

RESOLUTION NO. 182 - 23

A RESOLUTION FINDING A PETITION FOR ANNEXATION OF THE AREA KNOWN AS CAPITAL DRIVE ADDITION NO. 3 CONSISTING OF 1.01 ACRES TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND SETTING A HEARING DATE OF JANUARY 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 Capital Drive Addition No. 3 consisting of 1.01 acres and as more specifically described in Exhibit A (the "Petition for Annexation") was filed with the City Clerk on March 2, 2023; and

WHEREAS, on March 14, 2023, the City Clerk referred the Petition for Annexation to City Council as a communication; and

WHEREAS, on March 14, 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 January 9, 2024 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 14th day of November 2023.



Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



PETITION FOR ANNEXATION

Capital Drive 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:

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

9/23/2022
Date

Mailing Address

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

Legal Description: See Exhibit Capital Drive Addition No 3 Description

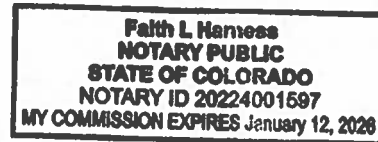
AFFIDAVIT

STATE OF COLORADO)

) ss.

COUNTY OF EL PASO)

The foregoing instrument was executed before me this 23rd day of September 2022, by
Gayle Sturdivant



Witness my hand and official seal.

My Commission expires: January 12, 2026

Faith L. Harness
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))

ANNEXATION PLAT CAPITAL DRIVE ADDITION NO. 3

A PORTION OF THE NORTH WEST 1/4 OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO



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 annexation of the following described land to the City of Colorado Springs, Colorado:

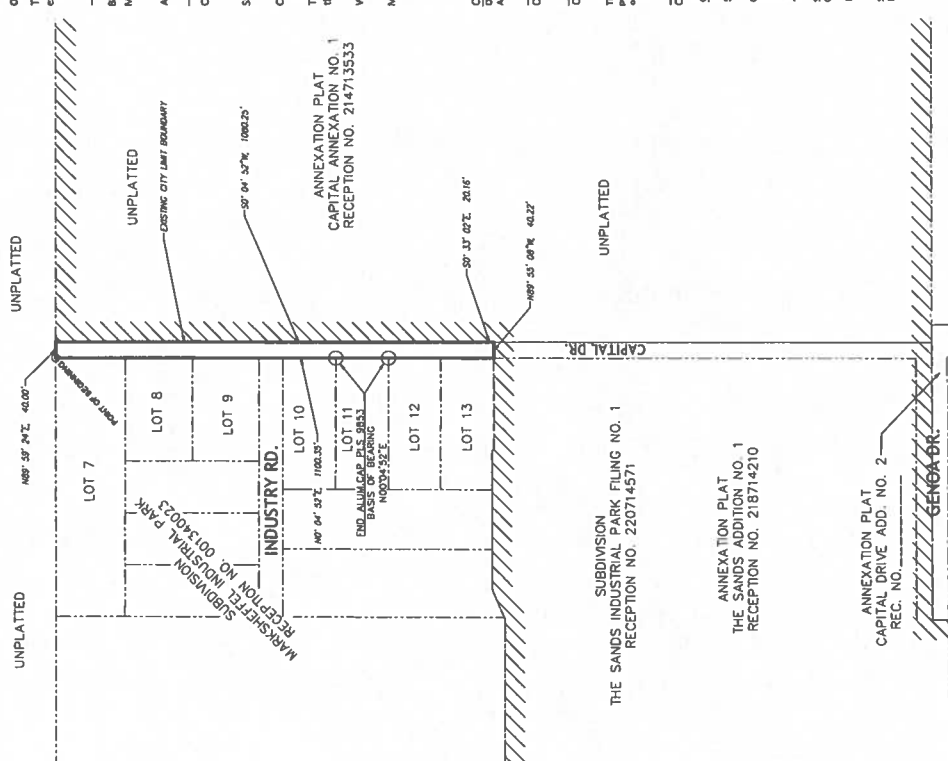
LEGAL DESCRIPTION:
A TRACT OF LAND SITUATED IN THE NORTH WEST ONE-QUARTER OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING A PART OF A 40 Acre Right of Way for Capital Drive as dedicated to El Paso County on the Plat of Marksheffel Industrial Park recorded December 30, 1985 in Plat Book 2-3 at page 125, AS RECORDED IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH EAST CORNER OF LOT 7 OF SAID MARKSHEFFEL INDUSTRIAL PARK;
THENCE N89°52'24" E AND COINCIDENT WITH THE NORTH BOUNDARY OF SAID MARKSHEFFEL INDUSTRIAL PARK A DISTANCE OF 40.00 FEET TO THE NORTH EAST CORNER OF SAID INDUSTRIAL PARK; THENCE S89°52'24" W AND COINCIDENT WITH THE WEST BOUNDARY OF SAID INDUSTRIAL PARK A DISTANCE OF 110.95 FEET TO THE POINT OF BEGINNING;
THENCE S00°33'02" E A DISTANCE OF 20.18 FEET TO THE NORTH EAST CORNER OF THE SANDS INDUSTRIAL PARK FILING NO. 1 AS RECORDED AT RECEPTION NUMBER 220714571 IN EL PASO COUNTY, COLORADO;
THENCE S89°55'08" W AND COINCIDENT WITH THE NORTH BOUNDARY OF SAID INDUSTRIAL PARK A DISTANCE OF 40.22 FEET TO THE SOUTH WEST CORNER OF SAID INDUSTRIAL PARK; THENCE N07°04'52" E AND COINCIDENT WITH THE WEST BOUNDARY OF SAID INDUSTRIAL PARK A DISTANCE OF 110.95 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 44,017 SQUARE FEET, (1.0105 ACRES), MORE OR LESS.
ALL BEARINGS ARE BASED ON A LINE FROM THE NORTHEAST CORNER OF LOT 11 OF SAID MARKSHEFFEL INDUSTRIAL PARK AND THE SOUTHEAST CORNER OF SAID LOT 11, BEING 110.95 FEET LONG AND ALUMINUM CAPS STAMPED PLS 8683, AND IS ASSURED TO BEAR NORTH 07°04'52" EAST.

THE LINEAR UNIT OF MEASURE USED FOR THIS SURVEY IS THE U.S. Survey foot.
TOTAL PERIMETER OF AREA FOR ANNEXATION: 2260.88'
ONESIXTH (1/6TH) OF THE TOTAL PERIMETER: 380.16' (16.67%)
PERIMETER OF THE AREA CONTIGUOUS TO THE EXISTING CITY LIMITS: 1140.87' (50%)

NOTICE:
Pursuant to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.



SURVEYOR'S STATEMENT:
THE UNDERSIGNED REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO HEREBY CERTIFIES THAT THE ACCOMPANYING ANNEXATION PLAT WAS DRAWN AND PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF:

This is the Day of _____ 2023
Robert A. Proctor, Jr., Colorado P.L.S. 3824
For and on behalf of the City of Colorado Springs
30 S. Nevada Ave., Suite 402
Colorado Springs, CO, 80901
719-585-5454

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. Mebbiate, Mayor
Attest:
City Clerk
State of Colorado
County of El Paso

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

Witness my hand and seal
My commission expires: _____ Notary Public

CITY OF COLORADO SPRINGS APPROVAL:
City Manager
City Planning Director
City Engineer
City Clerk

The annexation of this real property shown on this plat is approved by the City Council of the City of Colorado Springs, Colorado, on this ___ day of _____, 2023, A.D.
The annexation of this real property shown on this plat is approved by the City Council of the City of Colorado Springs, Colorado, on this ___ day of _____, 2023, A.D.

City Clerk
Clerk and Recorder
State of Colorado
County of El Paso

STEVE SCHUBERT, Clerk and Recorder
By _____
SHERMAN, _____
FEE: _____

DATE OF THE INSTRUMENT: _____
DATE OF RECORDING: _____
RECORD NUMBER: _____
RECORD BOOK: _____
PAGE: _____



CAPITAL DRIVE ADDITION NO. 3 ANNEXATION PLAT	
DATE: 07/17/23	JOB NUMBER: 2022011
SHEET 1 OF 1	

ANEX-23-0003