

RESOLUTION NO. 68 - 24

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS SPACE VILLAGE ADDITION NO. 2 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 Space Village Addition No. 2 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 Roland Sevigny, Planning Supervisor for the City of Colorado Springs dated June 11, 2024 (the "Planner's Affidavit"), and an affidavit from Robert A. Pisciotta Jr., a registered professional land surveyor dated June 10, 2024 (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 Space Village Addition No. 2 Annexation, on July 9, 2024, 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 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 City owned right-of-way only;

(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 Space Village Addition No. 2 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 9th day of July 2024.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



LEGAL DESCRIPTION :

A PORTION OF SPACE VILLAGE AVE. BEING THE NORTH 50.00 FEET OF SECTION 17 AND THE SOUTH 50 FEET OF SECTION 8 AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE SECTION LINE ALL IN SECTION 8 and 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF **SPACE VILLAGE ADDITION NO. 1 ANNEXATION PLAT** AS RECORDED RECEPTION NUMBER 222715049 AND A POINT ON THE NORTH LINE OF **AIRPORT ANNEXATION FILING 1 ANNEXATION PLAT** AS RECORDED AT RECEPTION NO.217713899 ALL OF THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE S89°40'46" W AND COINCIDENT WITH THE NORTHERLY LINE OF SAID **AIRPORT ANNEXATION FILING 1** AND 50.00 FEET SOUTHERLY AND PARALLEL TO THE SECTION LINE BETWEEN SAID SECTION 8 AND 17 A DISTANCE OF 490.01 FEET TO THE NORTHWEST CORNER OF SAID **AIRPORT ANNEXATION FILING 1** ;
THENCE S89°40'46" W AND COINCIDENT WITH THE NORTH LINE OF TWO TRACTS OF LAND AS RECORDED AT **BOOK 3529 PAGE 939** OF THE RECORDS OF EL PASO COUNTY, COLORADO A DISTANCE OF 86.37 FEET TO A POINT 50.00 FEET SOUTH OF THE NORTH QUARTER CORNER OF SAID SECTION 17;
THENCE S89°43'08" W AND COINCIDENT WITH THE NORTH LINE OF SAID TRACT AS RECORDED AT **BOOK 3529 PAGE 939** OF THE RECORDS OF EL PASO COUNTY, COLORADO, A DISTANCE OF 1092.04 FEET MORE OR LESS TO A POINT;
THENCE N00°23'26" W A DISTANCE OF 50.00 FEET TO A POINT ON THE SAID SECTION LINE;
THENCE N89°43'08" E AND COINCIDENT WITH SAID SECTION LINE A DISTANCE OF 744.20 FEET;
THENCE N00°16'52" W A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF **HILLCREST ACRES** AT PLAT BOOK B-2 PAGE 64 OF THE RECORDS OF EL PASO COUNTY, COLORAD;
THENCE N89°43'08" E AND 50.00 FEET NORTH OF AND PARALLEL TO SAID SECTION LINE AND COINCIDENT WITH THE SOUTH LINE OF SAID **HILLCREST ACRES** A DISTANCE OF 347.94 FEET , MORE OR LESS TO A POINT 50.00 FEET NORTH OF SAID NORTH QUARTER CORNER OF SECTION 17 ;
THENCE N89°40'46" E AND 50.00 FEET NORTH OF AND PARALLEL TO SAID SECTION LINE AND COINCIDENT WITH THE SOUTH LINE OF SAID **HILLCREST ACRES** AND A TRACT AS RECORDED AT **RECEPTION NUMBER 097052464** OF THE RECORDS OF EL PASO COUNTY, COLORADO, A DISTANCE OF 576.30 FEET MORE OR LESS TO THE NORTH WEST CORNER OF SAID **SPACE VILLAGE ADDITION NO. 1 ANNEXATION PLAT**;
THENCE S00°19'41" E AND COINCIDENT WITH THE WEST BOUNDARY OF SAID **SPACE VILLAGE ADDITION NO. 1 ANNEXATION PLAT** A DISTANCE OF 100.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 129,635 SQUARE FEET, (2.976 ACRES), MORE OR LESS.

THE LINEAR UNIT OF MEASURE USED FOR THIS SURVEY IS THE U.S. Survey foot.



ANNEXATION
SPACE VILLAGE Addition No.2
Description

Drawn By: R. Kotwica Date: 06/26/2023

Job Number: 2023028 PAGE 1 OF 1

