

ORDINANCE NO. AN-263-24

INTRODUCED BY: CHACON, DOUGLAS, DOUGLAS DUKES, FORD, KIM, MADERA,
NOBLE, TETER

AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF EAST 88th AVENUE AND TOWER ROAD TO THE CITY OF COMMERCE CITY, COLORADO IN CASE AN-263-24 KNOWN AS THE TOWER LANDFILL ANNEXATION

WHEREAS, there was presented to and filed with the City Council of the City of Commerce City, Colorado (“City”), a written petition dated May 3, 2024 by DIBC HQTS, LLC (“Annexor”) in Case AN-263-24 (“Petition”), known as the Tower Landfill 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 the southwest corner of East 88th Avenue and Tower Road (“Property”);

WHEREAS, the City and the Annexor have negotiated and the Annexor has executed an Annexation Agreement regarding the proposed annexation (“Annexation Agreement”) and such agreement is on file with the City; and

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. 2024-064, 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 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 forth therein. Upon the Effective Date of this ordinance as set for 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. 31-12-113 unless and until the Property is brought within the City’s zoning code and map by passage of an appropriate zoning ordinance. In the event such zoning approval is not granted within eighty-nine (89) 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 5TH DAY OF AUGUST, 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 16TH DAY OF SEPTEMBER, 2024.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A
LEGAL DESCRIPTION

A parcel of land being a portion of the Southwest Quarter (SW1/4) of Section Twenty-three (23) and a portion of the West Half (W1/2) of Section Twenty-six (26), Township Two South (T.2S.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th/ P.M.), County of Adams, State of Colorado being more particularly described as follows;

BEGINNING at the Northwest Corner of said Section 26 and assuming the North line of the West Half of Section 26 as bearing North 89° 03' 17" East a distance of 2637.11 feet with all other bearings contained herein relative thereto:

THENCE North 00° 18' 18" West along an Easterly line of Annexation Map AN-153-98 recorded February 19,1999 as Reception No. 1999030506050 of the Records of Adams County a distance of 30.00 feet to the Northerly Right of Way Line of E. 88th Avenue and to the Southerly line of Annexation Map AN-102-89 recorded October 13, 1989 as Reception No.

1989020908599 of the Records of Adams County;

THENCE North 89° 03' 17" East along said Southerly line of Annexation Map AN-102-89 a distance of 605.53 feet;

THENCE South 00° 56' 43" East departing said Southerly line of AN-102-89 a distance of 100.00 feet;

The following Seven (7) courses are along the Southwesterly and Westerly lines and arcs of that parcel of land No. TK-128 of the E-470 Public Highway Authority described in Bargain and Sale Deed recorded October 12, 1995 as Reception No. 1995030114614 of the Records of Adams County.

THENCE South 84° 57' 33" East a distance of 429.25 feet;

THENCE South 56° 43' 42" East a distance of 99.32 feet;

THENCE South 18° 17' 28" East a distance of 1157.84 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 454.67 feet, said curve has a Radius of 1424.13 feet, a Delta of 18° 17' 32" and is subtended by a Chord bearing South 09° 08' 42" East a distance of 452.74 feet to a Point of Tangency;

THENCE South 00° 00' 05" West a distance of 1250.00 feet;

THENCE South 08° 12' 59" East a distance of 224.07 feet;

THENCE South 00° 00' 05" West a distance of 131.46 feet to the South line of the North Half of the North Half of the Southwest Quarter of said Section 26 and to the Northerly line of the City and County of Denver as described in Rule and Order recorded August 10, 1990 as Reception No. 1990020958682 of the Records of Adams County;

THENCE South 89° 28' 39" West along said Northerly line of the City and County of Denver a distance of 1604.57 feet to the West line of the Southwest Quarter of said Section 26 and to an Easterly line of Annexation Map AN-153-98;

The following Three (3) courses are along the Easterly lines of said Annexation Map AN-153-98. THENCE North 00° 29' 06" West along said West line of the Southwest Quarter of said Section 26 a distance of 664.98 feet to the West Quarter Corner of Section 26;

THENCE North 00° 32' 43" East along the West line of the Northwest Quarter of said Section 26 a distance of 2621.54 feet to the Southerly Right of Way line of E. 88th Avenue;

THENCE North 00° 32' 43" East continuing along said West line a distance of 30.01 feet to the POINT OF BEGINNING.

TOTAL AREA is 4,816,240 square feet or 110.57 acres, more or less