

**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 THE SOUTHEAST AND
SOUTHWEST CORNERS OF HIGHWAY 85 AND EAST 104TH AVENUE,
COMMERCE CITY, COLORADO IN AN-235-15
NO. 2015-45**

WHEREAS, pursuant to the laws of the State of Colorado, a public hearing was held on the petition for annexation filed with the City of Commerce City for that property described on attached Exhibit "A" in Case No. AN-235-15; 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. A plan for the area was adopted by the City Council pursuant to C.R.S. §31-12-105(1)(e).
2. 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.
3. 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.
4. 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.
5. 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:
 - a) 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;
 - b) 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
 - c) is included with the territory proposed to be annexed without the written consent of the landowner or landowners.

6. 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.

7. 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.

8. 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.

9. The proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year.

10. The entire width of any street or alley to be annexed is included within the annexation.

11. 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 the applicable provisions of section 30 of article II of the state constitution, C.R.S. §31-12-104, as amended, and C.R.S. §31-12-105, as amended.

12. 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.

13. No additional terms or conditions are to be imposed as a part of this annexation except those to be agreed to by the petitioners and the City of Commerce City in an annexation agreement.

14. An ordinance annexing that property described on attached Exhibit “A” to the City of Commerce City may be considered by this City Council pursuant to C.R.S. §31-12-111 at any time deemed appropriate by the City Council in accordance with the Charter of the City of Commerce City and the City of Commerce City’s Land Development Code.

15. Nothing in this resolution shall be construed as an acceptance or approval of the requests, conditions, and declarations in the petition or as requiring the City Council to annex the territory.

RESOLVED AND PASSED THIS 6TH DAY OF JULY, 2015.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Sean Ford, Mayor

ATTEST:

Laura L. Bauer, City Clerk

Exhibit A

ANNEXATION DESCRIPTION

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 16 AND THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 15 TO BEAR NORTH 89°37'13" EAST, A DISTANCE OF 2644.44 FEET BETWEEN A FOUND 3-1/4" ALUMINUM CAP IN A RANGE BOX STAMPED "COLO. DEPT. OF TRANSPORTATION PLS 23516" AT THE NORTHWEST CORNER OF SECTION 15 AND A FOUND 3-1/4" ALUMINUM CAP IN A RANGE BOX STAMPED "COLO. DEPT. OF TRANSPORTATION PLS 23516" AT THE NORTH QUARTER CORNER OF SECTION 15, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 15, THENCE SOUTH 00°12'53" EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING AND TO THE CITY OF COMMERCE CITY BOUNDARY AND THE SOUTHERLY RIGHT-OF-WAY OF E. 104TH AVE.;

THENCE ALONG SAID BOUNDARY AND RIGHT-OF-WAY NORTH 89°37'13" EAST, A DISTANCE OF 1283.71 FEET TO THE WESTERLY RIGHT-OF-WAY- OF THE UNION PACIFIC RAILROAD;

THENCE ALONG SAID BOUNDARY AND SAID RAILROAD RIGHT-OF-WAY SOUTH 30°44'33" WEST A DISTANCE OF 1643.10;

THENCE LEAVING SAID RAILROAD AND SAID CITY BOUNDARY SOUTH 84°53'12" WEST A DISTANCE OF 286.03 FEET;

THENCE NORTH 59°36'27" WEST A DISTANCE OF 178.37 TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15;

THENCE ALONG SAID SECTION LINE NORTH 00°12'53" WEST A DISTANCE OF 499.26 FEET;

THENCE SOUTH 89°36'08" WEST, A DISTANCE OF 1929.50 FEET TO THE CITY OF COMMERCE CITY BOUNDARY AND THE EASTERLY RIGHT-OF-WAY OF BRIGHTON ROAD;

THENCE ALONG SAID CITY BOUNDARY AND SAID ROAD RIGHT-OF-WAY NORTH 23°20'29" EAST, A DISTANCE OF 917.28 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF EAST 104TH AVENUE;

THENCE ALONG SAID BOUNDARY AND SAID ROAD RIGHT-OF-WAY NORTH 89°36'04" EAST, A DISTANCE OF 1562.91 FEET TO THE POINT OF BEGINNING;
SAID ANNEXATION CONTAINING 2,677,468 SQ. FT. OR 61.47 ACRES, MORE OR LESS.