



## ANNEXATION PETITION

### PETITION FOR ANNEXATION OF UNINCORPORATED TERRITORY IN THE COUNTY OF ADAMS, STATE OF COLORADO, TO THE CITY OF COMMERCE CITY, STATE OF COLORADO

NEXUS NORTH                      ANNEXATION

TO THE MAYOR AND THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO:

The undersigned, in accordance with the Municipal Annexation Act of 1965, Chapter 31, Article 12, of the Colorado Revised Statutes, 1973, as amended, hereby petition the City Council of the City of Commerce City for annexation to the City of Commerce City of the following described unincorporated territory located in the County of Adams, State of Colorado, to wit:

#### LEGAL DESCRIPTION - SEE EXHIBIT A

And in support of the said Petition, your Petitioner(s) allege(s) that:

1. It is desirable and necessary that the above-described territory be annexed to the City of Commerce City.
2. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Commerce City.
3. A community of interest exists between the territory proposed to be annexed and the City of Commerce City.
4. The territory to be annexed is urban or will be urbanized in the near future.
5. The territory proposed to be annexed is integrated or is capable of being integrated with the City of Commerce City.
6. 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 - check whichever statement is applicable:
  - ☐ Is divided into separate parts or parcels without the written consent of the landowner(s) thereof, except and unless where such tracts or parcels are already separated by a dedicated street, road or other public way.
  - ☒ Comprises 20 acres or more, which together with the buildings and improvements situated thereon, has an assessed value in excess of two-hundred thousand dollars for an ad valorem tax purpose for the year preceding the annexation is included within the territory proposed to be annexed, without the written consent of the landowner or landowner thereof. (CRS 31-12-105).



7. No annexation proceedings have been commenced by another municipality and are currently pending for the annexation of part or all of the area proposed herein to be annexed to the City of Commerce City.
8. 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.
9. The entire width of any street or alley to be annexed is included within the annexation.
10. All requirements of CRS 31-12-104, as amended, and CRS 31-12-105, as amended, exist or have been met.
11. Petitioner should insert one of the following - check whichever statement is applicable:
  - ☒ The signer(s) of the Petition comprise(s) one-hundred percent (100%) of the landowners in the area and own one-hundred percent (100%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys, and of any land owned by the annexing municipality; or
  - ☐ The signers of the Petition comprise more than fifty percent (50%) of the landowners in the area to be annexed and are the landowners of more than fifty percent (50%) of the territory included in the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality.
12. The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition.
13. Attached to this Petition is the Affidavit of the Circulator of this Petition affirming that each signature hereon is the signature of the person whose name it represents.
14. Accompanying this Petition is a minimum of four annexation maps.



Petitioner(s) hereby request(s) that the City of Commerce City approve the annexation of the area proposed to be annexed. If any Petitioner is a legal entity (e.g., corporation, LLC, LLP, etc.), this Petition must be signed by person(s) authorized to execute this Petition on behalf of the Petitioner. Petitioner may be required to submit evidence of authority.

Legal Owner's Printed Name: SCHUCK DIA, LLC

Legal Owner's Signature: Steve L. Everson VP, Schuck Communities, Inc. Manager

Title (if Owner is an entity): Vice Pres of Schuck Communities, Inc. Manager of Schuck DIA, LLC

Legal Owner's Address: 2 N. Cascade Ave., Suite 1280, Colorado Springs, CO. 80903  
Street Number Street Name City State Zip Code

Date Signed: 1/7/19

If necessary, attach a separate sheet that contains the names, addresses, and signatures of additional property owners.

#### NOTARY CERTIFICATE

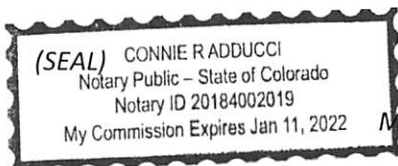
STATE OF ) CO  
                  ) ss.  
COUNTY OF ) El Paso

Subscribed and sworn to before me this 7 day of January, 2019, by

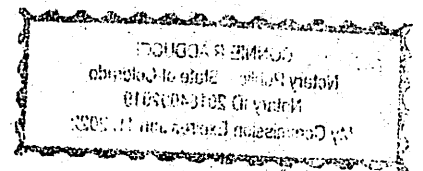
Steven L. Everson VP, Schuck Communities, Inc. Manager  
(Insert Owners' Name)

Witness my hand and official seal. Notary Public: [Signature]

Address: 3074 Country Club Dr Colorado Springs CO 80909  
Street Number Street Name City State Zip Code



My Commission Expires: 1/11/2022

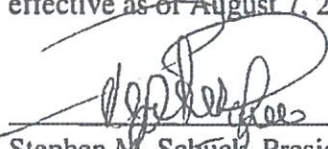


**RESOLUTION  
BY THE MEMBERS  
OF  
SCHUCK DIA, LLC**

The undersigned being all the members of Schuck DIA, LLC, a Colorado limited liability company (the "Company"), and in lieu of a meeting of the members of the Company, notice thereof being hereby waived, do hereby consent to the adoption of the following resolutions:

RESOLVED, that the Company hereby authorizes and ratifies actions taken by Steven L. Everson, Vice President of Schuck Communities, Inc., Manager of the Company, to execute documents required to petition for the annexation of certain real property, known as Nexus North, owned by the Company into the City of Commerce City.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their signatures in their capacity as all the members of the Company, it being understood that this Resolution shall be effective as of August 7, 2018, without any further action.



\_\_\_\_\_  
Stephen M. Schuck, President  
Schuck Communities, Inc., Member



\_\_\_\_\_  
Joyce H. Schuck, Member

**LEGAL DESCRIPTION: ANNEXATION MAP AN-250-19**

**A PARCEL OF LAND BEING THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 28, THENCE N 89°31'54" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST LINE OF THE CITY OF COMMERCE CITY BOUNDARY, ACCORDING TO THAT ANNEXATION MAP NO. AN-102-89, RECORDED AT RECEPTION NO. B908599, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, ALSO BEING THE EAST LINE OF THE BUCKLEY ROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING;**

**THENCE N 00°31'44" W, ALONG SAID EAST LINE OF THE CITY OF COMMERCE CITY AND ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 2620.38 FEET, TO A PROPERTY CORNER BEING MONUMENTED BY A 1-1/2 INCH ALUMINUM CAP STAMPED "PLS 30109", ALSO BEING A POINT ON THE SOUTH LINE OF THE E. 88TH AVENUE RIGHT-OF-WAY AND BEING A POINT ON THE SOUTH LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO SAID ANNEXATION MAP NO. AN-102-89;**

**THENCE N 89°20'26" E, ALONG SAID SOUTH LINE OF THE CITY OF COMMERCE CITY BOUNDARY AND ALONG SAID SOUTH LINE OF THE E. 88TH AVENUE RIGHT-OF-WAY, A DISTANCE OF 2621.64, TO A PROPERTY CORNER BEING MONUMENTED BY A YELLOW PLASTIC CAP STAMPED "PLS 6973", ALSO BEING A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 28 AND A POINT ON THE WEST LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO THAT ANNEXATION MAP NO. AN-169-02, RECORDED AT RECEPTION NO. 20050119000060540, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE;**

**THENCE S 00°30'30" E, ALONG SAID WEST LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO SAID ANNEXATION MAP AN-169-02, A DISTANCE OF 918.62 FEET, TO A POINT ON SAID EAST LINE OF THE NORTHWEST QUARTER OF SECTION 28, ALSO BEING THE SOUTHWEST CORNER OF SAID ANNEXATION MAP AN-169-02;**

**THENCE S 00°30'30" E, CONTINUING ALONG SAID EAST LINE OF THE NORTHWEST QUARTER OF SECTION 28 AND ALONG THE WEST LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO THAT ANNEXATION MAP NO. AN-226-11, RECORDED AT RECEPTION NO. 2012000006487, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, A DISTANCE OF 1710.50 FEET, TO THE CENTER 1/4 CORNER OF SECTION 28, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 14630";**

**THENCE S 89°31'54" W, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 28, ALSO BEING THE NORTH LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO THAT ANNEXATION MAP NO. AN-246-17, RECORDED AT RECEPTION NO. 2018000015941, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, A DISTANCE OF 2620.70 FEET TO THE POINT OF BEGINNING.**

**CONTAINING 6,879,888 SQUARE FEET, OR 157.941 ACRES, MORE OR LESS.**

THE UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

WATER RESOURCES DIVISION  
SALT LAKE CITY, UTAH 84143  
TELEPHONE (801) 225-5000  
FACSIMILE (801) 225-5000  
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