

ORDINANCE NO. AN-253-19

INTRODUCED BY: DAVIS, DOUGLAS, FORD, FRANK, GUARDIOLA, HURST,
HUSEMAN, MADERA, TETER

AN ORDINANCE ANNEXING CERTAIN UNINCOPORATED TERRITORY KNOWN AS
THIRD CREEK WEST (1 OF 2) TO THE CITY OF COMMERCE CITY, COLORADO

WHEREAS, the real property generally described as Third Creek West (1), consisting of a total of 100.555 acres more or less, as more particularly described on Exhibit "A," attached hereto and incorporated herein ("Property"), is unincorporated territory located in Adams County, Colorado, and contiguous to the City of Commerce City, Colorado ("City");

WHEREAS, pursuant to the laws of the State of Colorado, Petitioners CCT Investors, LLC SCM-POG, LLLP, SMT Investors Limited Partnership SCM-Remodino OKC, LLLP, SCM-Carrier OKC, LLLP SCM-Schoenhals OKC, LLLP, SCM-Blaylock OKC, LLLP SCM-Stephan, LLLP, SCM-Cagle OKC, LLLP SCM-Tibbs OKC, LLLP, SCM-Donnelly, LLLP AZ Third Creek, LLC, SCM-Friedman OKC, LLLP DLJ Third Creek, LLC, SCM-GRP Third Creek, LLLP Forever 7, LLC, SCM-Hess Myers, LLP Mt. Olympus Investments, LLC, SCM-King, LLLP Far Marel, LLC, SCM-Moore, LLLP Go West Too Defined Benefit Pension, Plan, SCM-Morris Withey, LLLP Harvard C.G. Properties II, LLC, SCM-Neal, LLLP Neal Management, LLC ("Annexor") filed with the City a petition requesting annexation of the Property to the City;

WHEREAS, the City and the Annexor have negotiated and executed an Annexation Agreement regarding the proposed annexation and such agreement is on file with the City Clerk;

WHEREAS, the City Council of the City has conducted a duly-noticed public hearing as required by law to determine the eligibility for annexation of the Property to the City and to satisfy itself that the Property is eligible for annexation and that the annexation conforms to applicable law and the annexation policy of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. The City Council of the City of Commerce City, Colorado, finds and determines that, pursuant to the findings set forth in Resolution 2019-71, the annexation of the Property meets all requirements of law, including the applicable provisions of section 30 of article II of the state constitution and C.R.S. §§ 31-12-104 and 31-12-105, and the annexation policy of the City; does not require an election pursuant to C.R.S. 31-12-107(2); and is in the best interests of the City.

SECTION 2. The City Council of the City of Commerce City, Colorado, hereby approves and ratifies the Annexation and Inclusion Agreement between the City, Annexor, the E-470 Commercial Area General Improvement District, and the E-470 Residential Area Improvement District, and ratifies all actions of the City taken pursuant thereto.

SECTION 3. The Property as particularly described in Exhibit “A,” attached hereto and incorporated herein, is hereby annexed to and included within the corporate limits of the City of Commerce City, Colorado, pursuant to C.R.S. § 31-12-111.

SECTION 4. The City Council directs staff to complete all necessary procedures required for annexation of the Property to the City, subject to any applicable provisions of the Annexation and Inclusion Agreement, including: (1) filing for recording three certified copies of this ordinance and the maps of the annexed Property containing a legal description of the Property (“Annexation Maps”) with the Adams County Clerk and Recorder, and (2) filing the original of this ordinance together with a copy of the Annexation Maps with the City Clerk.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 21ST DAY OF OCTOBER 2019.

INTRODUCED, PASSED ON SECOND READING AND PUBLIC NOTICE ORDERED THIS 4TH DAY OF NOVEMBER 2019.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST

Laura J. Bauer, MMC, City Clerk

EXHIBIT "A"
ANNEXATION DESCRIPTION NO. 1

A PARCEL OF LAND LOCATED WITHIN SECTIONS 10 AND 11, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF ADAMS, STATE OF COLORADO, BEING A PART OF THE LAND DESCRIBED IN RECEPTION 20060403000331420, RECORDED IN THE CLERK AND RECORDERS OFFICE OF SAID COUNTY; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 10, WHENCE THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10 BEARS SOUTH 89°43'27" WEST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE ALONG SAID SOUTH LINE, ALSO BEING PRESENT CITY OF COMMERCE CITY LIMITS PER ANNEXATION MAP AN-102-89 RECORDED IN SAID RECORDS IN FILE NO. 16, MAP 872, RECEPTION NO. 1989020908599, SOUTH 89°43'27" WEST, A DISTANCE OF 1604.40 FEET TO THE EAST RIGHT-OF-WAY LINE OF E-470 AS RECORDED IN BOOK 4580 PAGE 817, IN SAID RECORDS;

THENCE DEPARTING SAID CITY LIMITS AND SAID SOUTH LINE AND ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES:

1. NORTH 00°16'35" WEST, A DISTANCE OF 69.81 FEET;
2. NORTH 82°40'08" WEST, A DISTANCE OF 531.62 FEET;
3. NORTH 44°59'49" WEST, A DISTANCE OF 118.03 FEET;
4. NORTH 00°17'00" WEST, A DISTANCE OF 36.70 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1,363.24 FEET;
5. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°21'54", AN ARC LENGTH OF 317.99 FEET;
6. NORTH 13°38'54" WEST, A DISTANCE OF 461.98 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,183.24 FEET;
7. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°30'20", AN ARC LENGTH OF 258.26 FEET;
8. NORTH 01°08'34" WEST, A DISTANCE OF 330.00 FEET;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE, NORTH 89°45'40" EAST, A DISTANCE OF 2,396.45 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10;

THENCE DEPARTING SAID EAST LINE, NORTH 89°45'40" EAST, A DISTANCE OF 1,020.69 FEET;

THENCE SOUTH 00°20'55" EAST, A DISTANCE OF 626.82 FEET;

THENCE SOUTH 89°43'06" WEST, A DISTANCE OF 747.98 FEET;

THENCE SOUTH 39°36'51" WEST, A DISTANCE OF 11.46 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 890.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°50'36", AN ARC LENGTH OF 618.90 FEET;

THENCE SOUTH 00°13'45" EAST, A DISTANCE OF 403.14 FEET;

THENCE SOUTH 89°46'09" WEST, A DISTANCE OF 60.00 FEET TO A POINT ON THE PRESENT COMMERCE CITY LIMITS AND TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 100.555 ACRES, (4,380,197 SQUARE FEET), MORE OR LESS.