

**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
172306000013, COMMERCE CITY, COLORADO IN AN-237-16
NO. 2016-84**

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-237-16; 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.
 - 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 SEPTEMBER, 2016.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

Exhibit A
Annexation Description

A PART OF THE SOUTH ONE-HALF OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 6,
THENCE NORTH $88^{\circ}21'23''$ EAST ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 6, A DISTANCE OF 1484.50 FEET TO THE SOUTHEAST CORNER OF FIORE INDUSTRIAL SUBDIVISION REPLAT AS RECORDED IN RECEPTION NO. 2007000104743, ADAMS COUNTY RECORDS; THENCE NORTH $05^{\circ}56'32''$ EAST ALONG THE EAST LINE OF SAID FIORE INDUSTRIAL SUBDIVISION REPLAT A DISTANCE OF 30.27 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE LINE PROLONGED OF NORTH $05^{\circ}56'32''$ EAST AND ALONG THE EAST LINE OF SAID FIORE INDUSTRIAL SUBDIVISION REPLAT, A DISTANCE OF 1860.83 FEET; THENCE NORTH $25^{\circ}46'56''$ WEST ALONG SAID EAST LINE A DISTANCE OF 799.63 FEET TO THE NORTHEAST CORNER OF SAID FIORE INDUSTRIAL SUBDIVISION REPLAT AND ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 122 AS ESTABLISHED IN PAGE 526-533, ARAPAHOE COUNTY RECORDS AND BY THE ADAMS COUNTY ROAD PETITION NO. 122; THENCE NORTH $41^{\circ}25'00''$ EAST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 61.96 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 6; THENCE NORTH $88^{\circ}22'31''$ EAST ALONG SAID EAST-WEST CENTERLINE, A DISTANCE OF 1994.26 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE "AS CONSTRUCTED" O'BRIAN CANAL PER BOOK 47 AT PAGE 53, ADAMS COUNTY RECORDS; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING EIGHTEEN (18) COURSES AND DISTANCES: THENCE 1) SOUTH $24^{\circ}43'01''$ WEST A DISTANCE OF 128.36 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, THE RADIUS OF SAID CURVE IS 444.18 FEET; THE DELTA OF SAID CURVE IS $21^{\circ}44'19''$, THE CHORD OF SAID CURVE BEARS SOUTH $13^{\circ}50'52''$ WEST, 167.52 FEET; THENCE 2) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 168.53 FEET TO THE END OF SAID CURVE; THENCE 3) SOUTH $02^{\circ}58'42''$ WEST A DISTANCE OF 137.91 FEET; THENCE 4) SOUTH $02^{\circ}01'14''$ EAST A DISTANCE OF 184.21 FEET; THENCE 5) SOUTH $09^{\circ}51'50''$ EAST A DISTANCE OF 100.02 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, THE RADIUS OF SAID CURVE IS 364.63 FEET; THE DELTA OF SAID CURVE IS $35^{\circ}26'30''$, THE CHORD OF SAID CURVE BEARS SOUTH $27^{\circ}35'05''$ EAST, 221.97 FEET; THENCE 6) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 225.55 FEET TO THE END OF SAID CURVE; THENCE 7) SOUTH $45^{\circ}18'20''$ EAST A DISTANCE OF 133.88 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, THE RADIUS OF SAID CURVE IS 1084.15 FEET; THE DELTA OF SAID CURVE IS $04^{\circ}34'00''$, THE CHORD OF SAID CURVE BEARS SOUTH $43^{\circ}01'20''$ EAST, 86.39 FEET; THENCE 8) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 86.41 FEET TO THE END OF SAID CURVE; THENCE 9) SOUTH $40^{\circ}44'24''$ EAST A DISTANCE OF 41.66 FEET TO THE BEGINNING OF CURVE TO THE RIGHT, THE RADIUS OF SAID CURVE IS 190.78 FEET; THE DELTA OF SAID CURVE IS $79^{\circ}33'10''$, THE CHORD OF SAID CURVE

BEARS SOUTH 00°57'49" EAST, 244.12 FEET; THENCE 10) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 264.90 FEET TO THE END OF SAID CURVE; THENCE 11) SOUTH 38°48'46" WEST A DISTANCE OF 104.79 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, THE RADIUS OF SAID CURVE IS 458.73 FEET; THE DELTA OF SAID CURVE IS 26°35'54", THE CHORD OF SAID CURVE BEARS SOUTH 25°30'49" WEST, 211.05 FEET; THENCE 12) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 212.96 FEET TO THE END OF SAID CURVE; THENCE 13) SOUTH 12°12'52" WEST A DISTANCE OF 116.92 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, THE RADIUS OF SAID CURVE IS 849.30 FEET; THE DELTA OF SAID CURVE IS 11°07'08", THE CHORD OF SAID CURVE BEARS SOUTH 17°46'26" WEST, 164.56 FEET; THENCE 14) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 164.82 FEET TO THE END OF SAID CURVE; THENCE 15) SOUTH 23°20'00"W A DISTANCE OF 120.33 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, THE RADIUS OF SAID CURVE IS 666.42 FEET; THE DELTA OF SAID CURVE IS 22°54'05", THE CHORD OF SAID CURVE BEARS SOUTH 11°52'58" WEST, 264.60 FEET; THENCE 16) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 266.37 FEET TO THE END OF SAID CURVE; THENCE 17) SOUTH 00°25'55" WEST A DISTANCE 246.02 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, THE RADIUS OF SAID CURVE IS 215.13 FEET; THE DELTA OF SAID CURVE IS 39°47'07", THE CHORD OF SAID CURVE BEARS SOUTH 20°19'29" WEST, 146.40 FEET; THENCE 18) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 149.38 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST 112TH AVENUE AND ON THE PRESENT CITY OF COMMERCE CITY LIMITS LINE AS SHOWN IN THE ANNEXATION MAP TO THE CITY OF COMMERCE CITY (AN-141-97) RECORDED IN FILE 17 AT MAP 826, ADAMS COUNTY RECORDS; THENCE SOUTH 88°22'15" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG SAID PRESENT CITY OF COMMERCE CITY LIMITS LINE, A DISTANCE OF 558.68 FEET TO THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 6; THENCE SOUTH 88°21'23" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE PRESENT CITY OF COMMERCE CITY LIMITS LINE AS SHOWN IN THE ANNEXATION MAP TO THE CITY OF COMMERCE CITY (AN-142-97) RECORDED IN FILE 17 AT MAP 827, ADAMS COUNTY RECORDS, A DISTANCE OF 1145.79 FEET TO THE POINT OF BEGINNING. CONTAINS 4,712,631 SQUARE FEET OR 108.187 ACRES MORE OR LESS. EXCEPT THAT PART OF SECOND CREEK OUTLET DITCH DESCRIBED IN BOOK 47 AT PAGE 33, ADAMS COUNTY RECORDS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 6, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.; THENCE NORTH 00°01'14" EAST ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 30.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST 112TH AVENUE; THENCE NORTH 88°22'15" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 305.85 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE LINE PROLONGED OF NORTH 88°22'15" EAST AND ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 50.25 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, THE RADIUS OF SAID CURVE IS 229.54 FEET; THE DELTA OF SAID CURVE IS 04°05'18", THE CHORD OF SAID CURVE BEARS NORTH 01°23'39" WEST, 16.38 FEET; THENCE ALONG THE ARC OF SAID

CURVE, A DISTANCE OF 16.38 FEET TO THE END OF SAID CURVE; THENCE NORTH 00°39'00" WEST A DISTANCE OF 420.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, THE RADIUS OF SAID CURVE IS 944.18 FEET; THE DELTA OF SAID CURVE IS 06°14'00", THE CHORD OF SAID CURVE BEARS NORTH 03°46'00" WEST, 102.67 FEET; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 102.72 FEET TO THE END OF SAID CURVE; THENCE NORTH 06°53'00" WEST A DISTANCE OF 420.00 FEET; THENCE SOUTH 83°07'00" WEST A DISTANCE OF 50.00 FEET; THENCE SOUTH 06°53'00" EAST A DISTANCE OF 420.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, THE RADIUS OF SAID CURVE IS 894.18 FEET; THE DELTA OF SAID CURVE IS 06°14'00", THE CHORD OF SAID CURVE BEARS SOUTH 03°46'00" EAST, 97.23 FEET; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 97.28 FEET TO THE END OF SAID CURVE; THENCE SOUTH 00°39'00" EAST A DISTANCE OF 420.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, THE RADIUS OF SAID CURVE IS 179.55 FEET; THE DELTA OF SAID CURVE IS 05°30'18", THE CHORD OF SAID CURVE BEARS SOUTH 02°06'09" WEST, 17.24 FEET; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 17.25 FEET TO THE END OF SAID CURVE, AND TO THE POINT OF BEGINNING.
LAND TO BE ANNEXED CONTAINS 4,664,790 SQUARE FEET OR 107.089 ACRES MORE OR LESS (EXCLUDES EXCEPTED PARCEL)