

ORDINANCE NO. AN-258-23

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST, KIM, HUSEMAN, MADERA, NOBLE

AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF EAST 81ST AVENUE AND TOWER ROAD TO THE CITY OF COMMERCE CITY, COLORADO, IN CASE AN-258-23, KNOWN AS THE QUIKTRIP ANNEXATION

WHEREAS, there was presented to and filed with the City Council of the City of Commerce City, Colorado (“City”), a written petition dated February 17, 2023, by QuikTrip Corporation (“Annexor”) in Case AN258-23 (“Petition”), known as the QuikTrip 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 81st Avenue and Tower Road (“Property”);

WHEREAS, the City and the Annexor have negotiated, and the Annexor has executed an Annexation Agreement as of April 20, 2023, 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. 2023-031, 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 1ST DAY OF MAY 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 15TH DAY OF MAY 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A

AN-258-23

LEGAL DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS THAT QUIKTRIP CORPORATION, AN OKLAHOMACORPORATION, BEING THE OWNER OF THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; TO WIT;

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 28;

THENCE S 89°42'51" W, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 28, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF TOWER ROAD, SAID POINT ALSO BEING THE ANNEXATION BOUNDARY OF COMMERCE CITY AND THE POINT OF BEGINNING;

THENCE DEPARTING SAID RIGHT OF WAY LINE AND SAID ANNEXATION BOUNDARY OF COMMERCE CITY, CONTINUING S 89°42'51" W, ALONG SAID SOUTH LINE, A DISTANCE OF 1241.84 FEET TO THE SOUTHEAST CORNER OF DENVER INTERNATIONAL AIRPARK SUBDIVISION FILING NO. 1 RECORDED AT RECEPTION NO. C0291825 OF THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE WITH SAID EASTERLY LINE OF DENVER INTERNATIONAL AIRPARK SUBDIVISION FILING NO. 1, AND SAID NON-TANGENT CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 53°11'58", HAVING A RADIUS OF 345.00 FEET, AN ARC LENGTH OF 320.34 FEET, AND WHOSE CHORD BEARS N 40°36'24" E, A CHORD DISTANCE OF 308.95 FEET;

THENCE CONTINUING WITH SAID EASTERLY LINE OF DENVER INTERNATIONAL AIRPARK SUBDIVISION FILING NO. 1, N 67°12'13" E, A DISTANCE OF 90.10 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE CONTINUING WITH SAID EASTERLY LINE OF DENVER INTERNATIONAL AIRPARK SUBDIVISION FILING NO. 1, AND SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 30°25'12", HAVING A RADIUS OF 105.00 FEET, AN ARC LENGTH OF 55.75 FEET, AND WHOSE CHORD BEARS N 51°52'27" E, A CHORD DISTANCE OF 55.10 FEET;

THENCE CONTINUING WITH SAID EASTERLY LINE OF DENVER INTERNATIONAL AIRPARK SUBDIVISION FILING NO. 1, N 36°46'14" E, A DISTANCE OF 130.08 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE CONTINUING WITH SAID EASTERLY LINE OF DENVER INTERNATIONAL AIRPARK SUBDIVISION FILING NO. 1, AND SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 21°32'56", HAVING A RADIUS OF 245.00 FEET, AN ARC LENGTH OF 92.14 FEET, AND WHOSE CHORD BEARS N 47°10'38" E, A CHORD DISTANCE OF 91.60 FEET;

THENCE CONTINUING WITH SAID EASTERLY LINE OF DENVER INTERNATIONAL AIRPARK SUBDIVISION FILING NO. 1, N 58°21'23" E, 208.87 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE CONTINUING WITH SAID EASTERLY LINE OF DENVER INTERNATIONAL AIRPARK SUBDIVISION FILING NO. 1, AND SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 48°32'45", HAVING A RADIUS OF 155.00 FEET, AN ARC LENGTH OF 131.33 FEET, AND WHOSE CHORD BEARS N 33°56'22" E, A CHORD DISTANCE OF 127.44 FEET;

THENCE CONTINUING WITH SAID EASTERLY LINE OF DENVER INTERNATIONALAIRPARK SUBDIVISION FILING NO. 1, N 09°52'22" E, A DISTANCE OF 50.77 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EAST 81ST AVENUE AND THEANNEXATION BOUNDARY OF COMMERCE CITY;

THENCE WITH SAID RIGHT OF WAY LINE AND SAID ANNEXATION BOUNDARY OFCOMMERCE CITY, N 89°42'51" E, A DISTANCE OF 505.59 FEET TO A POINT ON THEWEST RIGHT OF WAY LINE OF TOWER ROAD;

THENCE WITH SAID RIGHT OF WAY LINE AND SAID BOUNDARY OF COMMERCECITY, S 00°28'20" E, A DISTANCE OF 731.61 FEET TO THE POINT OF BEGINNING;

CONTAINING 14.60 ACRES (635,908 SQUARE FEET), MORE OR LESS