

ARDIS W. SCHMITT
EL PASO COUNTY
CLERK & RECORDER
Ordinance No. 88-14

AN ORDINANCE ANNEXING TO THE CITY OF
COLORADO SPRINGS THAT TERRITORY SOMETIMES
KNOWN AS THE BANNING LEWIS RANCH NO. 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. A petition for the annexation of that certain territory as specifically described in the legal description marked "Exhibit A", attached hereto, incorporated herein and by reference made a part hereof, sometimes known as The Banning Lewis Ranch No. 1, having been filed with the City Clerk, and the Council having found and determined that said petition is in substantial compliance with Part 1 of Article 12 of Title 31, C.R.S. 1973, known as the Municipal Annexation Act of 1965, that the petition conforms with the requirements of said Act, that said territory is eligible for annexation to the City of Colorado Springs and that said petition is signed by the owners of 100% of the property and territory proposed to be annexed, the annexation of said territory described in the legal description, marked "Exhibit A", attached hereto, incorporated herein, and by reference made a part hereof, is hereby accepted and approved and upon the effective date of this ordinance, the annexation of said land and territory hereinabove described shall be complete and said land shall become a part of the City of Colorado Springs for all intents and purposes with the exception of general taxation, in which respect said annexation shall not be effective until on and after January 1 next ensuing; provided, however, that said territory is subject to and shall comply with the special terms and conditions of annexation, including covenant to pay drainage and public space fees covenants to deed any required utility easements, covenants regarding curb,

gutter, paving and sidewalk improvements in keeping with the development plan of the area, and provided further that it is subject to and shall comply with any and all other ordinances in any way affecting said land and territory. This ordinance and the annexation of the territory hereinabove described are in conformity with the written agreement of the owners of said territory concerning conditions of annexation.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by Charter.

Introduced, read, passed on first reading and ordered published this 26th day of July, 1988.



Mayor

ATTEST:



City Clerk

Finally passed, adopted and approved this 9th day of August, 1988.


Mayor

ATTEST:


City Clerk

I HEREBY CERTIFY, that the foregoing ordinance entitled "AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT TERRITORY SOMETIMES KNOWN AS THE BANNING LEWIS RANCH NO. 1"

was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on July 26, 1988; that said ordinance was passed at a regular meeting of the City Council of said City, held on the 9th day of August, 1988, and that the same was published in full in the Colorado Springs Gazette Telegraph, 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 9th day of August, 1988.


City Clerk

LEGAL DESCRIPTION

A tract of land located in Sections 2, 3, 4, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 26, 27, 28, 33, 34 and 35, all in T14S, R65W of the 6th P.M. and in Sections 2, 3 and 4, T15S, R65W of the 6th P.M., County of El Paso, State of Colorado, described as follows:

BEGINNING at the Southeast Corner of Section 34, T13S, R65W of the 6th P.M., from which the Northeast Corner of said Section 34 bears N01°14'52"E (basis of bearing - true meridian), 5298.00 feet; thence S00°02'02"W, 2728.97 feet along the West line of the NW1/4 of Section 2, T14S, R65W of the 6th P.M. to the W1/4 Corner of said Section 2;

Thence N89°50'23"E, 3692.78 feet along the East-West Centerline of said Section 2;

Thence S00°16'30"E, 18,454.90 feet to the North line of the NE1/4 of Section 26, T14S, R65W of the 6th P.M.;

Thence N89°44'53"E, 1528.09 feet along the North line of the NE1/4 of said Section 26 to the Northeast Corner of said Section 26;

Thence S00°29'58"W, 5290.35 feet along the East line of said Section 26 to the Southeast Corner of said Section 26;

Thence S89°49'30"W, 2663.97 feet along the South line of the SE1/4 of said Section 26 to the N1/4 Corner of Section 35, T14S, R65W of the 6th P.M.;

Thence S00°33'19"W, 2642.56 feet along the North-South Centerline of said Section 35 to the Center of said Section 35;

Thence S89°52'44"W, 1333.24 feet along the East-West Centerline of said Section 35 to the Northeast Corner of the W1/2 of the SW1/4 of said Section 35;

Thence S00°34'58"W, 2641.32 feet along the East line of the W1/2 of the SW1/4 of said Section 35 to the Southeast Corner thereof;

Thence continuing S00°34'58"W, 30.00 feet along the East line extended Southerly of the W1/2 of the SW1/4 of said Section 35 to a point on the South right-of-way line of Drennan Road;

Thence S89°55'58"W, 1334.11 feet along the South right-of-way line of said Drennan Road;

Thence S89°51'19"W, 1682.88 feet along the South right-of-way line of said Drennan Road to a Westerly line and a Westerly line extended Northerly of Parcel "D" as described in Instrument recorded in Book 5250 at Page 819 of the records of El Paso County, Colorado;

FIRST ANNEXATION OF THE BANNING-LEWIS RANCH (continued)

Page 2

Thence N00°02'36"W, 110.00 feet along a Westerly line and a Westerly line extended Northerly of said Parcel "D";

Thence S89°50'56"W, 1626.75 feet to a point on the East line extended Northerly of Exception No. 1 to Parcel "D" as described in Instrument recorded in said Book 5250 at Page 819;

Thence S00°03'03"W, 110.00 feet along the East line extended Northerly of said Exception No. 1 to Parcel "D" to a point on the South right-of-way line of Drennan Road;

Thence S89°50'25"W, 827.56 feet along the South right-of-way line of said Drennan Road to a point on a line that is N00°09'35"W, from the Northerly point of tangency of a 100.00 foot radius curve along the Northeasterly line of Lot 1, COLORADO CENTRE FOREIGN TRADE ZONE AND BUSINESS PARK FILING NO. 2 as recorded in Plat Book B-4 at Page 48 of the records of El Paso County, Colorado;

Thence S00°09'35"E, 10.00 feet to the Northerly point of tangency of said 100.00 foot radius curve;

Thence S89°50'25"W, 424.65 feet along the North line of said Lot 1 to the Northwest Corner of said Lot 1;

Thence N00°03'03"E, 10.00 feet along the East right-of-way line extended Northerly of Aerospace Boulevard in said COLORADO CENTRE FOREIGN TRADE ZONE AND BUSINESS PARK FILING NO. 2 to the North line of said COLORADO CENTRE FOREIGN TRADE ZONE AND BUSINESS PARK FILING NO. 2;

Thence S89°50'25"W, 699.37 feet along the South right-of-way line of Drennan Road;

Thence S89°57'09"W, 198.99 feet along the South right-of-way line of said Drennan Road to the East line extended Northerly of Lot 1 in COLORADO CENTRE FOREIGN TRADE ZONE AND BUSINESS PARK FILING NO. 1 as recorded in Plat Book B-4 at Page 47 of the records of El Paso County, Colorado;

Thence S00°02'53"W, 10.00 feet along the East line extended Northerly of Lot 1 in said COLORADO CENTRE FOREIGN TRADE ZONE AND BUSINESS PARK FILING NO. 1 to the Northeast Corner of said Lot 1;

Thence S89°57'09"W, 1114.92 feet along the North line of Lot 1 in said COLORADO CENTRE FOREIGN TRADE ZONE AND BUSINESS PARK FILING NO. 1 to the Northwest Corner of said Lot 1;

Thence N00°12'08"W, 10.00 feet along the West line extended Northerly of Lot 1 in said COLORADO CENTRE FOREIGN TRADE ZONE AND BUSINESS PARK FILING NO. 1 to a point on the South right-of-way line of Drennan Road;

FIRST ANNEXATION OF THE BANNING-LEWIS RANCH (continued)

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Thence S89°57'09"W, 1314.33 feet along the South right-of-way line of Drennan Road to a point on the existing City limits of the City of Colorado Springs;

Thence N00°19'09"E, 30.00 feet along the existing City limits of the City of Colorado Springs;

Thence N00°18'19"E, 5282.47 feet along the existing City limits of the City of Colorado Springs;

Thence S89°20'50"W, 662.98 feet along the existing City limits of the City of Colorado Springs;

Thence N00°03'50"E, 2620.18 feet along the existing City limits of the City of Colorado Springs;

Thence N00°08'00"E, 2639.27 feet along the the existing City limits of the City of Colorado Springs;

Thence S89°50'39"E, 663.31 feet along the existing City limits of the City of Colorado Springs;

Thence N00°05'27"W, 2653.15 feet along the existing City limits of the City of Colorado Springs;

Thence N89°59'09"W, 906.04 feet along the existing City limits of the City of Colorado Springs to the Southwest Corner of that certain 100.00 foot wide strip of land conveyed to the County of El Paso as described in Quit-Claim Deed recorded in Book 752 at Page 305 of the records of El Paso County, Colorado;

Thence N30°35'15"W, 781.17 feet along the Southwesterly line of that certain strip of land as described in said Book 752 at Page 305 to a point of curve to the left;

Thence Northwesterly, 265.46 feet along the Southwesterly line of that certain strip of land as described in said Book 752 at Page 305 and along the arc of said curve to a point tangent, said arc having a radius of 1382.69 feet, a central angle of 11°00'00" and being subtended by a chord that bears N36°05'15"W, 265.05 feet;

Thence N41°35'15"W, 200.00 feet along the Southwesterly line of that certain strip of land as described in said Book 752 at Page 305 to a point of curve to the right;

FIRST ANNEXATION OF THE BANNING-LEWIS RANCH (continued)

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Thence Northwesterly, 358.44 feet along the Southwesterly line of that certain strip of land as described in said Book 752 at Page 305 and along the arc of said curve to the Southwesterly line of that certain strip of land conveyed to El Paso County as described in Deed recorded in Book 752 at Page 365 of the records of El Paso County, Colorado, said arc having a radius of 1196.28 feet, a central angle of 17°10'04" and being subtended by a chord that bears N33°00'13"W, 357.10 feet;

Thence N34°54'57"W, 1534.95 feet along the Southwesterly line of that certain strip of land as described in said Book 752 at Page 365 to a point on the existing City limits of the City of Colorado Springs;

Thence N34°54'57"W, 52.65 feet along the existing City limits of the City of Colorado Springs;

Thence N00°10'48"W, 9.44 feet along the existing City limits of the City of Colorado Springs;

Thence N00°01'22"E, 4650.84 feet along the existing City limits of the City of Colorado Springs to a Northeast Corner of the existing City limits of the City of Colorado Springs;

Thence S89°59'14"E, 60.00 feet to the East right-of-way line of Marksheffel Road;

Thence N00°01'22"E, 389.74 feet along the East right-of-way line of said Marksheffel Road to the Northerly right-of-way line of Colorado State Highway No. 94;

Thence N70°39'00"W, 63.58 feet along the Northerly right-of-way line of said Colorado State Highway No. 94 to the West right-of-way line of Marksheffel Road;

Thence N00°01'22"E, 30.56 feet along the West right-of-way line of said Marksheffel Road;

Thence N47°26'00"W, 2198.95 feet;

Thence N85°45'00"E, 617.13 feet to the North line of the SE1/4 of the SE1/4 of Section 8, T14S, R65W of the 6th P.M.;

Thence S89°59'58"E, 1035.25 feet along the North line of the SE1/4 of the SE1/4 of said Section 8 to the Northeast Corner of the SE1/4 of the SE1/4 of said Section 8;

Thence continuing S89°59'58"E, 30.00 feet to the East right-of-way line of Marksheffel Road;

FIRST ANNEXATION OF THE BANNING-LEWIS RANCH (continued)

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Thence N00°02'50"E, 1342.28 feet along the East right-of-way line of said Marksheffel Road;

Thence N00°00'21"W, 1979.37 feet along the East right-of-way line of said Marksheffel Road to the Easterly line of Parcel No. 3 conveyed to the State Department of Highways as described in Instrument recorded in Book 1848 at Page 84 of the records of El Paso County, Colorado;

Thence N16°48'39"E, 35.31 feet along the Easterly line of said Parcel No. 3 as described in said Book 1848 at Page 84 to the Southeasterly right-of-way line of U.S. Highway No. 24;

Thence N33°39'00"E, 269.11 feet along the Southeasterly right-of-way line of said U.S. Highway No. 24 to a point of curve to the right;

Thence Northeasterly, 990.81 feet along the Southeasterly right-of-way line of said U.S. Highway No. 24 and along the arc of said curve to a point tangent, said arc having a radius of 2815.00 feet, a central angle of 20°10'00" and being subtended by a chord that bears N43°44'00"E, 985.70 feet;

Thence N53°49'00"E, 5877.86 feet along the Southeasterly right-of-way line of said U.S. Highway No. 24 to a point of curve to the left;

Thence Northeasterly, 1198.13 feet along the Southeasterly right-of-way line of said U.S. Highway No. 24 and along the arc of said curve to a point tangent, said arc having a radius of 2915.00 feet, a central angle of 23°33'00" and being subtended by a chord that bears N42°02'30"E, 1189.72 feet;

Thence N30°16'00"E, 747.64 feet along the Southeasterly right-of-way line of said U.S. Highway No. 24 to the North line of the NW1/4 of Section 3, T14S, R65W of the 6th P.M.;

Thence N89°42'24"E, 1183.63 feet along the North line of the NW1/4 of said Section 3 to the N1/4 Corner of said Section 3;

Thence N89°42'24"E, 2667.93 feet along the North line of the NE1/4 of said Section 3 to the POINT OF BEGINNING.

Gross Area = 8,979.116 Acres, more or less.

EXCEPT that "35-Acre Parcel" conveyed to Carla Worsham Lewis as described in Quit Claim Deed recorded in Book 3500 at Page 501 of the records of El Paso County, Colorado, located in the E1/2 of Section 9, T14S, R65W of the 6th P.M., more particularly described as follows:

FIRST ANNEXATION OF THE BANNING-LEWIS RANCH (continued)

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Commencing at the Southeast Corner of said Section 9, thence N14°42'38"W, 2392.05 feet to the Southeast Corner of said "35-Acre Parcel" and the TRUE POINT OF BEGINNING;

Thence N86°59'01"W, 583.82 feet along the Southerly line of said "35-Acre Parcel" to the Southwest Corner thereof;

Thence N03°00'59"E, 2669.59 feet along the Westerly line of said "35-Acre Parcel" to the Northwest Corner thereof;

Thence S76°29'16"E, 575.31 feet along the Northerly line of said "35-Acre Parcel" to the Northeast Corner thereof;

The following five courses and distances are along the Easterly line of said "35-Acre Parcel":

Thence S02°45'48"W, 597.79 feet;

Thence S03°51'15"W, 1030.21 feet;

Thence S22°39'27"E, 200.08 feet;

Thence S02°11'43"W, 234.06 feet;

Thence S09°30'37"W, 525.91 feet to the TRUE POINT OF BEGINNING.

Area = 35.000 Acres, more or less.

EXCEPT that tract of land conveyed to Mountain View Electric Association, Inc. as described in Quit Claim Deed recorded in Book 1060 at Page 423 of the records of El Paso County, Colorado, located in the NW1/4 of the NW1/4 of Section 15, T14S, R65W of the 6th P.M., more particularly described as follows:

Commencing at the Northwest Corner of said Section 15, thence S00°04'27"W, 330.70 feet along the West line of the NW1/4 of said Section 15; thence S79°11'33"E, 23.40 feet to the Northwest Corner of that tract of land as described in said Book 1060 at Page 423 and the TRUE POINT OF BEGINNING;

Thence S00°04'27"W, 54.72 feet along the Westerly line of that tract of land as described in said Book 1060 at Page 423 to the Southwest Corner thereof;

Thence S89°55'33"E, 50.00 feet along the Southerly line of that tract of land as described in said Book 1060 at Page 423 to the Southeast Corner thereof;

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Thence N00°04'27"E, 45.28 feet along the Easterly line of that tract of land as described in said Book 1060 at Page 423 to the Northeast Corner thereof;

Thence N79°14'03"W, 50.88 feet along the Northerly line of that tract of land as described in said Book 1060 at Page 423 to the TRUE POINT OF BEGINNING.

Area = 0.057 Acres, more or less.

EXCEPT that tract of land located in the NW1/4 of the SE1/4 of Section 15, T14S, R65W of the 6th P.M. described as follows:

BEGINNING at the Northeast Corner of the NW1/4 of the SE1/4 of said Section 15, thence S89°47'04"W, 713.43 feet along the North line of the SE1/4 of said Section 15 to a point from which the Center of said Section 15 bears S89°47'04"W, 622.30 feet;

Thence S00°08'56"E, 285.00 feet parallel with the North-South Centerline of said Section 15;

Thence N77°08'10"E, 731.61 feet to a point on the East line of the NW1/4 of the SE1/4 of said Section 15 which is Southerly 124.80 feet from the Northeast Corner of the NW1/4 of the SE1/4 of said Section 15;

Thence N00°15'39"W, 124.80 feet along the East line of the NW1/4 of the SE1/4 of said Section 15 to the POINT OF BEGINNING.

Area = 3.357 Acres, more or less.

EXCEPT a tract of land located in Sections 14, 15, 22 and 23, T14S, R65W of the 6th P.M., County of El Paso, State of Colorado, described as follows:

Commencing at the Southeast Corner of said Section 15 from which the E1/4 Corner of said Section 15 bears N00°22'24"W, (basis of bearing - true meridian), 2625.61 feet and from which a Point hereinafter referred to as Point "A" bears N02°22'08"E, 1351.00 feet, thence N01°38'18"W, 1320.57 feet to a point on the North line of TRACT #3 as described in Instrument recorded in Book 3268 at Page 317 (379) of the records of El Paso County, Colorado; thence N35°09'00"W, 36.74 feet to the TRUE POINT OF BEGINNING;

Thence N35°09'00"W, 1310.43 feet;

Thence N54°51'00"E, 77.41 feet;

FIRST ANNEXATION OF THE BANNING-LEWIS RANCH (continued)

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Thence N30°00'00"W, 2001.44 feet;

Thence N60°00'00"E, 85.00 feet;

Thence S30°00'00"E, 2180.00 feet;

Thence S54°51'00"W, 52.34 feet to a point on a line from which said Point "A" bears S35°09'00"E;

Thence S35°09'00"E, 1191.20 feet to said Point "A";

Thence S89°53'23"E, 985.36 feet;

Thence S00°22'24"E, 2700.00 feet;

Thence N89°53'23"W, 1740.00 feet;

Thence N00°22'24"W, 2700.00 feet;

Thence S89°53'23"E, 639.89 feet to the TRUE POINT OF BEGINNING.

Area = 114.893 acres, more or less.

EXCEPT a tract of land located in the S1/2 of Section 4 and in the N1/2 of Section 9, all in T14S, R65W of the 6th P.M., County of El Paso, State of Colorado, described as follows:

Commencing at the Southeast Corner of Section 34, T13S, R65W of the 6th P.M.; from which the Northeast Corner of said Section 34 bears N01°14'52"E (Basis of bearing - True Meridian), 5298.00 feet, thence S63°35'28"W, 11879.83 feet to the Northwest Corner of said Section 9; thence S00°00'21"E, 936.10 feet along the West line of the NW1/4 of said Section 9 to the Southwest Corner of Parcel No. 3 conveyed to the State Department of Highways as described in Instrument recorded in Book 1848 at Page 84 of the records of El Paso County, Colorado; Thence N89°59'39"E, 29.80 feet along the South line of Parcel No. 3 as described in said Book 1848 at Page 84 to the Southeast Corner thereof; thence N00°00'21"W, 216.36 feet along the East line of Parcel No. 3 as described in said Book 1848 at Page 84; thence N89°59'39"E, 361.12 feet to the TRUE POINT OF BEGINNING;

Thence continuing N89°59'39"E, 1548.04 feet;

Thence N24°46'10"E, 89.35 feet;

FIRST ANNEXATION OF THE BANNING-LEWIS RANCH (continued)

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Thence Northeasterly, 1461.66 feet along the arc of a curve concave to the Southeast, said arc having a radius of 1570.00 feet, a central angle of 53°20'32" and being subtended by a chord that bears N51°26'27"E, 1409.45 feet;

Thence N04°58'22"W, 545.74 feet to a point of curve to the left;

Thence Northwesterly, 902.23 feet along the arc of said curve to the Southeasterly right-of-way line of U.S. Highway No. 24, said arc having a radius of 1722.71 feet, a central angle of 30°00'26" and being subtended by a chord that bears N19°58'35"W, 891.95 feet;

Thence S53°49'00"W, 2227.45 feet along the Southeasterly right-of-way line of said U.S. Highway No. 24;

Thence S36°11'00"E, 100.00 feet to a point from which the True Point of Beginning bears S32°14'38"W;

Thence S32°14'38"W, 1118.55 feet to the TRUE POINT OF BEGINNING;

Area = 73.398 acres, more or less.

Area to be annexed = 8,752.411 acres, more or less.

I, Carmen L. Hartin, Deputy City Clerk of the City of Colorado Springs, Colorado, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 88-114, finally passed by the City Council of the City of Colorado Springs the 9th day of August, 1988, the original of which is on file in the City Clerk's Office.

Dated at Colorado Springs, Colorado, this 23rd day of September, 1988.


Deputy City Clerk

CITY OF COLORADO SPRINGS
COLORADO

INTEROFFICE MEMORANDUM

DATE: July 13, 1988
TO: Robert Parker, City Clerk
FROM: Gary R. Haynes, City Engineer
SUBJECT: BANNING LEWIS RANCH NO. 1 ANNEXATION

RECEIVED
TIME
JUL 14 1988
BY CITY CLERK-TREAS.

The City Engineering Division has reviewed the referenced annexation plat for compliance with the 16.67% contiguity requirement. The revised legal descriptions presented on July 7, 1988 have been reviewed and the total boundary length of the plat is 98,25.49 feet. The length of the plat contiguous to the City is 20,140.33 feet or 20.546% contiguity.

If you have any questions, please contact this office.


Gary R. Haynes
City Engineer

GRH/njg

cc: DeWitt Miller, Director of Public Works
Bruce A. Thorson, Assistant City Engineer
Chris Smith, Subdivision Administrator
Bob Brockman, Manager of Comprehensive Planning
James Colvin, City Attorney