

ORDINANCE NO: AN-241-17

INTRODUCED BY: AMADOR, BULLOCK, CARSON, DIAZ, DOUGLAS, ELLIOTT,  
FORD, MCELLOWNEY, TETER

AN ORDINANCE ANNEXING TO THE CITY OF COMMERCE CITY CERTAIN CONTIGUOUS UNINCORPORATED AND MUNICIPALLY-OWNED TERRITORY DESCRIBED IN EXHIBIT "A" GENERALLY LOCATED ALONG THE HIGHWAY 2 RIGHT-OF-WAY FROM EAST 80TH AVENUE, TO JUST SOUTH OF THE INTERSECTION OF HIGHWAY 2 AND INTERSTATE 76.

WHEREAS, the City of Commerce City, Colorado ("City"), being a home rule municipality duly organized and existing under the laws of the State of Colorado, owns certain property described on attached Exhibit "A," attached and incorporated by reference, that is unincorporated territory contiguous to the boundaries of the City situated, lying and being in the County of Adams, State of Colorado ("Property");

WHEREAS, C.R.S. § 31-12-106(3) authorizes the City to annex by ordinance, without notice and hearing as normally required for annexation, property solely owned by the City when such property is eligible for annexation in accordance with Article II, Section 30(1)(c) of the State Constitution and C.R.S. §§ 31-12-104(1)(a) and 31-12-105; and

WHEREAS, the City Council of the City desires to annex the Property to the City.

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

**Section 1.** The City Council finds and determines that the annexation of the Property is in the best interest of the public and necessary for preservation of the public health, safety, welfare, and economic well-being.

**Section 2.** The City Council further finds and determines that the Property meets all requirements of law and the annexation policy of the City and is eligible for annexation in accordance with Article II, Section 30(1)(c) of the State Constitution and C.R.S. §§ 31-12-104(1)(a), 31-12-105, and 31-12-160(3), in that the proposed annexation:

- (a) Is for property for which not less than one-sixth of the perimeter is contiguous with the current City boundary;
- (b) Would not divide any lands held in identical ownership;
- (c) Is entirely within the outer boundaries of the City and is solely owned by the City, as such, does not implicate C.R.S. 31-12-105(1)(b);
- (d) Is for territory for which no annexation proceedings have been commenced for annexation to another municipality;
- (e) Would not result in the detachment of area from any school district and the attachment of the same to another school district;
- (f) Would not result in the extension of the City boundary more than three miles in any direction from any point of such municipal boundary in any one year;
- (g) Includes the entire width of any street or alley in the area annexed; and
- (h) Is of property solely owned by the City and is not solely a public street or right-of-way.

**Section 3.** The Property is hereby annexed to and made a part of the City of Commerce City, Colorado, and shall be included within the corporate boundaries of the City of Commerce City, Colorado, effective and complete from the effective date of this ordinance.

INTRODUCED AND PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS  
18TH DAY OF SEPTEMBER, 2017.

INTRODUCED AND PASSED ON SECOND READING AND PUBLIC NOTICE ORDERED  
THIS 16TH DAY OF OCTOBER, 2017.

CITY OF COMMERCE CITY, COLORADO

BY: \_\_\_\_\_  
Sean Ford, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, MMC, City Clerk

## Exhibit A

### AN-241-17 Property Description

#### ANNEXATION DESCRIPTION

SEVEN PARCELS OF LAND LOCATED IN SECTION 6, TOWNSHIP 2 SOUTH, RANGE 66 WEST AND SECTIONS 1, 14, 20, 22, 23, 27, AND 28 TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, A PORTION OF THE LAND TRANSFERRED TO COMMERCE CITY FROM THE STATE OF COLORADO ADAMS COUNTY RECEPTION NUMBER 2015000098670 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: SEE SHEET 4 OF 9

A PARCEL OF LAND SITUATED IN SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 6, T2S, R66W; THENCE N00°27'48"W COINCIDENT WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6 A DISTANCE OF 693.91 FEET, TO THE SOUTH RIGHT OF WAY LINE OF HIGHWAY NO. 2;

THENCE N67°23'12"E 32.42 FEET, TO THE TRUE POINT OF BEGINNING, BEING A POINT 30 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6, ALSO BEING THE EAST RIGHT OF WAY LINE OF POTOMAC STREET PER ROAD PETITION NO 514, AND THE SOUTH LINE OF HIGHWAY NO. 2 BOOK 215 PAGE 562 ADAMS COUNTY RECORDS, ALSO BEING THE NORTHWEST CORNER OF TURNBERRY FILING NO. 1 ADAMS COUNTY RECEPTION NO. 20050630000693950, AND A POINT ON THE PRESENT COMMERCE CITY LIMITS, PER ANNEXATION MAP AN-140-97 RECORDED AT THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AT FILE 17 MAP 806 RECEPTION NO. C0364916;

THENCE CONTINUING COINCIDENT WITH THE PRESENT CITY OF COMMERCE CITY LIMITS N67°23'12"E 249.10 FEET; TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID CURVE, HAVING A RADIUS OF 1196.00 FEET, A CENTRAL ANGLE OF 34°21'16", A CHORD BEARING OF N50°12'34"E AND A CHORD DISTANCE OF 706.43 FEET AND AN ARC LENGTH OF 717.12 FEET TO THE WEST LINE OF THE O'BRIAN CANAL PER BOOK 47 PAGE 65 ADAMS COUNTY RECORDS;

THENCE DEPARTING THE CITY OF COMMERCE CITY LIMITS ALONG THE SOUTH LINE OF THE O'BRIAN CANAL N31°30'13"W 28.02 FEET;

THENCE N46°56'32"W 76.16 FEET;

TO THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY 2 ALSO BEING THE NORTHEAST CORNER OF V-CO INDUSTRIAL PARK FILE 14 MAP 714 RECEPTION NUMBER B308950 ADAMS COUNTY RECORDS ALSO BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF HIGHWAY 2 TO A POINT OF A NON TANGENT CURVE TO THE RIGHT;

THENCE ALONG THE NORTH RIGHT OF WAY LINE OF HIGHWAY 2 ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1096.00 FEET A CENTRAL ANGLE OF 35°40'39", A CHORD BEARING OF S49°32'52"W AND A CHORD LENGTH OF 671.50 FEET AND AN ARC LENGTH OF 682.47 FEET;

THENCE S67°23'12"W 208.39 FEET TO A POINT ON THE PRESENT COMMERCE CITY ANNEXATION MAP AN-140-97 ADAMS COUNTY RECEPTION NUMBER C0364916, FILE 17 MAP 806;

THENCE S00°27'48"E 107.97 FEET TO THE POINT OF BEGINNING;

CONTAINING 93,137.73 SQUARE FEET OR 2.138 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, WHICH BEARS N00°27'48"W, A DISTANCE OF 2650.54 FEET.