

ORDINANCE NO. 21-96

AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS THE BLACK CANYON QUARRY ADDITION NO. 1 ANNEXATION CONSISTING OF 91.118 ACRES LOCATED NORTHWEST OF BLACK CANYON ROAD AND GARDEN DRIVE

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 Black Canyon Quarry Addition No. 1, 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, 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 part of the Parks, Recreation, Trails, Open Space and Cultural Services master plan 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; 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 Black Canyon Quarry Addition No. 1 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 November 2021.

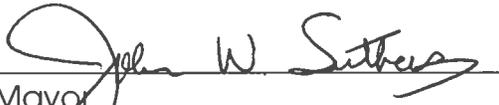
Finally passed: November 23, 2021



Council President

Mayor's Action:

- Approved on November 24, 2021.
- Disapproved on _____, based on the following objections:



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.

Council President

ATTEST:



Sarah B. Johnson, City Clerk



CAO: ms
COS: _____

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS THE BLACK CANYON QUARRY ADDITION NO. 1 ANNEXATION CONSISTING OF 91.118 ACRES LOCATED NORTHWEST OF BLACK CANYON ROAD AND GARDEN DRIVE” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on November 9th, 2021; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 23rd day of November 2021, and that the same was published by title and in summary, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 29th day of November 2021.



Sarah B. Johnson, City Clerk

1st Publication Date: November 12th, 2021

2nd Publication Date: December 1st, 2021

Effective Date: December 6th, 2021

Initial: SBJ
City Clerk



EXHIBIT A
BLACK CANYON QUARRY LEGAL DESCRIPTION

A TRACT OF LAND BEING THE EAST HALF OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 32, S01°20'13"E A DISTANCE OF 2682.17 FEET. THE LINE WAS FOUND TO BE MONUMENTED BY A 1-1/2" DIA. ALUMINUM CAP PLS 2692 ON THE NORTH AND A 2-1/2" DIA. ALUMINUM CAP PLS 28658 ON THE SOUTH. THE DIRECTION IS BASED ON THE LAND SURVEY PLAT ON FILE AT THE EL PASO COUNTY CLERK AND RECORDER'S OFFICE, UNDER RECEPTION NO. 217900020.

BEGINNING AT THE NORTHEAST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 32, SAID POINT BEING MONUMENTED BY A 1-1/2" DIA. ALUMINUM CAP PLS 2692 ON A 5/8" DIA. REBAR, THENCE S01°20'13"E ON THE EAST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER A DISTANCE OF 2682.17 FEET, TO THE SOUTHEAST CORNER OF SAID EAST HALF OF THE NORTHWEST QUARTER, SAID POINT BEING MONUMENTED BY A 2-1/2" DIA. ALUMINUM CAP PLS 28658 ON A 3/4" DIA. REBAR; THENCE N89°37'14"W ON THE SOUTH LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER A DISTANCE OF 1089.26 FEET TO THE SOUTHWEST CORNER THEREOF, SAID POINT BEING MONUMENTED 100.00 FEET TO THE EAST BY A 2-1/2" DIA. ALUMINUM CAP PLS 28658 ON A 3/4" DIA. REBAR MARKED "100' W.C."; THENCE N02°02'05"E ON THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER A DISTANCE OF 1324.22 FEET TO THE SOUTHEAST CORNER OF NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE 89°25'36"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 1010.98 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N05°28'51"E ON THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 1312.06 FEET TO THE NORTHWEST CORNER THEREOF, SAID POINT BEING MONUMENTED BY A 3-1/4" DIA. BRASS CAP BUR. OF LAND MANAGEMENT ON A 2-1/2" DIA. IRON POST; THENCE N88°18'52"E ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 1866.06 FEET TO THE POINT BEGINNING.

THE ABOVE DESCRIPTION PRODUCES A CALCULATED AREA OF 3,969,079 SQUARE FEET (91.11751 ACRES), MORE OR LESS



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CITY FILE NO.: CPC ZC 21-00093