

RESOLUTION NO. 75 - 24

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS DUBLIN PARK ADDITION NO. 1 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 Dublin Park Addition No. 1 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, on June 11, 2024, the City Council, acting by resolution, found the petition for annexation to be in substantial compliance with Section 31-12-107(1) C.R.S of the Annexation Act and Section 30 of Article II of the Colorado Constitution, set a hearing to consider the annexation of the Property to the City of Colorado Springs on July 23, 2024, in Council Chambers, City Hall, 107 North Nevada Avenue, Colorado Springs, Colorado, and directed the City Clerk to give notice of said hearing in the manner prescribed in Section 31-12-108 of the Annexation Act; and

WHEREAS, in support of the annexation the following affidavits were filed with City Council: the City Clerk's affidavit (the "Clerk's Affidavit"), an affidavit of Christopher Sullivan-Robinson, Senior Planner for the City of Colorado Springs dated May 21, 2024 (the "Planner's Affidavit"), and an affidavit from Robert A Pisciotta Jr., a registered professional land surveyor dated May 16, 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 Dublin Park Addition No. 1 Annexation, on July 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 Clerk's Affidavit, 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 Clerk has provided notice as directed and said notice complies with the requirements of Section 31-12-108 of the Annexation Act;

(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 property 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 Dublin Park Addition No. 1 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 July 2024.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



LEGAL DESCRIPTION :

THE WESTERLY 706 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WESTERLY LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND LYING SOUTH OF THE SOUTHERLY LINE OF **BROOKWOOD TERRACE SUBDIVISION NO. 2** AS RECORDED IN PLAT BOOK J-2 PAGE 66 IN SECTION 9, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH P.M., IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO. DEEDED TO THE CITY OF COLORADO SPRINGS JUNE 12,1990 AS RECORDED IN BOOK 5745 AT PAGE 772 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF **COTTONWOOD KNOLLS** AS RECORDED IN PLAT BOOK B-4 AT PAGE 172 AND THE NORTHWEST CORNER OF **LA MADRINA ADDITION NO.1 ANNEXATION PLAT** AS RECORDED AT RECEPTION NO.000620780 ALL OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N89°28'16" E AND COINCIDENT WITH THE NORTHERLY LINE OF SAID **COTTONWOOD KNOLLS** AND **LA MADRINA ADDITION NO.1** A DISTANCE OF 176.00 FEET TO THE SOUTHWEST CORNER OF **COTTONWOOD CREEK ESTATES** AS RECORDED AT RECEPTION NO. 202017347 AND SOUTHWEST CORNER OF **COTTONWOOD ADDITION NO.1 ANNEXATION PLAT** AS RECORDED AT RECEPTION NO. 000759067 ALL OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N00°31'41" W AND COINCIDENT WITH THE WEST BOUNDARY LINE OF SAID **COTTONWOOD CREEK ESTATES** AND **COTTONWOOD ADDITION NO.1 ANNEXATION PLAT** AND **COTTONWOOD CREEK SUBDIVISION FILING NO. 1** AS RECORDED AT PLAT BOOK W-3 PAGE 29 OF THE RECORDS OF EL PASO COUNTY, COLORADO A DISTANCE OF 123.90 FEET TO THE SOUTHEAST CORNER OF SAID **BROOKWOOD TERRACE SUBDIVISION NO. 2** AND THE SOUTHEAST CORNER OF **BROOKWOOD SUBDIVISION ANNEXATION PLAT** AS RECORDED AT RECEPTION NO. 094163728 OF THE RECORDS OF EL PASO COUNTY, COLORADO ;

THE FOLLOWING FIVE(5) COURSES ARE COINCIDENT WITH SAID **BROOKWOOD TERRACE SUBDIVISION NO. 2** AND **BROOKWOOD SUBDIVISION ANNEXATION PLAT**

THENCE S74°28'16" W A DISTANCE OF 153.24 FEET TO A POINT OF CURVE;

THENCE WESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 415.00 FEET AND A CENTRAL ANGLE OF 50°00'00", AN ARC DISTANCE OF 362.15 FEET TO A POINT OF TANGENT;

THENCE N55°31'44"W A DISTANCE OF 110.00 FEET TO A POINT OF CURVE;

THENCE WESTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 135.00 FEET AND A CENTRAL ANGLE OF 35°00'00", AN ARC DISTANCE OF 82.47 FEET TO A POINT OF TANGENT;

THENCE S89°28'16" W A DISTANCE OF 45.00 FEET TO THE SOUTHWEST CORNER OF SAID **BROOKWOOD TERRACE SUBDIVISION NO. 2** AND A POINT ON THE EAST LINE OF **BROOKWOOD SUBDIVISION** AS RECORDED AT PLAT BOOK G-2 PAGE 14 OF THE RECORDS OF EL PASO COUNTY, COLORADO AND AN ANGLE POINT OF SAID **BROOKWOOD SUBDIVISION ANNEXATION PLAT**;

THENCE S00°31'41" E AND COINCIDENT WITH THE EAST LINE OF SAID **BROOKWOOD SUBDIVISION** AND **BROOKWOOD SUBDIVISION ANNEXATION PLAT**, SAID LINE BEING ALSO THE WESTERLY LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 9, A DISTANCE OF 232.66 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHWEST CORNER OF **QUAIL MEADOWS FILING NO. 5** AS RECORDED AT PLAT BOOK H-3 PAGE 94 AND **QUAIL MEADOWS ADDITION NO.1 ANNEXATION PLAT** AS RECORDED AT RECEPTION NO. 000489640 ALL OF THE RECORDS OF EL PASO COUNTY, COLORADO; ;

THENCE N89°28'16" E AND COINCIDENT WITH THE NORTH LINE OF SAID **QUAIL MEADOWS FILING NO. 5** AND **QUAIL MEADOWS ADDITION NO.1 ANNEXATION PLAT** A DISTANCE OF 530.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 89,645 SQUARE FEET, (2.058 ACRES), MORE OR LESS.



ANNEXATION
Exhibit A
DUBLIN PARK Addition No. 1
Description

Drawn By: R. Kotwica Date: 01/24/2024

Job Number: 2023015 PAGE 1 OF 1

ANNEXATION PLAT DUBLIN PARK ADDITION NO. 1

A PORTION OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH P.M., to the City of Colorado Springs, El Paso County, Colorado

BE IT KNOWN BY THESE PRESENTS:

This 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 wit

LEGAL DESCRIPTION:

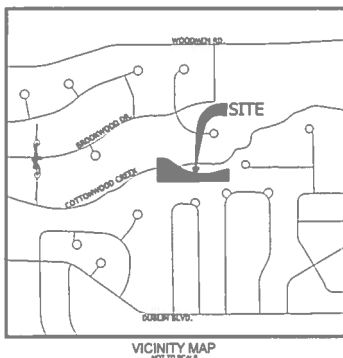
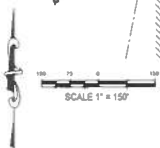
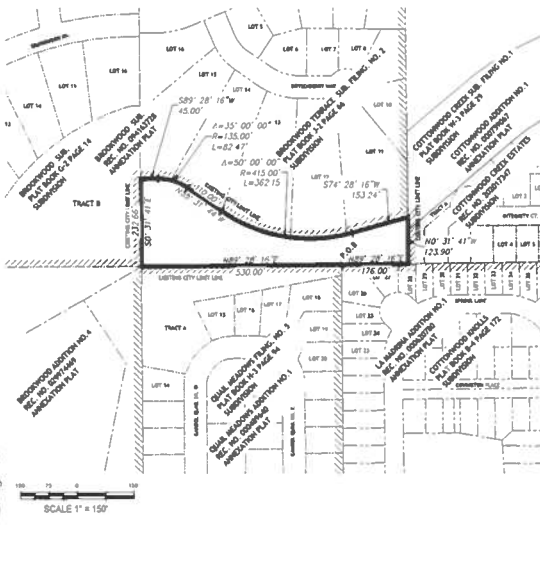
THE WESTERLY 708 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WESTERLY LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND LYING SOUTH OF THE SOUTHERLY LINE OF BROOKWOOD TERRACE SUBDIVISION NO. 2 AS RECORDED IN PLAT BOOK J-2 PAGE 88 IN SECTION 9, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH P.M., IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, DECEDED TO THE CITY OF COLORADO SPRINGS JUNE 12, 1980 AS RECORDED IN BOOK 5745 AT PAGE 772 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHWEST CORNER OF COTTONWOOD KNOLLS AS RECORDED IN PLAT BOOK B-4 AT PAGE 172 AND THE NORTHWEST CORNER OF LA MADRINA ADDITION NO.1 ANNEXATION PLAT AS RECORDED AT RECEPTION NO.000620780 ALL OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE N89°28'18" E AND COINCIDENT WITH THE NORTHERLY LINE OF SAID COTTONWOOD KNOLLS AND LA MADRINA ADDITION NO.1 A DISTANCE OF 178.00 FEET TO THE SOUTHWEST CORNER OF COTTONWOOD CREEK ESTATES AS RECORDED AT RECEPTION NO. 20281747 AND SOUTHWEST CORNER OF COTTONWOOD ADDITION NO.1 ANNEXATION PLAT AS RECORDED AT RECEPTION NO. 000756087 ALL OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE N00°31'41" W AND COINCIDENT WITH THE WEST BOUNDARY LINE OF SAID COTTONWOOD CREEK ESTATES AND COTTONWOOD ADDITION NO.1 ANNEXATION PLAT AND COTTONWOOD CREEK SUBDIVISION FILING NO. 1 AS RECORDED AT PLAT BOOK W-3 PAGE 28 OF THE RECORDS OF EL PASO COUNTY, COLORADO A DISTANCE OF 123.30 FEET TO THE SOUTHEAST CORNER OF SAID BROOKWOOD TERRACE SUBDIVISION NO. 2 AND THE SOUTHEAST CORNER OF BROOKWOOD SUBDIVISION ANNEXATION PLAT AS RECORDED AT RECEPTION NO. 094183728 OF THE RECORDS OF EL PASO COUNTY, COLORADO; THE FOLLOWING FIVE(5) COURSES ARE COINCIDENT WITH SAID BROOKWOOD TERRACE SUBDIVISION NO. 2 AND BROOKWOOD SUBDIVISION ANNEXATION PLAT THENCE S74°28'14" W A DISTANCE OF 193.34 FEET TO A POINT OF CURVE; THENCE WESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 415.90 FEET AND A CENTRAL ANGLE OF 50°00'00", AN ARC DISTANCE OF 362.15 FEET TO A POINT OF TANGENT; THENCE N69°31'44" W A DISTANCE OF 110.00 FEET TO A POINT OF CURVE; THENCE WESTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 138.00 FEET AND A CENTRAL ANGLE OF 35°00'00", AN ARC DISTANCE OF 82.47 FEET TO A POINT OF TANGENT; THENCE S82°28'18" W A DISTANCE OF 45.00 FEET TO THE SOUTHWEST CORNER OF SAID BROOKWOOD TERRACE SUBDIVISION NO. 2 AND A POINT ON THE EAST LINE OF BROOKWOOD SUBDIVISION AS RECORDED AT PLAT BOOK Q-2 PAGE 14 OF THE RECORDS OF EL PASO COUNTY, COLORADO AND AN ANGLE POINT OF SAID BROOKWOOD SUBDIVISION ANNEXATION PLAT; THENCE S00°31'41" E AND COINCIDENT WITH THE EAST LINE OF SAID BROOKWOOD SUBDIVISION AND BROOKWOOD SUBDIVISION ANNEXATION PLAT, SAID LINE BEING ALSO THE WESTERLY LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 9, A DISTANCE OF 232.86 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHWEST CORNER OF QUAIL MEADOWS FILING NO. 8 AS RECORDED AT PLAT BOOK H-3 PAGE 84 AND QUAIL MEADOWS ADDITION NO.1 ANNEXATION PLAT AS RECORDED AT RECEPTION NO. 000488840 ALL OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE N89°28'18" E AND COINCIDENT WITH THE NORTH LINE OF SAID QUAIL MEADOWS FILING NO. 8 AND QUAIL MEADOWS ADDITION NO.1 ANNEXATION PLAT A DISTANCE OF 630.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 89 845 SQUARE FEET, (2.058 ACRES), MORE OR LESS.

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

TOTAL PERIMETER OF THE AREA FOR ANNEXATION: 1,818.42
ONE-SIXTH (1/6)TH OF THE TOTAL PERIMETER: 303.07 (16.87%)
PERIMETER OF THE AREA CONTIGUOUS TO THE EXISTING CITY LIMITS: 1,818.42 (100%)



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 BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON

OWNER:

The aforementioned, City of Colorado Springs, Colorado, a home rule city and Colorado Municipal Corporation, has executed this instrument this ___ day of _____, 2024 A.D.

Blessing A. Mobeleda,
Mayor

Attest:

City Clerk

State of Colorado)
)ss
County of El Paso)

The foregoing instrument was acknowledged before me this ___ day of _____, 2024 A.D., by Blessing A. Mobeleda, Mayor of the City of Colorado Springs, Colorado, a home rule city and Colorado Municipal Corporation.

Witness my hand and seal

My commission expires: _____
Notary Public

CITY OF COLORADO SPRINGS APPROVAL:

On behalf of the City of Colorado Springs, the undersigned hereby approves for filing the accompanying annexation plat of "Dublin Park Addition No. 1".

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 _____, 2024 A.D.

City Clerk Date

SURVEYOR'S STATEMENT:

THE UNDERSIGNED REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO HEREBY CERTIFIES THAT THE ACCOMPANYING ANNEXATION PLAT WAS DRAWN UNDER HIS SUPERVISION AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND, AND THAT AT LEAST ONE SIXTH (1/6) 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.

THIS _____ DAY OF _____, 2024
Robert A. Pielotta, Jr., Colorado P.L.S. 38224
For and on behalf of The City of Colorado Springs
30 S. Nevada Ave., Suite 402
Colorado Springs, CO., 80901
719-385-6545

CLERK AND RECORDER

STATE OF COLORADO)
)SS
COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT _____ O'CLOCK, M. THIS
THIS _____ DAY OF _____, 2024, A.D. AND IS DULY RECORDED AT RECEPTION NUMBER _____
OF THE RECORDS OF EL PASO COUNTY, COLORADO.

STEVE SCHLEIKER
CLERK AND RECORDER.

BY _____

DEPUTY _____

SURCHARGE: _____

FEE: _____

DUBLIN PARK ADDITION NO. 1 ANNEXATION PLAT		
DATE	JOB NUMBER	REV
01/24/24	2023015	
SCALE: 1" = 150'		DRAWN BY: Pielotta Architects
		SHEET 1 OF 1

ANNEX-23-0019