONG A SOUTHERLY LINE OF SAID ANNEXATION TO A POINT OF CURVATURE;
31. THENCE 105.64 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 750.00 FEET AND AN INCLUDED ANGLE OF 08°04'12", WITH A CHORD THAT BEARS NORTH 81°37'10" WEST, A DISTANCE OF 105.55 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID ANNEXATION;
32. THENCE NORTH 77°35'04" WEST, A DISTANCE OF 184.04 FEET ALONG SAID SOUTHERLY LINE OF SAID ANNEXATION TO A POINT OF CURVATURE;
33. THENCE 116.16 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1280.00 FEET AND AN INCLUDED ANGLE OF 05°11'58", WITH A CHORD THAT BEARS NORTH 80°11'03" WEST, A DISTANCE OF 116.12 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID ANNEXATION;
34. THENCE NORTH 82°47'02" WEST, A DISTANCE OF 127.48 FEET ALONG SAID SOUTHERLY LINE OF SAID ANNEXATION TO A WESTERLY CORNER OF SAID ANNEXATION AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY YIELDS A CALCULATED AREA OF 246,863 SQ. FT. OR 5.67 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.
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