

ORDINANCE NO. AN-260-22

INTRODUCED BY: \_\_\_\_\_

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AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT 10070 POTOMAC STREET, ADAMS COUNTY, COLORADO (PIN: 0172300000147) TO THE CITY OF COMMERCE CITY, COLORADO IN CASE AN-260-22 KNOWN AS THE EBERLY PLACE ANNEXATION

WHEREAS, there was presented to and filed with the City Council of the City of Commerce City, Colorado (“City”), a written petition dated March 22, 2022 by Robert B. Stephen, Darlene A. Thompson, Ronald P. Eberly, Edward L. Eberly, Esther M. Richardson, Loretta I. Stephen, and Marilyn L. Steckel (“Annexors”) in Case AN-260-22 (“Petition”), known as the Eberly Place annexation, seeking annexation to and by the City of contiguous unincorporated territory situated, lying and being in the County of Adams, State of Colorado, as described in the Petition and Exhibit A, attached hereto and incorporated herein, located at 10070 Potomac Street (“Property”);

WHEREAS, the City and the Annexors have negotiated and the Annexors have executed an Annexation Agreement as of April 18, 2022 regarding the proposed annexation (“Annexation Agreement”) and such agreement is on file with the City;

WHEREAS, the City Council of the City has conducted a duly-noticed public hearing as required by law to determine the eligibility for annexation of the Property to the City and to satisfy itself that the Property is eligible for annexation and that the annexation conforms to applicable law and the annexation policy of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

**SECTION 1.** Findings. The City Council of the City of Commerce City, Colorado, finds and determines that, pursuant to the findings set forth in Resolution No. 2022-31, the annexation of the Property meets all requirements of law, including the applicable provisions of Section 30 of Article II of the State Constitution and C.R.S. §§ 31-12-104 and 31-12-105, and the annexation policy of the City; does not require an election pursuant to C.R.S. 31-12-107(2); and is in the best interests of the City.

**SECTION 2.** Annexation Agreement. The City Council of the City of Commerce City, Colorado, hereby approves and authorizes the execution of the Annexation Agreement between the City and Annexors, and ratifies all actions of the City taken pursuant thereto.

**SECTION 3.** Annexation. The Property, as particularly described in the Petition and in Exhibit A, attached hereto and incorporated herein, is hereby annexed to and included within the corporate limits of the City of Commerce City, Colorado, pursuant to C.R.S. § 31-12-111 upon completion of the conditions contained in C.R.S. §31-12-113, including without limitation, all

required filings for recording with Adams County Clerk and Recorder as set forth herein. Upon the Effective Date of this ordinance as set forth below, the City Council directs staff to complete all necessary procedures required for annexation of the Property to the City, subject to any applicable provisions of the Annexation Agreement, including: (1) filing for recording three certified copies of this ordinance and the maps of the annexed Property containing a legal description of the Property (“Annexation Maps”) with the Adams County Clerk and Recorder, and (2) filing the original of this ordinance together with a copy of the Annexation Maps with the City Clerk.

**SECTION 4.** Effective Date. This ordinance shall not take effect and this ordinance and annexation map shall not be filed or recorded with the Adams County Clerk and Recorder pursuant to C.R.S. §21-12-113 unless and until the Property hereby annexed is brought within the City’s zoning code and map by passage of an appropriate ordinance, and in the event such zoning approval is not granted within sixty-five (65) days of the second reading of this ordinance, then this ordinance shall become null, void, and of no effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 23RD DAY OF MAY 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

CITY OF COMMERCE CITY, COLORADO

\_\_\_\_\_  
Benjamin A. Huseman, Mayor

ATTEST

\_\_\_\_\_  
Dylan A. Gibson, City Clerk

Exhibit A  
EBERLY PLACE AN-260-22  
(Legal Description)