

RESOLUTION NO. 2024-43

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 MAY 21, 2024, TO DETERMINE IF THE PROPOSED APPROXIMATE 4.918 ACRE PROPERTY, TO BE KNOWN AS THE OTTEN 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 4.918 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, Thomas Otten (the "Applicant"), submitted the Petition, attached hereto as EXHIBIT C, on behalf of the Donald M. Otten Revocable Trust, owner of 100% of the Property (the "Owner"); 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 in regard to such 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:

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 *Colorado Revised Statutes*, Sections 31-12-104 and 31-12-105, as amended, at the following time, date, and place:

Tuesday, May 21, 2024, 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 2nd day of April 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

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ADAMS, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

THAT PART OF THE SW 1/4 OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SW 1/4; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ON AN ASSUMED BEARING ALONG THE WEST LINE OF SAID SW 1/4 A DISTANCE OF 245.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 56 MINUTES 50 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID SW 1/4 A DISTANCE OF 156.98 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 30 SECONDS WEST, A DISTANCE OF 77.55 FEET; THENCE SOUTH 45 DEGREES 46 MINUTES 34 SECONDS EAST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 10 SECONDS EAST A DISTANCE OF 120.00 FEET TO A POINT 30.00 FEET NORTH OF THE SOUTH LINE OF SAID SW 1/4; THENCE NORTH 89 DEGREES 56 MINUTES 50 SECONDS EAST, PARALLEL WITH SAID SOUTH LINE A DISTANCE OF 165.51 FEET TO THE INTERSECTION OF THE CENTERLINE OF VACATED PINE STREET, BARR CITY, A SUBDIVISION OF THE S 1/2 OF SAID SECTION 21; THENCE NORTH 00 DEGREES 02 MINUTES 40 SECONDS EAST, ALONG SAID CENTERLINE A DISTANCE OF 204.47 FEET TO A POINT ON THE WESTERLY LINE OF THE BRIGHTON LATERAL; THENCE ALONG SAID WESTERLY LINE AS FOLLOWS: NORTH 13 DEGREES 31 MINUTES 00 SECONDS WEST, 89.66 FEET; THENCE NORTH 01 DEGREES 28 MINUTES 00 SECONDS WEST, 171.61 FEET; THENCE NORTH 03 DEGREES 40 MINUTES 22 SECONDS EAST, 167.13 FEET TO APPOINT ON THE CENTERLINE OF FIRST AVENUE, SAID BARR CITY; THENCE SOUTH 89 DEGREES 56 MINUTES 50 SECONDS WEST, ALONG SAID CENTERLINE A DISTANCE OF 326.00 FEET TO A POINT ON THE WEST LINE OF SAID SW 1/4; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID WEST LINE A DISTANCE OF 415.00 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

PARCEL B:

A PARCEL OF LAND IN THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M. MORE PARTICULARLY DESCRIBED AS: BLOCK 64, OF VACATED BARR CITY, TOGETHER WITH THOSE PORTIONS ADJOINING SAID BLOCK 64 OF THE SOUTHERLY 1/2 OF VACATED FIRST STREET, THE WESTERLY 1/2 OF VACATED PINE STREET, VACATED BRIGHTON BOULEVARD AND VACATED JEFFERSON BOULEVARD, ALL AS VACATED BY VACATION PLAT BARR CITY RECORDED JULY 26, 1966 IN FILE 12 AS MAP NO. 26, AT RECEPTION NO. 791307;

EXCEPT THAT PORTION THEREOF CONVEYED BY DEED RECORDED JULY 6, 1971 IN BOOK 1711 AT PAGE 251 DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 00°00'00" EAST ON AN ASSUMED BEARING ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 245.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°56'50" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 156.98 FEET; THENCE SOUTH 00°01'30" WEST A DISTANCE OF 77.55 FEET, THENCE SOUTH 45°46'34" EAST A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°03'10" EAST A DISTANCE OF 120.00 FEET TO A POINT 30.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 89°56'50" EAST PARALLEL WITH SAID SOUTH LINE A DISTANCE OF 165.51 FEET TO THE INTERSECTION OF THE CENTERLINE OF VACATED PINE STREET, BARR CITY, A SUBDIVISION OF THE SOUTH 1/2 OF SAID SECTION 21; THENCE NORTH 00°02'40" EAST ALONG SAID CENTERLINE A DISTANCE OF 204.47 FEET TO A POINT ON THE WESTERLY LINE OF THE BRIGHTON LATERAL; THENCE ALONG SAID WESTERLY LINE AS FOLLOWS: NORTH 13°31'00" WEST, 89.66 FEET; THENCE NORTH 01°28'00" WEST, 171.61 FEET; THENCE NORTH 03°40'22" EAST, 167.13 FEET TO A POINT ON THE CENTERLINE OF FIRST AVENUE, SAID BARR CITY; THENCE SOUTH 89°56'50" WEST ALONG SAID CENTERLINE A DISTANCE OF 326.00 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE SOUTH 00°00'00" WEST ALONG SAID WEST LINE A DISTANCE OF 415.00 FEET TO THE TRUE POINT OF BEGINNING;

AND ALSO EXCEPT ANY PORTION THEREOF LYING EAST OF THE WESTERLY LINE OF THE BRIGHTON LATERAL;

AND ALSO EXCEPT ANY PORTION THEREOF LYING WITHIN THE 136TH AVENUE RIGHT OF WAY, COUNTY OF ADAMS, STATE OF COLORADO.

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

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 _____ day of _____, 20__.

[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 1 of 1

Name of Owner (print):	Donald M. Otten Revocable Trust
Address of Parcel within the Annexation Boundary (number, street, city):	16985 East 136th Ave., Brighton, CO 80601
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	Parcel #: 0156921006011
Signature of Owner:	
Date of Signature:	12/7/2022
Initials of Circulator:	
Name of Owner (print):	Donald M. Otten Revocable Trust
Address of Parcel within the Annexation Boundary	16925 East 136th Ave., Brighton, CO 80601
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s)	Parcel #: 0156921006010
Signature of Owner:	
Date of Signature	12/7/2022
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
Page 4

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.

Signature _____ Page ____ of ____
 Initials TJW
 Signature [Handwritten Signature]
 Print Name THOMAS OTTEN Title Trustee

Signature _____ Initials _____

Print Name _____ Title _____

Signature _____ Initials _____

Print Name _____ Title _____

NEVADA)
 STATE OF COLORADO)
) ss.
 COUNTY OF Washoe)

The foregoing instrument was acknowledged before me this 7th day of December, 2022, by Thomas Otten ***.

WITNESS my hand and official seal.



[Handwritten Signature]
 Notary Public
 My commission expires:
December 9th 2025

EXHIBIT A

LEGAL DESCRIPTION

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AND ALSO EXCEPT ANY PORTION THEREOF LYING EAST OF THE WESTERLY LINE OF THE BRIGHTON LATERAL;

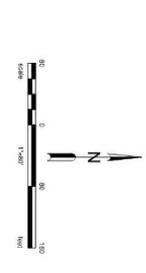
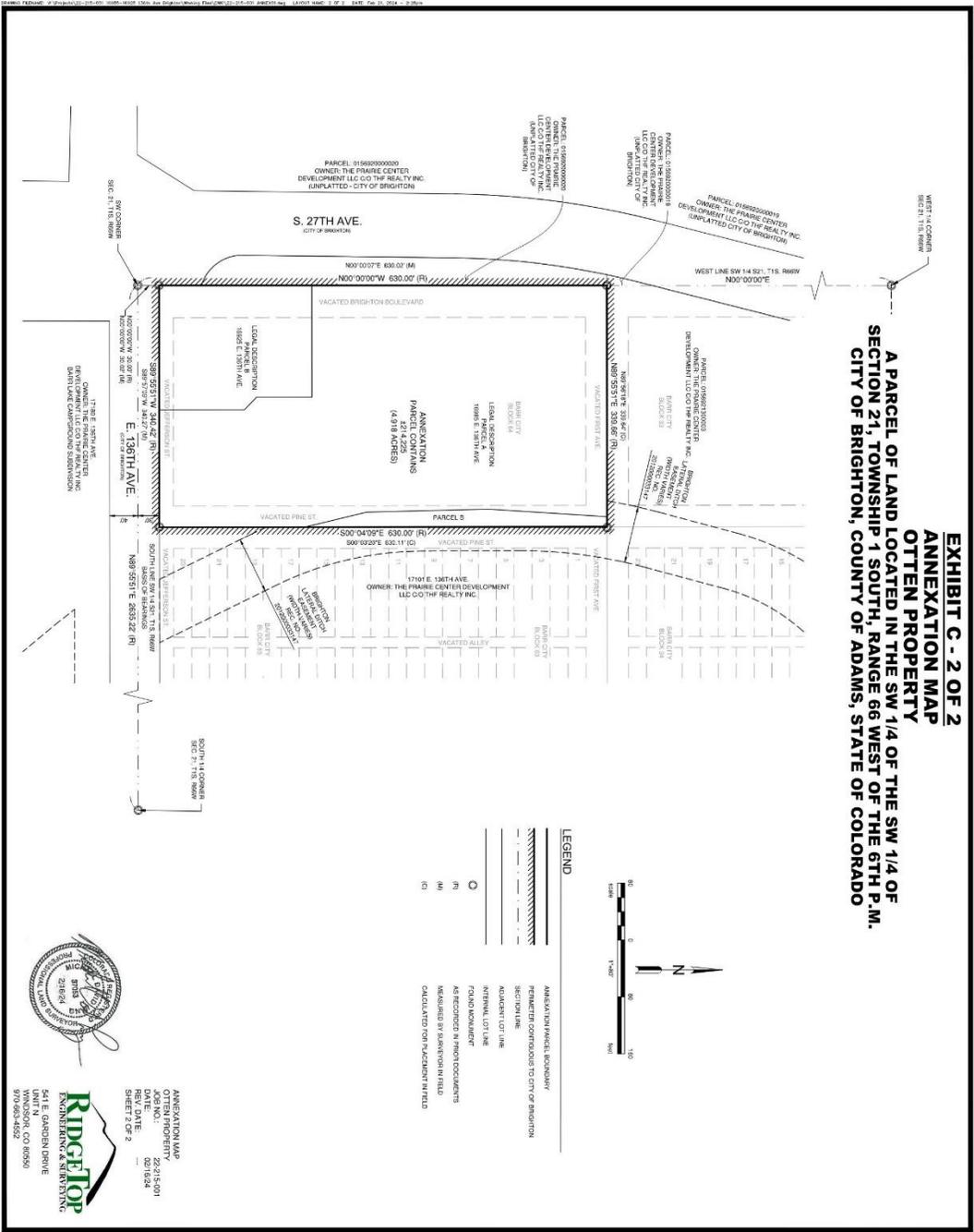
AND ALSO EXCEPT ANY PORTION THEREOF LYING WITHIN THE 136TH AVENUE RIGHT OF WAY, COUNTY OF ADAMS, STATE OF COLORADO.

EXHIBIT B

SPECIAL DISTRICTS

ADAMS COUNTY
CENTRAL COLO WATER CONSERV
FIRE DISTRICT 6 GREATER BRIGHTON
RANGEVIEW LIBRARY DISTRICT
RTD
School District 27-Brighton
URBAN DRAINAGE & FLOOD CONTROL
URBAN DRAINAGE SOUTH PLATTE

EXHIBIT C - 2 OF 2
ANNEXATION MAP
O-T-T-E-N PROPERTY
A PARCEL OF LAND LOCATED IN THE SW 1/4 OF THE SW 1/4 OF
SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M.
CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO



LEGEND

	ANNEXATION PARCEL BOUNDARY
	PRECINCT BOUNDARY TO CITY OF BRIGHTON
	SECTION LINE
	ADJACENT LOT LINE
	INTERNAL LOT LINE
	FOUND MONUMENT
	AS RECORDED IN PREVIOUS OCCUPANTS
	MEASURED BY SURVEYOR IN FIELD
	CALCULATED FOR PLACEMENT IN FIELD



RUDY TOP
 PROFESSIONAL SURVEYOR
 501 W. GARDEN DRIVE
 UNIT 14
 WINDSOR, CO 80550
 303-968-4652

ANNEXATION MAP
 O-T-T-E-N PROPERTY
 JOB NO.: 22-21-5-01
 DATE: 02/18/24
 REV. DATE: 02/18/24
 SHEET 2 OF 2