

RESOLUTION NO. 36 - 24

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR THE ANNEXATION OF PROPERTY KNOWN AS BLACK FOREST ROAD ADDITION NO. 2 ANNEXATION HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"

WHEREAS, in accord with Section 31-12-101, *et seq.*, C.R.S., known as the Municipal Annexation Act of 1965, as amended (the "Annexation Act"), the City Clerk of the City of Colorado Springs received a petition for annexation and an annexation plat for certain territory known as Black Forest Road Addition No. 2 Annexation, more specifically described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, said petition was signed by persons comprising one hundred percent (100%) of the landowners of the Property to be annexed and owning one hundred percent (100%) of the Property, excluding public streets and alleys, in compliance with the provisions of Article II, Section 30 of the Colorado Constitution, and Section 31-12-107(1) of the Annexation Act; and

WHEREAS, in support of the annexation the following affidavits were filed with City Council: an affidavit of Katelynn Morgenstern, Planning Supervisor for the City of Colorado Springs dated April 2, 2024 (the "Planner's Affidavit"), and an affidavit from Robert A. Pisciotta Jr., a registered professional land surveyor dated February 2, 2024 (the "Surveyor's Affidavit").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council finds:

(a) that the City Council of the City of Colorado Springs has conducted a hearing to consider the annexation of the Property, described in Exhibit "A" and commonly known as Black Forest Road Addition No. 2 Annexation, on April 23, 2024, at City of Colorado Springs, in Council Chambers, City Hall, 107 North Nevada Avenue, Colorado Springs, Colorado, in accord with the Annexation Act;

(b) that at said hearing, City Council considered the annexation petition and annexation plat, testimony presented, the Planner's Affidavit, the Surveyor's Affidavit, the record of the City Planning Commission's decision recommending annexation, all other relevant information presented;

(c) that the City is the sole owner of the Property and no notice or hearing is required for annexation pursuant to Section 31-12-106(3);

(d) that the Annexation Impact Report identified in Section 31-12-108.5 of the Annexation Act was not required because the Property proposed to be annexed is comprised of City owned right-of-way only;

(e) that the Property proposed to be annexed is unincorporated;

(f) that the legal description of the Property on Exhibit "A" is the same as the area described in the annexation petition and the annexation plat;

(g) that at least one-sixth (1/6th) of the boundary of the perimeter of the Property proposed to be annexed is contiguous with the existing boundary of the City of Colorado Springs;

(h) that a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality as provided for in Section 31-12-104(b) of the Annexation Act;

(i) no land held in identical ownership within the Property proposed to be annexed has been divided into separate parts or parcels by the boundaries of such annexation without the written consent of the landowner except as such tracts or parcels are separated by a dedicated street, road or other public way;

(j) no land held in identical ownership within the area proposed to be annexed, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising five (5) acres or more (which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the next year preceding the annexation), has been included within the boundary of the area proposed to be annexed without the written consent of the landowners;

(k) that no annexation of all or any part of the Property has been commenced by any other municipality;

(l) the proposed annexation will not result in the detachment of an area from any school district and attachment of the same area to another school district;

(m) the proposed annexation will not extend boundaries of the city limits of the City of Colorado Springs more than three (3) miles in any direction from the municipal boundary;

(n) in establishing the boundaries of the Property proposed to be annexed, if a portion of a platted street or alley is annexed, the entire width of said street or alley is included within the Property proposed to be annexed;

(o) the applicable requirements of Section 31-12-105 of the Annexation Act have been satisfied;

(p) no petition for election has been received nor is an election otherwise required under the provisions of Section 31-12-107(2) of the Annexation Act;

(q) the annexation of the Property, commonly known as Black Forest Road Addition No. 2 Annexation and legally described in Exhibit "A" attached hereto, meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965 as amended, and Section 30 of Article II of the Colorado Constitution;

(r) the Property is eligible for annexation to the City of Colorado Springs.

Section 2. No additional terms or conditions are to be imposed by the governing body upon this annexation.

Dated at Colorado Springs, Colorado this 23rd day of April 2024.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



LEGAL DESCRIPTION :

A TRACT OF LAND SITUATED IN THE WEST ONE-HALF OF SECTIONS 29 and 32, THE EAST ONE-HALF OF SECTIONS 30 and 31 TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING A PART OF THE RIGHT OF WAY DEEDED TO THE CITY OF COLORADO SPRINGS AS RECORDED AT RECEPTION NUMBER 222151628 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 30.00 FEET WEST OF AND 30.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 30 AND THE NORTH EAST CORNER OF **BRIARGATE ANNEXATION NUMBER 5** AS DESCRIBED AT RECEPTION NUMBER 000922672 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO ;

THENCE N89°57'59" E A DISTANCE OF 60.00 FEET TO THE WEST BOUNDARY LINE OF **PARK FOREST ESTATES FILING NO. 2** AS RECORDED AT PLAT BOOK B-2 AT PAGE 52 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;

THENCE S00°03'22" E AND COINCIDENT WITH THE WEST BOUNDARY OF SAID **PARK FOREST ESTATES FILING NO. 2** AND 30 FEET EAST OF AND PARALLEL TO THE SECTION LINE BETWEEN SAID SECTIONS 29 AND 30 A DISTANCE OF 1294.61 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID **PARK FOREST ESTATES FILING NO. 2** AND THE NORTHWEST CORNER OF A TRACT AS RECORDED AT RECEPTION NUMBER 214093677 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;

THENCE S00°03'04" E AND COINCIDENT WITH THE WEST BOUNDARY OF SAID TRACT AS RECORDED AT RECEPTION NUMBER 214093677 A DISTANCE OF 1323.69 MORE OR LESS TO THE SOUTHWEST CORNER OF SAID TRACT;

THENCE N89°29'10" E A DISTANCE OF 30.00 FEET TO THE EAST BOUNDARY LINE OF A 30.00 FOOT ADDITIONAL RIGHT OF WAY AS DEDICATED ON PLAT **EAGLE WING ESTATES** AS RECORDED AT RECEPTION NUMBER 204074316 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;

THENCE S00°08'00" E AND COINCIDENT WITH THE SAID EAST RIGHT OF WAY LINE AND 60 FEET EAST OF AND PARALLEL TO THE SECTION LINE BETWEEN SAID SECTIONS 29 AND 30 A DISTANCE OF 1325.07 FEET MORE OR LESS TO THE CENTER LINE OF **BRIARGATE PARKWAY** AS PLATTED IN SAID **EAGLE WING ESTATES** AND **HIGHLAND PARK FILING NO 1** AS RECORDED AT RECEPTION NUMBER 200068416 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;

THENCE S00°03'00" W AND COINCIDENT WITH THE EAST RIGHT OF WAY LINE OF A 30 FOOT ADDITIONAL RIGHT OF WAY AS DEDICATED ON THE PLAT OF SAID **HIGHLAND PARK FILING NO 1** AND 60 FEET EAST OF AND PARALLEL TO THE SECTION LINE BETWEEN SAID SECTIONS 29 AND 30 A DISTANCE OF 1326.26 FEET MORE OR LESS TO A POINT 60.00 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION 29;

THENCE S00°03'34" E CONTINUING ON THE SAID EAST RIGHT OF WAY LINE AND 60 FEET EAST OF AND PARALLEL TO THE SECTION LINE BETWEEN SAID SECTIONS 31 AND 32 A DISTANCE OF 1318.10 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF SAID **HIGHLAND PARK FILING NO 1**;

THENCE S89°32'05" W A DISTANCE OF 30.00 FEET TO A POINT 30.00 FEET EAST OF SAID SECTION LINE;

THENCE S00°03'34" E AND 30 FEET EAST OF AND PARALLEL TO THE SECTION LINE BETWEEN SAID SECTIONS 31 AND 32 A DISTANCE OF 1317.55 FEET MORE OR LESS TO A POINT LYING 30.00 FEET EAST OF THE WEST QUARTER CORNER OF SAID SECTION 32;

THENCE S00°11'43" E AND 30 FEET EAST OF AND PARALLEL TO THE SECTION LINE BETWEEN SAID SECTIONS 31 AND 32 A DISTANCE OF 720.02 FEET MORE OR LESS TO THE NORTHWEST CORNER OF **SILVER PONDS SUBDIVISION FILING NO. 1** AS RECORDED AT RECEPTION NUMBER 096082980 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;

CONTINUED



ANNEXATION

Black Forest Road Addition No.2
Description

Drawn
By: R. Kotwica

Date: 08/03/2023

Job Number: 2023014

PAGE 1 OF 2

CONTINUED

THENCE N89°22'50" E A DISTANCE OF 30.00 FEET TO THE EAST BOUNDARY LINE OF A 30.00 FOOT ADDITIONAL RIGHT OF WAY AS DEDICATED ON SAID **SILVER PONDS SUBDIVISION FILING NO. 1**;

THENCE S00°11'43" E AND COINCIDENT WITH THE EAST RIGHT OF WAY LINE OF A 30 FOOT ADDITIONAL RIGHT OF WAY AS DEDICATED ON THE PLAT OF SAID **SILVER PONDS SUBDIVISION FILING NO. 1** AND 60 FEET EAST OF AND PARALLEL TO THE SECTION LINE BETWEEN SAID SECTIONS 31 AND 32 A DISTANCE OF 667.60 FEET TO A POINT ON THE NORTH LINE OF A TRACT DEEDED TO THE CITY OF COLORADO SPRINGS AS RECORDED AT RECEPTION NUMBER 223010090 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;

THENCE S45°13'51" E AND COINCIDENT WITH THE NORTHEAST BOUNDARY OF SAID CITY TRACT A DISTANCE OF 39.93 FEET TO A POINT ON THE NORTH LINE OF A 60.00 FOOT RIGHT OF WAY AS PLATTED IN SAID **SILVER PONDS SUBDIVISION FILING NO. 1**;

THENCE N89°18'49" E AND COINCIDENT WITH THE NORTH LINE OF SAID 60 FOOT RIGHT OF WAY A DISTANCE OF 2549.17 FEET TO THE EAST BOUNDARY LINE OF SAID **SILVER PONDS SUBDIVISION FILING NO. 1**;

THENCE S00°09'50" E AND COINCIDENT WITH THE EAST BOUNDARY OF SAID **SILVER PONDS SUBDIVISION FILING NO. 1** A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER OF SAID **SILVER PONDS SUBDIVISION FILING NO. 1**;

THENCE S89°18'49" W AND COINCIDENT WITH THE SOUTH LINE OF SAID 60 FOOT RIGHT OF WAY A DISTANCE OF 2510.92 FEET TO THE EAST BOUNDARY LINE OF A TRACT AS DEEDED TO THE CITY OF COLORADO SPRINGS AT RECEPTION NUMBER 222124940;

THENCE S00°39'55" E AND COINCIDENT WITH THE EAST BOUNDARY OF SAID TRACT A DISTANCE OF 128.49 FEET;

THENCE N87°24'13" W AND COINCIDENT WITH THE SOUTH LINE OF SAID TRACT A DISTANCE OF 67.60 FEET TO THE EAST LINE OF AN ADDITIONAL 30 FOOT RIGHT OF WAY AS RECORDED AT RECEPTION NUMBER 222079468 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;

THENCE S00°11'43" E AND COINCIDENT WITH THE EAST BOUNDARY OF SAID ADDITIONAL 30 FOOT RIGHT OF WAY AND AN ADDITIONAL 30 FOOT RIGHT OF WAY AS RECORDED AT RECEPTION NUMBER 222124940 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;

A DISTANCE OF 1037.95 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF **ANNEXATION PLAT WOODMEN HEIGHTS NUMBER 4** AS RECORDED AT RECEPTION NUMBER 204160921 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO;

THE FOLLOWING 3 COURSES ARE COINCIDENT WITH THE BOUNDARY OF SAID **ANNEXATION PLAT WOODMEN HEIGHTS NUMBER 4**;

THENCE S89°02'42" W A DISTANCE OF 30.00 FEET;

THENCE N00°11'43" W A DISTANCE OF 350.00 FEET;

THENCE S89°36'13" W A DISTANCE OF 60.00 FEET TO THE NORTHWEST CORNER OF SAID **ANNEXATION PLAT WOODMEN HEIGHTS NUMBER 4** AND A POINT ON THE EAST BOUNDARY OF SAID **BRIARGATE ANNEXATION NUMBER 5** AND 30 FEET WEST OF THE SECTION LINE BETWEEN SECTION S 31 AND 32;

THE FOLLOWING 6 COURSES ARE COINCIDENT WITH THE EAST BOUNDARY LINE OF SAID **BRIARGATE ANNEXATION NUMBER 5** AND ARE 30.00 FEET WEST OF AND PARALLEL WITH THE SAID SECTION LINES;

THENCE N00°11'43" W A DISTANCE OF 2288.92 FEET MORE OR LESS;

THENCE N00°03'34" W A DISTANCE OF 2637.29 FEET MORE OR LESS;

THENCE N00°03'00" E A DISTANCE OF 1325.72 FEET MORE OR LESS;

THENCE N00°08'00" W A DISTANCE OF 1324.78 FEET MORE OR LESS;

THENCE N00°03'04" W A DISTANCE OF 1322.94 FEET MORE OR LESS;

THENCE N00°03'22" W A DISTANCE OF 1294.79 FEET MORE OR LESS TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 951,821 SQUARE FEET, (21.851 ACRES), MORE OR LESS.

ALL BEARINGS ARE BASED ON A LINE FROM THE NORTHWEST CORNER OF SECTION 29 AND A 30.00 FOOT WITNESS CORNER TO THE NORTH 1/16TH CORNER IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., AND EL PASO COUNTY, COLORADO,

BEING MONUMENTED BY A FOUND 2 INCH PIPE ON THE NORTH END AND THE SOUTH END MONUMENTED BY A FOUND ALUMINUM CAP MARKED "RAMPART SURVEY SWC N $\frac{1}{16}$ S30-S29 30.00' TO COR. PLS26965" AND IS ASSUMED TO BEAR SOUTH 01°20'15" EAST.



ANNEXATION

Black Forest Road Addition No.2
Description

Drawn By: R. Kotwica

Date: 08/03/2023

Job Number: 2023014

PAGE 2 OF 2