

RESOLUTION NO. 2024-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION, AND SETTING A PUBLIC HEARING FOR JANUARY 21, 2025, TO DETERMINE IF THE APPROXIMATELY 2.859 ACRE PARCEL, TO BE KNOWN AS THE PETERS PROPERTY ANNEXATION, COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION

WHEREAS, pursuant to the laws of the State of Colorado, a Petition for Annexation to the City of Brighton (the "Petition"), was presented to the City of Brighton; and

WHEREAS, the Petition requests the annexation of approximately 2.859 acres of contiguous unincorporated territory, situated, lying, and being in the County of Adams, State of Colorado, as more particularly described in EXHIBIT A, attached and shown in EXHIBIT B, attached, hereto (the "Property"), into the City of Brighton; and

WHEREAS, William E. Peters (the "Applicant"), submitted the Petition, attached hereto as EXHIBIT C; and

WHEREAS, the City Council of the City of Brighton, Colorado, has reviewed the Petition and has determined that the Petition is in substantial compliance with the applicable laws of the State of Colorado and with the City of Brighton's requirements for a petition; and

WHEREAS, the City Council desires to adopt, by resolution, its findings regarding such Petition and to set a public hearing for such Petition.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Brighton, Colorado, as follows:

Section 1. The City Council hereby finds that the Petition, attached hereto and incorporated herein by reference as EXHIBIT C, substantially complies with the applicable requirements of C.R.S. § 31-12-107.

Section 2. The City Council of the City of Brighton, Colorado will hold a public hearing for the purpose of determining if the proposed annexation complies with C.R.S §§ 31-12-104 and 31-12-105, as amended, at the following time, date, and place:

Tuesday, January 21, 2025, 6:00 p.m.
City Council Chambers
500 South 4th Avenue
Brighton, Colorado 80601

Any person may appear at such hearing and present evidence relative to the proposed annexation.

Section 3. Upon completion of the hearing, the City Council of the City of Brighton, Colorado shall set forth, by resolution, its findings of fact and its conclusion based thereon with reference to the eligibility of the proposed annexation, whether the statutory requirements of the proposed annexation have been met, and whether an election for the annexation is required.

Section 4. This Resolution is effective as of the date of its adoption.

RESOLVED this 3rd day of December 2024

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

YASMINA GIBBONS, Deputy City Attorney

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN; COUNTY OF ADAMS, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 10, FROM WHICH THE CENTER QUARTER CORNER OF SAID SECTION 10 BEARS NORTH 00°46'00" WEST, A DISTANCE OF 2,638.77 FEET, WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 00°46'00" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 30.00 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 89°19'46" WEST, A DISTANCE OF 205.00 FEET;

THENCE NORTH 00°46'00" WEST, A DISTANCE OF 260.00 FEET;

THENCE SOUTH 89°19'46" WEST, A DISTANCE OF 97.00 FEET;

THENCE NORTH 00°46'00" WEST, A DISTANCE OF 235.86 FEET;

THENCE NORTH 89°19'46" EAST, A DISTANCE OF 302.00 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 10;

THENCE SOUTH 00°46'00" EAST, ALONG SAID EAST LINE, A DISTANCE OF 495.86 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 2.859 ACRES, (124,530 SQUARE FEET), MORE OR LESS.

EXHIBIT B

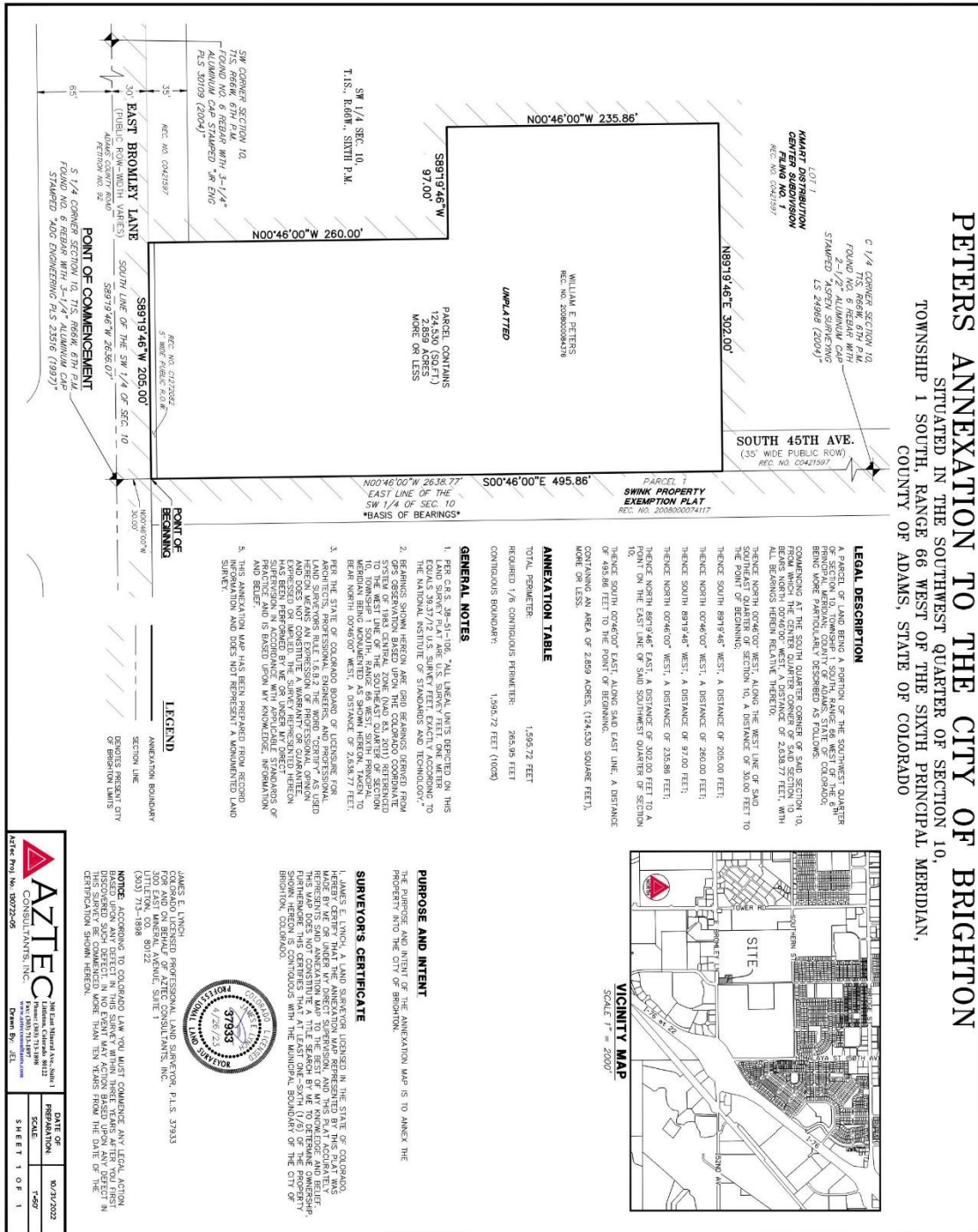


EXHIBIT C

**PETITION FOR ANNEXATION OF UNINCORPORATED TERRITORY
IN THE COUNTY OF ADAMS/WELD, STATE OF COLORADO,
TO THE CITY OF BRIGHTON, STATE OF COLORADO
(100% OF LANDOWNERS)**

**TO THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BRIGHTON,
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 Brighton for annexation to the City of Brighton of the following described land located in the County of (strike non-applicable county) Adams/Weld, State of Colorado, and further state:

1. The legal description of the land which the landowner(s) request to be annexed to the City of Brighton is attached hereto as **EXHIBIT "A"**, hereinafter referred to as the "Property"
2. It is desirable and necessary that the Property be annexed to the City of Brighton, Colorado;
3. The following requirements of C.R.S. Section 31-12-104 exists or have been met:
 - A. Not less than one-sixth (1/6) of the perimeter of the Property is contiguous with the City of Brighton, Colorado;
 - B. A community of interest exists between the Property and the City of Brighton, Colorado. The Property is urban or will be urbanized in the near future, and the Property is integrated or is capable of being integrated with the City of Brighton, Colorado;
4. The signers of the Petition comprise the landowners of one hundred percent (100%) of the Property (exclusive of streets and alleys) and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election;
5. None of the limitations provided in C.R.S. Section 31-12-105 are applicable and the requirements of that statute have been met because of the following:
 - A. The annexation of the Property will not result in the Property being divided into separate parts or parcels under identical ownership without the written consent of the landowners thereof;
 - B. No land area within the Property held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of

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real estate comprising 20 acres or more and having a valuation for assessment in excess of \$200,000 for ad valorem tax purposes has been included in the area of the Property to be annexed without the written consent of the landowners thereof;

- C. No annexation proceedings have been commenced for annexation of any part of the Property by any other municipality;
 - D. The entire width of all streets and alleys to be included within the Property are included;
 - E. The annexation of the Property will not result in the detachment of area from any school district or the attachment of same to another school district;
 - F. Annexation by the City of the Property will not have the effect of, and will not result in, the denial of reasonable access to landowners, owners of an easement, or owners of a franchise adjoining a platted street or alley, inasmuch as annexation of the Property will not result in annexation of a platted street or alley which is not bounded on both sides by the City.
6. The annexation of the Property will not have the effect of extending a boundary of the City more than three miles in any direction from any point of the municipal boundary in the past twelve (12) months.
7. The area proposed to be annexed is comprised of (check one):

 MORE THAN TEN ACRES AND THE BOARD OF COUNTY COMMISSIONERS OF ADAMS/WELD (circle appropriate jurisdiction) COUNTY HAS AGREED TO WAIVE THE REQUIREMENT OF AN IMPACT REPORT AS PROVIDED FOR IN SECTION 31-12-108.5, C.R.S., AS AMENDED. (Copy of resolution approving such waiver is provided.)

 MORE THAN TEN ACRES AND AN IMPACT REPORT AS PROVIDED FOR IN SECTION 31-12-105.5, C.R.S., AS AMENDED, IS REQUIRED.

 X TEN ACRES OR FEWER AND AN IMPACT REPORT AS PROVIDED FOR IN SECTION 31-12-105.5, C.R.S., AS AMENDED, IS NOT REQUIRED.

8. The Property is located within special districts as indicated on **EXHIBIT "B"**, attached hereto, and within the County of (check one):

 X Adams

_____ Weld

and no others;

9. 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;
10. Accompanying this Petition are (4) four copies of the annexation boundary map in the form required by C.R.S. Section 31-12-102(1)(d) and attached hereto as **EXHIBIT "C"**, containing the following information:
 - A. A written legal description of the boundaries of the Property;
 - B. A map showing the boundary of the Property, such map prepared and containing the seal of a registered engineer or land surveyor;
 - C. Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area be platted, then the boundaries and the plat number of plots or of lots and blocks are shown;
 - D. Next to the boundary of the Property is drawn the contiguous boundary of the City of Brighton and the contiguous boundary of any other municipality abutting the area proposed to be annexed; and
 - E. The dimensions of the contiguous boundaries are shown on the map.
11. The Property is not presently a part of any incorporated city, city and county or town;
12. The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the City, appear on the annexation map:
 - A. All water rights associated with the Property shall be transferred to the City, pursuant to City ordinances;
 - B. The undersigned and the City may enter into an Annexation Agreement prior to the effective date of this annexation, as provided for in Chapter 31-12-112(2), *Colorado Revised Statutes, as amended*.
13. Petitioner represents that: (Check one)

☒ No part of the property to be annexed is included within any site-specific development plan approved by Adams/Weld County, Colorado.

☐ A site-specific development plan has been approved by Adams/Weld County, Colorado, which has created a vested right.

EXECUTED this 18th day of November, 2022.

[SIGNATURE PAGES FOLLOW THIS PAGE]

PROPERTY OWNER/PETITIONER SIGNATURES

The signatures affixed hereon represent property owners within the Annexation Boundary who desire Annexation to the City of Brighton, Colorado.

Page ____ of ____

Name of Owner (print):	William E. Peters
Address of Parcel within the Annexation Boundary (number, street, city):	19261 E. 152 nd Avenue Brighton, Co.
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000019
Signature of Owner:	William E. Peters
Date of Signature:	11-16-22
Initials of Circulator:	EC
Name of Owner (print):	
Address of Parcel within the Annexation Boundary	
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s)	
Signature of Owner:	
Date of Signature	
Initials of Circulator	
Name: (print)	
Address of Parcel within the Annexation Boundary	
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s)	
Signature	
Date of Signature	
Initials of Circulator	


Note to Circulator(s): Please make copies of this page to collect signatures and necessary information, attach all signature sheets and note the quantity of pages of signature pages in the area provided above.)

Annexation Petition

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AFFIDAVIT OF SIGNATURE AUTHENTICITY

This petition has been circulated by the undersigned (the circulator) who attest that each signature thereon is that of the person whose name it purports to be. (Each circulator shall sign below in front of the same notary, or attach a separate Affidavit for each circulator). If no circulator is used the property owner shall sign below in the presence of a notary.

 Page ____ of ____
Signature Initials
Print Name Title
Ryan Carlson

Signature Initials

Print Name Title

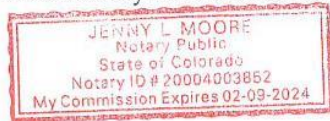
Signature Initials

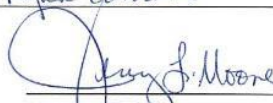
Print Name Title

STATE OF COLORADO)
COUNTY OF Adams) ss.

The foregoing instrument was acknowledged before me this 24th
day of January, 2023 by Ryan Carlson.

WITNESS my hand and official seal.




Notary Public
My commission expires:
02/09/2024

Annexation Petition
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EXHIBIT "A"

PETERS ANNEXATION LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN; COUNTY OF ADAMS, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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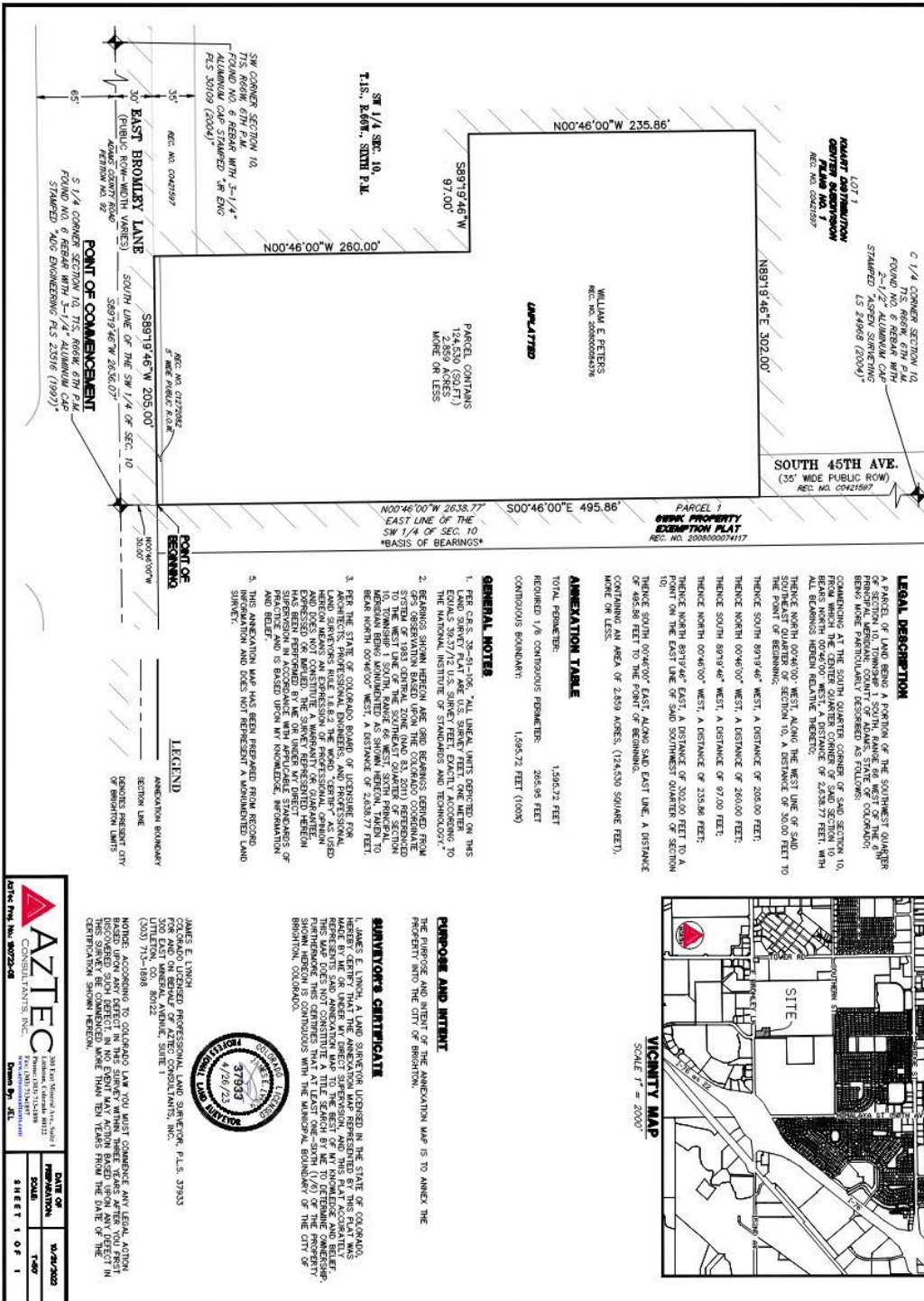
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CONTAINING AN AREA OF 2.859 ACRES, (124,530 SQUARE FEET), MORE OR LESS.

Exhibit "B"

- Rangeview Library District
 - Central Colorado Water Conservancy District
 - Brighton Fire Rescue District
 - School District 27J
 - Urban Drainage and Flood Control District
 - South Beebe Draw Metropolitan District
 - Regional Transportation District
-

PETERS ANNEXATION TO THE CITY OF BRIGHTON SITUATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO



LEGAL DESCRIPTION

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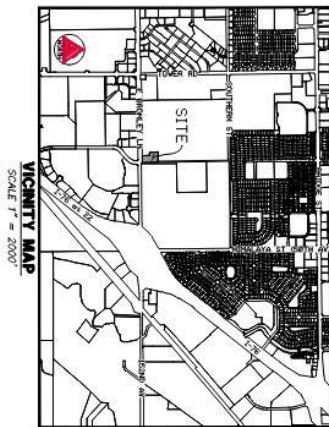
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 10, THENCE NORTH 89°19'46\"

ANNEXATION TABLE

TOTAL PERIMETER:	1,292.72 FEET
REQUIRED 1/8 CONTIGUOUS PERIMETER:	265.95 FEET
CONTIGUOUS BOUNDARY:	1,565.72 FEET (100%)

GENERAL NOTES

1. PER C.R.S. 28-61-106, "ALL LINEAL UNITS DERIVED ON THIS PLAT SHALL BE IN FEET AND DECIMALS THEREOF, EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY."
2. BEARINGS SHOWN HEREON ARE OLD BEARINGS DERIVED FROM GPS OBSERVATION BASED UPON THE COLORADO COORDINATE REFERENCE SYSTEM (NAD 83) AND ARE NOT TO BE CONSIDERED AS A BASIS OF BEARINGS.
3. PER THE STATE OF COLORADO BOARD OF LICENSING FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS, THIS ANNEXATION MAP DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, AND DOES NOT REPRESENT A PROFESSIONAL OPINION. IT HAS BEEN PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND IS BASED UPON MY KNOWLEDGE, INFORMATION, AND BELIEF.
5. THIS ANNEXATION MAP HAS BEEN PREPARED FROM RECORDS SHOWN.



PURPOSE AND INTENT

THE PURPOSE AND INTENT OF THE ANNEXATION MAP IS TO ANNEX THE PROPERTY INTO THE CITY OF BRIGHTON.

SURVEYOR'S CERTIFICATE

I, JAMES E. LUTCH, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY CERTIFY THAT THE ANNEXATION MAP REPRESENTED BY THIS PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THIS PLAT ACCURATELY REPRESENTS THE SURVEY AND DATA THEREON. I HAVE CONDUCTED A TITLE SEARCH BY ME TO DETERMINE OWNERSHIP, AND I HAVE FOUND NO OTHER CLAIMS TO THE PROPERTY. I HAVE THEREFORE THIS CERTIFICATE THAT AT LEAST ONE-SEVEN (1/7) OF THE PROPERTY IS OWNED BY THE CITY OF BRIGHTON, COLORADO.



JAMES E. LUTCH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR, P.L.S. 37933
300 EAST WINDSOR AVENUE, SUITE 100
LITTLETON, CO 80122
(303) 715-1088

NOTES: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION TO RECOVER A LOSS OR DEFECT IN NO EVENT MAY ACTION BE BASED UPON ANY DEFECT IN THIS MAP BEING MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

AZTEC
CONSULTANTS, INC.

300 East Windsor Ave., Suite 100
Littleton, CO 80122
Phone: (303) 715-1088
Fax: (303) 715-1089
Email: info@aztecinc.com

DATE OF PREPARATION: 5/6/2022

SHEET 1 OF 1