

RESOLUTION NO. 48 - 24

A RESOLUTION FINDING PETITION FOR ANNEXATION OF THE AREA KNOWN AS SPACE VILLAGE ADDITION NO. 2-3 CONSISTING OF 5.305 ACRES TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND SETTING A HEARING DATE OF JULY 9, 2024, 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. 2-3 consisting of 5.305 acres and as more specifically described in Exhibit A (the "Petition for Annexation") was filed with the City Clerk on November 20, 2023; and

WHEREAS, on December 12, 2023, the City Clerk referred the Petition for Annexation to City Council as a communication; and

WHEREAS, on December 12, 2023, 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 July 9, 2024, at 10:00 A.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 28th day of May 2024.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



PETITION FOR ANNEXATION

Space Village Addition No. 2

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 Petition 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.

City of Colorado Springs

Gayle G. Sturdivant
Name (Print)

Gayle Sturdivant
Signature

7/17/2023
Date

Mailing Address

30 S. Nevada Ave., Suite 401
Colorado Springs, CO 80901

Legal Description: See Exhibit Space Village Addition No. 2 Description

AFFIDAVIT

STATE OF COLORADO)

) ss.

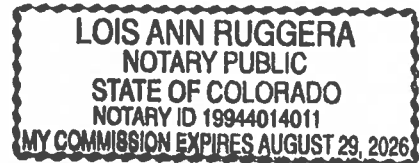
COUNTY OF EL PASO)

The foregoing instrument was executed before me this 17th day of July, 2023, by Gayle Sturdivant.

Witness my hand and official seal.

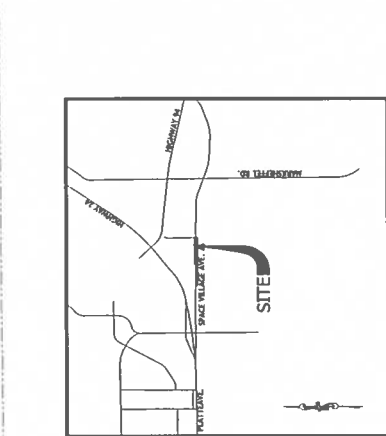
My Commission expires: Aug. 29, 2026

Lois Ann Ruggera
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))

A PORTION OF SECTIONS 8 AND 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO



THAT THE CITY OF COLORADO SPRINGS, COLORADO, A HOME RULE CITY AND COLORADO MUNICIPAL CORPORATION, BEING THE PETITIONER FOR THE ANNULLATION OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:

A PORTION OF SPACE VILLAGE AVE. BEING THE NORTH 50.00 FEET OF SECTION 17 AND THE SOUTH 50 FEET OF SECTION 18 AS MEASURED AT RIGHT ANGLES TO AND RABBIT E. WITH THE SECTION 1 LINE ALL IN SECTION 8 and 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN EL PASO COUNTY, COLORADO.

ALL BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 85 WEST OF THE 10TH P.M., IN EL PASO COUNTY, COLORADO, AND WAS ASSIGNED TO BEAT 108TH 41STTH E. AS MONUMENTED ON THE NORTHWEST CORNER WITH AN ALUMINUM CAP MARKED 182 22573 1149 897 88, S14, 84.2, TO THE JORDAN-SEYED SECTION 17, TOWNSHIP 14 SOUTH, RANGE 85 WEST OF THE 10TH P.M., IN EL PASO COUNTY, COLORADO, AND WAS ASSIGNED TO BEAT 108TH 41STTH E. AS MONUMENTED WITH AN ALUMINUM CAP MARKED 2017 21 8 36903, 1145 898 88, S15 217 816.

TOTAL PERIMETER OF THE AREA FOR ANNEXATION 3,138.00'

PERIMETER OF THE AREA CONTIGUOUS TO THE EXISTING CITY LIMITS: 360.01' (16.68%)

TIME. According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect in no event may any action be commenced upon any defect in this survey be commenced more than ten years from the date of the dedication shown hereon.

THE UNDERSIGNED REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO HEREBY CERTIFIES THAT THE ACCOMPANYING ANNEXATION PLAN WAS DRAWN UNDER HIS SUPERVISION AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND, AND THAT AT LEAST ONE (1) BOTH (1) OF THE PERIPHERAL BOUNDARY OF SAID TRACT IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF COLORADO SPRINGS, COLORADO, EL PASO COUNTY, COLORADO TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

17-48 DAY OF 2023
 Robert A. Picard, Jr., Colorado P.L.B. 36224
 For and on behalf of The City of Colorado Springs
 30 S. Nevada Ave. Suite 402
 Colorado Springs, CO. 80901
 719-385-4546

On behalf of the City of Colorado Springs, the undersigned hereby approve for filing the accompanying annexation plat of "Space Villages Addition No. 2".

City Planning Director _____ Date _____

City Engineer _____ Date _____

The annexation of the real property shown on this plat is approved pursuant to an ordinance made and adopted by THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, by actions of The City Council of The City of Colorado Springs at its meeting on day of 2023, A.D.

City Clerk Date

CLERK AND RECORDER

STATE OF COLORADO)
COUNTY OF EL PASO)
155

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT _____ O'CLOCK _____ M. THIS _____ DAY
OF _____ 2013, A.D. AND IS DULY RECORDED AT RECEPTION NUMBER _____ OF THE RECORDS OF EL PASO
COUNTY, COLORADO

STEVE SCHLEIER

84

SURCHARGE, _____
ETC. _____

ANNEX-23-0???

SPACE	07/17/23	USE DATED?	2023028	YES
SCALE: 1" = 10'	SHEET 1 OF 1			

PETITION FOR ANNEXATION

Space Village Addition No. 3

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 Petition 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.

City of Colorado Springs

Gayle G. Sturdivant
Name (Print)


Signature

7/17/2023
Date

Mailing Address

30 S. Nevada Ave., Suite 401
Colorado Springs, CO 80901

Legal Description: See Exhibit Space Village Addition No. 3 Description

AFFIDAVIT

STATE OF COLORADO)

) ss.

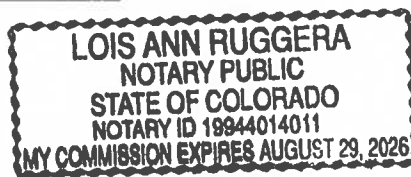
COUNTY OF EL PASO)

The foregoing instrument was executed before me this 17th day of July, 2023, by Gayle Sturdivant.

Witness my hand and official seal.

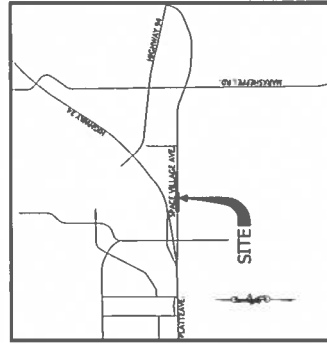
My Commission expires: Aug 29, 2026

Lois A. Ruggera
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))

A PORTION OF SECTIONS 8 AND 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., to the City of Colorad Springs El Paso County, Colorado



THAT THE CITY OF COLORADO SPRINGS, COLORADO, A HOME RULE CITY AND COLORADO MUNICIPAL CORPORATION, BEING THE PETITIONER FOR THE ANNEXATION OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WET:

A PORTION OF 69ACE VILLAGE AVE. BEING THE NORTH 50.00 FEET OF SECTION 17 AND THE SOUTH 50.00 FEET OF SECTION 8 AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE SECTION LINE ALL IN TOWNSHIP 22 NORTH, RANGE 68 WEST OF THE 8TH P.M. IN EL PASO COUNTY, COLORADO, AND AUTOGUARANTEED TO THE CITY OF COLORADO SPRINGS AT RESECTION NUMBER 123134798 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

[illegible]

SURVEYOR'S STATEMENT:

THE UNDERSIGNED REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO HEREBY CERTIFIES THAT THE ACCOMPANYING ANNEXATION PLAT WAS DRAWN UNDER ADEQUATE SUPERVISION AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND, AND THAT AT LEAST ONE EIGHTH (1/8) OF THE PERIPHERAL BOUNDARY OF SAID TRACT IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF COLORADO SPRINGS, COLORADO, EL PASO COUNTY, COLORADO. BOUNDARY OF SAID TRACT IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF COLORADO SPRINGS, COLORADO, EL PASO COUNTY, COLORADO.

THE LINEAR UNIT OF MEASURE USED FOR THIS SURVEY IS THE U.S. SURVEY FOOT.

ONE-SIXTH (16.7%) OF THE TOTAL PERIMETER, 489.5' (11.67%),
DISTRICTED OF THE AREA CONTIGUOUS TO THE EXISTING CITY LIMITS, 8.4, 20' (28.40%).

NOTICE. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT IN NO EVENT, MAY ANY ACTION BE BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE REPRODUCTION SHOWN HEREON.

BY

ANEX-23-0024