



Legislation Details (With Text)

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Title: A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for the annexation of property known as Capital Drive Addition No. 3 Annexation Legislative
Presenter: Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services Peter Wysocki, Director, Planning and Neighborhood Services

Sponsors:

Indexes: Annexation

Code sections:

Attachments: 1. RESFindingsofFact\_Capital Drive No 3, 2. Exhibit A - Legal Capital Drive Addition 3, 3. Planner Affidavit, 4. Surveyor Affidavit, 5. Aerial Location Map, 6. Signed Resolution No. 04-24.pdf

Table with 5 columns: Date, Ver., Action By, Action, Result. Row 1: 1/9/2024, 1, City Council, adopted, Pass

A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for the annexation of property known as Capital Drive Addition No. 3 Annexation Legislative

Presenter: Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services Peter Wysocki, Director, Planning and Neighborhood Services

Summary: Owner: City of Colorado Springs Location: North of Constitution Avenue and east of Marksheffel Road.

The proposed annexation of portions of Capital Drive is for the purpose to bring City-owned property into the municipal limits. The parcels proposed for annexation are for right-of-way and therefore do not require any associated entitlement applications to support the annexation request.

This application is reviewed under the Chapter 7 zoning code.

Background: Please see document titled "PlanningCommissionStaffReport\_CapitalDrive" for a complete analysis of the proposed annexation.

Review Criteria:

The Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 (Chapter 7). The review criteria are noted below.

- A. The area proposed to be annexed is a logical extension of the City's boundary;
- B. The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City;
- C. There is a projected available water surplus at the time of request;
- D. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City;
- E. The annexation can be effected at the time the utilities are extended or at some time in the future;
- F. The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;
- G. All rights of way or easements required by the Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements;
- H. If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.

Planning Commission and Staff find that the proposed annexation(s) substantially meets the review criteria.

**Previous Council Action:**

The Council voted unanimously on March 14, 2023, to accept the annexation petitions. On November 14, 2023, voted unanimously to set the public hearing for this annexation.

**Financial Implications:**

The proposed annexation is 7.64-acres. The City Budget Office policy for preparation of a full Financial Impact Analysis for annexations is a minimum of 20-acres, therefore a Financial Impact Analysis is not required.

**City Council Appointed Board/Commission/Committee Recommendation:**

City Planning Commission voted unanimously to recommend approval of the annexation(s) at their October 10, 2023, meeting on consent. (5-0-4, Commissioners Briggs, Foos, Hente, and Cecil absent)

**Proposed Motion:**

Should the City Council wish to approve the application, the following motion is suggested:

Approve a resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for the annexation of property known as Capital Drive Addition No. 3, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City

Code Section 7.6.203.

Should the City Council wish to deny the application, the following motion is suggested.

Deny a resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for the annexation of property known as Capital Drive Addition No. 3, based upon the findings that the annexation does not comply with the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

N/A