

ORDINANCE NO. 22 - 78

AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS WEST COLORADO AVENUE ADDITION NO. 1 CONSISTING OF 5.67 ACRES LOCATED ALONG WEST COLORADO AVENUE WEST OF SOUTH 31ST STREET

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 West Colorado Avenue 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, in accord with the Annexation Act, the City Council has determined that said area should be annexed forthwith as part of the City of Colorado Springs; 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 the City has no present intent to develop the Property, City Council finds that City Code section 7.5.403(A) does not apply.

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

Section 1. The Property, known as West Colorado Avenue 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 25th day of October 2022.

Finally passed: November 8, 2022


Council President

Mayor's Action:

- Approved on November 10, 2022.
- Disapproved on _____, based on the following objections:

John W. Seetham
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
Sarah B. Johnson, City Clerk

CAO: MS
COS: —

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.
5775 MARK DABLING BLVD. SUITE 190
COLORADO SPRINGS, CO 80919

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I HEREBY CERTIFY that the foregoing ordinance entitled “AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS WEST COLORADO AVENUE ADDITION NO. 1 CONSISTING OF 5.67 ACRES LOCATED ALONG WEST COLORADO AVENUE WEST OF SOUTH 31ST STREET” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on October 25, 2022; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 8th day of November 2022, and that the same was published by title and in full, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 8th day of November 2022.


Sarah B. Johnson, City Clerk



1st Publication Date: October 28, 2022
2nd Publication Date: November 16, 2022

Effective Date: November 21, 2022 Initial: SBJ
City Clerk