

ORDINANCE NO. 16-96

AN ORDINANCE AMENDING ORDINANCE NO. 15-30 TO
CORRECT THE LEGAL DESCRIPTION RELATED TO THE
ANNEXATION TO THE CITY OF COLORADO SPRINGS
OF THAT AREA KNOWN AS DUBLIN TOWNE CENTRE
ANNEXATION

WHEREAS, on March 24, 2015 the City Council of the City of Colorado Springs by Resolution No. 26-15 found the Petition for Annexation of That Area Known as Dublin Towne Centre to be in Substantial Compliance with Section 31-12-107(1) C.R.S. and Set a Hearing Date of April 28, 2015 for the Colorado Springs City Council to Consider the Annexation of the Area; and

WHEREAS, pursuant to notice required under Section 31-12-108 C.R.S., the Municipal Annexation Act of 1965 as amended, hereinafter referred to as the Annexation Act, the City Council of Colorado Springs held a hearing pertaining to said annexation on April 28, 2015; and

WHEREAS, on April 28, 2015, City Council by Resolution No. 44-15 made findings of fact and conclusions of law based thereon and determinations pertaining to said annexation, and determined that said area should be annexed as part of the City of Colorado Springs; and

WHEREAS, by Ordinance No. 15-30, which finally passed on May 12, 2015, City Council annexed that area known as Dublin Towne Centre as part of the City of Colorado Springs; and

WHEREAS, subsequent to said annexation and prior to the recording of the annexation plat in accordance with section 31-12-113(2) C.R.S. it was determined that due to a surveying error the legal description included as part of the annexation ordinance (Ordinance No. 15-30) and the annexation plat is incorrect; and

WHEREAS, City Council by enacting this ordinance intends to correct the error in the legal description to ensure that the entire area known as Dublin Towne Centre is annexed to the City of Colorado.

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

Section 1. Attached hereto and incorporated herein by reference as if fully set forth is Exhibit "A-rev," which is a corrected legal description of the area known as Dublin Towne Centre.

Section 2. Ordinance No. 15-30 is hereby amended by removing Exhibit "A" attached thereto and replacing it with attached Exhibit A-rev.

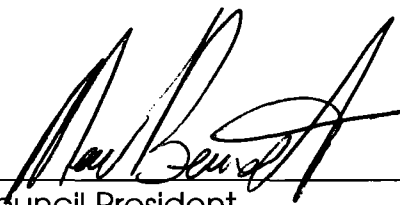
Section 3. In all other respects, except as amended hereby, Ordinance No. 15-30 is hereby ratified, and that Area Known as Dublin Towne Centre is annexed to the City of Colorado Springs.

Section 4. For all intents and purposes that Area Known as Dublin Towne Centre became a part of the City of Colorado Springs on the effective date of Ordinance No. 15-30, 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 made effective on or after the January 1 next ensuing.

Section 5. 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 13th day of September, 2016.


Finally passed: September 27, 2016



Council President

Mayor's Action:

- Approved on October 2, 2016.
- 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.

ATTEST:



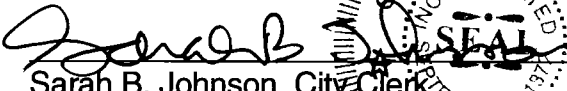
Sarah B. Johnson, City Clerk




Council President

I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE AMENDING ORDINANCE NO. 15-30 TO CORRECT THE LEGAL DESCRIPTION RELATED TO THE ANNEXATION TO THE CITY OF COLORADO SPRINGS OF THAT AREA KNOWN AS DUBLIN TOWNE CENTRE ANNEXATION”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on September 13, 2016; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 27th day of September, 2016, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 3rd day of October, 2016.


Sarah B. Johnson, City Clerk



1st Publication Date: September 16, 2016

2nd Publication Date: October 5, 2016

Effective Date: October 10, 2016 Initial: SBJ
City Clerk

A TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16 AND A PART OF THE NORTHEAST QUARTER OF SECTION 17, ALL IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

“**COMMENCING**” AT THE NORTHWEST CORNER OF SAID SECTION 16 AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16 TO BEAR NORTH 89°33’51” EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE SOUTH 63°05’51” WEST, A DISTANCE OF 67.31 FEET TO A POINT AT THE INTERSECTION OF THE SOUTHERLY BOUNDARY LINE OF THE BANNING LEWIS RANCH ANNEXATION No. 10, RECORDED AT RECEPTION No. 205087764 IN THE RECORDS OF THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER, AND THE EASTERLY BOUNDARY LINE OF THE STETSON RIDGE ADDITION, RECORDED AT RECEPTION No. 1980101, SAID COUNTY RECORDS, SAID POINT BEING THE “**POINT OF BEGINNING**”; THENCE NORTH 89°33’51” EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 730.63 FEET; THENCE SOUTH 00°19’05” EAST, A DISTANCE OF 615.07 FEET; THENCE SOUTH 89°30’40” WEST, A DISTANCE OF 734.63 FEET TO THE EASTERLY BOUNDARY LINE OF SAID STETSON RIDGE ADDITION; THENCE NORTH 00°03’13” EAST, ALONG SAID EASTERLY BOUNDARY LINE, A DISTANCE OF 615.77 FEET TO THE “**POINT OF BEGINNING**”.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 10.35 ACRES, MORE OR LESS.

I, PATRICK C. O’HEARN, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.



PATRICK C. O’HEARN PLS No. 23515
FOR AND ON BEHALF OF
DREXEL, BARRELL & CO.
3 South 7th Street
Colorado Springs, Colorado 80905
719.260.0887