



Legislation Details (With Text)

File #: 15-00255 **Version:** 4 **Name:**
Type: Ordinance **Status:** Mayor's Office
File created: 4/10/2015 **In control:** City Council
On agenda: 9/27/2016 **Final action:** 9/27/2016
Title: Ordinance No. 16-96 amending Ordinance No. 15-30 to correct the legal description related to the annexation to the City of Colorado Springs of that area known as Dublin Towne Centre Annexation.

(Legislative)

Presenter:
Meggan Herington, Planning Manager, Land Use Review Division
Peter Wysocki, Planning and Community Development Director

Sponsors:

Indexes:

Code sections:

Attachments: 1. AX-DublinTowneCentre-AmendedAnnexORD-2016-09-01, 2. Exhibit A-Rev, 3. Updated Annexation Plat, 4. Signed Ordinance 16-96.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------------------------|--------|
| 9/27/2016 | 3 | City Council | finally passed | Pass |
| 9/13/2016 | 3 | City Council | approved on first reading | Pass |
| 5/12/2015 | 2 | City Council | finally passed | Pass |
| 4/28/2015 | 1 | City Council | approved on first reading | Pass |

Ordinance No. 16-96 amending Ordinance No. 15-30 to correct the legal description related to the annexation to the City of Colorado Springs of that area known as Dublin Towne Centre Annexation.

(Legislative)

Presenter:

Meggan Herington, Planning Manager, Land Use Review Division
Peter Wysocki, Planning and Community Development Director

Summary:

This is an ordinance correcting the legal description of Ordinance No. 15-30, finally passed on May 12, 2015, which annexed that area known as Dublin Towne Centre to the City. It has been determined that the legal description of the annexation area attached to Ordinance No. 15-30 and on the annexation plat is incorrect based on a survey discrepancy.

Previous Council Action:

The City Council accepted the petition and referred the annexation to staff on August 27, 2013. The City Council approved a resolution setting the public hearing date for April 28, 2015, at their regular

meeting of March 24, 2015. Council annexed the property to the City by Ordinance No. 15-30, which finally passed on second reading on May 12, 2015.

On September 13, 2016, City Council approved the correction to the legal description for Dublin Towne Center on first reading.

Background:

The original annexation request was heard and approved by City Council on April 28, 2015 and on a second reading of the ordinance on May 12, 2015. As the process of developing the site began, City Staff realized that there was an error on the annexation plat's depiction of the existing City boundary. This is depicted in the attached exhibit to this memo titled "Error Exhibit". This error created a sliver of Marksheffel right-of-way that would not be annexed into the City if the annexation plat was recorded as originally submitted.

When the error was realized, staff asked the applicant to correct the legal description and the annexation plat since the plat has not yet been recorded. A copy of that corrected plat is attached along with the corrected legal description as Exhibit A of the amended ordinance.

Since the plat was not recorded, Council can adopt a new ordinance correcting the legal boundary and then the owner can work with City staff to record the annexation plat.

Financial Implications:

N/A

Board/Commission Recommendation:

The City Planning Commission unanimously approved the applications at their December 18, 2014, regular meeting. The ordinance correcting the legal is not required to go back to the City Planning Commission because the intent to annex the entire property along with the adjacent Marksheffel right-of-way has not changed from its original approval.

Stakeholder Process:

N/A

Alternatives:

City Council can approve or deny the ordinance amending Ordinance No. 15-30.

Proposed Motion:

Approve an ordinance amending Ordinance No. 15-30 to correct the legal description related to the annexation to the City of Colorado Springs of that area known as Dublin Towne Centre Annexation.

N/A