

ORDINANCE NO. 22 - 79

AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS WEST COLORADO AVENUE ADDITION NO. 2 CONSISTING OF 0.79-ACRES LOCATED ALONG WEST COLORADO AVENUE WEST OF SOUTH 31ST STREET

WHEREAS, pursuant to Article II, Section 30 of the Colorado Constitution and Section 31-12-101, *et seq.*, C.R.S., known as the Municipal Annexation Act of 1965, as amended (the "Annexation Act"), the City of Colorado Springs is the sole owner of that certain territory known as West Colorado Avenue Addition No. 2, more specifically described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"), which is not solely a public street or right-of-way; and

WHEREAS, in accord with Section 31-12-106(3) of the Annexation Act, the Property is eligible for annexation in accordance with Section 30(1)(c) of Article II of the Colorado Constitution and Sections 31-12-104(1)(a) and 105 of the Annexation Act; and

WHEREAS, pursuant to Section 31-12-106(3) of the Annexation Act the City Council of the City of Colorado Springs may annex the Property without complying with the notice and hearing provisions of Sections 31-12-108 and 109; and

WHEREAS, in accord with the Annexation Act, the City Council has determined that said area should be annexed forthwith as part of the City of Colorado Springs; and

WHEREAS, City Code section 7.5.403(A) provides that, unless waived, all requests for annexation must be accompanied by a land use master plan; and

WHEREAS, because the Property is City-owned and the City has no present intent to develop the Property, City Council finds that City Code section 7.5.403(A) does not apply.

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

Section 1. The Property, known as West Colorado Avenue Addition No. 2 Annexation and more specifically described on the attached Exhibit "A", is hereby annexed to the City of Colorado Springs.

Section 2. When this annexation is complete, the Property shall become a part of the City of Colorado Springs for all intents and purposes on the effective date of this

ordinance, provided that the conditions of Section 31-12-113(2) C.R.S. are satisfied, with the exception of general taxation, in which respect said annexation shall not be effective until on or after January 1 next ensuing.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

Introduced, read, passed on first reading and ordered published this 25th day of October 2022.

Finally passed: November 8, 2022


Council President

Mayor's Action:

Approved on November 10, 2022

Disapproved on _____, based on the following objections:

Mayor Joe W. Suthers

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

ATTES

Sarah B. Johnson
Sarah B. Johnson, Clerk



Council President

CAO: MS
COS: _____

EXHIBIT A

WEST COLORADO AVENUE ADDITION NO. 2 DESCRIPTION

THAT PORTION OF WEST COLORADO AVENUE LOCATED IN THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF 3501 WEST COLORADO ANNEXATION PLAT AS RECORDED AT RECEPTION NO. 20413224 IN THE EL PASO COUNTY CLERK AND RECORDERS OFFICE;

1. THENCE SOUTH 67°47'44" EAST, A DISTANCE OF 95.80 FEET ALONG THE NORTHERLY LINE OF SAID ANNEXATION PLAT TO THE NORTHWESTERLY CORNER OF THE EASTERLY HALF OF VACATED WILLIAMS STREET AS DESCRIBED IN BOOK 908, PAGE 244 IN SAID OFFICE;
2. THENCE SOUTH 80°26'54" EAST, A DISTANCE OF 454.97 FEET ALONG THE NORTHERLY LINES OF SAID VACATED WILLIAMS STREET, LOTS 1 THROUGH 14, BLOCK 2, PLAT OF EAST MANITOU, AS RECORDED IN PLAT BOOK B, PAGE 14, A PARCEL OF LAND AS DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 201113763 AND CONTINUING ALONG THE SAME LINE EXTENDED TO THE NORTHEASTERLY CORNER OF LOT 1, SONIC SUBDIVISION FILING NO. 2 AS RECORDED AT RECEPTION NO. 200152782 IN SAID OFFICE, ALSO BEING A POINT ON THE WESTERLY LINE OF CLEMENTS-REESE ADDITION ANNEXATION PLAT AS RECORDED IN PLAT BOOK B-2, PAGE 26 IN SAID OFFICE;
3. THENCE NORTH 09°31'59" EAST, A DISTANCE OF 63.00 FEET ALONG A WESTERLY LINE OF SAID ANNEXATION PLAT TO THE NORTHWESTERLY CORNER OF SAID ANNEXATION PLAT, ALSO BEING A POINT ON THE SOUTHERLY LINE OF LOT 15, BLOCK 5 OF THE PLAT OF RE-SUBDIVISION OF ARENSDALE AS RECORDED IN PLAT BOOK G, PAGE 32 IN SAID OFFICE;
4. THENCE NORTH 80°26'54" WEST, A DISTANCE OF 447.86 FEET ALONG THE SOUTHERLY LINES OF LOTS 15 THROUGH 24, BLOCK 5 OF SAID PLAT TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 24;
5. THENCE NORTH 67°47'44" WEST, A DISTANCE OF 91.96 FEET ALONG SAID SOUTHERLY LINE OF SAID LOT 24 TO A POINT ON A SOUTHERLY LINE OF COLORADO CITY & VICINITY #21 ANNEXATION;
6. THENCE DEPARTING SAID SOUTHERLY OF SAID ANNEXATION, SOUTH 19°26'19" WEST, A DISTANCE OF 63.10 FEET TO THE NORTHEASTERLY CORNER OF SAID 3501 WEST COLORADO AVENUE ANNEXATION PLAT AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY YIELDS A CALCULATED AREA OF 34,356 SQ. FT. OR 0.79 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST QUARTER LINE OF SECTION 3, TOWNSHIP 11 SOUTH, RANGE 67 WEST. SAID LINE IS MONUMENTED AT THE NORTHEAST CORNER OF SAID SECTION 3 WITH A 3" ALUMINUM CAP STAMPED "PLS 17496" AND THE EAST QUARTER CORNER OF SAID SECTION 3 WITH A FOUND 2" ALUMINUM CAP STAMPED "PLS 10945", SAID LINE BEARS S0°05'45"E.

SURVEYOR'S STATEMENT: I, LORELEI A. WARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ATTACHED LEGAL DESCRIPTION WAS PREPARED UNDER MY DIRECT RESPONSIBILITY, SUPERVISION, AND CHECKING, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

PREPARED FOR AND ON BEHALF OF FARNSWORTH GROUP, INC
LORELEI A. WARD, PLS #34982
FARNSWORTH GROUP, INC.
5775 MARK DABLING BLVD. SUITE 190
COLORADO SPRINGS, CO 80919

CPC A 22-00128

EXHIBIT A

I HEREBY CERTIFY that the foregoing ordinance entitled **“AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS WEST COLORADO AVENUE ADDITION NO. 2 CONSISTING OF 0.79-ACRES LOCATED ALONG WEST COLORADO AVENUE WEST OF SOUTH 31ST STREET”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on October 25, 2022; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 8th day of November 2022, and that the same was published by title and in full, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 8th day of November 2022.


Sarah B. Johnson, City Clerk

1st Publication Date: October 28, 2022
2nd Publication Date: November 16, 2022

Effective Date: November 21, 2022

Initial: SBS
City Clerk