

**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 WITH PIN NO.
172300000105, GENERALLY LOCATED NORTH OF EAST 81ST AVENUE, WEST OF TOWER
ROAD, AND DIRECTLY EAST OF THE ROCKY MOUNTAIN ARSENAL NATIONAL
WILDLIFE REFUGE, COMMERCE CITY, COLORADO IN AN-246-17
NO. 2017-105**

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-246-17; 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. The City Council makes the following findings of fact:
 - a. A plan for the area was adopted by the City Council pursuant to C.R.S. §31-12-105(1)(e).
 - b. 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.
 - c. 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 or will be urbanized in the near future.
 - d. 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.
 - e. 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:
 - 1) 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;
 - 2) 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

3) is included with the territory proposed to be annexed without the written consent of the landowner or landowners.

- f. 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.
- g. 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.
- h. 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.
- i. 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.
- j. The entire width of any street or alley to be annexed is included within the annexation.

2. The City Council reaches the following conclusions based on its findings:

- a. 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.
- b. 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.
- c. No additional terms or conditions are to be imposed as a part of this annexation.
- d. 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 6TH DAY OF NOVEMBER, 2017.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

Exhibit A
AN-246-17 Annexation Description

A PARCEL OF LAND BEING THE NORTH THIRD OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THE WEST 30 FEET FOR COUNTY ROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 28, THENCE N 89°31'54" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST LINE OF THE CITY OF COMMERCE CITY BOUNDARY, ACCORDING TO THAT ANNEXATION MAP NO. AN-102-89, RECORDED AT RECEPTION NO. B908599, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, ALSO BEING THE EAST LINE OF THE BUCKLEY ROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING;

THENCE N 89°31'54" E, DEPARTING SAID EAST LINE OF THE CITY OF COMMERCE CITY AND CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 2620.70 FEET, ALONG THE SOUTH LINE OF ADAMS COUNTY, TO A POINT ON THE WEST LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO THAT ANNEXATION MAP NO. AN-226-11, RECORDED AT RECEPTION NO. 2012000006487 SAID ADAMS COUNTY RECORDS, ALSO BEING THE CENTER QUARTER CORNER OF SAID SECTION 28;

THENCE S 00°30'19" E. ALONG SAID WEST LINE OF THE CITY OF COMMERCE CITY BOUNDARY AND ALONG THE EAST LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 443.15 FEET TO A POINT ON THE NORTH LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO SAID ANNEXATION MAP NO. AN-102-89, AND A POINT ON THE SOUTH LINE OF THE NORTH THIRD OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28;

THENCE ALONG THE NORTH AND WEST LINES OF THE CITY OF COMMERCE CITY THE FOLLOWING TWO (2) COURSES:

1. S 89°31'41" W, ALONG SOUTH LINE OF THE NORTH THIRD OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 2620.57 FEET TO A POINT ON A LINE BEING 30.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE NORTH THIRD OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, ALSO BEING A POINT ON THE EAST LINE OF THE BUCKLEY ROAD RIGHT-OF-WAY;
2. N 00°31'18" W, ALONG THE EAST LINE OF SAID BUCKLEY ROAD RIGHT-OF-WAY, A DISTANCE OF 441.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,159,552 SQUARE FEET, OR 26.620 ACRES, MORE OR LESS.