

RESOLUTION NO. 48 - 24

A RESOLUTION FINDING PETITION FOR ANNEXATION OF THE AREA KNOWN AS SPACE VILLAGE ADDITION NO. 2-3 CONSISTING OF 5.305 ACRES TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND SETTING A HEARING DATE OF JULY 9, 2024, FOR THE COLORADO SPRINGS CITY COUNCIL TO CONSIDER THE ANNEXATION OF THE AREA

WHEREAS, a petition for annexation of the area known as Space Village Addition No. 2-3 consisting of 5.305 acres and as more specifically described in Exhibit A (the "Petition for Annexation") was filed with the City Clerk on November 20, 2023; and

WHEREAS, on December 12, 2023, the City Clerk referred the Petition for Annexation to City Council as a communication; and

WHEREAS, on December 12, 2023, City Council referred the Petition for Annexation to the City Administration for review and recommendation; and

WHEREAS, the City Administration has reviewed the Petition for Annexation and recommends that the City Council find the Petition for Annexation to be in substantial compliance with Section 31-12-107(1), C.R.S.

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

Section 1. That the City Council finds the Petition for Annexation to be in substantial compliance with Section 31-12-107(1), C.R.S.

Section 2. The City Council hereby sets a public hearing on the Petition for Annexation for July 9, 2024, at 10:00 A.M., at Council Chambers, City Hall Building, 107 N. Nevada Avenue, Colorado Springs, Colorado, for purposes of determining and finding whether the area proposed to be annexed meets applicable requirements of Section 31-12-104 and Section 31-12-105, C.R.S. and Section 30 of Article II of the Colorado Constitution, to determine the eligibility of the area for annexation and to determine whether the area should be annexed to the City of Colorado Springs.

Section 3. The City Clerk is hereby directed to give notice of the hearing in the manner described in Section 31-12-108, C.R.S.

Dated at Colorado Springs, Colorado this 28th day of May 2024.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



PETITION FOR ANNEXATION

Space Village Addition No. 2

To the City Council of the City of Colorado Springs

We, the undersigned, constituting and comprising the owners of 100% of the area (territory) (excluding public streets and alleys) described in Exhibit A attached hereto and made a part of the Petition the ("Described Area"), do hereby petition that the Described Area be annexed to and become part of the City of Colorado Springs and do represent and state:

1. It is desirable and necessary that the Described Area be annexed to the City of Colorado Springs.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S. 1973, as amended, exist or have been met as these sections apply to the annexation of the Described Area.
3. That the annexation of the Described Area complies with Section 30 of Article II of the Colorado Constitution.
4. That the undersigned request that the City of Colorado Springs approve the annexation of the Described Area.
5. That the legal description of the land owned by each Petitioner hereto is attached to and made part of this Petition.

The Petitioner(s) hereto understand and are cognizant of the fact that the City of Colorado Springs ("City") is not legally required to annex the Described Area, and that if the City does annex the Described Area, the annexation shall be upon the conditions and agreement of the Petitioner(s) as set forth in the Annexation Agreement.

NOW, THEREFORE, in consideration of the forgoing statement, and in further consideration of the benefits which will accrue to the Petitioner(s) and the obligations resulting to the City if the Described Area is annexed to the City, the Petitioner(s) agree and covenant that if the Described Area is annexed to the City, the Petitioner(s) will comply with all applicable provisions of the Code of the City of Colorado Springs 2001, as amended, and all applicable ordinances, resolutions, and regulations of the City now existing or as hereinafter amended.

The covenants and agreements herein above set forth shall run with the land owned by each Petition hereto which is subject to this annexation and shall extend to and be binding upon the heirs, assigns, legal representatives and successors to each Petitioner. Each Petitioner expressly accepts the aforesaid covenants and agreements by proceeding with the Petition for Annexation to the City.

City of Colorado Springs

Gayle G. Sturdivant
Name (Print)

Gayle Sturdivant
Signature

7/17/2023
Date

Mailing Address

30 S. Nevada Ave., Suite 401
Colorado Springs, CO 80901

Legal Description: See Exhibit Space Village Addition No. 2 Description

AFFIDAVIT

STATE OF COLORADO)

) ss.

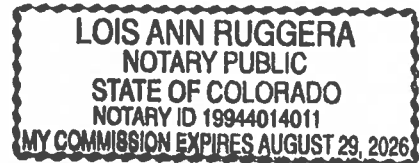
COUNTY OF EL PASO)

The foregoing instrument was executed before me this 17th day of July, 2023, by Gayle Sturdivant.

Witness my hand and official seal.

My Commission expires: Aug. 29, 2026

Lois Ann Ruggera
Notary Public



The notarization signatures above serve as the Affidavit of Circulator acknowledging that each signature herein is the signature of the person it purports to be (C.R.S. 31-12-107(1)(cc)(IX))

SPACE VILLAGE ADDITION NO. 2

OWNER:

The aforementioned, City of Colorado Springs, Colorado, a home rule city and Colorado Municipal Corporation, has executed this instrument this _____ day of _____, 2023 A.D.

Blessing A. Mbolade.

Answer:

City Clerk

State of Colorado)
County of El Paso) ss:
I, _____, Clerk of the County of El Paso, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of El Paso.

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 A.D. by Blessing A. Mobolade, Mayor of the City of Colorado Springs, Colorado, a home rule city and Colorado Municipal Corporation.

Without my hand and seal

My commission expires:

Metaxar Publisher

CITY OF COLORADO SPRINGS APPROVAL:

On behalf of the City of Colorado Springs, the undersigned hereby approve for filing the accompanying annexation plat of "Space Village Addition No. 2".

The Managing Director

100

The annexation of the real property shown on this plat is approved pursuant to an ordinance made and adopted by THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, by actions of The City Council of The City of Colorado Springs at it's meeting on _____ day of _____, 2023. A.D.

Cecilia Clark

CLERK AND RECORDER

STATE OF COLORADO)
COUNTY OF EL PASO) ss

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT _____ O'CLOCK _____ M. THIS _____ DAY _____ OF _____ 2023. A.D. AND IS FULLY RECORDED AT RECEPTION NUMBER _____ OF THE RECORDS OF EL PASO _____

COUNTY, COLORADO.

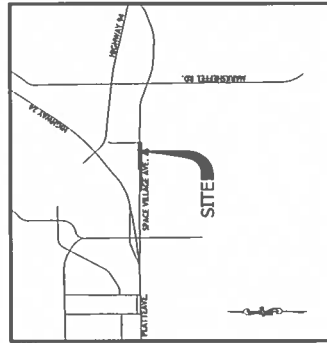
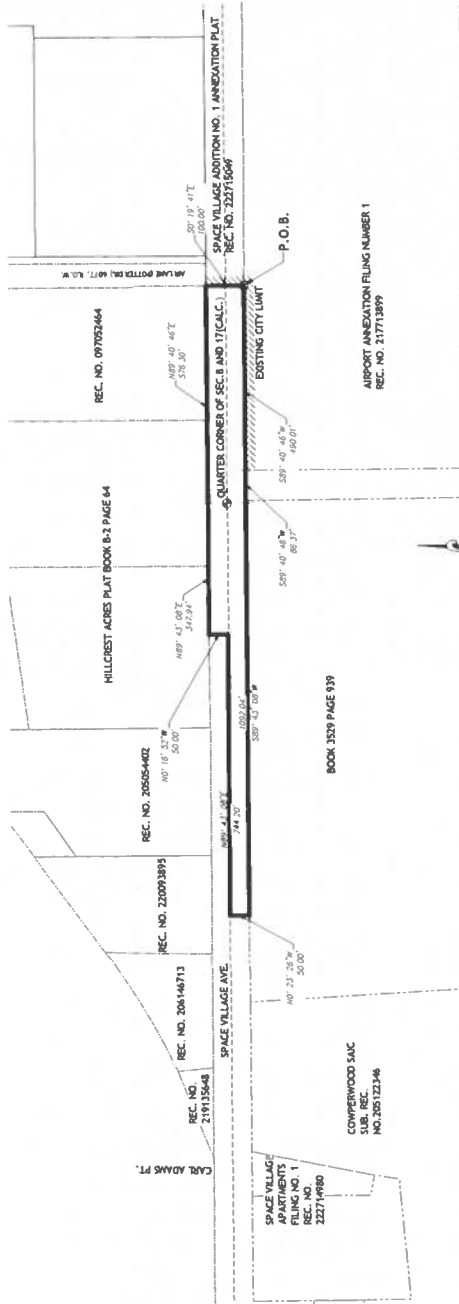
STEVE SCHLEIKEN
CLERK AND RECORDER

AB

SURCHARGE; _____

File:

ANNEX-23-0???



SURVEYOR'S STATEMENT:

SURVEYOR'S STATEMENT.

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO HEREBY CERTIFIES THAT THE ACCOMPANYING ASSOCIATION PLAN WAS DRAWN UNDER HIS SUPERVISION AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND, AND THAT AT LEAST ONE (1) OF THE PERIPHERAL BOUNDARY OF SAID TRACT IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF COLORADO SPRINGS, COLORADO, EL PASO COUNTY, COLORADO TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

T-10 DAY OF 2023
Robert A. Picciotto, Jr., Colorado P.L.E. 36274
For and on behalf of The City of Colorado Springs
30 S. Nevada Ave. Suite 402
Colorado Springs, CO, 80901
719-385-6545

BE IT KNOWN BY THESE PRESENTS:

THAT THE CITY OF COLORADO SPRINGS, COLORADO, A HOME RULE CITY AND COLORADO MUNICIPAL CORPORATION, BEING THE PETITIONER FOR THE ANNULLATION OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:

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.

[illegible]

THENCE N00°23'28" W A DISTANCE OF 10.00 FEET TO A POINT ON THE SAND SECTION LINE;
THENCE N89°43'00" E AND COINCIDENT WITH SAND SECTION LINE A DISTANCE OF 744.20 FEET;
THENCE S89°43'00" W A DISTANCE OF 102.04 FEET MORE OR LESS TO A POINT;
THENCE S00°00'00" E A DISTANCE OF 102.04 FEET MORE OR LESS TO A POINT;
THENCE N00°23'28" W A DISTANCE OF 10.00 FEET TO A POINT ON THE SAND SECTION LINE;

THOSE NORTH 72° W. AT A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF MILLBURN ACRES AT PLAT BOOK 34 PAGE 54 OF THE RECORDS OF PAVO COUNTY, COLORADO.

THOSE NEW 33° E. AND 50.00 FEET, TO BAD SECTION LINE AND PARALLEL, TO BAD SECTION LINE AND QUARTER CORNER WITH THE SOUTH LINE OF SAID MILLBURN ACRES. A DISTANCE OF 50.00 FEET MORE OR LESS TO A POINT 50.00 FEET NORTH AND NORTH QUARTER CORNER OF SECTION 17.

THOSE NEW 69° E. AND 50.00 FEET, TO BAD SECTION LINE AND PARALLEL, TO BAD SECTION LINE AND QUARTER CORNER WITH THE SOUTH LINE OF SAID MILLBURN ACRES. A DISTANCE OF 50.00 FEET MORE OR LESS TO A POINT 50.00 FEET NORTH AND NORTH QUARTER CORNER OF SECTION 17.

A TRACT AS DESCRIBED AT NEIGHBOR NUMBER TWENTY-ONE OF THE RECORDS OF EL PASO COUNTY, COLORADO, AT A DISTANCE OF 50.00 FEET MORE OR LESS TO THE NORTH WEST CORNER OF SAID SPANISH WILLOW ADDITION, A NEIGHBORING PLAT.

THOSE SOUTH 72° W. AND 50.00 FEET, TO THE WEST BOUNDARY OF SAID SPANISH WILLOW ADDITION NO. 1, A NEIGHBORING PLAT, AT A DISTANCE OF 10.00 FEET TO THOSE SOUTH 72° W. AND 50.00 FEET.

ALL BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 85 WEST OF THE 10TH P.M. IN EL PASO COUNTY, COLORADO, AND WAS ASSIGNED TO BEAT 10874137. E. AS MONUMENTED ON THE NORTHWEST CORNER WITH AN ALUMINUM CAP MARKED 1925 73 1149 1925 87 58. S14. 43.7. TO THE ABOVE-DESCRIBED SECTION 17, A 80 MONUMENTED WITH AN ALUMINUM CAP MARKED 2017 21 5 36933. T165 1925 58 317 816.

SAID PARCEL CONTAINS 120,605 SQUARE FEET (2.976 ACRES), MORE OR LESS.

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

TOTAL PERIMETER OF THE AREA FOR ANNEXATION 3,536.00'

ONE-SIXTH (1/6TH) OF THE TOTAL PERIMETER 500.40' (16.67%)

PERIMETER OF THE AREA CONTIGUOUS TO THE EXISTING CITY LIMITS: 390.01' (18.08%)

TIME. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS PRODUCT WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT OR NO EVENT MAY ANY ACTION BE COMMENCED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE

PETITION FOR ANNEXATION

Space Village Addition No. 3

To the City Council of the City of Colorado Springs

We, the undersigned, constituting and comprising the owners of 100% of the area (territory) (excluding public streets and alleys) described in Exhibit A attached hereto and made a part of the Petition the ("Described Area"), do hereby petition that the Described Area be annexed to and become part of the City of Colorado Springs and do represent and state:

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City of Colorado Springs

Gayle G. Sturdivant
Name (Print)


Signature

7/17/2023
Date

Mailing Address

30 S. Nevada Ave., Suite 401
Colorado Springs, CO 80901

Legal Description: See Exhibit Space Village Addition No. 3 Description

AFFIDAVIT

STATE OF COLORADO)

) ss.

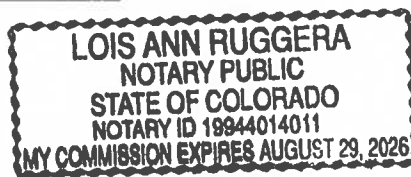
COUNTY OF EL PASO)

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Witness my hand and official seal.

My Commission expires: Aug 29, 2026

Lois A. Ruggera
Notary Public



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