

RESOLUTION 54-18

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS THE SANDS ADDITION NUMBER 4 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 The Sands Addition Number 4 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, on April 10, 2018, 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 May 22, 2018, 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 May 7, 2018 (the "Clerk's Affidavit"), an affidavit of Catherine Carleo, Principal Planner for the City of Colorado Springs dated May 7, 2018 (the "Planner's Affidavit"), and an affidavit from Vernon P. Taylor, a registered professional land surveyor dated May 8, 2018 (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 The Sands Addition Number 4 Annexation, on May 22, 2018 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 filed with the Clerk to the Board of County Commissioners and the El Paso County Development Services Department as the Property proposed to be annexed is comprised of more 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;

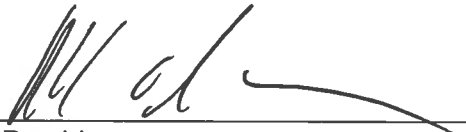
(p) no petition for election has been received nor is an election otherwise required under the provisions of Section 31-12-107(2) of the Annexation Act;

(q) the annexation of the Property, commonly known as The Sands Addition Number 4 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 22nd day of May, 2018, with an effective date of the 10th day of July 2018.

  
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Council President

ATTEST:

  
Sarah B. Johnson, City Clerk





20 Boulder Crescent, STE 110  
Colorado Springs, CO 80903  
Mail to: PO Box 1360  
Colorado Springs, CO 80901  
v 719.955.5485

### **The Sands Addition No. 4 Annexation**

A PARCEL OF LAND LYING WITHIN THE SOUTH HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST AND THE NORTH HALF OF SECTION 4, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD BEING COINCIDENT WITH A LINE BEING 80.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID SECTION 33, BEING MONUMENTED AT THE SOUTH END BY A REBAR WITH A YELLOW PLASTIC CAP STAMPED "AZTEC LS 36567", AND AT THE NORTH END BY A NO. 5 REBAR, ASSUMED TO BEAR  $N00^{\circ}10'57''E$ .

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33;  
THENCE  $S00^{\circ}10'57''W$ , A DISTANCE OF 4801.25 FEET TO A POINT COINCIDENT WITH THE CENTERLINE OF MARKSHEFFEL ROAD;  
THENCE  $S89^{\circ}49'03''E$ , A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD AS CONVEYED TO EL PASO COUNTY BY THE WARRANTY DEED AS RECORDED SEPTEMBER 14, 2010 UNDER RECEPTION NO. 210107562 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE  $N89^{\circ}55'04''E$ , A DISTANCE OF 669.99 FEET;  
THENCE  $N00^{\circ}05'10''E$ , A DISTANCE OF 716.59 FEET TO THE SOUTHWESTERLY CORNER OF LOT 7, BLOCK 2 AS PLATTED IN ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 202014735 OF SAID COUNTY RECORDS;  
THENCE  $N89^{\circ}58'07''E$  ALONG THE SOUTHERLY LINE OF BLOCK 2, AS PLATTED IN SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1, A DISTANCE OF 1004.19 FEET TO THE NORTHWEST CORNER OF THE SPECIAL WARRANTY DEED, AS RECORDED UNDER RECEPTION NO. 216016072 OF SAID COUNTY RECORDS;  
THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID SPECIAL WARRANTY DEED THE FOLLOWING TWO (2) COURSES:

1.  $S00^{\circ}01'38''E$ , A DISTANCE OF 250.00 FEET;
2.  $N89^{\circ}58'07''E$ , A DISTANCE OF 200.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL DRIVE AS DESCRIBED IN THE RESOLUTION NO. 00-189, AS RECORDED UNDER RECEPTION NO. 200144328 OF SAID COUNTY RECORDS;

THENCE  $S00^{\circ}01'38''E$  ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 974.05 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CONSTITUTION AVENUE AS RECORDED IN PLAT BOOK Y-3 AT PAGE 169 OF SAID COUNTY RECORDS;  
THENCE  $N89^{\circ}58'14''E$  ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 688.41 FEET TO THE SOUTHEASTERLY CORNER OF LOT 7, BLOCK 1 AS PLATTED IN SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. N89°58'14"E, A DISTANCE 766.41 FEET TO A POINT ON CURVE;
2. ALONG THE ARC OF A 1,897.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14°26'03", AN ARC LENGTH OF 477.90 FEET (THE LONG CHORD OF WHICH BEARS S82°47'56"E, A LONG CHORD DISTANCE OF 476.63 FEET;

THENCE S14°24'55"W ACROSS SAID CONSTITUTION AVENUE, A DISTANCE OF 120.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CONSTITUTION AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. ALONG THE ARC OF A 1,777.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°27'53", AN ARC LENGTH OF 448.62 FEET (THE LONG CHORD OF WHICH BEARS N82°48'50"W, A LONG CHORD DISTANCE OF 447.42 FEET;
2. S89°58'14"W, A DISTANCE 3,491.75 FEET;

THENCE N00°10'57"E, A DISTANCE OF 627.40 FEET;

THENCE S89°49'03"E, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 53.2874 ACRES OF LAND, MORE OR LESS.