

ORDINANCE NO. 24 - 05

AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS CAPITAL DRIVE ADDITION NO. 3 ANNEXATION CONSISTING OF 1.01 ACRES LOCATED NORTH OF CONSTITUTION 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. 3 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. 3 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 9th 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 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 foot 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 Z-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°59'24" 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 MARKSHEFFEL INDUSTRIAL PARK AND THE NORTH WEST CORNER OF CAPITAL ANNEXATION NO. 1 AS RECORDED AT RECEPTION NUMBER 214713533 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;
THE FOLLOWING 2 COURSES ARE COINCIDENT WITH THE WEST BOUNDARY OF SAID CAPITAL ANNEXATION NO. 1 AND THE EAST BOUNDARY OF SAID MARKSHEFFEL INDUSTRIAL PARK;
THENCE S00°04'52" W A DISTANCE OF 1080.25 FEET;
THENCE S00°33'02" E A DISTANCE OF 20.16 FEET TO THE NORTH EAST CORNER OF THE SANDS INDUSTRIAL PARK FILING NO. 1 AS RECORDED AT RECEPTION NUMBER 220714571 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO AND THE NORTH EAST CORNER OF ANNEXATION PLAT THE SANDS ADDITION NO. 1 AS RECORDED AT RECEPTION NUMBER 218714210 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO ;
THENCE N89°55'08" W AND COINCIDENT WITH THE NORTH BOUNDARY OF SAID THE NORTH EAST CORNER OF THE SANDS INDUSTRIAL PARK FILING NO. 1 AND SAID ANNEXATION PLAT THE SANDS ADDITION NO. 1 AND THE SOUTH BOUNDARY OF SAID MARKSHEFFEL INDUSTRIAL PARK A DISTANCE OF 40.22 FEET TO THE SOUTH WEST CORNER OF THE PLATTED RIGHT OF WAY OF CAPITAL DRIVE;
THENCE N00°04'52" E AND COINCIDENT WITH THE WEST BOUNDARY OF SAID CAPITAL DRIVE A DISTANCE OF 1100.35 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 44,017 SQUARE FEET, (1.0105 ACRES), MORE OR LESS.



ANNEXATION

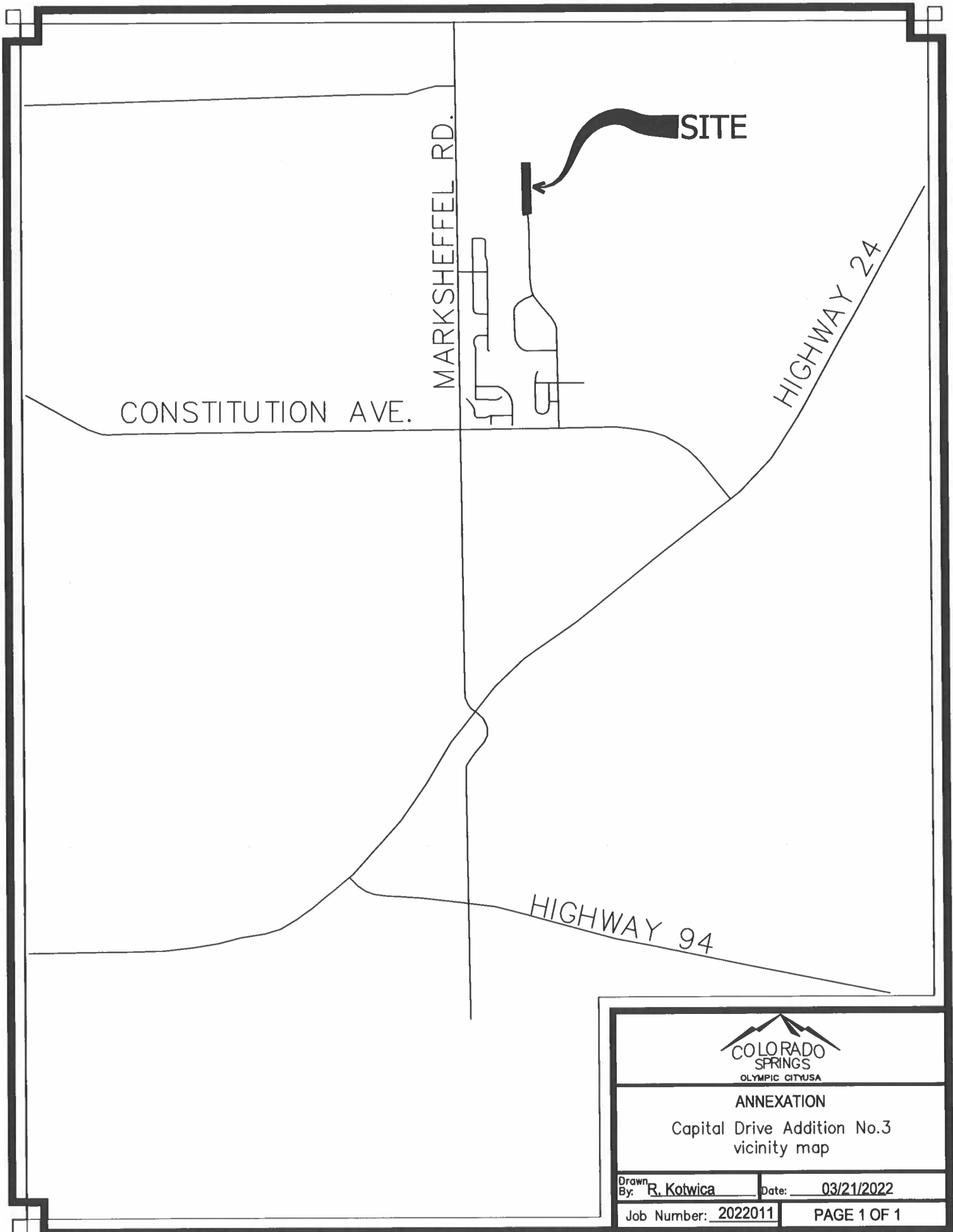
Capital Drive Addition No.3
Description

Drawn By: R. Kotwica

Date: 03/21/2022

Job Number: 2022011

PAGE 1 OF 1



ANNEXATION

Capital Drive Addition No.3
vicinity map

Drawn
By: **R. Kotwica**

Date: **03/21/2022**

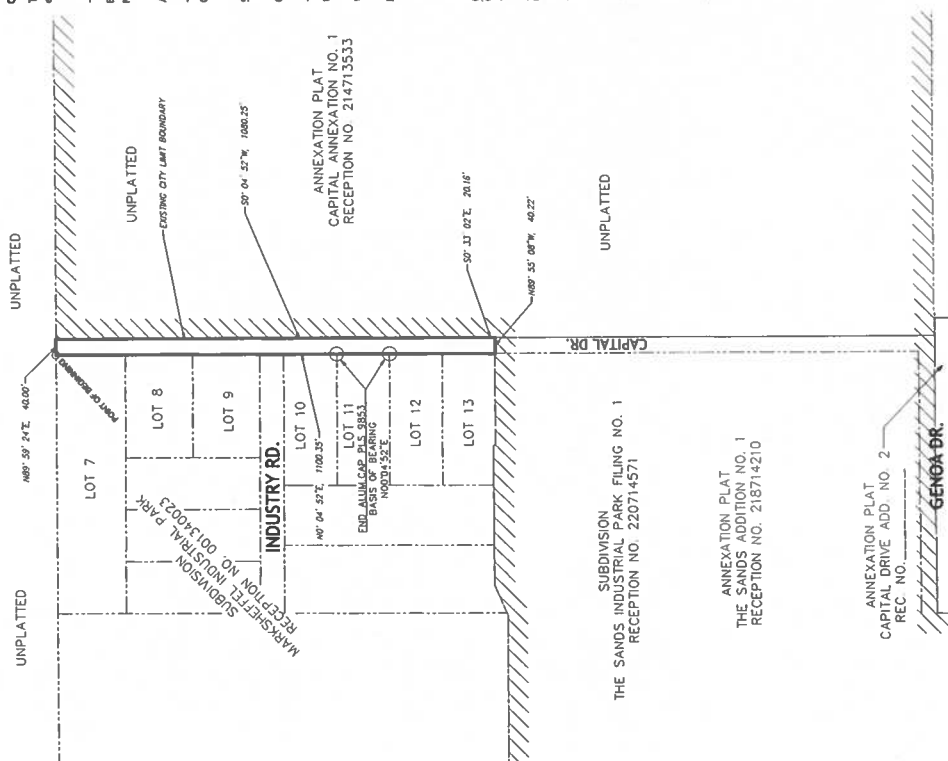
Job Number: **2022011**

PAGE 1 OF 1

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



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. Nobelside,
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. Nobelside, 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 approves for filing the accompanying annexation plat of "Capital Drive Addition No. 3".
City Planning Director _____ Date _____
City Engineer _____ Date _____

The annexation of the real property shown on this plat is approved by the City of Colorado Springs, Colorado, a home rule city and Colorado Municipal Corporation, by resolution 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 _____ COUNTY, CO., ON THIS _____ DAY OF _____, 2023, A.D. AND IS DULY RECORDED AT RECEPTION NUMBER _____.

STATE SOVEREIGN
CLERK AND RECORDER
BY _____
DEPUTY
SUBSCRIBER,
REL.

ANNEXATION PLAT
THE SANDS INDUSTRIAL PARK FILING NO. 1
RECEPTION NO. 220714571

ANNEXATION PLAT
THE SANDS ADDITION NO. 1
RECEPTION NO. 218714210

ANNEXATION PLAT
CAPITAL DRIVE ADD. NO. 2
REC. NO. _____

ANNEXATION PLAT
CAPITAL DRIVE ADDITION NO. 3
ANNEXATION PLAT

GRAPHIC SCALE
1 inch = 100 ft.

ANNEXATION PLAT
RECEIVED

DATE: 07/17/23
FILE NUMBER: 2022011
SCALE: 1" = 100'

ANNEX-23-0003

SURVEYOR'S STATEMENT:
THE UNDERSIGNED HEREBY CERTIFIES THAT THE ACCOMPANYING ANNEXATION PLAT WAS DRAWN UNDER HIS SUPERVISION AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND AND THAT HE IS A LICENSED SURVEYOR IN THE STATE OF COLORADO AND IS A MEMBER OF THE SURVEYORS ASSOCIATION OF COLORADO TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

THE DAY OF _____, 2023
Robert A. Proctor, Surveyor P.L.S. 380-2923
30 E. Nevada Ave., Suite 402
Colorado Springs, CO, 80909
719-585-5546

NOTICE:
ACCORDING 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 OR NO LATER THAN THE DATE OF THE CERTIFICATION. SHOULD YOU BE COMING MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION, SHOW HEREON.

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 the 40-foot 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 N87°52'49" 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 MARKSHEFFEL INDUSTRIAL PARK AND THE NORTH WEST CORNER OF CAPITAL ANNEXATION NO. 1 AS RECORDED AT RECEPTION NUMBER 214715333 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;
THENCE S00°04'52" W A DISTANCE OF 190.25 FEET TO THE NORTH EAST CORNER OF SAID CAPITAL ANNEXATION NO. 1 AND THE EAST BOUNDARY OF SAID MARKSHEFFEL INDUSTRIAL PARK;
THENCE S00°04'52" W A DISTANCE OF 190.25 FEET;
THENCE S00°33'02" E A DISTANCE OF 20.16 FEET TO THE NORTH EAST CORNER OF THE SANDS INDUSTRIAL PARK FILING NO. 1 AS RECORDED AT RECEPTION NUMBER 220714571 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO AND THE NORTH EAST CORNER OF ANNEXATION PLAT THE SANDS ADDITION NO. 1 AS RECORDED AT RECEPTION NUMBER 218714210 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO AND COINCIDENT WITH THE NORTH BOUNDARY OF SAID THE NORTH EAST CORNER OF THE SANDS INDUSTRIAL PARK FILING NO. 1 AND SAID ANNEXATION PLAT THE SANDS ADDITION NO. 1 AND THE SOUTH BOUNDARY OF SAID MARKSHEFFEL INDUSTRIAL PARK A DISTANCE OF 40.22 FEET TO THE SOUTH WEST CORNER OF THE PLATTED RIGHT OF WAY OF CAPITAL DRIVE;
THENCE N00°04'52" E AND COINCIDENT WITH THE WEST BOUNDARY OF SAID CAPITAL DRIVE A DISTANCE OF 1100.35 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 MONUMENTED BY FOUND ALUMINUM CAPS STAMPED PLS 9853, AND IS ASSUMED TO BEAR NORTH 00°04'52" EAST.

THE LINEAR UNIT OF MEASURE USED FOR THIS SURVEY IS THE U.S. Survey foot.
TOTAL PERIMETER OF AREA FOR ANNEXATION: 2280.89'
ONE-SIXTH (1/6TH) OF THE TOTAL PERIMETER: 380.15' (16.67%)
PERIMETER OF THE AREA CONTIGUOUS TO THE EXISTING CITY LIMITS: 1140.83' (50%)

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. 3 ANNEXATION CONSISTING OF 1.01 ACRES LOCATED NORTH OF CONSTITUTION 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 23rd day of January 2024, 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 23rd day of January 2024.


Sarah B. Johnson, City Clerk



1st Publication Date: January 12, 2024
2nd Publication Date: January 31, 2024

Effective Date: February 5, 2024

Initial: SBS
City Clerk