

RESOLUTION NO. 143 - 22

A RESOLUTION FINDING A PETITION FOR ANNEXATION OF THE AREA KNOWN AS EXTOL PARK VISTA ADDITION NO. 1 CONSISTING OF 0.942 ACRES TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND SETTING A HEARING DATE OF NOVEMBER 22, 2022, FOR THE COLORADO SPRINGS CITY COUNCIL TO CONSIDER THE ANNEXATION OF THE AREA

WHEREAS, a petition for annexation of the area known as Extol Park Vista Addition No. 1 consisting of 0.942 acres and as more specifically described in Exhibit A (the "Petition for Annexation") was filed with the City Clerk on August 24, 2021; and

WHEREAS, on September 14, 2021, the City Clerk referred the Petition for Annexation to City Council as a communication; and

WHEREAS, on September 14, 2021, 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 October 22, 2021, 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 11th day of October 2022.



Council President

ATTEST:



Sarah B. Johnson, City Clerk



PETITION FOR ANNEXATION

EXTOL PARK VISTA ADDITION NO. 1 ANNEXATION

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.

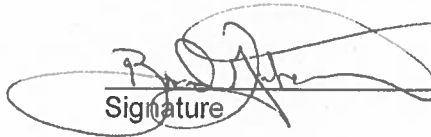
The Petitioner(s) hereto understand and are cognizant of the fact that the City of Colorado Springs ("City") is not legally required to annex the Described Area, and that if the City does annex the Described Area, the annexation shall be upon the conditions and agreement of the Petitioner(s) as set forth 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 Petitioner 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.

EXTOL HOMES, LLC, a Colorado Limited Liability Company

Brad Griebenow, President
Name (Print)


Signature

8/25/21
Date

Mailing Address: 5975 N. Academy
Boulevard, Suite 109
Colorado Springs, CO 80918

Legal Description:

A tract of land being a portion of the Northwest Quarter of Section 26, Township 13 South, Range 66 West of the 6th P.M., situate in El Paso County, Colorado, described as follows:

Lots 10 and 11, Block Thirteen, PARK VISTA ADDITION (Plat Book W, Page 69, El Paso County, Colorado records);

TOGETHER WITH that portion of Siferd Boulevard (r.o.w. width varies) as platted within said ADDITION and created by that Right-of-Way Addition described by document (Book 6602, Page 357, said El Paso County records), described as follows:

Beginning at the Southwesterly corner of said Lot 11 (all bearings in this description are relative to the Westerly line of said Block 13, which bears S00°08'50"E "assumed"); thence S00°08'50"E along said Block Thirteen's Westerly line, 220 feet; thence S89°51'10"W, 60 feet to a point on the Easterly line of Block Three, said ADDITION; thence N00°08'50"W along said Block Three's Easterly line, 126.99 feet to the Southeast corner of Lot 35, said Block Three; thence Northerly on a curve to the left and along the Westerly line of said Right-of-Way Addition, said curve having a central angle of 33°14'47", a radius of 228.00 feet, an arc length of 132.30 feet (the chord to said curve bears N17°18'39"W, a distance of 130.45 feet) to a point on the Northwesterly line of said Block Three; thence N43°03'30"E along said Block Three's Northwesterly line and as extended Northeasterly, 100.05 feet to a point on the centerline of said Siferd Boulevard (60' r.o.w.), said ADDITION; thence N00°08'50"W along said Siferd Boulevard's centerline, 15.44 feet to a point on the Westerly extension of the Northerly line of said Lot 10; thence N89°51'10"E along said Lot 10's Northerly line's Westerly extension, 30 feet to the Northwesterly corner of said Lot 10; thence S00°08'50"E along said Block Thirteen's Westerly line, 120 feet to the Point of Beginning and the terminus point of this description;

Containing 0.831 acres (36,213 square feet), more or less.

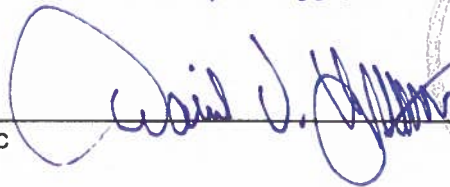
AFFIDAVIT

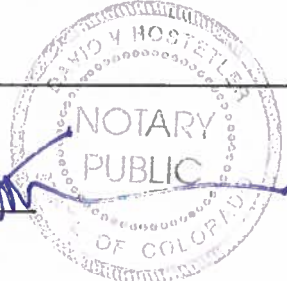
STATE OF COLORADO)
) SS
COUNTY OF EL PASO)

The foregoing instrument was executed before me this 25th day of AUGUST, 2021, by Brad Griebenow, President of EXTOL HOMES, LLC, a Colorado Limited Liability Company.

Witness my hand and official seal.

My Commission expires: 07.10.2022





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))