

ORDINANCE NO. AN-255-22-24

INTRODUCED BY: CHACON, DOUGLAS, DOUGLAS DUKES, FORD, KIM, MADERA,  
NOBLE, TETER

AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT 8581 ROSEMARY STREET TO THE CITY OF COMMERCE CITY, COLORADO IN CASE AN-255-22-24 KNOWN AS THE CARBAJAL AUTO ANNEXATION

WHEREAS, there was presented to and filed with the City Council of the City of Commerce City, Colorado (“City”), a written petition dated November 5, 2024 by Gilberto R. Carbajal Flores, also known as Gilberto Rene Carbajal (“Annexor”) in Case AN-255-22-24 (“Petition”), known as the Carbajal Auto annexation, seeking annexation to and by the City of contiguous unincorporated territory situated, lying and being in the County of Adams, State of Colorado, as described in the Petition and Exhibit A, attached hereto and incorporated herein, generally located at 8581 Rosemary Street (“Property”);

WHEREAS, the City and the Annexor have negotiated and the Annexor has executed an Annexation Agreement as of December 20, 2024 regarding the proposed annexation (“Annexation Agreement”) and such agreement is on file with the City;

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. Findings.** The City Council of the City of Commerce City, Colorado, finds and determines that, pursuant to the findings set forth in Resolution No. 2024-152, 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. Annexation Agreement.** The City Council of the City of Commerce City, Colorado, hereby approves and authorizes the execution of the Annexation Agreement between the City and Annexor and ratifies all actions of the City taken pursuant thereto.

**SECTION 3. Annexation.** The Property, as particularly described in the Petition and 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 upon completion of the conditions contained in C.R.S. § 31-12-113, including without limitation, all required filings for recording with Adams County Clerk and Recorder as forth therein. Upon the

Effective Date of this ordinance as set for below, 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 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.

**SECTION 4. Effective Date.** This ordinance shall not take effect and this ordinance and the Annexation Maps shall not be filed or recorded with the Adams County Clerk and Recorder pursuant to C.R.S. 31-12-113 unless and until the Property is brought within the City’s zoning code and map by passage of an appropriate zoning ordinance. In the event such zoning approval is not granted within eighty-nine (89) days of the second reading of this ordinance, then this ordinance shall become null, void, and of no effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF JANUARY, 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 3RD DAY OF FEBRUARY, 2025.

CITY OF COMMERCE CITY, COLORADO

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Steven J. Douglas, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

# EXHIBIT "A" LAND DESCRIPTION

A PARCEL OF LAND, BEING ALL OF LOTS 43 TO 48 INCLUSIVE, BLOCK 46, ALL OF THE 7.57 FOOT RIGHT OF WAY RECORDED DECEMBER 21, 2021 UNDER RECEPTION NUMBER 2021000147383, TOGETHER WITH THAT PORTION OF THE 15 FOOT ALLEY VACATED IN RESOLUTION FOR STREET VACATION RECORDED DECEMBER 28, 1992 IN BOOK 4004 AT PAGE 550, IRONDALE, AND SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 28, BEING A FOUND 2.5" ALUMINUM CAP IN A MONUMENT BOX, FROM WHENCE THE CENTER QUARTER OF SAID SECTION 28, BEING A FOUND 3.25" ALUMINUM CAP IN A MONUMENT BOX, BEARS NORTH 89°25'25" EAST A DISTANCE OF 2641.02 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 35°45'44" EAST, A DISTANCE OF 1401.01 FEET TO THE CENTERLINE OF THE VACATED 15 FOOT ALLEY, OF WHICH IS PART OF THE CITY OF COMMERCE CITY, AND THE POINT OF BEGINNING;

THENCE NORTH 00°19'36" EAST ALONG THE CENTERLINE OF SAID VACATED ALLEY, A DISTANCE OF 150.02 FEET TO THE SOUTH RIGHT OF WAY LINE OF EAST 86TH AVENUE, OF WHICH IS PART OF THE CITY OF COMMERCE CITY; THENCE NORTH 89°25'25" EAST ALONG THE SOUTH RIGHT OF WAY OF EAST 86TH AVENUE AND THE CITY OF COMMERCE CITY BOUNDARY, A DISTANCE OF 132.52 FEET TO THE NORTHEAST CORNER OF SAID LOT 48;


THENCE NORTH 00°19'36" EAST ALONG THE CITY OF COMMERCE CITY BOUNDARY, A DISTANCE OF 30.00 FEET;

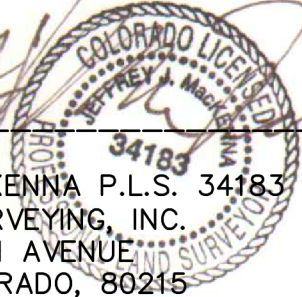
THENCE NORTH 89°25'25" EAST ALONG THE CITY OF COMMERCE CITY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST RIGHT OF WAY OF ROSEMARY STREET;

THENCE SOUTH 00°19'36" WEST ALONG THE EAST RIGHT OF WAY OF ROSEMARY STREET AND THE CITY OF COMMERCE CITY BOUNDARY, A DISTANCE OF 180.02 FEET;

THENCE SOUTH 89°25'25" WEST ALONG THE CITY OF COMMERCE CITY BOUNDARY, A DISTANCE OF 192.52 FEET TO THE POINT OF BEGINNING;

CONTAINING 30,679 SQUARE FEET, 0.704 ACRES OF LAND, MORE OR LESS.

  
PREPARED BY: JEFFREY J. MACKENNA P.L.S. 34183 DATE: 09/27/2023  
FOR FALCON SURVEYING, INC.  
9940 WEST 25TH AVENUE  
LAKEWOOD COLORADO, 80215  
(303)202-1560



Ver. 1.0 Rev. July 2024



## 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

Carbajal 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: Gilberto Rene CARBAJAL FLORES

Legal Owner's Signature:

Title (if Owner is an entity): OWNER

Legal Owner's Address: 10731 XANADU ST Commerce City CO 80022  
Street Number Street Name City State Zip Code

Date Signed: 11-5-2024

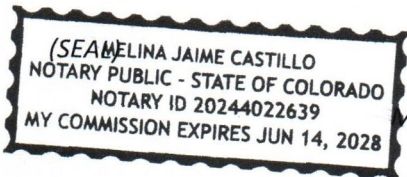
If necessary, attach a separate sheet that contains the names, addresses, and signatures of additional property owners.

**NOTARY CERTIFICATE**

STATE OF ) Colorado  
 ) ss.  
 COUNTY OF ) Adams

Subscribed and sworn to before me this 5th day of November, 2024 by  
Gilberto Rene Carvajal Flores  
(Insert Owners' Name)

Witness my hand and official seal. Notary Public:



Address: 18220 E. 104th St. 101 Commerce City, CO  
Street Number Street Name City State Zip Code 80022

My Commission Expires: 06/14/2028

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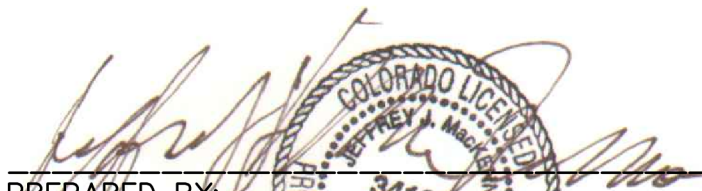
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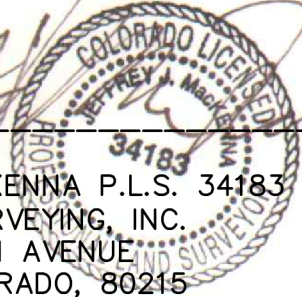
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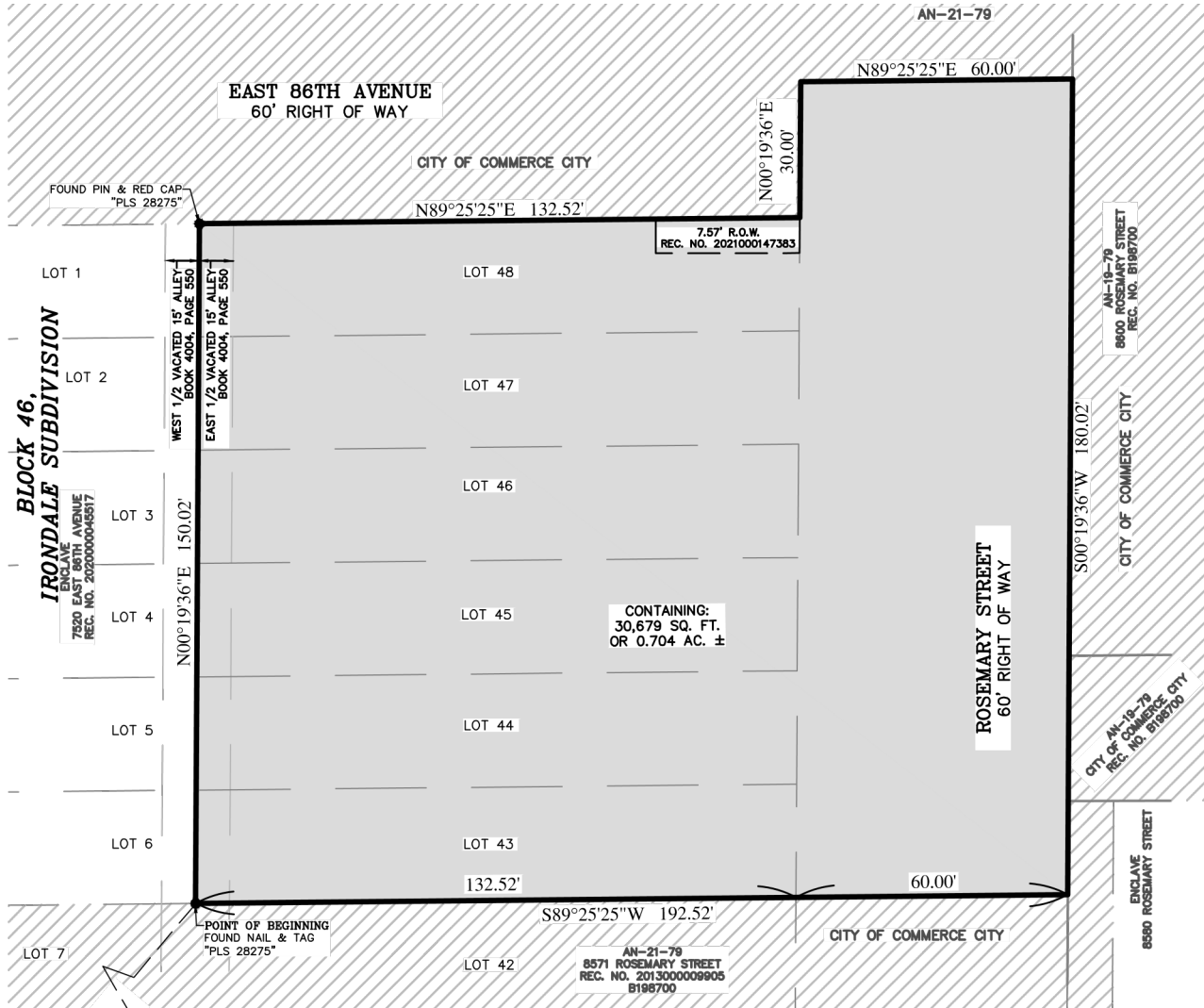
  
PREPARED BY: JEFFREY J. MACKENNA P.L.S. 34183 DATE: 09/27/2023  
FOR FALCON SURVEYING, INC.  
9940 WEST 25TH AVENUE  
LAKEWOOD COLORADO, 80215  
(303)202-1560



Ver. 1.0 Rev. July 2024

# EXHIBIT "A"

SITUATED IN THE NW 1/4, SECTION 28, T2S, R67W, OF THE 6TH P.M.  
COUNTY OF ADAMS, STATE OF COLORADO



**BLOCK 46,  
IRONDALE SUBDIVISION**  
ENCLAVE  
7820 EAST 86TH AVENUE  
REC. NO. 202000045817

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 48

LOT 47

LOT 46

LOT 45

LOT 44

LOT 43

LOT 42

CONTAINING:  
30,679 SQ. FT.  
OR 0.704 AC. ±

**EAST 86TH AVENUE**  
60' RIGHT OF WAY

**ROSEMARY STREET**  
60' RIGHT OF WAY

FOUND PIN & RED CAP  
"PLS 28275"

WEST 1/2 VACATED 15' ALLEY  
BOOK 4004, PAGE 350

EAST 1/2 VACATED 15' ALLEY  
BOOK 4004, PAGE 550

N00°19'36"E 150.02'

POINT OF BEGINNING  
FOUND NAIL & TAG  
"PLS 28275"

7.57' R.O.W.  
REC. NO. 2021000147383

AN-21-79  
8571 ROSEMARY STREET  
REC. NO. 201300008905  
B198700

AN-19-79  
8800 ROSEMARY STREET  
REC. NO. B198700

S00°19'36"W 180.02'

AN-19-79  
CITY OF COMMERCE CITY  
REC. NO. B198700

ENCLAVE  
8580 ROSEMARY STREET

AN-21-79

N89°25'25"E 60.00'

CITY OF COMMERCE CITY

N89°25'25"E 132.52'

N00°19'36"E  
30.00'

S89°25'25"W 192.52'

CITY OF COMMERCE CITY

7E LINE  
N35°45'44"E  
1401.01'

**BASIS OF BEARINGS**  
N89°25'25"E 2641.02'  
S LINE NW 1/4 SEC 28

**CENTER 1/4 CORNER SEC28-T2S-R67W**  
FOUND 3.25" ALUMINUM CAP  
"PLS 38252"



SCALE: 1" = 40'

**POINT OF COMMENCEMENT**  
WEST 1/4 CORNER SEC28-T2S-R67W  
FOUND 2.5" ALUMINUM CAP  
"GEOSURV PLS 22097"

**LEGEND**

	FOUND SECTION CORNER
	FOUND MONUMENT
	SECTION LINE
	PROPERTY BOUNDARY
	ADJACENT PROPERTY BOUNDARY
	CITY OF COMMERCE CITY

PREPARED BY:  
JEFFREY J. MACKENNA P.L.S. 34183 DATE:  
FOR FALCON SURVEYING, INC. 09/27/2023  
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THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED SURVEY.  
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.