

**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.

 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):

 ✓ 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 23rd day of May, 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 1 of 5

Name of Owner (print):	Swink Family Farms, LLLP
Address of Parcel within the Annexation Boundary (number, street, city):	
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	01569104 00001 , 01569104 00002
Signature of Owner:	Sheryl Lowery
Date of Signature:	5-23-2022
Initials of Circulator:	JMC
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.)

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 2 of 5

Name of Owner (print):	Swink Family Farms, LLLP
Address of Parcel within the Annexation Boundary (number, street, city):	
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	01569104 00001 , 01569104 00002
Signature of Owner:	Terry Swink
Date of Signature:	5-23-2022
Initials of Circulator:	gmc
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	

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Annexation Petition

Page 4

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 3 of 5

Name of Owner (print):	Swink Family Farms, LLLP
Address of Parcel within the Annexation Boundary (number, street, city):	
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	01569104 00001 , 01569104 00002
Signature of Owner:	Sylvia R. Auer
Date of Signature:	5-23-2022
Initials of Circulator:	JRC
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

Page 4

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 4 of 5

Name of Owner (print):	Swink Family Farms LLLP
Address of Parcel within the Annexation Boundary (number, street, city):	
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	01569104 00001 , 01569104 00002
Signature of Owner:	x <i>Alvin W. Swink</i>
Date of Signature:	5-23-2022
Initials of Circulator:	<i>JS</i>
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	

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Annexation Petition

Page 4

PROPERTY OWNER/PETITIONER SIGNATURES

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Page 5 of 5

Name of Owner (print):	Alvin W. Swink
Address of Parcel within the Annexation Boundary (number, street, city):	
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000190
Signature of Owner:	X Alvin W. Swink
Date of Signature:	5-23-2022
Initials of Circulator:	JWC
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.)

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 1 of 1

Signature James V. Capeceletro Initials JVC

Print Name JAMES V. CAPECELETRO Title BROKER, CUSHMAN & WAKEFIELD

Signature _____ Initials _____

Print Name _____ Title _____

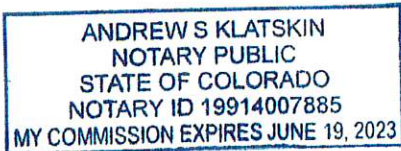
Signature _____ Initials _____

Print Name _____ Title _____

STATE OF COLORADO)
City & _____) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 23 Rd
day of May, 2022, by JAMES V. CAPECELETRO.

WITNESS my hand and official seal.



Andrew Klatskin
Notary Public
My commission expires:

6/19/2023

Annexation Petition

Page 5

EXHIBIT "A"

SWINK ANNEXATION LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST 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 NORTH 00°46'00" WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 496.07 FEET TO A POINT ON THE CITY OF BRIGHTON BOUNDARY;

THENCE, ALONG SAID CITY BOUNDARY, THE FOLLOWING THREE (3) COURSES;

1. NORTH 00°46'00" WEST, A DISTANCE OF 2,112.70 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 10;
2. NORTH 89°19'25" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 2,638.88 FEET TO THE ESAT QUARTER CORNER OF SAID SECTION 10;
3. SOUTH 00°42'34" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 1,509.17 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. 76;

THENCE, ALONG SAID WESTERLY RIGHT-OF-WAY, THE FOLLOWING SIX (6) COURSES;

1. SOUTH 89°17'39" WEST, A DISTANCE OF 60.00 FEET;
2. SOUTH 06°08'13" WEST, A DISTANCE OF 251.79 FEET;
3. SOUTH 00°42'21" EAST, A DISTANCE OF 368.86 FEET;
4. SOUTH 60°26'44" WEST, A DISTANCE OF 324.06 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 908.51 FEET;
5. SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°25'57", AN ARC LENGTH OF 450.84 FEET;
6. SOUTH 85°31'29" WEST, A DISTANCE OF 300.78 FEET TO A POINT ON SAID CITY OF BRIGHTON BOUNDARY;

THENCE SOUTH 89°20'42" WEST, ALONG SAID BOUNDARY, A DISTANCE OF 1,636.23 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 151.624 ACRES, (6,604,730 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
-

SWINK ANNEXATION TO THE CITY OF BRIGHTON

A PORTION OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST 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 THERE TO.

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 NORTH 00°46'00" WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 496.07 FEET TO A POINT ON THE CITY OF BRIGHTON BOUNDARY;

THENCE, ALONG SAID CITY BOUNDARY, THE FOLLOWING THREE (3) COURSES:
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2. NORTH 89°19'25" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER CORNER OF SAID SECTION 10, A DISTANCE OF 2,638.88 FEET TO THE ESAT QUARTER CORNER OF SAID SECTION 10;

3. SOUTH 00°42'34" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 1,509.17 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. 78;

THENCE, ALONG SAID WESTERLY RIGHT-OF-WAY, THE FOLLOWING SIX (6) COURSES:

1. SOUTH 89°17'39" WEST, A DISTANCE OF 60.00 FEET;

2. SOUTH 06°08'13" WEST, A DISTANCE OF 281.79 FEET;

3. SOUTH 00°42'21" EAST, A DISTANCE OF 368.86 FEET;

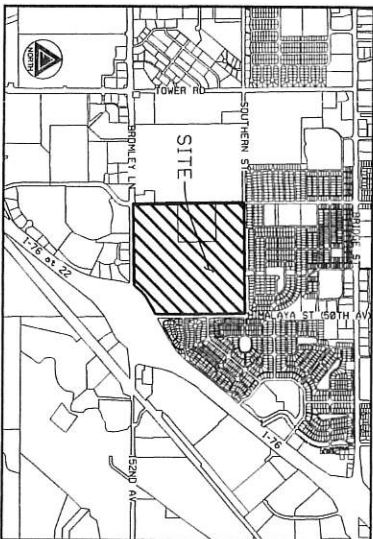
4. SOUTH 60°26'44" WEST, A DISTANCE OF 394.06 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 906.51 FEET;

5. SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°25'57", AN ARC LENGTH OF 450.84 FEET;

6. SOUTH 85°31'29" WEST, A DISTANCE OF 300.78 FEET TO A POINT ON SAID CITY OF BRIGHTON BOUNDARY;

THENCE SOUTH 89°20'43" WEST, ALONG SAID BOUNDARY, A DISTANCE OF 1,636.23 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 151.624 ACRES, (6,604,730 SQUARE FEET), MORE OR LESS.



VICINITY MAP
SCALE 1" = 2000'

GENERAL NOTES

1. PER C.R.S. 39-51-106, "ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET, EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY."

2. BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10, MONUMENTED AS SHOWN HEREON AND HAVING A BEARING OF NORTH 00°46'00" WEST.

3. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

4. PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 6.2.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE. THE SURVEY REPRESENTED HEREON HAS BEEN PREPARED BY AN INDIVIDUAL WHO IS A LICENSED PROFESSIONAL LAND SURVEYOR IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF.

ANNEXATION TABLE

TOTAL PERIMETER:	10,149.36 FEET
REQUIRED 1/8 CONTIGUOUS PERIMETER:	1,691.56 FEET
CONTIGUOUS BOUNDARY:	7,696.98 FEET (77.81%)

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, JAMES E. LYNCH, 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 SAID ANNEXATION MAP TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. I HAVE CONDUCTED A TITLE SEARCH BY ME TO DETERMINE OWNERSHIP, PLAT RECORDS, AND RECORDS OF THE LEAST ONE-SIXTH (1/6) OF THE PROPERTY SHOWN HEREON IS CONTIGUOUS WITH THE MUNICIPAL BOUNDARY OF THE CITY OF BRIGHTON, COLORADO.



JAMES E. LYNCH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR, P.L.S. 37933
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 EAST MINERAL AVENUE, SUITE 1
DENVER, COLORADO 80202
(303) 713-1898

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

