

RESOLUTION NO. 2019-120

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, 2020, TO DETERMINE IF THE PROPOSED APPROXIMATE 20.00 ACRE PARCEL, TO BE KNOWN AS THE MARRONE TRUCKING ANNEXATION, COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION

WHEREAS, on September 11, 2019, 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 20.00 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;

WHEREAS, a representative of EnviroFinance Group, LLC (the “Applicant”), submitted the Petition, attached hereto as Exhibit C, on behalf of Mr. Kenneth M. Marrone and Mr. Vinson Marrone of Marrone EAT, LLC, owners of 100% of the Property (the “Owners”); 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, January 21, 2020, 7:00 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.

- 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 3rd DAY OF DECEMBER, 2019.

CITY OF BRIGHTON, COLORADO

J.W. EDWARDS, Mayor Pro Tem

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

JACK D. BAJOREK, City Attorney

EXHIBIT A

Legal Description

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUATER OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 18 TO BEAR SOUTH 89°43'16" WEST (MONUMENTS DESCRIBED ON PLAT), AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE CENTER $\frac{1}{4}$ CORNER OF SAID SECTION 18, FROM WHICH THE SOUTH $\frac{1}{4}$ CORNER OF SAID SECTION 18 BEARS SOUTH 00°12'39" EAST, 2655.91 FEET; THENCE SOUTH 89°43'16" WEST, 30.00 FEET ALONG THE SOUTH LINE OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SAID SECTION 18 TO THE WESTERLY RIGHT OF WAY LINE OF SABLE BOULEVARD; THENCE CONTINUING SOUTH 89°43'16" WEST, 571.00 FEET ALONG THE SOUTH LINE OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SAID SECTION 18 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89°43'16" WEST 718.50 FEET ALONG THE SOUTH LINE OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SAID SECTION 18 TO THE CENTER-WEST $\frac{1}{16}$ CORNER OF SAID SECTION 18; THENCE NORTH 00°05'49" WEST, 927.89 FEET ALONG THE WEST LINE OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SAID SECTION 18 TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO WAL-MART REAL ESTATE BUSINESS TRUST AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JUNE 20, 2000 IN BOOK 6165 AT PAGE 243 OF THE RECORDS OF ADAMS COUNTY, COLORADO; THENCE NORTH 89°46'09" EAST, 3.70 FEET ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 6165 AT PAGE 243 TO AN ANGLE POINT THEREOF; THENCE NORTH 00°13'51" WEST, 125.75 FEET ALONG THE EASTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 6165 AT PAGE 243 TO A POINT OF CURVE TO THE RIGHT THEREOF; THENCE NORTHEASTERLY, 176.63 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE EASTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 6165 AT PAGE 243 TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO THE CITY OF BRIGHTON AS DESCRIBED IN WARRANTY DEED RECORDED AUGUST 17, 1988 IN BOOK 5433 AT PAGE 377 OF THE RECORDS OF ADAMS COUNTY, COLORADO, SAID ARC HAVING A RADIUS OF 310.00 FEET, A CENTRAL ANGLE OF 32°38'44", AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 16°05'31" EAST, 174.25 FEET; THENCE NORTH 89°44'20" EAST, 663.02 FEET ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 5433 AT PAGE 377 TO A POINT FROM WHICH THE TRUE POINT OF THE BEGINNING BEARS SOUTH 00°15'40" EAST; THENCE SOUTH 00°15'40" EAST, 1220.61 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 871,310 SQUARE FEET OR 20.00 ACRES OF LAND, MORE OR LESS.

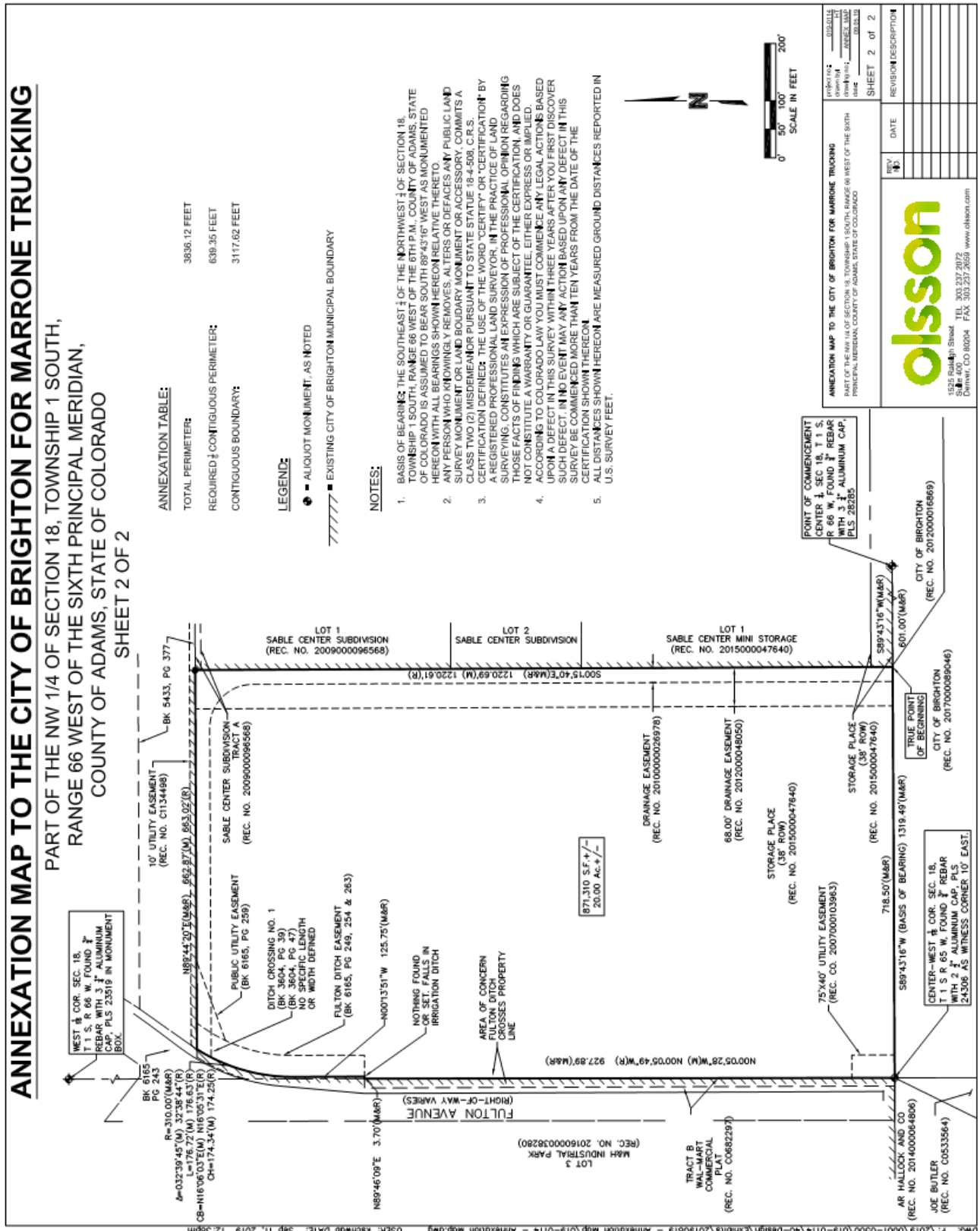


EXHIBIT C
Annexation Petition

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

**TO: THE MAYOR AND 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 of Brighton and its City Council for annexation to the City of Brighton of the unincorporated territory, the legal description of which is attached hereto as **Exhibit "A"** ("Property") and incorporated herein by this reference, located in the County of Weld and the State of Colorado, and to be known as the Marrone Trucking Annexation to the City of Brighton.

As part of this petition, your petitioners further state to the City Council that:

1. It is desirable and necessary that the territory described in **Exhibit "A"** be annexed to the City of Brighton.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the Property proposed to be annexed is contiguous with the City of Brighton, Colorado, or will be contiguous with the City of Brighton within such time as required by Section 31-12-104.
 - b. A community of interest exists between the Property proposed to be annexed and the City of Brighton.
 - c. The Property proposed to be annexed is urban or will be urbanized in the near future.
 - d. The Property proposed to be annexed is integrated with or is capable of being integrated with the City of Brighton.
 - e. No land within the boundary of the Property proposed to be annexed which is 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, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road, or other public way.
 - f. No land within the boundary of the Property proposed to be annexed which is 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, comprises twenty acres or more, and, together with the buildings and improvements situated thereon, has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the Property proposed to be annexed without the written consent of the landowner or landowners.

Annexation Petition pg. 1

- g. No annexation proceedings have been commenced for any portion of the Property proposed to be annexed for the annexation of such area to another municipality. The Property proposed to be annexed is not part of any incorporated city, city and county, or town.
 - h. The Property proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Brighton was held within the twelve months preceding the filing of this petition.
 - i. The annexation of the Property proposed to be annexed will not result in the detachment of the Property from any school district or the attachment of same to another school district.
 - j. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the City of Brighton more than three miles in any direction from any point of the boundary of the City of Brighton in the past 12 months.
 - k. The Property to be annexed is 20.00 acres in total area.
 - l. Prior to completion of the annexation of the Property, a plan will be in place, pursuant to Section 31-12-105 (1) (c), C.R. S., which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the City of Brighton, and the proposed land uses for the Property.
 - m. In establishing the boundary of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the area annexed, and reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed but is not bounded on both sides by the City of Brighton.
 - n. If required, an impact report will be prepared and filed pursuant to Section 31-12-108.5, C.R.S., as amended.
3. The signers of this Petition comprise more than fifty percent (50%) of the landowners and own more than fifty percent (50%) of the Property, excluding public streets and alleys and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the Property.
4. The Property is not located special districts as indicated on **Exhibit "B"**, attached hereto and within the county of Adams.
5. Accompany this Petition are (4) copies of the annexation boundary map in the form required by C.R.S. §31-102(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
6. The Property is not presently a part of any incorporated city, city and county or town.
7. 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 provide for in Chapter 31-12-112(2), Colorado Revised Statutes., as amended.
8. Upon the annexation ordinance becoming effective, the Property proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the City of Brighton, except for general property taxes of the City of Brighton, which shall become effective as of the January 1 next ensuing.
9. The zoning classification requested for the Property proposed to be annexed is I-1, as shown on the annexation map attached hereto and incorporated herein.
10. As required by the City of Brighton, an annexation agreement has been or will be executed by the Petitioners herein and the City relating to this annexation and the Petitioners hereby expressly consent to the terms and conditions set forth in the annexation agreement.
11. Petitioner represents that no part of the Property to be annexed with included within any site-specific development plan approved by Adams County, Colorado.
12. The non-refundable annexation application fee of **[\$1,200]** is tendered herewith.

EXECUTED this 7th day of Nov., 2019.

[SIGNATURE PAGES FOLLOW THIS PAGE]

PROPERTY OWNER/PETITIONER SIGNATURES

THEREFORE, the undersigned respectfully petition(s) the City Council of the City of Brighton, to annex the territory described and referred to in Exhibit A to the City of Brighton in accordance with and pursuant to the statutes of the State of Colorado.

Land Owner(s)Mailing AddressDate of Signing

Kenneth M. Marrone
Kenneth M. Marrone
(50% co-owner of Property)

2874 W. 111th Way
Westminster, CO 80234

11-7-19

Marrone EAT, LLC,
a Colorado limited liability company
(50% co-owner of Property)

Vinson Marrone
Vinson Marrone, Manager

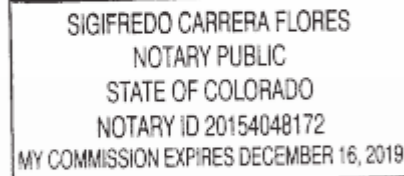
2874 W. 111th Way
Westminster, CO 80234 11-7-19

The foregoing signature(s) was/were subscribed and sworn to before me this 7th day of November, 2019, by Kenneth M. Marrone.

Witness my hand and official seal.

My commission expires on 12/16/2019

[Signature]
Notary Public

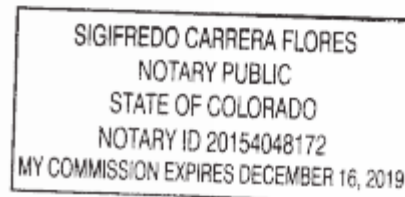


The foregoing signature(s) was/were subscribed and sworn to before me this 7th day of November, 2019, by Vinson Marrone, as Manager of Marrone EAT, LLC, a Colorado limited liability company, on its behalf.

Witness my hand and official seal.

My commission expires on 12/16/2019

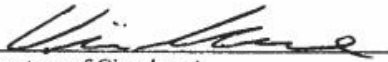
[Signature]
Notary Public



AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)
COUNTY OF ~~WELD~~ ^{ADAMS})ss.
)

Vincent Joseph Marrone, being first duly sworn, states upon oath that he/she is the circulator of the petition to which this Affidavit is attached and knows of his/her own knowledge that the signature of each land owner appearing on said petition is the signature of the person whose name it purports it to be.


(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this 20th day of November, 2019, by Vincent Joseph Marrone.

Witness my hand and official seal.

My commission expires on 12/16/2019.


Notary Public

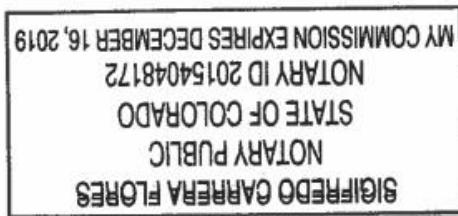


EXHIBIT A**Legal Description****Parcel 0156918200005**

A TRACT OF LAND LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 18, FROM WHICH THE SOUTH 1/4 CORNER OF SAID SECTION 18 BEARS SOUTH 00 DEGREES 12 MINUTES 39 SECONDS EAST, 2655.91 FEET (BASIS OF BEARING); THENCE SOUTH 89 DEGREES 43 MINUTES 16 SECONDS WEST, 30.00 FEET ALONG THE SOUTH LINE OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 18 TO THE WESTERLY RIGHT OF WAY LINE OF SABLE BOULEVARD; THENCE CONTINUING SOUTH 89 DEGREES 43 MINUTES 16 SECONDS WEST, 571.00 FEET ALONG THE SOUTH LINE OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 18 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 43 MINUTES 16 SECONDS WEST 718.50 FEET ALONG THE SOUTH LINE OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 18 TO THE CENTER-WEST 1/16 CORNER OF SAID SECTION 18;

THENCE NORTH 00 DEGREES 05 MINUTES 49 SECONDS WEST, 927.89 FEET ALONG THE WEST LINE OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 18 TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO WAL-MART REAL ESTATE BUSINESS TRUST AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JUNE 20, 2000 IN BOOK 6165 AT PAGE 243 OF THE RECORDS OF ADAMS COUNTY, COLORADO;

THENCE NORTH 89 DEGREES 46 MINUTES 09 SECONDS EAST, 3.70 FEET ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 6165 AT PAGE 243 TO AN ANGLE POINT THEREOF;

THENCE NORTH 00 DEGREES 13 MINUTES 51 SECONDS WEST, 125.75 FEET ALONG THE EASTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 6165 AT PAGE 243 TO A POINT OF CURVE TO THE RIGHT THEREOF;

THENCE NORTHEASTERLY, 176.63 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE EASTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 6165 AT PAGE 243 TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO THE CITY OF BRIGHTON AS DESCRIBED IN WARRANTY DEED RECORDED AUGUST 17, 1998 IN BOOK 5433 AT PAGE 377 OF THE RECORDS OF ADAMS COUNTY, COLORADO, SAID ARC HAVING A RADIUS OF 310.00 FEET, A CENTRAL ANGLE OF 32 DEGREES 38 MINUTES 44 SECONDS, AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 16 DEGREES 05 MINUTES 31 SECONDS EAST, 174.25 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 20 SECONDS EAST, 663.02 FEET ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 5433 AT PAGE 377 TO A POINT FROM WHICH THE TRUE POINT OF BEGINNING BEARS SOUTH 00 DEGREES 15 MINUTES 40 SECONDS EAST;

THENCE SOUTH 00 DEGREES 15 MINUTES 40 SECONDS EAST, 1220.61 FEET TO THE TRUE POINT OF BEGINNING.

LEGAL DESCRIPTION PREPARED BY:

PETER D. STEGER

COLORADO PROFESSIONAL LAND SURVEYOR NO. 25379

1860 LEFTHAND CIRCLE #A

LONGMONT, CO 80501

9/2/2019

<https://gisapp.adco.gov.org/quicksearch/doTaxDistrictReport.aspx?taxarea=294>**EXHIBIT B** **Adams County
Tax District Report**

Tax Area: 294		
Name	Tax Year	MIF Levy
ADAMS COUNTY	2019	25.864
CENTRAL COLD GROUND WATER SUBD	2019	2.739
CENTRAL COLD WATER CONSERV	2019	1.540
FIRE DISTRICT 6 GREATER BRIGHTON	2019	11.795
RANGEVIEW LIBRARY DISTRICT	2019	3.668
RTD	2019	0.000
School District 27-Brighton	2019	49.092
URBAN DRAINAGE & FLOOD CONTROL	2019	0.726
URBAN DRAINAGE SOUTH PLATTE	2019	0.094
Total		96.518

EXHIBIT "B"<https://gisapp.adco.gov.org/quicksearch/doTaxDistrictReport.aspx?taxarea=294>

1/2

EXHIBIT C
(Following pages)

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