

RESOLUTION 80-17

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS KUM AND GO STORE 689 ANNEXATION NUMBER 1 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 Kum and Go Store 689 Annexation Number 1, 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, on May 23, 2017, the City Council, acting by resolution, found the petition for annexation to be in substantial compliance with Section 31-12-107(1) C.R.S of the Annexation Act and Section 30 of Article II of the Colorado Constitution, set a hearing to consider the annexation of the Property to the City of Colorado Springs on June 27, 2017, in Council Chambers, City Hall, 107 North Nevada Avenue, Colorado Springs, Colorado, and directed the City Clerk to give notice of said hearing in the manner prescribed in Section 31-12-108 of the Annexation Act; and

WHEREAS, in support of the annexation the following affidavits were filed with City Council: the City Clerk's affidavit dated June 19, 2017 (the "Clerk's Affidavit"), an affidavit of Michael Schultz, Principal Planner for the City of Colorado Springs dated June 9, 2017 (the "Planner's Affidavit"), and an affidavit from Justin C. Scheitler, a registered professional land surveyor dated June 2, 2017 (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 Kum and Go Store 689 Annexation Number 1, on June 27, 2017 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 Clerk's Affidavit, 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 Clerk has provided notice as directed and said notice complies with the requirements of Section 31-12-108 of the Annexation Act;

(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 twenty (20) 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 Kum and Go Store 689 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 27th day of June, 2017.



Council President

ATTEST:


Sarah B. Johnson, City Clerk



The seal is circular with a double-line border. The outer ring contains the text "COLORADO SPRINGS" at the top and "COLORADO" at the bottom, separated by two stars. The inner ring contains "SEAL" in the center, "SEPTEMBER 3, 1872" below it, and "CITY CLERK" above it.

Exhibit A
(Kum and Go Store 689 Number 1)

LEGAL DESCRIPTION

Kum and Go Store 689 Annexation Number 1

A PARCEL OF LAND SITUATED IN THE SOUTH HALF OF SECTION 23, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE ANNEXATION PLAT CHEYENNE VILLAGE ADDITION AS DEPICTED ON PLAT RECORDED DECEMBER 21, 1998 AT RECEPTION NUMBER 98187720 OF THE RECORDS OF EL PASO COUNTY CLERK AND RECORDER; THENCE N89°39'28"E A DISTANCE OF 70.24 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE EXTENDED FOR PARK VISTA BOULEVARD BEING ALSO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING N00°20'32"W ALONG SAID RIGHT OF WAY LINE EXTENDED, A DISTANCE OF 6.48 FEET TO THE NORTH RIGHT OF WAY LINE FOR PEARL DRIVE AS DEPICTED IN THE PLAT BLOCK 24, PARK VISTA ESTATES ADDITION RECORDED SEPTEMBER 19, 1957 IN PLAT BOOK Z AT PAGE 22 IN SAID RECORDS OF EL PASO COUNTY CLERK AND RECORDER;

THENCE N89°39'28"E ALONG SAID NORTH RIGHT OF WAY LINE AND ITS EXTENSION A DISTANCE OF 249.08 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE FOR AUSTIN BLUFFS PARKWAY, THE NORTHWESTERLY LINE OF THE ANNEXATION PLAT WESTLAND ADDITION NO. 1 AS DEPICTED ON PLAT RECORDED APRIL 17, 1973 AT RECEPTION NUMBER 029974466 OF SAID RECORDS OF EL PASO COUNTY CLERK AND RECORDER, AND A POINT ON THE CITY OF COLORADO SPRINGS CORPORATE BOUNDARY;

THENCE ALONG SAID NORTHWESTERLY LINE OF ANNEXATION PLAT WESTLAND ADDITION NO. 1 AND THE EAST AND NORTH LINES OF ANNEXATION PLAT HOEPKER ADDITION AS DEPICTED ON PLAT RECORDED SEPTEMBER 13, 1983 AT RECEPTION NUMBER 001024355 OF SAID RECORDS OF EL PASO COUNTY CLERK AND RECORDER THE FOLLOWING TWO (2) COURSES BEING CONTIGUOUS WITH THE CITY OF COLORADO SPRINGS CORPORATE BOUNDARY;

- 1) S42°17'57"W A DISTANCE OF 367.69 FEET;
- 2) N00°20'32"W A DISTANCE OF 264.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 33,685 SQUARE FEET OR 0.773 ACRES, MORE OR LESS.

