

**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 3851 E. 70TH AVENUE,
COMMERCE CITY, COLORADO IN
AN-236-16**

NO. 2016-24

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-236-16; 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.

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 21ST DAY OF MARCH, 2016.

CITY OF COMMERCE CITY, COLORADO

BY:

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

Exhibit A

ANNEXATION DESCRIPTION

PARCEL A, LYING IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1 (A FOUND 3 1/4" ALUMINUM CAP IN RANGE BOX STAMPED "T2S R68W R67W SEC 35 SEC 31 SEC 1 SEC 6 T3S 1994 RLS 24673"); WHENCE THE EAST QUARTER CORNER OF SAID SECTION 1 (A FOUND 2-1/2" ALUMINUM CAP IN A RANGE POINT BOX STAMPED, "T3S 1/4 R68W R67W S1 S6 2001 LS 15606") BEARS S00°14'18"E A DISTANCE OF 2641.42 FEET (BASIS OF BEARINGS - COLORADO STATE PLANE CENTRAL ZONE NAD 83 (07)); THENCE S00°14'18"E, COINCIDENT WITH THE EASTERLY LINE OF SAID NORTHEAST QUARTER AND THE EXISTING COMMERCE CITY LIMITS AS SHOWN ON AMENDED ANNEXATION PLAT AN-29-79, RECEPTION NO. B244012, RECORDED JANUARY 16, 1980 AT THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, A DISTANCE OF 64.00 FEET TO THE POINT OF BEGINNING; THENCE S00°14'18"E, COINCIDENT WITH SAID EASTERLY LINE, A DISTANCE OF 1,031.57 FEET TO THE NORTHEAST CORNER OF PARCEL 1, AS SHOWN ON ANNEXATION MAP AN-188-04, INSTRUMENT NO. 20050215000155680, RECORDED FEBRUARY 15, 2005 AT SAID CLERK AND RECORDER'S OFFICE; THENCE COINCIDENT WITH THE EXISTING COMMERCE CITY LIMITS AS SHOWN ON SAID ANNEXATION MAP AN-188-04, THE FOLLOWING TWO (2) COURSES:

1)S89°20'58"W A DISTANCE OF 30.00 FEET;

2)S00°14'18"E A DISTANCE OF 224.96 FEET TO THE SOUTHERLY LINE OF THE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1 AND THE EXISTING COMMERCE CITY LIMITS AS DESCRIBED IN THE COMMERCE TOWN ARTICLES OF INCORPORATION, RECEPTION NO. 390673, RECORDED SEPTEMBER 23, 1952 AT SAID CLERK AND RECORDER'S OFFICE; THENCE S89°29'19"W COINCIDENT WITH SAID SOUTHERLY LINE AND SAID EXISTING COMMERCE CITY LIMITS AS DESCRIBED IN RECEPTION NO. 390673, A DISTANCE OF 10.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF COLORADO BOULEVARD AS DESCRIBED IN RECEPTION NO. C0659257, RECORDED APRIL 11, 2000;

THENCE DEPARTING FROM THE EXISTING COMMERCE CITY LIMITS, COINCIDENT WITH SAID RIGHT OF WAY LINE, THE FOLLOWING THREE (3) COURSES:

1)N00°14'18"W A DISTANCE OF 1060.21 FEET;

2)N54°18'45"E A DISTANCE OF 12.28 FEET;

3)N00°14'18"W A DISTANCE OF 151.99 FEET TO THE EASTERLY LINE OF LOT 1, AFS SUBDIVISION, AS SHOWN ON INSTRUMENT NUMBER 20060127000096560, RECORDED JANUARY 27, 2006 AT SAID CLERK AND RECORDER'S OFFICE, ALSO BEING A WESTERLY LINE OF THE BURLINGTON DITCH;

THENCE COINCIDENT WITH THE EASTERLY LINES OF SAID LOT 1 AND THE WESTERLY LINES OF SAID BURLINGTON DITCH, THE FOLLOWING EIGHT (8) COURSES:

1)S70°02'14"W A DISTANCE OF 120.80 FEET;

2)S45°30'06"W A DISTANCE OF 138.50 FEET;

3)S22°42'40"W A DISTANCE OF 476.11 FEET;

4)S32°28'54"E A DISTANCE OF 143.04 FEET;

5)S17°53'08"E A DISTANCE OF 99.60 FEET;

6)S00°20'52"E A DISTANCE OF 114.40 FEET;

7)S18°47'36"W A DISTANCE OF 78.05 FEET;

8)S39°14'47"W A DISTANCE OF 313.30 FEET TO THE SOUTHERLY LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1 AND SAID EXISTING COMMERCE CITY LIMITS AS DESCRIBED IN THE COMMERCE TOWN ARTICLES OF INCORPORATION, RECEPTION NO. 390673; THENCE S89°29'19"W, COINCIDENT WITH SAID SOUTHERLY LINE, A DISTANCE OF 54.68 FEET TO THE WESTERLY RAILROAD RIGHT OF WAY LINE OF THE RTD NORTH METRO CORRIDOR AS DESCRIBED AT RECEPTION NO. 2009000046216, RECORDED JUNE 26, 2009 AT SAID CLERK AND RECORDER'S OFFICE;

THENCE N14°46'24"W, COINCIDENT WITH SAID WESTERLY RAILROAD RIGHT OF WAY LINE, A DISTANCE OF 1302.93 FEET TO A LINE BEING 64.00 FEET SOUTH OF AND PARALLEL WITH THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1;

THENCE N89°52'14"E, COINCIDENT WITH SAID PARALLEL LINE, A DISTANCE OF 928.16 FEET TO THE

POINT OF BEGINNING.

CONTAINING 585,694 SQUARE FEET, (13.466 ACRES), MORE OR LESS.

EXCEPT FROM PARCEL "A", THE FOLLOWING PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1 (A FOUND 3 1/4" ALUMINUM CAP IN RANGE BOX STAMPED "T2S R68W R67W SEC 35 SEC 31 SEC 1 SEC 6 T3S 1994 RLS 24673"); WHENCE THE EAST QUARTER CORNER OF SAID SECTION 1 (A FOUND 2-1/2" ALUMINUM CAP IN A RANGE POINT BOX STAMPED, "T3S 1/4 R68W R67W S1 S6 2001 LS 15606") BEARS S00°14'18"E A DISTANCE OF 2641.42 FEET (BASIS OF BEARINGS - COLORADO STATE PLANE CENTRAL ZONE NAD 83 (07)); THENCE S00°14'18"E, COINCIDENT WITH THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1 AND THE EXISTING COMMERCE CITY LIMITS AS SHOWN ON AMENDED ANNEXATION PLAT AN-29-79, RECEPTION NO. B244012, RECORDED JANUARY 16, 1980 AT THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, A DISTANCE OF 64.00 FEET TO THE POINT OF BEGINNING;

THENCE S00°14'18"E, COINCIDENT WITH SAID EASTERLY LINE, A DISTANCE OF 159.54 FEET; THENCE S44°50'02"W A DISTANCE OF 42.37 FEET;

THENCE N00°14'18"W, NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE, A DISTANCE OF 151.99 FEET TO A WESTERLY LINE OF THE BURLINGTON DITCH;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, COINCIDENT WITH SAID WESTERLY LINE, HAVING A CENTRAL ANGLE OF 6°56'13", A RADIUS OF 356.00 FEET, A CHORD BEARING OF N29°15'51"E A DISTANCE OF 43.08 FEET, AND AN ARC DISTANCE OF 43.10 FEET;

THENCE N89°52'14"E, NON-TANGENT WITH THE LAST DESCRIBED CURVE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,819 SQUARE FEET, (0.111 ACRES), MORE OR LESS.

PARCEL B, LYING IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6 (A FOUND 3-1/4" ALUMINUM CAP IN RANGE BOX STAMPED "T2S R68W R67W SEC 35 SEC 31 SEC 1 SEC 6 T3S 1994 RLS 24673"); WHENCE THE WEST QUARTER CORNER OF SAID SECTION 6 (A FOUND 2-1/2" ALUMINUM CAP IN A RANGE POINT BOX STAMPED, "T3S 1/4 R68W R67W S1 S6 2001 LS 15606") BEARS S00°14'18"E A DISTANCE OF 2641.42 FEET (BASIS OF BEARINGS - COLORADO STATE PLANE CENTRAL ZONE NAD 83(07)); THENCE N89°29'09"E, COINCIDENT WITH THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6 AND THE EXISTING COMMERCE CITY LIMITS AS SHOWN ON ANNEXATION PLAT AN-101-89, RECEPTION NO. B861971, RECORDED JANUARY 20, 1989 IN SAID CLERK AND RECORDER'S OFFICE, A DISTANCE OF 124.30 FEET TO A EASTERLY LINE OF THE BURLINGTON DITCH, ALSO BEING THE POINT OF BEGINNING;

THENCE N89°29'09"E, COINCIDENT WITH SAID NORTHERLY LINE, A DISTANCE OF 143.10 FEET TO THE WESTERLY LINE OF SAID ANNEXATION PLAT AN-101-89;

THENCE S00°01'11"W COINCIDENT WITH SAID WESTERLY LINE A DISTANCE OF 30.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF EAST 72ND AVENUE;

THENCE FOLLOWING TWO (2) COURSES CONTINUING COINCIDENT WITH THE EXISTING COMMERCE CITY LIMITS AS SHOWN ON SAID ANNEXATION MAP AN-101-89 AND THE EASTERLY RIGHT OF WAY LINE OF COLORADO BOULEVARD:

1)ALONG THE ARC OF A CURVE TO THE RIGHT, NON-TANGENT WITH THE LAST AND FOLLOWING DESCRIBED COURSES, HAVING A CENTRAL ANGLE OF 13°15'56", A RADIUS OF 1015.00 FEET, A CHORD BEARING OF S30°38'57"W A DISTANCE OF 234.48 FEET, AND AN ARC DISTANCE OF 235.00 FEET;

2)S25°04'20"W A DISTANCE OF 245.16 FEET;

THENCE DEPARTING FROM SAID EXISTING COMMERCE CITY LIMITS AS SHOWN ON ANNEXATION MAP AN-101-89 AND CONTINUING COINCIDENT WITH SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

1)S88°59'35"W A DISTANCE OF 12.08 FEET;

2)S00°14'18"E A DISTANCE OF 643.63 FEET TO THE EXISTING COMMERCE CITY LIMITS

AS SHOWN ON ANNEXATION MAP AN-188-04, INSTRUMENT NO. 20050215000155680,
RECORDED FEBRUARY 15, 2005 AT SAID CLERK AND RECORDER'S OFFICE;

THENCE S89°20'58"W COINCIDENT WITH SAID EXISTING COMMERCE CITY LIMITS AS SHOWN ON
ANNEXATION MAP AN-188-04 A DISTANCE OF 29.00 FEET TO THE EXISTING COMMERCE CITY LIMITS
AS SHOWN ON SAID AMENDED ANNEXATION MAP AN-29-79;

THENCE N00°14'18"W COINCIDENT WITH SAID EXISTING COMMERCE CITY LIMITS AS SHOWN ON
ANNEXATION MAP AN-29-79, PARALLEL WITH AND 1.00 FOOT EASTERLY OF THE WESTERLY LINE
OF THE NORTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 873.01 FEET TO A WESTERLY
RIGHT OF WAY LINE OF COLORADO BOULEVARD AND AN EASTERLY LINE OF THE BURLINGTON
DITCH;

THENCE THE FOLLOWING FOUR (4) COURSES COINCIDENT WITH SAID WESTERLY RIGHT OF WAY
LINE AND SAID EASTERLY LINE OF THE BURLINGTON DITCH:

- 1)N45°05'40"E A DISTANCE OF 8.50 FEET;
- 2)N44°53'00"E, TANGENT WITH THE FOLLOWING DESCRIBED CURVE, A DISTANCE OF 32.39
FEET;
- 3)ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF
11°01'28", A RADIUS OF 390.70 FEET, A CHORD BEARING OF N36°10'55"E A
DISTANCE OF 75.06 FEET, AND AN ARC DISTANCE OF 75.18 FEET;
- 4)ALONG THE ARC OF A CURVE TO THE LEFT, NON-TANGENT WITH THE LAST
DESCRIBED CURVE, HAVING A CENTRAL ANGLE OF 21°04'04", A RADIUS OF 390.70 FEET, A
CHORD BEARING OF N20°08'09"E A DISTANCE OF 142.85 FEET, AND AN ARC DISTANCE OF
143.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 72,361 SQUARE FEET, (1,661 ACRES), MORE OR LESS.