

ORDINANCE NO. AN-254-19

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

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

WHEREAS, the real property generally described as Third Creek West (2), consisting of a total of 138.017 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 2019-72, 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. 2

A PARCEL OF LAND LOCATED WITHIN SECTIONS 2, 3, 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 AT RECEPTION NO. 20060403000331420, ROAD PETITION 568 RECORDED IN BOOK 4, PAGE 450, BOOK 1990, PAGE 66, AND THIRD CREEK COUNTRY RANCHETTES RECORDED AT RECEPTION NO. A094063; ALL IN THE CLERK AND RECORDER'S OFFICE OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11, WHENCE THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10 BEARS SOUTH 89°47'15" WEST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE NORTH 45°14'29" WEST, A DISTANCE OF 42.45 FEET TO THE NORTHERLY RIGHT-OF-WAY OF E. 112TH AVENUE BY ROAD PETITION 568 RECORDED IN BOOK 4, PAGE 450, AND THE PRESENT CITY OF COMMERCE CITY LIMITS PER ANNEXATION AN-103-89 IN BOOK 3611, PAGE 831, RECEPTION NO. B908600, ALL RECORDED IN SAID RECORDS AND THE **POINT OF BEGINNING**.

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, AS RECORDED IN BOOK 4, PAGE 450 IN SAID RECORDS, NORTH 89°47'15" EAST, A DISTANCE OF 30.05 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTH 89°51'38" EAST, A DISTANCE OF 1,499.56 FEET;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY, SOUTH 00°08'22" EAST, A DISTANCE OF 559.82 FEET;

THENCE SOUTH 89°51'38" WEST, A DISTANCE OF 1,388.81 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 890.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 77°42'26" EAST;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°19'17", AN ARC LENGTH OF 424.39 FEET;

THENCE SOUTH 39°36'51" EAST, A DISTANCE OF 316.45 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1,010.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°23'07", AN ARC LENGTH OF 694.28 FEET;

THENCE SOUTH 00°13'44" EAST, A DISTANCE OF 1584.58 FEET;

THENCE NORTH 90°00'00" EAST, A DISTANCE OF 299.82 FEET;

THENCE SOUTH 00°09'58" EAST, A DISTANCE OF 274.69 FEET TO THE NORTH LINE OF ANNEXATION AN-253-19 RECORDED AT ;

THENCE ALONG SAID NORTH LINE, SOUTH 89°45'40" WEST, A DISTANCE OF 3417.14 FEET TO THE EAST RIGHT-OF-WAY OF E-470 AS RECORDED IN BOOK 4580, PAGE 817 IN SAID RECORDS;

THENCE ALONG SAID EAST RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

1. NORTH 01°08'34" WEST, A DISTANCE OF 1569.94 FEET;
2. NORTH 01°09'03" WEST, A DISTANCE OF 307.81 FEET;
3. NORTH 03°37'50" EAST, A DISTANCE OF 462.68 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10;

THENCE ALONG SAID SOUTH LINE, NORTH 89°45'16" EAST, A DISTANCE OF 411.08 FEET TO THE WESTERLY LINE OF A PARCEL OF LAND RECORDED AT RECEPTION NO. 2014000058758 IN SAID RECORDS;

THENCE DEPARTING SAID SOUTH LINE, ALONG SAID WESTERLY LINE, SOUTH 00°06'28" WEST, A DISTANCE OF 1,316.76 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10;

THENCE ALONG SAID NORTH LINE, NORTH 89°44'18" EAST, A DISTANCE OF 638.89 FEET TO THE WEST LINE OF SAID THIRD CREEK COUNTRY RANCHETTES;

THENCE ALONG SAID WEST LINE, NORTH 00°06'59" WEST, A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT-OF-WAY OF E. 108TH AVENUE;

THENCE ALONG SAID NORTH RIGHT-OF-WAY, BEING 30.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10, NORTH 89°44'18" EAST, A DISTANCE OF 1303.02 FEET TO THE WEST RIGHT-OF-WAY OF HIMALAYA STREET AS SHOWN ON SAID THIRD CREEK COUNTRY RANCHETTES;

THENCE ALONG SAID WEST RIGHT-OF-WAY, BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, NORTH 00°14'53" WEST, A DISTANCE OF 1236.24 FEET TO THE NORTH LINE OF SAID THIRD CREEK COUNTRY RANCHETTES;

THENCE ALONG SAID NORTH LINE, NORTH 89°44'47" EAST, A DISTANCE OF 20.00 FEET TO THE WEST RIGHT-OF-WAY OF SAID HIMALAYA STREET, AS RECORDED IN BOOK 1278, PAGE 345 IN SAID RECORDS;

THENCE ALONG SAID WEST RIGHT-OF-WAY, BEING 30.00 WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, NORTH 00°14'53" WEST, A DISTANCE OF 49.94 FEET;

THENCE ALONG A LINE 30.00 WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10 AND THE PROLONGATION THEREOF, NORTH 00°16'13" WEST, A DISTANCE OF 1345.41 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 138.017 ACRES, (6,012,038 SQUARE FEET), MORE OR LESS.

SHAUN D. LEE PLS NO. 38158
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122
303-713-1898