

BRIGHTON CITY COUNCIL RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SETTING FORTH FINDINGS OF FACT AND DETERMINATIONS REGARDING THE STATUTORY ELIGIBILITY FOR ANNEXATION OF THE 38.101 ACRES OF CONTIGUOUS LAND, IN THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; TO BE KNOWN AS THE ORCHARD CHURCH ANNEXATION; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

RESOLUTION NO. _____

WHEREAS, annexation proceedings were heretofore initiated by the filing on February 20, 2015 of a Petition for Annexation of approximately 38.101 acres of contiguous unincorporated territory, situated, lying, and being in the County of Adams, State of Colorado, as more particularly described in **EXHIBIT A** and shown in **EXHIBIT B**, attached hereto (the "Property"), to be known as the Orchard Church Property; and

WHEREAS, at a regular meeting held on May 5, 2015, the City Council of the City of Brighton, Colorado, introduced, passed and adopted Resolution No. 2015-39, finding said Petition for Annexation to be in substantial compliance with C.R.S. Section 31-12-107(1) of the Municipal Annexation Act, and setting a public hearing to determine if the proposed annexation complies with C.R.S. Sections 31-12-104 and 31-12-105 and such other provisions of the Act as may be required to establish eligibility for annexation; and

WHEREAS, following proper notice of hearing as required by C.R.S. Section 31-12-108(2), the City Council of the City of Brighton, Colorado has held a public hearing on such annexation at its regular meeting held on June 23, 2015 (the "Eligibility Hearing").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Upon completion of the Eligibility Hearing, the City Council of the City of Brighton, Colorado, made certain findings of fact and conclusions with reference to the eligibility for annexation of land proposed for annexation herein, as follows:

1. That the City Council hereby finds and determines that, with respect to the Petition for Annexation and the land proposed for annexation therein, and pursuant to the terms and conditions set forth therein, the requirements of the applicable provision of the Municipal Annexation Act, including C.R.S. Sections 31-12-104 and 31-12-105 have been met.
2. That the City Council hereby finds and determines that there is at least one-sixth (1/6) contiguity between the City and the property proposed to be annexed; that a community of interest exists between the property proposed to be annexed and the

City; that said property is urban or will be urbanized in the near future; and that said property is integrated with or is capable of being integrated with the City.

3. That the City Council further determines that an election is not required under C.R.S. Sections 31-12-107(2) or 31-12-112(1) of the Act and that there are no other items and conditions to be imposed upon said annexation.
4. That the City Council further finds and determines that proper notice was duly given and a hearing was held regarding the annexation in accordance with C.R.S. Sections 31-12-108 and 31-12-109 of the Act, as applicable.
5. That the City Council concludes that the area proposed to be annexed in the Petition for Annexation to be known as the Orchard Church Annexation is eligible for annexation to the City.

RESOLVED this 23rd day of June, 2015.

CITY OF BRIGHTON:

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, Esq., City Attorney

EXHIBIT A

LEGAL DESCRIPTION

THAT PART OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER; THENCE N00°41'12"W ALONG THE WEST LINE OF SAID SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 65.00 FEET; THENCE N89°48'22"E PARALLEL WITH THE SOUTH LINE OF SAID SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND CONVEYED TO THE CITY OF BRIGHTON, COLORADO IN RECEPTION NO. 2009000044646, ADAMS COUNTY RECORDS, SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE N00°41'12"W PARALLEL WITH SAID WEST LINE, A DISTANCE OF 1268.89 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE N89°55'13"E ALONG SAID NORTH LINE, A DISTANCE OF 1310.33 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. C1233937, ADAMS COUNTY RECORDS, SAID CORNER ALSO BEING ON THE PRESENT CITY OF BRIGHTON CITY LIMITS LINE AS SHOWN ON THE ANNEXATION MAP TO THE CITY OF BRIGHTON RECORDED IN RECEPTION NO. 20060323000297480, ADAMS COUNTY RECORDS; THENCE S00°36'04"E ALONG THE WEST LINE AS DESCRIBED IN SAID RECEPTION NO. C1233937, AND ALONG SAID PRESENT CITY OF BRIGHTON CITY LIMITS LINE, A DISTANCE OF 1266.26 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2009000044646, ADAMS COUNTY RECORDS; THENCE S89°48'22"W DEPARTING FROM SAID CITY OF BRIGHTON CITY LIMITS LINE, ALONG THE NORTH LINE OF SAID PARCEL OF LAND, A DISTANCE OF 1308.41 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

CONTAINS 38.101 ACRES MORE OR LESS.

BASIS FOR BEARINGS:

THE SOUTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS STATE OF COLORADO, IS ASSUMED TO BEAR S89°48'22"W. MONUMENTS ARE AS SHOWN HEREON.

EXHIBIT B

ANNEXATION MAP

[Annexation Map begins on next page]

ORCHARD CHURCH - ANNEXATION MAP TO THE CITY OF BRIGHTON, COLORADO

A PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.
SHEET 1 OF 2

LEGAL DESCRIPTION OF LAND TO BE ANNEXED:

THAT PART OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER; THENCE S00°41'12"W ALONG THE WEST LINE OF SAID SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 65.00 FEET; THENCE S00°00'00"W ALONG THE WEST LINE OF SAID SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND CONVEYED TO THE CITY OF BRIGHTON, COLORADO IN RECEPTION NO. 200900044646, ADAMS COUNTY RECORDS, SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE N00°41'12"W PARALLEL WITH SAID WEST LINE, A DISTANCE OF 1310.33 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND, DESCRIBED IN RECEPTION NO. C1233937, ADAMS COUNTY RECORDS, SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE N89°55'13"E ALONG SAID NORTH LINE, A DISTANCE OF 1310.33 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND, DESCRIBED IN RECEPTION NO. C1233937, ADAMS COUNTY RECORDS, SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE S00°36'04"E ALONG THE WEST LINE AS DESCRIBED IN SAID RECEPTION NO. C1233937, AND ALONG SAID PRESENT CITY OF BRIGHTON CITY LIMITS LINE, A DISTANCE OF 1266.28 FEET TO THE POINT OF BEGINNING; THENCE S89°48'22"W DEPARTING FROM SAID CITY OF BRIGHTON CITY LIMITS LINE, ALONG THE NORTH LINE OF SAID PARCEL OF LAND, A DISTANCE OF 1308.41 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

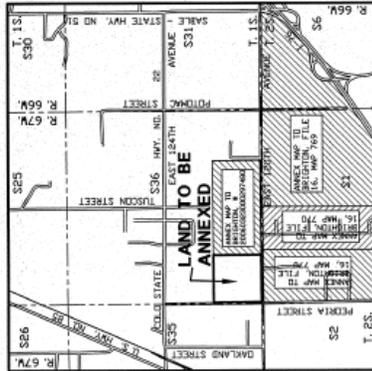
CONTAINS 30.101 ACRES MORE OR LESS.

BASIS FOR BEARINGS:

THE SOUTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS STATE OF COLORADO, IS ASSUMED TO BEAR S89°48'22"W. MONUMENTS ARE AS SHOWN HEREON.

VICINITY MAP

SCALE: 1"=2000'



CERTIFICATE OF SURVEY:

I, **RAYMOND W. BAYER**, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND ANNEXATION MAP SHOWN HEREON WAS MADE BY ME OR UNDER MY DIRECTION AND ACCURATELY SHOWN ON THIS MAP TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT MORE THAN ONE-SIXTH (1/6) OF THE PERIMETER OF THE BOUNDARY OF THE LAND TO BE ANNEXED IS CONTIGUOUS TO THE PRESENT CITY OF BRIGHTON CITY LIMITS LINE.



Raymond W. Bayer
RAYMOND W. BAYER, REG. P.L.S. NO. 6973
DATE: March 21, 2015

CITY COUNCIL APPROVAL:

THIS IS TO CERTIFY THAT THE ANNEXATION MAP SHOWN HEREWITH WAS ACCEPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ON THE _____ DAY OF _____, A.D. 20____.

MAYOR _____

ATTEST: CITY CLERK _____

NOTICE IS HEREBY GIVEN:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY R.W. BAYER & ASSOCIATES, INC. OF THE PROPERTY SHOWN AND DESCRIBED HEREON TO DETERMINE OWNERSHIP OF THIS TRACT OF LAND, COMPATIBILITY OF THIS DESCRIPTION WITH THOSE OF ADJACENT TRACTS OF LAND, OR ENCUMBRANCES OF RECORD AFFECTING THIS TRACT OF LAND.

FOR THE BOUNDARY OF THIS ANNEXATION MAP, R.W. BAYER & ASSOCIATES, INC. BELIEVED UPON THE ALTAZASM LAND TITLE SURVEY PERFORMED BY R.W. BAYER & ASSOCIATES, INC. DATED OCTOBER 03, 2104, AND THE TITLE COMMITMENT FROM FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 5613-2326507, DATED SEPTEMBER 10, 2014.

CERTIFICATE OF THE CLERK AND RECORDER:

THIS MAP WAS FILED FOR RECORD IN THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER, IN THE STATE OF COLORADO, AT _____, A.D., 20____ ON THE _____ DAY OF _____.

Prepared By:

R. W. BAYER & ASSOCIATES, INC.
2090 EAST 104TH AVENUE, SUITE 200
THUNDERBOLT, COLORADO 80132
PHONE: 303-443-4433 FAX: 303-443-4215
CAD FILE: 015027/015021.DWG
Date Prepared: FEBRUARY 18, 2015
REVISED 03-19-2015 PER CITY

BY: _____ COUNTY CLERK AND RECORDER

DEPUTY _____

RECEPTION NO. _____

