

ORDINANCE NO: 2347
INTRODUCED BY: WATTS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ANNEXING TO THE CITY OF BRIGHTON APPROXIMATELY 0.488 ACRES OF CONTIGUOUS LAND, IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; KNOWN AS THE NEFF REMAINDER PROPERTY ANNEXATION

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

Section 1. That, pursuant to C.R.S. Section 31-12-107(1), a Petition for Annexation was filed with the City of Brighton on October 7, 2020 signed by the land owner, John Cork, of one hundred percent (100%) of the territory to be annexed.

Section 2. That the City Council, at a Regular Meeting on October 20, 2020, passed Resolution No. 2020-106 accepting said Petition as shown in EXHIBIT C as being in compliance with *C.R.S. Section 31-12-107 (1)*, and setting the matter of the annexation for a public hearing on December 1, 2020.

Section 3. That at said public hearing, held on October 20, 2020, the City Council found and determined that the applicable parts of *C.R.S. Section 31-12-101 et seq.* “The Municipal Annexation Act” (hereinafter “Act”), and more particularly, Sections 31-12-104 and 105, have been met and further determined that an election was not required under the Act, and that no additional terms or conditions are to be imposed.

Section 4. That notice of the public hearing for the annexation ordinance was published in the *Brighton Standard Blade* on October 28, November 4, November 11, and November 18 of 2020, and no less than thirty (30) days or no more than sixty (60) days prior to the public hearing, as required by C.R.S. § 31-12-108, and a copy of the published notice, resolution of eligibility and petition as filed were sent by registered mail to the clerk of the Board of County Commissioners of Adams County, applicable special districts, and school districts on October 30, 2020, and no less than twenty-five (25) days prior to the public hearing, as required by C.R.S. § 31-12-108.

Section 5. That the annexation by and to the City of Brighton, State of Colorado, of that area, more particularly described in EXHIBIT A and shown in EXHIBIT B, attached hereto, situated, lying, and being in the County of Adams, State of Colorado, to be known as the Neff Remainder Property Annexation, is hereby approved.

Section 6. That pursuant to *C.R.S. Section 31-12-115*, re-zoning of the property, more particularly described in EXHIBIT A and shown in EXHIBIT B, attached hereto, shall be initiated and completed within ninety (90) days from the effective date of this ordinance.

Section 7. That the territory annexed herein shall be made a part of the Ward 1 territory as shown on the city’s official Ward Map and said map shall be updated to reflect said change.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS
1ST DAY OF DECEMBER, 2020.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED, BY
TITLE ONLY, THIS 15TH DAY OF DECEMBER, 2020.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: December 9, 2020

Final Publication: December 30, 2020

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

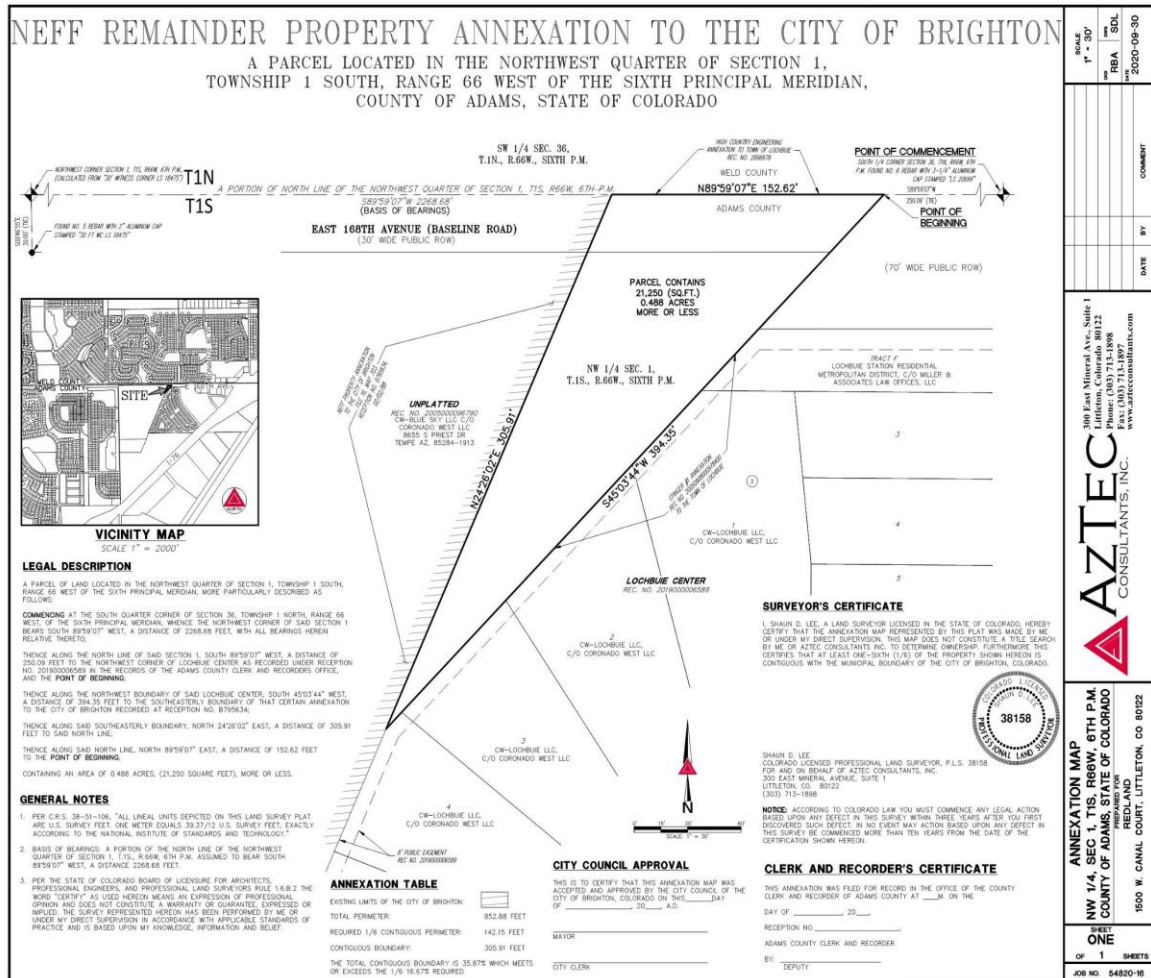


EXHIBIT C ANNEXATION PETITION

**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

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_____ 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)

X 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.)

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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.

Print Name	Title
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