

ORDINANCE NO. 24 - 04

AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS CAPITAL DRIVE ADDITION NO. 2 ANNEXATION CONSISTING OF 6.63 ACRES LOCATED NORTH OF CONSTITUTION AVENUE AND EAST OF MARKSHEFFEL ROAD

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"), persons comprising one hundred percent (100%) of the landowners and owning one hundred percent (100%) of that certain territory known as the Capital Drive Addition No. 2 Annexation, more specifically described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property") filed a Petition for Annexation with the City Clerk of the City of Colorado Springs; and

WHEREAS, the City Council of the City of Colorado Springs, after proper notice as required by Section 31-12-108 C.R.S., held a hearing on January 9, 2024, pertaining to the annexation of the Property in accord with Section 31-12-109; and

WHEREAS, in accord with Section 31-12-110 of the Annexation Act, the City Council determined, by resolution, that the applicable provisions of Section 30 of Article II of the Colorado Constitution and Section 31-12-104 and 105 of the Annexation Act have been met, an election is not required under Section 31-12-107(2) of the Annexation Act, and no additional terms and conditions are to be imposed on the annexation of the Property; and

WHEREAS, the City Council has determined that said area should be annexed forthwith as part of the City of Colorado Springs.

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

Section 1. The Property, known as the Capital Drive 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 9<sup>th</sup> day of January 2024.

**Finally passed:** January 23, 2024

  
\_\_\_\_\_  
Randy Helms, Council President

**Mayor's Action:**

- Approved on 1/24/2024.
- Disapproved on \_\_\_\_\_, based on the following objections:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Blessing A. Mobolade*

\_\_\_\_\_  
Blessing A. Mobolade, Mayor

**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.

\_\_\_\_\_  
Randy Helms, Council President

ATTEST:

*Sarah B. Johnson*  
Sarah B. Johnson, City Clerk



CAO: MS  
COS: \_\_\_\_\_

**LEGAL DESCRIPTION :**

A TRACT OF LAND SITUATED IN THE WEST ONE-HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO, BEING A PART OF 80 foot Right of Way for Capital Drive as dedicated to El Paso County on the Plat of Rocky Mountain Industrial Park Filing No. 1 recorded January 28, 2002 at Reception No. 202014735; and Right of Way for Capital Drive conveyed to El Paso County in the Warranty Deed from Jay H. Williams recorded November 30, 2000 at Reception No. 200144329; Right of Way for Capital Drive conveyed to El Paso County in the Warranty Deed from Stephen J. Schnurr recorded November 30, 2000 at Reception No. 200144330, 200144328; all deeded to the City of Colorado Springs as recorded February 11, 2022 at reception number 222021350; and a portion of the Right of Way for Genoa Drive conveyed to the City of Colorado Springs from El Paso County recorded September 07, 2022 at reception number 222116975

ALL OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

**BEGINNING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 1 OF SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1, AND THE SOUTHEAST CORNER OF A TRACT AS DESCRIBED AT RECEPTION NUMBER 200144330 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO,**

**THENCE; S89°58'32" W AND COINCIDENT WITH THE NORTH BOUNDARY OF CONSTITUTION AVE., THE SOUTH BOUNDARY OF CAPITAL DRIVE A DISTANCE 40.00 FEET TO THE SOUTHEAST CORNER OF A TRACT AS DESCRIBED AT RECEPTION NUMBER 200144229 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO,**

**THENCE S89°58'32" W AND COINCIDENT WITH THE NORTH BOUNDARY OF CONSTITUTION AVE., THE SOUTH BOUNDARY OF CAPITAL DRIVE A DISTANCE 40.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT AS DESCRIBED AT RECEPTION NUMBER 200144229 AND COINCIDENT WITH THE BOUNDARY OF ANNEXATION PLAT THE SANDS ADDITION NO.4 AS RECORDED AT RECEPTION NUMBER 205101482 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO,**

**THENCE N00°01'28" W AND COINCIDENT WITH THE EAST BOUNDARY OF THE SANDS ADDITION NO.1 , AS RECORDED AT RECEPTION NUMBER 219714414 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, AND COINCIDENT WITH THE WEST BOUNDARY OF SAID TRACT AT RECEPTION NUMBER 200144229 A DISTANCE OF 1224.23 FEET TO THE COMMON CORNER OF SAID TRACTS;**

**THE FOLLOWING FOUR COURSES ARE COINCIDENT WITH THE WEST RIGHT OF WAY OF SAID CAPITAL DRIVE AS PLATTED IN SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1;**

**(1) THENCE N00°01'28" W A DISTANCE OF 600.00 FEET TO THE POINT OF CURVE;**

**(2) THENCE ON THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 53°18'26", A RADIUS OF 638.57 FEET, AN ARC LENGTH OF 594.12 FEET TO THE POINT OF REVERSE CURVE;**

**(3) THENCE ON THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 53°19'15", A RADIUS OF 706.41 FEET, AN ARC LENGTH OF 657.40 FEET;**

**(4) THENCE N00°00'39" W A DISTANCE OF 164.58 FEET TO THE SOUTH BOUNDARY LINE OF A TRACT AS RECORDED AT RECEPTION NUMBER 222116975 AND THE SOUTH BOUNDARY OF GENOA DRIVE AND THE NORTHEAST CORNER OF LOT 13, BLOCK 2 OF SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1; THE FOLLOWING FIVE COURSES ARE COINCIDENT WITH THE SAID TRACT AS RECORDED AT RECEPTION NUMBER 222116975;**

**(1) THENCE S89°59'21" W AND COINCIDENT WITH THE NORTH LINE OF SAID LOT 13, BLOCK 2 A DISTANCE OF 659.55 FEET TO THE NORTHWEST CORNER OF SAID LOT 13, BLOCK 2;**

**(2) THENCE N00°04'52" E A DISTANCE OF 40.00 FEET TO THE SOUTH BOUNDARY OF ANNEXATION PLAT THE SANDS ADDITION NO. 1 AS RECORDED AT RECEPTION NUMBER 218714210 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;**

**(3) THENCE N89°59'21" E AND COINCIDENT WITH SAID SOUTH BOUNDARY OF ANNEX PLAT A DISTANCE OF 699.49 FEET TO THE SOUTHWEST CORNER OF ANNEXATION PLAT CAPITAL ANNEXATION NO. 1 AS RECORDED AT RECEPTION NUMBER 214713533 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;**

**(4) THENCE N89°59'21" E AND COINCIDENT WITH SAID SOUTH BOUNDARY OF SAID ANNEXATION PLAT CAPITAL ANNEXATION NO. 1 A DISTANCE OF 40.00 FEET;**

**(5) THENCE S00°00'39" E A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF CAPITAL DRIVE RIGHT OF WAY AS PLATTED IN SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1;**

**THE FOLLOWING THREE COURSES ARE COINCIDENT WITH THE EAST RIGHT OF WAY OF SAID CAPITAL DRIVE;**

**(1) THENCE S00°00'39" E A DISTANCE OF 164.57 FEET TO THE POINT OF CURVE;**

**(2) THENCE ON THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 53°19'15", A RADIUS OF 626.41 FEET, AN ARC LENGTH OF 582.95 FEET TO THE POINT OF REVERSE CURVE;**

**(3) THENCE ON THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 53°18'26", A RADIUS OF 718.57 FEET, AN ARC LENGTH OF 668.54 FEET TO THE SOUTHEAST CORNER OF SAID CAPITAL DRIVE AS PLATTED IN ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1;**

**THENCE S00°01'28" E A DISTANCE OF 1824.22 FEET TO THE POINT OF BEGINNING SAID PARCEL CONTAINS 288,805 SQUARE FEET, (6.6301 ACRES), MORE OR LESS.**



**ANNEXATION**

Capital Drive Addition No.2  
Description

Drawn By: R. Kotwica

Date: 09/19/2022

Job Number: 2022011

PAGE 1 OF 1

# ANNEXATION PLAT

## CAPITAL DRIVE ADDITION NO. 2

A PORTION OF THE WEST 1/2 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 tract of land to wit:

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.

Yemi Mobolade,  
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 Yemi Mobolade, 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:  
On behalf of the City of Colorado Springs, the undersigned hereby approve for filing the accompanying annexation plat of "Capital Drive Addition No. 2."

City Planning Director \_\_\_\_\_ Date \_\_\_\_\_  
City Engineer \_\_\_\_\_ Date \_\_\_\_\_

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 its meeting on \_\_\_ day of \_\_\_, 2023, A.D.

City Clerk \_\_\_\_\_ Date \_\_\_\_\_  
CLERK AND RECORDER  
STATE OF COLORADO )  
COUNTY OF EL PASO )

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_ O'CLOCK IN THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, A.D. AND IS DULY RECORDED AT RECEPTION NUMBER \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

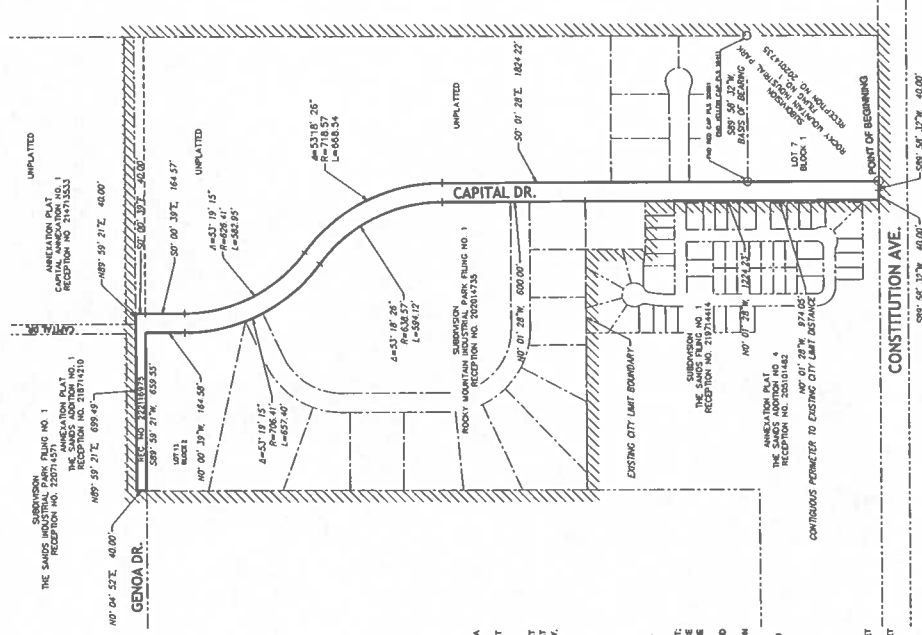
STEVE SCHLINDER  
CLERK AND RECORDER

BY \_\_\_\_\_ DEPUTY  
SURCHARGE: \_\_\_\_\_  
FEE: \_\_\_\_\_

GRAPHIC SCALE  
1 inch = 500 ft

CAPITAL DRIVE ADDITION NO. 2  
ANNEXATION PLAT

DATE: 06/05/23 JOB NUMBER: 2022011  
SCALE: 1" = 500' Drawn By: Richard Schaefer SHEET 1 OF 1



**SURVEYOR'S STATEMENT:**  
THE UNDERSIGNED REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO HEREBY CERTIFIES THAT THE ACCOMPANYING ANNEXATION PLAT WAS DRAWN UNDER HIS SUPERVISION AND THAT HE IS A LICENSED SURVEYOR IN THE STATE OF COLORADO. THAT AT THE TIME OF THE SURVEY, HE WAS A LICENSED SURVEYOR IN THE STATE OF COLORADO. THAT HE IS A LICENSED SURVEYOR IN THE STATE OF COLORADO SPRINGS, COLORADO, EL PASO COUNTY, COLORADO TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

THIS IS A PRELIMINARY PLAT FOR EL PASO COUNTY, COLORADO, EL PASO COUNTY, COLORADO TO THE BEST OF HIS KNOWLEDGE AND BELIEF.  
For and on behalf of the City of Colorado Springs  
30 S. Nevada Ave. Suite 402  
Colorado Springs, CO. 80901  
719-388-3045

**LEGAL DESCRIPTION:**  
A TRACT OF LAND SITUATED IN THE WEST ONE-HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, AS SHOWN ON MAP OF THE CITY OF COLORADO SPRINGS, COLORADO, A HOME RULE CITY AND COLORADO MUNICIPAL CORPORATION, BEING THE PETITIONER FOR THE ANNEXATION OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:

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 TRACT OF LAND TO WIT:

THE SANDUS INDUSTRIAL PARK FILING NO. 1  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 1  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS TRACT NO. 1  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 2  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 3  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 4  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 5  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 6  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 7  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 8  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 9  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 10  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 11  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 12  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 13  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 14  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 15  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 16  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 17  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 18  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 19  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 20  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 21  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 22  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 23  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

THE SANDUS ADDITION NO. 24  
ANNEXATION PLAT  
RECEIVED IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, ON FEBRUARY 11, 2022, AT RECEPTION NUMBER 222118275

I HEREBY CERTIFY that the foregoing ordinance entitled **“AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS CAPITAL DRIVE ADDITION NO. 2 ANNEXATION CONSISTING OF 6.63 ACRES LOCATED NORTH OF CONSTITUTION AVENUE AND EAST OF MARKSHEFFEL ROAD”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on January 9, 2024; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 23<sup>rd</sup> day of January 2024, and that the same was published 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 23<sup>rd</sup> day of January 2024.



Sarah B. Johnson, City Clerk

1<sup>st</sup> Publication Date: January 12, 2024

2<sup>nd</sup> Publication Date: January 31, 2024

Effective Date: February 5, 2024

Initial: SBS  
City Clerk

