

**RESOLUTION MAKING FINDINGS OF FACT BY THE CITY COUNCIL OF THE
CITY OF COMMERCE CITY AND ITS CONCLUSION RELATIVE TO ELIGIBILITY
OF ANNEXATION TO THE CITY OF COMMERCE CITY OF THE PROPERTY
LOCATED AT THE SOUTHERN RIGHT-OF-WAY FOR E. 96TH AVENUE BETWEEN
STATE HIGHWAY 2 AND BUCKLEY ROAD, A QUARTER SECTION OF LAND AT
THE NORTHEAST CORNER OF E. 96TH AVENUE AND PEORIA STREET, AND A
SMALL PORTION OF CITY OWNED PROPERTY AT THE SOUTHWEST CORNER
OF E. 96TH AVENUE AND BUCKLEY ROAD ALIGNMENT, COMMERCE CITY,
COLORADO, IN AN-232-15**

NO. 2015-91

WHEREAS, pursuant to the laws of the State of Colorado, a public hearing was held on the petitions for annexation filed with the City of Commerce City for that property described on attached Exhibit "A" in Case No. AN-232-15; and

WHEREAS, public notice of such public hearing was given as required by law; and

WHEREAS, the public hearing on the said annexation petitions was conducted in accordance with the requirements of law; and

WHEREAS, pursuant to C.R.S. §31-12-110, this City Council, sitting as the governing body of the City of Commerce City, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility of that property described on attached Exhibit "A" for annexation to the City of Commerce City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Commerce City, Colorado as follows:

1. A plan for the area was adopted by the City Council pursuant to C.R.S. §31-12-105(1)(e).
2. Not less than one-sixth of the perimeter of the area proposed to be annexed as described on the attached Exhibit "A" is contiguous with the existing boundaries of the City of Commerce City as required by law.
3. A community of interest exists between the area proposed to be annexed as described on the attached Exhibit "A" and the City of Commerce City and the area is urbanized.
4. The area proposed to be annexed as described on attached Exhibit "A" is integrated or is capable of being integrated with the City of Commerce City.
5. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - a) is divided into separate tracts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
 - b) comprises 20 acres or more and which together with the buildings and improvements situated thereon, has an assessed value in excess of \$200,000 for *ad valorem* tax purposes for the year preceding the annexation; or

- c) is included with the territory proposed to be annexed without the written consent of the landowner or landowners.
6. No annexation proceedings have been effectively commenced for the annexation of part or all of that territory proposed to be annexed, as described on attached Exhibit "A", to another municipality.
7. The proposed annexation of that real estate described on attached Exhibit "A" will not result in the detachment of area from any school district and attachment of the same to another school district.
8. The petitions for annexation of that real estate described on attached Exhibit "A" meet the requirements of law and are in proper order for annexation of the property proposed to be annexed including the requirements of C.R.S. §31-12-105, as amended.
9. The proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of the City boundary in any one year.
10. The entire width of any street or alley to be annexed is included within the annexation.
11. That property described on attached Exhibit "A" is eligible for annexation to the City of Commerce City and all requirements of law have been met for such annexation, including the requirements of C.R.S. §31-12-104, as amended, and C.R.S. §31-12-105, as amended.
12. No election is required pursuant to C.R.S. §31-12-107(2) or any other law of the State of Colorado or the City of Commerce City.
13. No additional terms or conditions are to be imposed as a part of this annexation.
14. An ordinance annexing that property described on attached Exhibit "A" to the City of Commerce City shall be considered by this City Council pursuant to C.R.S. §31-12-111.

RESOLVED AND PASSED THIS 16TH DAY OF NOVEMBER, 2015.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

Exhibit A

ANNEXATION DESCRIPTION

THREE PARCELS OF LAND LOCATED IN SECTIONS 13, 14, 23, AND 24 TOWNSHIP 2 SOUTH, RANGE 67 WEST AND SECTIONS 19 AND 20 TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

A PARCEL OF LAND SITUATED IN SECTIONS 23 AND 24, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN (P.M.), AND SECTIONS 19, AND 20, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 23, T2S, R67W; THENCE N89°32'56" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23 A DISTANCE OF 271.98 FEET;

THENCE S41°23'35"W 40.27 FEET, TO A POINT 30 FEET SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 23 AND A POINT ON THE PRESENT COMMERCE CITY LIMITS SECTION 23 TOWNSHIP 2 SOUTH RANGE 67 WEST OF THE 6TH P.M. AND ALONG THE PRESENT CITY OF COMMERCE CITY LIMITS PER COMMERCE CITY ANNEXATION MAP AN-102-89 RECORDED AT THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AT FILE 16 MAP 872 RECEPTION NO. B908599, ALSO BEING ON THE SOUTH EAST RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY NO. 2, TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY NO. 2 PER QUIT CLAIM DEED RECEPTION NO 20041119001173830 FILED AT THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE; AND DEPARTING THE PRESENT CITY OF COMMERCE CITY LIMITS S41°23'35"W 93.98 FEET TO THE SOUTH RIGHT OF WAY LINE OF EAST 96TH AVENUE PER QUIT CLAIM DEED RECORDED AT RECEPTION NUMBER 20040930000973120. THENCE N89°32'56"E A DISTANCE OF 2,448.89 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 23 TOWNSHIP 2 SOUTH RANGE 67 WEST; THENCE N89°33'17"E A DISTANCE OF 2,631.90 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE N89°30'59"E A DISTANCE OF 2,632.15 FEET TO THE EAST LINE OF NORTHWEST QUARTER OF SECTION 24; THENCE N89°30'50"E A DISTANCE OF 2,632.11 FEET TO THE EAST LINE OF NORTHEAST QUARTER OF SECTION 24; THENCE N89°04'15"E A DISTANCE OF 2,492.05 FEET TO THE EAST LINE OF NORTHWEST QUARTER SECTION 19, TOWNSHIP 2 SOUTH RANGE 66 WEST; THENCE N89°58'39"E A DISTANCE OF 2,662.60 FEET TO THE EAST LINE OF NORTHEAST QUARTER SECTION 19, TOWNSHIP 2 SOUTH RANGE 66 WEST; THENCE N89°10'21"E A DISTANCE OF 2,654.96 FEET TO THE EAST LINE OF NORTHWEST QUARTER SECTION 20, TOWNSHIP 2 SOUTH RANGE 66 WEST; THENCE N89°04'04"E A DISTANCE OF 1,928.16 FEET TO A POINT ON COMMERCE CITY ANNEXATION MAP AN-102-89 AND THE PRESENT CITY OF COMMERCE CITY LIMITS SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE, HAVING A 432.83 FOOT RADIUS, A CENTRAL ANGLE OF 33°02'30", A CHORD BEARING OF N74°24'41"W AND A LONG CHORD DISTANCE OF 246.16 FEET AND AN ARC LENGTH OF 249.61 FEET TO A POINT BEING 30 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE S89°04'04"W ALONG SAID LINE A DISTANCE OF 1,692.09 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE S89°10'21"W A DISTANCE OF 2,655.01 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE S88°58'39"W A DISTANCE OF 2662.66 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 20 TOWNSHIP 2 SOUTH RANGE 66 WEST; THENCE S89°04'15"W A DISTANCE OF 2,491.72 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 19 TOWNSHIP 2 SOUTH RANGE 66 WEST; THENCE S89°30'50"W A DISTANCE OF 2,631.84 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24 TOWNSHIP 2 SOUTH RANGE 67 WEST; THENCE S89°30'59"W A DISTANCE OF 2,632.12 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 23 TOWNSHIP 2 SOUTH RANGE 67 WEST; THENCE S89°33'17"W A DISTANCE OF 2,631.75 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE S89°32'56"W A DISTANCE OF 2,386.35 FEET TO THE POINT OF BEGINNING;

CONTAINING 1,398,263.72 SQUARE FEET, OR 32.10 ACRES, MORE OR LESS.

PARCEL 2:

A PARCEL OF LAND SITUATED IN SOUTHWEST QUARTER OF SECTION 13, AND THE EAST ONE HALF OF SECTION 14 TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO;

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE CENTER CORNER OF SAID SECTION 13 TOWNSHIP 2 SOUTH RANGE 67 WEST, SAID POINT BEING A POINT ON THE PRESENT CITY OF COMMERCE CITY LIMITS PER ANNEXATION MAP, AN-159-00, FILE 18 MAP 245 RECEPTION NO. C0683204 RECORDED AT THE ADAMS COUNTY CLERK AND RECORDERS OFFICE;

THENCE S89°26'29"W ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13 A DISTANCE OF 1,314.70 FEET TO THE NORTH EAST CORNER OF THE WEST HALF OF THE SOUTH WEST QUARTER SECTION 13 SAID POINT BEING THE SOUTH EAST CORNER OF COMMERCE CITY ANNEXATION MAP, AN-139-97, FILE 17 MAP 805 RECEPTION NO. C0364915 RECORDED AT THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE;

THENCE S89°26'29"W 1,314.66 FEET TO THE EAST ONE-QUARTER CORNER OF SECTION 14;

THENCE N00°40'39"W ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 14 A DISTANCE OF 520.00 FEET; THENCE DEPARTING SAID SECTION LINE S89°39'13"W A DISTANCE OF 30.00 FEET SAID POINT ALSO BEING A POINT ON THE WEST RIGHT OF WAY LINE OF PEORIA STREET ALSO BEING A POINT ON COMMERCE CITY ANNEXATION MAP AN-57-85 RECEPTION NO. B608861 RECORDED AT THE ADAMS COUNTY CLERK AND RECORDERS OFFICE;

THENCE S00°40'23"E ALONG SAID WEST RIGHT OF WAY LINE 70.00 FEET TO A POINT ON COMMERCE CITY ANNEXATION MAP AN-117-92 RECORDED AT FILE 17 MAP 86 RECEPTION NO. B1085693 RECORDED IN THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER; THENCE ALONG SAID WEST RIGHT OF WAY LINE S00°40'23"E A DISTANCE OF 450.00 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 14 THENCE; S89°39'31"W A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF FISCHER HOFFMANN TRACT FILE 12 MAP 359 RECEPTION NUMBER 938929; THENCE S00°18'49"E A DISTANCE OF 1,320.05 FEET ALONG THE EAST BOUNDARY OF SAID TRACT TO A POINT ON THE NORTH LINE OF WAGNER TRACT FILE NO. 13 MAP 117 RECEPTION NO. 982023 RECORDED AT THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER;

THENCE S00°18'49"E ALONG THE EAST LINE OF WAGNER TRACT A DISTANCE OF 672.88 FEET TO A POINT ON THE NORTH LINE OF COMMERCE CITY ANNEXATION MAP AN-58-85 RECORDED AT FILE 16 MAP 349 RECEPTION NO. B610752 RECORDED AT THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER;

THENCE S78°01'25"E ALONG THE NORTH LINE OF SAID ANNEXATION A DISTANCE OF 10.00 FEET TO A POINT 30 FEET WEST OF THE EAST OF SAID SECTION; THENCE S00°18'49"E A DISTANCE OF 642.45 FEET TO A POINT 3 FEET NORTH OF THE SOUTH LINE OF SECTION 14 AND A POINT ON THE NORTH LINE OF COMMERCE CITY ANNEXATION MAP AN-80-87 RECORDED AT FILE 16 MAP 634 RECEPTION NO. B755697 RECORDED AT THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER;

THENCE N89°33'17"E A DISTANCE OF 30.27 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 14 THENCE; N89°30'59"E A DISTANCE OF 2,632.12 FEET ALONG A LINE 3 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 13 TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER, SAID POINT BEING A POINT ON THE WEST LINE OF COMMERCE CITY ANNEXATION MAP AN-159-00 THENCE; N00°22'26"W ALONG SAID LINE A DISTANCE OF 2,640.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 7,057,879.60 SQUARE FEET, OR 162.027 ACRES, MORE OR LESS.

PARCEL 3:

A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 20; THENCE S00°12'13"W A DISTANCE OF 30.02 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE PRESENT CITY OF COMMERCE CITY LIMITS PER ANNEXATION MAP AN-171-02 RECORDED AT ADAMS COUNTY CLERK AND RECORDER'S OFFICE AT FILE NO. 18 MAP NO. 851 RECEPTION NO. C1096267; THENCE ALONG SAID CITY LIMITS S89°04'04"W A DISTANCE OF 731.14 FEET TO A POINT ON THE NORTHEAST RIGHT OF WAY LINE OF BUCKLEY ROAD AND A POINT ON COMMERCE CITY ANNEXATION MAP AN-102-89 RECORDED AT THE ADAMS COUNTY CLERK AND RECORDERS OFFICE AT FILE NO. 16 MAP NO. 872 RECEPTION NO. B908599;

THENCE ALONG SAID CITY LIMITS ALONG A NON TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 492.83 FEET, A DELTA ANGLE OF 27°13'17", A CHORD BEARING OF S48°45'05"E, A CHORD DISTANCE OF 231.95 FEET AND ALONG THE ARC OF SAID CURVE, 234.14 FEET ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF BUCKLEY ROAD TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT THE RADIUS OF SAID CURVE IS 1,230.61 FEET, THE DELTA OF SAID CURVE IS 18°54'55", THE CHORD OF SAID CURVE BEARS S25°40'59"E A DISTANCE OF 404.42 FEET; THENCE ALONG THE ARC OF SAID CURVE, 406.27 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO A POINT OF TANGENCY;

THENCE S16°13'32"E A DISTANCE OF 602.57 FEET ALONG SAID RIGHT OF WAY TO A TANGENT CURVE TO THE RIGHT, THE RADIUS OF SAID CURVE IS 10,198.80 FEET, THE DELTA OF SAID CURVE IS 02°49'00", THE CHORD S14°49'02"E, A DISTANCE OF 501.32 FEET; THENCE ALONG SAID CITY LIMITS ALONG A NON TANGENT CURVE TO THE RIGHT, THE RADIUS OF SAID CURVE IS 2,818.64 FEET, THE DELTA OF SAID CURVE IS 13°36'45", THE CHORD OF SAID CURVE BEARS S06°36'09"E A DISTANCE OF 668.09 FEET; THENCE ALONG THE ARC OF SAID CURVE, 669.66 FEET ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF BUCKLEY ROAD TO A POINT ON THE EAST LINE OF THE NORTH EAST QUARTER OF SECTION 20 AND A POINT ON COMMERCE CITY ANNEXATION MAP AN-104-89 RECORDED AT THE ADAMS COUNTY CLERK AND