

**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
8330 ULSTER STREET, COMMERCE CITY, COLORADO IN AN-249-17
NO. 2017-112**

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-249-17; 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. §31-12-105, 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. §31-12-111.

RESOLVED AND PASSED THIS 20TH DAY OF NOVEMBER, 2017.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

Exhibit A

AN-249-17 Annexation Description

ALL OF THAT PROPERTY DESCRIBED IN THE DEED RECORDED UNDER RECEPTION NO. 2016000088358 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M., MONUMENTED AT BY A #5 REBAR IN A RANGE BOX AT THE CENTER 1/4 CORNER AND A 3-1/4" ALUMINUM CAP STAMPED "LS 7735" AT THE SOUTH 1/4 CORNER, SAID LINE BEARING S00°06'30"W AS REFERENCED TO THE CITY OF COMMERCE CITY CONTROL NETWORK.

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 28, SAID POINT LYING ON THE CITY LIMITS OF COMMERCE CITY PER THE ANNEXATION MAP AN-63-85 RECORDED UNDER RECEPTION NO. B616456 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER;

THENCE ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 28 AND THE CITY LIMITS OF COMMERCE CITY PER SAID ANNEXATION MAP, S00°06'30"W A DISTANCE OF 225.00 FEET, TO THE NORTHWESTERLY CORNER OF THAT PROPERTY DESCRIBED IN THE DEED RECORDED UNDER RECEPTION NO. 2016000088358 AND THE POINT OF BEGINNING;

THENCE ON THE PERIMETER OF SAID PROPERTY THE FOLLOWING FOUR (4) COURSES:

1. DEPARTING SAID CITY LIMITS, PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 28, N89°37'26"E A DISTANCE OF 130.00 FEET, TO A POINT ON THE CITY LIMITS OF COMMERCE CITY AS DESCRIBED IN THE ANNEXATION MAP AN-221-08 RECORDED UNDER RECEPTION NO. 2009000009539;
2. ON THE CITY LIMITS, PARALLEL TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 28, S00°06'30"W A DISTANCE OF 415.70 FEET;
3. ON THE CITY LIMITS AS DESCRIBED IN SAID ANNEXATION MAP AN-63-85 SAID LINE BEING PERPENDICULAR TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 28, N89°53'30"W A DISTANCE OF 130.00 FEET, TO A POINT ON SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 28;
4. CONTINUING ON THE CITY LIMITS DESCRIBED IN THE ANNEXATION MAP AN-63-85 ALSO BEING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, N00°06'30"E A DISTANCE OF 414.60 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 53,970 SQUARE FEET OR 1.2390 ACRES.