

**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
8799 BRIGHTON ROAD, COMMERCE CITY, COLORADO IN AN-244-17**

NO. 2016-127

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-244-17; 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. §31-12105, 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. §31-12111.

RESOLVED AND PASSED THIS 19TH DAY OF DECEMBER, 2016.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

Exhibit A Annexation Description

PARCEL 1 ANNEXATION DESCRIPTION:

THAT PART OF THE SOUTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS:

BEGINNING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 20, STONE UNDER S.E. CORNER OF BUILDING (BASIS OF BEARINGS IS THE WEST LINE OF THE SE1/4 OF SECTION 20, T2S, R67W OF THE 6TH P.M., MONUMENTED ON THE NORTH END WITH A #6 REBAR WITH A 3 1/4" ALUMINUM CAP IN MONUMENT VAULT, PLS 28283, AND ON THE SOUTH END WITH A STONE WITH A CHISELED "X" ON TOP, ASSUMED TO BEAR N00°00'08"W A DISTANCE OF 2644.48 FEET); THENCE N00°00'08"W ON AN ASSUMED BEARING ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER A DISTANCE OF 426.74 FEET TO THE SOUTHERLY LINE THE PARCEL OF LAND DESCRIBED IN ANNEXATION MAP 223-10, RECORDED AT THE ADAMS COUNTY CLERK & RECORDERS AT REC. NO. 2010000030339, SAID POINT BEING A POINT ON THE PRESENT CITY OF COMMERCE CITY LIMITS; THENCE COINCIDENT WITH THE CITY OF COMMERCE CITY LIMITS, THE FOLLOWING 2 COURSES:

1. S55°39'18"E A DISTANCE OF 600.60 FEET;
2. ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 180.97 FEET, HAVING A RADIUS OF 791.30 FEET, A CENTRAL ANGLE OF 13°06'12", AND A CHORD BEARING S62°12'24"E, A CHORD DISTANCE OF 180.57 FEET TO THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED IN ANNEXATION MAP AN-23-79 ALSO BEING THE SOUTH LINE OF SECTION 20;

THENCE COINCIDENT WITH THE CITY OF COMMERCE CITY LIMITS, S89°40'37"W ALONG SAID LINE A DISTANCE OF 655.62 FEET TO THE POINT TO BEGINNING. SAID PARCEL CONTAINS 133,079 SQUARE FEET OR 3.055 ACRES, MORE OR LESS.
COUNTY OF ADAMS,
STATE OF COLORADO.

PARCEL 2 ANNEXATION DESCRIPTION:

THAT PART OF THE NORTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 20, STONE UNDER S.E. CORNER OF BUILDING (BASIS OF BEARINGS IS THE WEST LINE OF THE SE1/4 OF SECTION 20, T2S, R67W OF THE 6TH P.M., MONUMENTED ON THE NORTH END WITH A #6 REBAR WITH A 3 1/4" ALUMINUM CAP IN MONUMENT VAULT, PLS 28283, AND ON THE SOUTH END WITH A STONE WITH A CHISELED "X" ON TOP, ASSUMED TO BEAR N00°00'08"W A DISTANCE OF 2644.48 FEET); THENCE S00°19'23"E, A DISTANCE OF 2.00 FEET TO THE SOUTHERLY LINE THE PARCEL OF LAND DESCRIBED IN ANNEXATION MAP 29-79, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE LEAVING SAID SOUTHERLY LINE, S00°19'23"E, A DISTANCE OF 28.00 FEET; THENCE N89°40'37"E, A DISTANCE OF 655.62 FEET; THENCE N00°19'23"W, A DISTANCE OF 28.00 FEET TO A POINT ON SAID SOUTHERLY LINE OF ANNEXATION MAP 29-79, SAID POINT BEING A POINT ON THE PRESENT CITY OF COMMERCE CITY LIMITS; THENCE COINCIDENT WITH THE CITY OF COMMERCE CITY LIMITS, ALONG SAID SOUTHERLY LINE S89°40'37"W, A DISTANCE OF 655.62 FEET TO THE POINT TO BEGINNING. SAID PARCEL CONTAINS 18,357.50 SQUARE FEET OR 0.421 ACRES, MORE OR LESS.

COUNTY OF ADAMS,
STATE OF COLORADO.