

RESOLUTION NO. 70 - 22

A RESOLUTION FINDING A PETITION FOR ANNEXATION OF THE AREA KNOWN AS SPACE VILLAGE ADDITION NO. 1 CONSISTING OF 21.82-ACRES TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND SETTING A HEARING DATE OF JUNE 28, 2022, FOR THE COLORADO SPRINGS CITY COUNCIL TO CONSIDER THE ANNEXATION OF THE AREA

WHEREAS, a petition for annexation of the area known as Space Village Addition No. 1 consisting of 21.82-acres and as more specifically described in Exhibit A (the "Petition for Annexation") was filed with the City Clerk on September 27, 2021; and

WHEREAS, on October 12, 2021, the City Clerk referred the Petition for Annexation to City Council as a communication; and

WHEREAS, on October 12, 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.

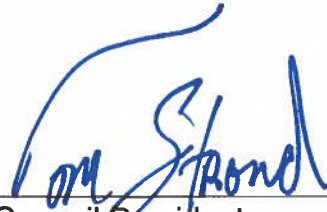
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

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 June 28, 2022, at 1:00 P.M., 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 24<sup>th</sup> day of May 2022.

  
\_\_\_\_\_  
Council President

ATTEST:

  
\_\_\_\_\_  
Sarah B. Johnson, City Clerk

## PETITION FOR ANNEXATION

### [ SPACE VILLAGE ANNEXATION FILING NO. 1 ]

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.**

Legal Description: See Exhibit [ EXHIBIT A ]

[ Space Village Industrial LLC ]

Danny Mientka, Manager  
Name/ Title (Print)

Signature

7-23-2021  
Date

Mailing Address  
SPACE VILLAGE INDUSTRIAL LLC  
90 S CASCADE AVE #1500  
COLORADO SPRINGS CO, 80903

**AFFIDAVIT**

STATE OF COLORADO )

) ss.

COUNTY OF EL PASO )

The foregoing instrument was executed before me this 23 day of July,  
20 21, by Danny Mientka

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

Witness my hand and official seal.

My Commission expires: 06-20-2022

S. Griswold  
Notary Public

Svenja Olland-Griswold  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20184025608  
MY COMMISSION EXPIRES JUNE 20, 2022

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))

**EXHIBIT A**  
**ANNEXATION LEGAL**

August 24, 2021

A portion of Rec. No. 220012262, Rec. No. 216093093 and Rec. No. 221125289, Marksheffel Road and Space Village Avenue all being a portion of the SE 1/4 of Section 8 and the NE 1/4 of Section 17, Township 14 South, range 65 west of the Sixth P.M., City of Colorado Springs, County of El Paso, State of Colorado, being more particularly described as follows:

**BEGINNING** at the northwest corner of the land described in that Warranty Deed recorded January 28, 2020 in Reception No. 220012262 in the Official Public Records of El Paso County, Colorado; thence along the north line of said land, S83°37'47"E (Basis of bearings is the south line of the land describe in that Quitclaim Deed recorded November 23, 2016 under Reception No. 216136646 in said Records, monumented on the east by No. 5 rebar with a green plastic cap, stamped "PLS 38245", flush with grade and on the west by No. 5 rebar with a 1-1/4' Aluminum cap, stamped "PLS 22573", flush with grade, as shown and measured to bear S89°41'12"W, a distance of 1001.51 feet.), a distance of 359.01 feet, to a point on the City Limits line of Colorado Springs; thence along said line, S47°58'31"E, a distance of 1513.86 feet, to a point on the north line of the land described in that Warranty Deed recorded August 17, 2016 under Reception No. 2160939093 in said Records; thence continuing along said City Limits Line, S47°58'31"E, a distance of 209.00 feet, to a point on the west right of way line of Marksheffel Road; thence leaving said west right-of-way line, N89°29'40"E, a distance of 127.42 feet, to a point on the east right-of-way line of Marksheffel Road; thence along said east right-of-way iine, S00°30'20"E, a distance of 56.53 feet; thence continuing along said east right-of-way line, S35°54'36"E, a distance of 81.68 feet; thence leaving said east right-of-way line, S02°56'21"E, a distance of 107.59 feet, to a point on said east right-of-way; thence along said east right-of-way line, S44°26'37"W, a distance of 52.42 feet; thence leaving said east right-of-way line, S89°28'02"W, a distance of 87.49 feet, to a point on said west right-of-way line; thence along said west right-of-way line, N00°31'58"W, a distance of 81.22 feet, to an angle point onto the south right-of-way line of Space Village Avenue; thence along said south right-of-way line along the following three (3) courses:

1. N71°12'45"W, a distance of 535.10 feet;
2. along non-tangent curve to the left, with an arc length of 618.91 feet, a radius of 1,860.00 feet, a delta angle of 19°03'54", a radial of S18°46'04"W;
3. S89°40'43"W, a distance of 933.55 feet;

thence leaving said south right-of-way line, N00°19'44"W, a distance of 99.73 feet, to a point on the north right-of-way line of Space Village Avenue; thence along said north right-of-way line, N89°40'16"E, a distance of 80.00 feet; thence continuing along said north right-of-way line, N89°40'52"E, a distance of 581.06 feet, to the southwest corner of the land described in that Special Warranty Deed recorded June 29, 2021 under Reception No. 221125289 in said Records; thence along the west line of said the following three (3) courses:

1. N00°26'33"W, a distance of 449.74 feet;
2. N89°04'53"E, a distance of 33.11 feet;
3. N00°19'58"W, a distance of 139.41 feet,

to the northwest corner of said land; thence along the south line of the land described in that Warranty Deed recorded January 28, 2020 in Reception No. 220012262 in the Official Public Records of El Paso County, Colorado, along a non-tangent curve to the right, with an arc length of 545.07 feet, a radius of 903.68 feet, a delta angle of 34°33'31", a radial of N34°13'48"E; to the **POINT OF BEGINNING**.

Containing 950,466 Sq. Ft. or 21.820 acres, more or less.

Stewart L. Mapes, Jr.  
Colorado Professional Land Surveyor No. 38245  
For and on behalf of Clark Land Surveying, Inc.

