

RESOLUTION NO. 89-21

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS ADVANCED TECHNOLOGY CAMPUS ADDITION NO. 1 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 Advanced Technology Campus Addition No. 1 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 Catherine Carleo, Planning Supervisor for the City of Colorado Springs dated June 2, 2021 (the "Planner's Affidavit"), and an affidavit from Richard E. Brewster, a registered professional land surveyor dated June 2, 2021 (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 Advanced Technology Campus Addition No. 1 Annexation, on June 22, 2021 at City of Colorado Springs, Plaza of the Rockies – 121 South Tejon Street, South Tower, Fifth Floor - Blue River Board Room, 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 is the sole owner of the Property and no notice or hearing is required for annexation pursuant to Section 31-12-106(3);

(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;

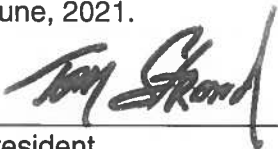
(p) no petition for election has been received nor is an election otherwise required under the provisions of Section 31-12-107(2) of the Annexation Act;

(q) the annexation of the Property, commonly known as Advanced Technology Campus Addition No. 1 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 22<sup>nd</sup> day of June, 2021.

  
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Council President

ATTEST:



  
Sarah B. Johnson, City Clerk  


EXHIBIT A

LEGAL DESCRIPTION:

LOT 1 OF COLORADO CENTRE FOREIGN TRADE ZONE AND BUSINESS PARK FILING NO.1, RECORDED OCTOBER 7 1986, RECEPTION 1463836, RECORDS OF EL PASO COUNTY, COLORADO; AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 65 WEST, 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO.

**BASIS OF BEARINGS:** ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983 (2011). THE BEARING OF THE LINE BETWEEN THE NORTH QUARTER CORNER OF SAID SECTION 4 MONUMENTED BY 2 1/2 INCH ALUMINUM CAP - ILLEGIBLE MARKINGS- 0.3' UNDER ASPHALT AND NORTHEAST CORNER OF SAID SECTION 4, MONUMENTED BY 3 1/4 INCH ALUMINUM CAP - ILLEGIBLE MARKINGS - 0.5' UNDER ASPHALT IS NORTH 89°24'39" EAST 2,628.19 FEET (GROUND DISTANCE).

**COMMENCING AT SAID NORTH QUARTER CORNER;**

THENCE SOUTH 0°13'33" EAST, A DISTANCE OF 30.00 FEET COINCIDENT WITH THE NORTH-SOUTH CENTERLINE OF SAID SECTION 4, TO THE EXISTING SOUTHERLY RIGHT-OF-WAY OF DRENNAN ROAD, ALSO BEING THE POINT OF BEGINNING;

THENCE EASTERLY ON SAID SOUTHERLY RIGHT OF WAY OF DRENNAN ROAD, THE FOLLOWING (3) COURSES:

1. NORTH 89°24'44" EAST, A DISTANCE OF 1,314.70 FEET;
2. SOUTH 0°17'13" EAST, A DISTANCE OF 9.99 FEET;
3. NORTH 89°24'38" EAST, A DISTANCE OF 1,114.88 FEET TO THE WESTERLY RIGHT OF WAY LINE OF FOREIGN TRADE ZONE BOULEVARD (80 FEET WIDE);

THENCE SOUTHERLY COINCIDENT WITH SAID WESTERLY LINE THE FOLLOWING (3) THREE COURSES:

1. SOUTH 0°28'58" EAST, A DISTANCE OF 2,225.02 FEET;
2. ON A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 45°00'01", A RADIUS OF 890.00 FEET AND A CHORD WHICH BEARS SOUTH 22°00'58" WEST;
3. SOUTH 44°31'18" WEST, A DISTANCE OF 762.52 FEET;

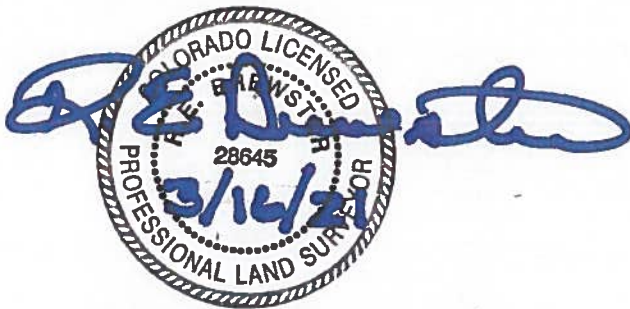
THENCE DEPARTING FROM SAID WESTERLY LINE, NORTH 45°29'06" WEST, A DISTANCE OF 1,090.18 FEET TO THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 4;

THENCE COINCIDENT WITH SAID SOUTH LINE, SOUTH 89°31'06" WEST, A DISTANCE OF 870.53 FEET TO THE NORTH-SOUTH CENTERLINE OF SAID SECTION 4;

THENCE NORTH 0°13'33" WEST, A DISTANCE OF 2,628.16 FEET, COINCIDENT WITH SAID NORTH-SOUTH CENTERLINE, TO THE POINT OF BEGINNING, AND CONTAINING A CALCULATED AREA OF 6,971,758 SQUARE FEET OR 160.050 ACRES OF LAND MORE OR LESS

**LEGAL DESCRIPTION STATEMENT:**

I, RICHARD E. BREWSTER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF ARE CORRECT.



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RICHARD E. BREWSTER, PROFESSIONAL LAND SURVEYOR  
COLORADO P.L.S. NO. 28645  
FOR AND ON BEHALF OF COLORADO SPRINGS UTILITIES