

ORDINANCE NO. 2323
INTRODUCED BY: Blackhurst

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON APPROVING THE ESCARCEGA PROPERTY ZONE CHANGE REQUEST FROM PLATTE RIVER RANCH PLANNED UNIT DEVELOPMENT (PUD) TO RURAL ESTATE (RE) FOR AN APPROXIMATELY 3.823 ACRE PROPERTY, GENERALLY LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

WHEREAS, Armando and Sadie Escarcega (the “Owners”) are the owners of an approximate 3.823 acre property, generally located at the northeast corner of the intersection of Bromley Lane and E. 148th Avenue, and more specifically described in EXHIBIT A, attached hereto (the “Property”); and

WHEREAS, Lisa Gard, (the “Applicant”), has requested approval of the Escarcega Property Zone Change (the “Zone Change”); and

WHEREAS, in accordance with the public notice requirements of the *Land Use and Development Code*, the City Council of the City of Brighton finds and declares that a Notice of Public Hearing was mailed to all property owners within 300 feet of the Property, a public notice was published in the *Brighton Standard Blade*, and a sign was posted on the Property, all for no less than fifteen (15) days prior to the City Council public hearing; and

WHEREAS, the City Council conducted a public hearing to review and consider the Zone Change pursuant to the applicable provisions and criteria set forth in the *Land Use and Development Code*; and

WHEREAS, at the public hearing, the City Council received and considered all relevant evidence and testimony from City Staff, the Applicant, and other Interested Parties, including the public at large; and

WHEREAS, the City Council finds and determines that the proposed Zone Change complies with the *Comprehensive Plan* and other master plans of the City; and complies with the requirements of the *Land Use and Development Code* and the RE (Rural Estate) zone district; and provides consistency with the purpose and intent of the *Land Use and Development Code*; and provides compatibility with the surrounding areas, is harmonious with the character of the neighborhood, and is not detrimental to the immediate area, or future development of the area, or the health, safety, or welfare of the inhabitants of the City.

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

Section 1. That the approximate 3.823 acre area more particularly described in Exhibit A attached hereto and incorporated herein by this reference, is hereby re-zoned to a zoning designation of RE (Rural Estate).

Section 2. That the Zoning Map of the City of Brighton shall be amended to reflect said re-zoning.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED,
THIS 3RD DAY OF DECEMBER, 2019.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED,
BY TITLE ONLY, THIS 17TH DAY OF DECEMBER, 2019.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: December 11, 2019

Final Publication: December 25, 2019

APPROVED AS TO FORM:

JACK D. BAJOREK, City Attorney

EXHIBIT A
LEGAL DESCRIPTION AND MAP

THAT PART OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, SAID POINT BEING A 3 ¼ INCH DIAMETER ALUMINUM CAP, P.L.S. NO. 25369 IN A RANGE BOX ESTABLISHED AND USED FOR THE HORIZONTAL LOCATION OF PLATTE RIVER RANCH FILING NO. 5, AS RECORDED IN FILE 18, MAP 146, ADAMS COUNTY RECORDS, BEING S89°53'10"W, A DISTANCE OF 47.97 FEET FROM A 3 ¼" DIAMETER ALUMINUM CAP, P.L.S. NO. 27269 RE-ESTABLISHED AND USED FOR THE HORIZONTAL LOCATION OF A PARCEL DESCRIBED IN BOOK 232 AT PAGE 368, ADAMS COUNTY RECORDS; THENCE N00°38'20"E ALONG THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER AS SHOWN ON THE RECORDED PLAT OF SAID PLATTE RIVER RANCH FILING NO. 5, A DISTANCE OF 20.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST 148TH AVENUE AS DESCRIBED IN BOOK 3041 AT PAGE 993, ADAMS COUNTY RECORDS; THENCE N89°53'10"E ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 30.14 FEET TO THE EAST RIGHT-OF-WAY LINE OF BROMLEY LANE AS SHOWN ON THE RECORDED PLAT OF SAID PLATTE RIVER RANCH FILING NO. 5, BEING THE POINT OF BEGINNING; THENCE N00°38'20"E ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 579.05 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, THE RADIUS OF SAID CURVE IS 2365.00 FEET, THE CHORD OF SAID CURVE BEARS N01°22'13"E, 60.38 FEET; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 61.38 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 1, SAID PLATTE RIVER RANCH FILING NO. 5; THENCE N89°56'56"E ALONG SAID WESTERLY EXTENSION AND ALONG SAID SOUTH LINE, A DISTANCE OF 384.05 FEET TO THE NORTHWEST CORNER OF A PARCEL DESCRIBED IN BOOK 232 AT PAGE 368, ADAMS COUNTY RECORDS; THENCE S02°12'14"W ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 449.22 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN BOOK 3041 AT PAGE 993, ADAMS COUNTY RECORDS, BEING MONUMENTED BY A #3 REBAR FLUSH WITH THE GROUND; THENCE S89°00'46" W ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 338.47 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S00°38'20"W ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 185.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL, BEING MONUMENTED BY A #3 REBAR FLUSH WITH THE GROUND; THENCE S89°59'00"W ALONG THE NORTH RIGHT-OF-WAY LINE OF EAST 148TH AVENUE AS DESCRIBED IN BOOK 3041 AT PAGE 993, ADAMS COUNTY RECORDS, A DISTANCE OF 34.19 FEET TO THE POINT OF BEGINNING.

ACREAGE TOTALING: 3.823 ACRES

A PART OF THE NORTHEAST 1/4 OF SECTION 13,
TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH P.M.,
CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 1 OF 2

NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS OR THE EXISTENCE OF OVERHEAD OR UNDERGROUND CONTAINERS OR FACILITIES, INCLUDING UTILITIES, WHICH MAY AFFECT THE DEVELOPMENT OF THIS TRACT. THERE MAY BE UNDERGROUND UTILITIES LOCATED ON OR ADJACENT TO THIS PARCEL THAT ARE NOT SHOWN ON THIS SURVEY.

TO THIS PARCEL THAT ARE NOT SHOWN ON THIS SURVEY.

THERE ARE 2 ADJACENT MONUMENTED LAND CORNERS AT THE SOUTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 13. THE FOUND 3 1/4 DIAMETER ALUMINUM CAP STAMPED P.L.S. NO. 22569 WAS ESTABLISHED USING THE PLATE RIVER RANCH PLAT NO. 5 SUBDIVISION AND IS 4.50 FEET WESTERLY OF THE LOCATION OF THE PLAT CORNERS AS DESCRIBED AND MONUMENTED BY BOOK 3841 AT PAGE 3963. THE FOUND 3 1/4 DIAMETER ALUMINUM CAP STAMPED P.L.S. NO. 22769 WAS RE-ESTABLISHED BY BOOK 3841 AT PAGE 3963. THE FOUND 3 1/4 DIAMETER ALUMINUM CAP STAMPED P.L.S. NO. 22769 MATCHES THE LOCATION OF THE CORNER ASCRIBED IN BOOK 232 AT PAGE 396.

THE LEGAL DESCRIPTION CONTAINED IN DEED RECORDED IN BOOK A30 AT PAGE 264, ADAMS COUNTY RECORDS IS AMBIGUOUS AND IS SHOWN ON THE ATTACHED MAP AT THE CURRENT OCCUPIED LOCATION OF THE LAND. ACCESS TO THIS PARCEL IS FROM AN UN-IMPROVED GRAVEL DRIVE LYING EAST OF THE DESCRIBED PARCEL.

THE LINEAL UNITS USED AND SHOWN HEREON IS U.S. SURVEY FOOT

FOR OWNERSHIP OF THIS TRACT OF LAND, EASEMENTS AND/OR ENCUMBRANCES AFFECTING THIS TRACT OF LAND, R.W. BAYER & ASSOCIATES RELIED UPON OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, PROPERTY INFORMATION BINDER, POLICY NO.: PIB70618324, DATED APRIL 23, 2019 AT 5:00 P.M.

1. RAYMOND W. JAYNER, A REGISTERED LAND SURVIVOR, REGISTERED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THERE ARE NO ROADS, PERMITS, IRRIGATION DITCHES OR OTHER EASEMENTS IN EXISTENCE OR KNOWN BY ME TO EXIST ON OR ACROSS THE HEREINOFFERED OBTAINED PROPERTY, EXCEPT AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT THIS SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND ORIGIN, AND THAT THIS PLAT ACCURATELY REPRESENTS SAID SURVEY, AND THAT ALL COMMENTS EXIST AS SHOWN HEREON.

RAYMOND W. BAYER,
REG. P.L.S. NO. 6973

DEPUTY _____ CLERK AND RECORDER _____

Prepared By:

R.W. BAYER & ASSOCIATES, INC.
12170 TELON ST., NO. 700
WESTMINSTER, COLORADO 80233
(303) 452-4433 FAX: (303) 452-4515
FILE NO.: 13-17-186L
CAD FILE: 1906PCH19069C.DWG

ZONE MAP CHANGE FOR ESCARCEGA SUBDIVISION
A PART OF THE NE 1/4 OF SEC. 13,
T.15S., R.87W. OF THE 6TH P.M.
CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO.

A PART OF THE NORTHEAST 1/4 OF SECTION 13,
TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH P.M.,
CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 2 OF 2

