

RESOLUTION NO. 2020-106

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 DECEMBER 1, 2020, TO DETERMINE IF THE PROPOSED APPROXIMATE 0.488 ACRE PARCEL, TO BE KNOWN AS THE NEFF REMAINDER PROPERTY ANNEXATION, COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION

WHEREAS, on October 7, 2020, 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 0.488 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, CW Blue Sky, LLC., owners of 100% of the Property (the "Owners"), submitted the Petition, attached hereto as Exhibit C; and

WHEREAS, the City Council of the City of Brighton, Colorado, has reviewed the Petition, as presented by the Applicant, 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 an Annexation Petition; and

WHEREAS, the City Council desires to adopt, by resolution, its findings in regards to such Annexation Petition and to set a public hearing in regard to such petition.

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

- 1) The Petition for Annexation, attached hereto and incorporated herein by reference as EXHIBIT C, is in substantial compliance with the applicable laws of the State of Colorado (Colorado Revised Statutes, Section 31-12-107 et. seq., as amended).
- 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 Colorado Revised Statutes, Sections 31-12-104 and 31-12-105, as amended, at the following time, date, and place:

Tuesday, December 1, 2020, 6:00 p.m.  
City Council Chambers  
500 South 4<sup>th</sup> Avenue  
Brighton, Colorado 80601

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

- 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 or not an election for the annexation is required.

RESOLVED THIS 20<sup>TH</sup> DAY OF OCTOBER, 2020.

CITY OF BRIGHTON, COLORADO



  
\_\_\_\_\_  
GREGORY MILLS, Mayor

ATTEST:

  
\_\_\_\_\_  
NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JACK D. BAJOREK, City Attorney

**EXHIBIT A**  
**Legal Description**

**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 66 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, WHENCE THE NORTHWEST CORNER OF SAID SECTION 1 BEARS SOUTH 89°59'07" WEST, A DISTANCE OF 2268.68 FEET, WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE ALONG THE NORTH LINE OF SAID SECTION 1, SOUTH 89°59'07" WEST, A DISTANCE OF 250.09 FEET TO THE NORTHWEST CORNER OF LOCHBUIE CENTER AS RECORDED UNDER RECEPTION NO. 201900006589 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDERS OFFICE, AND THE POINT OF BEGINNING;

THENCE ALONG THE NORTHWEST BOUNDARY OF SAID LOCHBUIE CENTER, SOUTH 45°03'44" WEST, A DISTANCE OF 394.35 FEET TO THE SOUTHEASTERLY BOUNDARY OF THAT CERTAIN ANNEXATION TO THE CITY OF BRIGHTON RECORDED AT RECEPTION NO. B795634;

THENCE ALONG SAID SOUTHEASTERLY BOUNDARY, NORTH 24°26'02" EAST, A DISTANCE OF 305.91 FEET TO SAID NORTH LINE;

THENCE ALONG SAID NORTH LINE, NORTH 89°59'07" EAST, A DISTANCE OF 152.62 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 0.488 ACRES, (21,250 SQUARE FEET), MORE OR LESS.

**EXHIBIT B**  
**Annexation Map**

A PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 1,  
TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF ADAMS, STATE OF COLORADO



**VICINITY MAP**  
SCALE 1" = 2000'

### LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 66 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, WHENCE THE NORTHWEST CORNER OF SAID SECTION 1 BEARS SOUTH 89°59'07" WEST, A DISTANCE OF 2268.68 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO.

THENCE ALONG THE NORTH LINE OF SAID SECTION 1, SOUTH 89°59'07" WEST, A DISTANCE OF 250.09 FEET TO THE NORTHWEST CORNER OF LOCHRUE CENTER AS RECORDED UNDER RECEPTION NO. 201900006589 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDERS OFFICE, AND THE POINT OF BEGINNING.

THENCE ALONG THE NORTHWEST BOUNDARY OF SAID LOOHBUE CENTER, SOUTH 45°33'44" WEST,  
A DISTANCE OF 394.35 FEET TO THE SOUTHEASTLY BOUNDARY OF THAT CERTAIN ANNEXATION  
TO THE CITY OF BRIGHTON RECORDED AT RECEPTION NO. B795634.

THENCE ALONG SAID SOUTHEASTERLY BOUNDARY, NORTH 24°26'02" EAST, A DISTANCE OF 305.91 FEET TO SAID NORTH LINE.

THENCE ALONG SAID NORTH LINE, NORTH 89°59'07" EAST, A DISTANCE OF 152.62 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 0.488 ACRES, (21,250 SQUARE FEET), MORE OR LESS

### GENERAL NOTES

- PER C.R.S. 30-51-106, "ALL LINEAL MEASUREMENTS DEPICTED ON THIS LAND SURVEY PLAT ARE IN THE SURVEY MEASURE (ONE INCH EQUALS 39.37/32 FEET). SURVEY MEASURE EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY."
2. BASES OF BEARINGS: A PORTION OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 1119, R6S, E12S, W10E, IS ASSUMED TO BEAR SOUTH 89°00'00" WEST, A DISTANCE OF 666.66 FEET.
3. PER THE STATE OF COLORADO BOARD OF LICENSES FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 16.0.2 THE WORD "CERTIFY" AS USED HEREIN MEANS AN EXPRESSION OF PROFESSIONAL OPINION THAT THE SURVEY REPRESENTED HEREON IS ACCURATE AND CORRECT OR UNLESS THE SURVEY REPRESENTED HEREON IS NOT BEEN PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE PROFESSIONAL METHODS OF SURVEYING, IT HAS BEEN CONDUCTED IN ACCORDANCE WITH THE METHODS OF SURVEYING USED BY THE GENERAL PUBLIC FOR THE PURPOSE OF INFORMATION AND RELIEF.

### ANNEXATION TABLE

|   |   |
|---|---|
| EXISTING LIMITS OF THE CITY OF BRIGHTON |  |
| TOTAL PERIMETER                         | 852.88 FEET   |
| REQUIRED 1/8 CONTIGUOUS PERIMETER:      | 142.15 FEET   |
| CONTIGUOUS BOUNDARY                     | 305.91 FEET   |

THE TOTAL CONTIGUOUS BOUNDARY IS 35.87% WHICH MEETS  
OR EXCEEDS THE 1/6 16.67% REQUIRED

## CITY COUNCIL APPROVAL

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

MAYOR

CITY CLERK

### SURVEYOR'S CERTIFICATE

I, SHAUN D. LEE, 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. THIS MAP DOES NOT CONSTITUTE A TITLE SEARCH BY ME OR AZTEC CONSULTANTS INC. TO DETERMINE OWNERSHIP. FURTHERMORE, THIS CERTIFIES THAT AT LEAST ONE-SIXTH (1/6) OF THE PROPERTY SHOWN HEREON IS CONTIGUOUS WITH THE MUNICIPAL BOUNDARY OF THE CITY OF BRIGHTON, COLORADO.

SHAUN D. LEE  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR, P.L.S. 38158  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC  
300 EAST MINERAL AVENUE, SUITE 1  
LITTLETON, CO. 80122  
(303) 713-1828

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

## CLERK AND RECORDER'S CERTIFICATE

THIS ANNEXATION WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF ADAMS COUNTY AT \_\_\_\_ M. ON THE \_\_\_\_\_

RECEPTION NO. \_\_\_\_\_

BY DEPUTY

|                 |          |     |
|-----------------|----------|-----|
| SCALE           | 1" = 30' |     |
| GIS             | RBA      | SDL |
| DATE 2020-09-30 |          |     |

[illegible]

**AZTEC**  
CONSULTANTS, INC.

300 East Mineral Ave., Suite 1  
Littleton, Colorado 80122  
Phone: (303) 713-1898  
Fax: (303) 713-1897  
[www.aztecconsultants.com](http://www.aztecconsultants.com)

|                                       |   |
|---------------------------------------|---|
| JOB NO. 54820-16<br>SHEET ONE<br>OF 1 | ANNEXATION MAP<br>NW 1/4, SEC 1, T1S, R66W, 6TH P.M.<br>COUNTY OF ADAMS, STATE OF COLORADO<br>PREPARED FOR<br>REDLAND<br>1500 W. CANAL COURT, LITTLETON, CO 80122 |
|---------------------------------------|---|

**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

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.

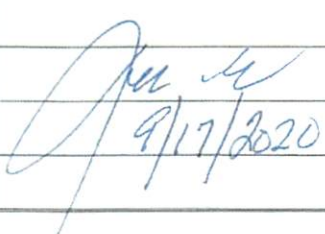
EXECUTED this 17th day of September, 2020.

[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):   | CW Blue Sky LLC.   |
| Address of Parcel within the Annexation Boundary (number, street, city): |  |
| Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s): |  |
| Signature of Owner:  |  |
| Date of Signature:   | 9/17/2020  |
| Initials of Circulator:  |  |
| 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.)*

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 5