

ORDINANCE NO. AN-259-21

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

AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT 9940 EAST 112TH AVENUE TO THE CITY OF COMMERCE CITY, COLORADO IN CASE AN-259 KNOWN AS THE CAN-AM ANNEXATION

WHEREAS, there was presented to and filed with the City Council of the City of Commerce City, Colorado (“City”), a written petition dated August 10, 2021, by QuikTrip Corporation (“Annexor”) in Case AN-259 (“Petition”), known as the Can-Am 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, generally located at 9940 East 112th Avenue (“Property”);

WHEREAS, the City and the Annexor have negotiated and the Annexor has executed an Annexation Agreement as of November 1, 2021, 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. 2021-61, 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 Annexor, 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. 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.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

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

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

## EXHIBIT 'A'

### ANNEXATION PARCEL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (MODIFIED), NORTH AMERICAN DATUM 1983. BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER, SECTION 10, T2S, R67W, 6TH PRINCIPAL MERIDIAN AND IS CONSIDERED TO BEAR N89°18'07"E, MONUMENTED AS SHOWN. BEARINGS ARE REFERENCED TO THE CITY OF COMMERCE CITY CONTROL DIAGRAM, RECORDED AT BOOK 1, PAGE 3776 OF THE ADAMS COUNTY CLERK AND RECORDERS OFFICE, DATED JUNE 30, 1999.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 10;

THENCE S46°19'55"W, A DISTANCE OF 44.01 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED AT REC. NO. R0179253 OF THE ADAMS COUNTY CLERK & RECORDER OFFICE, ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF BELLE CREEK BLVD, A 62' PUBLIC RIGHT-OR-WAY SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE ANNEXATION BOUNDARY OF COMMERCE CITY, RECORDED AT RECEPTION NO. C0261218, N89°18'07"E, A DISTANCE OF 1285.12 FEET;

THENCE CONTINUING ALONG THE ANNEXATION BOUNDARY OF COMMERCE CITY, RECORDED AT REC. NO. B781151, AND BEING THE WEST LINE OF A RIGHT-OF-WAY DEED, RECORDED AT BOOK 358, PAGE 172, S00°18'29"E, A DISTANCE OF 645.47 FEET TO THE SOUTHWEST CORNER OF SAID RIGHT-OF-WAY DEED AND BEING A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF STATE HIGHWAY 85;

THENCE S30°44'00"W, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, WHICH IS ALSO THE ANNEXATION BOUNDARY OF COMMERCE CITY, RECORDED AT REC. NO. C04112997, A DISTANCE OF 750.21 FEET TO THE NORTHEAST CORNER OF TRACT J, BELLE CREEK SUBDIVISION FILING NO. 2, RECORDED AT RECEPTION NO. C0886382;

THENCE S89°25'51"W, ALONG THE NORTH LINE OF THE SAID BELLE CREEK SUBDIVISION FILING NO. 2, WHICH IS ALSO THE ANNEXATION BOUNDARY OF COMMERCE CITY RECORDED AT RECEPTION NO. C06455017, A DISTANCE OF 898.25 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND RECORDED AT REC. NO. R0179253 OF THE ADAMS COUNTY CLERK & RECORDER OFFICE, ALSO BEING A POINT ON SAID WEST RIGHT-OF-WAY LINE OF BELLE CREEK BOULEVARD;

THENCE DEPARTING THE ANNEXATION BOUNDARY OF COMMERCE CITY, N00°18'29"W, ALONG THE EAST LINE OF SAID PARCEL OF LAND RECORDED AT REC. NO. R0179253, A DISTANCE OF 1283.66 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 35.064 ACRES (1,527,400 SQUARE FEET), MORE OR LESS.

TOGETHER WITH

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 10;

THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, N89°18'07"E, A DISTANCE OF 1352.92 FEET; THENCE S00°41'53 E, A DISTANCE OF 30.00 FEET TO A POINT ON THE ANNEXATION BOUNDARY OF COMMERCE CITY, RECORDED AT REC. NO. B781151, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N89°18'07"E, ALONG SAID ANNEXATION BOUNDARY OF COMMERCE CITY, A DISTANCE OF 237.83 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 85;

THENCE S03°37'32"E, ALONG SAID WEST RIGHT-OF-WAY LINE, WHICH IS ALSO THE ANNEXATION BOUNDARY OF COMMERCE CITY, RECORDED AT REC. NO. C0412997 A DISTANCE OF 79.00 FEET;

THENCE S30°44'00"W, ALONG SAID WEST RIGHT-OF-WAY LINE, WHICH IS ALSO THE ANNEXATION BOUNDARY OF COMMERCE CITY, RECORDED AT REC. NO. C0412997, A DISTANCE OF 470.06 FEET;

THENCE N00°18'29"W, ALONG THE EAST LINE OF SAID ANNEXATION BOUNDARY OF COMMERCE CITY. RECORDED AT REC. NO. B781151, A DISTANCE OF 480.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 1.551 ACRES (67,556 SQUARE FEET), MORE OR LESS.

TOTAL ANNEXATION AREA CONTAINS 36.615 ACRES (1,594,956 SQUARE FEET), MORE OR LESS.

PREPARED BY: BRIAN J. DENNIS, PLS# 38069  
FOR AND ON BEHALF OF  
GALLOWAY & COMPANY, INC.  
1155 KELLY OHNSON BLVD. SUITE 305  
COLORADO SPRINGS, CO 80920  
PROJECT NO. QKT004205.10