

RESOLUTION NO. 2022-78

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 AUGUST 16, 2022, TO DETERMINE IF THE PROPOSED APPROXIMATE 95.105 ACRES OF PROPERTY, TO BE KNOWN AS THE MAGPIE 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 92.9073 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, Madison Jones, a representative of Lovett Industrial (the “Applicant”), submitted the Petition, attached hereto as Exhibit C, on behalf of Magpie Run Properties LLC, Betty Mathis, Stacey Wenzel Steel, David Wenzel, Connie Surabian, and Lazarus Surabian are 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, August 16, 2022, 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.

1) 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 AND PASSED THIS 5<sup>TH</sup> DAY OF JULY, 2022

CITY OF BRIGHTON, COLORADO

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

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
YASMINA SHAUSH, Assistant City Attorney

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

**Overall Annexation Boundary**

**SURVEYOR'S DESCRIPTION - ANNEXATION BOUNDARY:**

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 11, THE EAST ONE HALF OF SECTION 11, THE WEST ONE HALF OF SECTION 12, AND THE NORTH HALF OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11 AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER TO BEAR SOUTH 89°57'07" EAST, WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO:

THENCE NORTH 00°44'02" WEST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 11 A DISTANCE OF 1,924.31 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 35°23'10" WEST A DISTANCE OF 2,396.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EAST 152ND AVENUE.

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) COURSES:

- 1) NORTH 89°57'07" WEST A DISTANCE OF 1,223.38 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14;
- 2) NORTH 89°58'27" WEST A DISTANCE OF 673.12 FEET;
- 3) SOUTH 02°48'49" WEST A DISTANCE OF 40.02 FEET;
- 4) NORTH 89°59'15" WEST ALSO BEING THE NORTH LINE OF WILLMANN-SMITH SUBDIVISION, RECORDED AT RECEPTION NO. 2002030976233 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, A DISTANCE OF 103.68 FEET;
- 5) NORTH 18°54'45" EAST A DISTANCE OF 42.54 FEET;
- 6) NORTH 89°58'27" WEST A DISTANCE OF 371.15 FEET TO A POINT ON THE EAST LINE OF BROMLEY HILL ANNEXATION PLAT, RECORDED AT RECEPTION NO. 2007000044279 IN SAID ADAMS COUNTY RECORDS;

THENCE NORTH 49°25'31" EAST ALONG SAID EAST LINE A DISTANCE OF 48.10 FEET TO A POINT ON THE BOUNDARY LINE OF ANNEXATION MAP RECORDED AT FILE 16, MAP 280 IN SAID ADAMS COUNTY RECORDS;

THENCE ALONG SAID BOUNDARY LINE OF ANNEXATION MAP THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 89°58'27" EAST A DISTANCE OF 76.49 FEET;
- 2) NORTH 49°24'03" EAST A DISTANCE OF 101.37 FEET;

THENCE SOUTH 89°58'27" EAST A DISTANCE OF 153.57 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN (C.B. AND Q.) RAILWAY;

THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 49°24'57" EAST A DISTANCE OF 1,936.16 FEET;
- 2) NORTH 49°23'21" EAST A DISTANCE OF 2,398.86 FEET;

THENCE SOUTH 63°55'12" EAST A DISTANCE OF 619.36 FEET;

THENCE SOUTH 35°23'10" WEST A DISTANCE OF 785.39 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 11;

THENCE SOUTH 00°44'02" EAST ALONG SAID EAST LINE A DISTANCE OF 87.87 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 4,142,785 SQUARE FEET, OR 93.106 ACRES, MORE OR LESS.

Individual Property Boundary

SURVEYOR'S DESCRIPTION - MATHIS PARCEL 1:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 11 AND CONSIDERING THE SOUTH LINE OF THE SOUTH-EAST QUARTER TO BEAR SOUTH 89°57'07" EAST, WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO.

THENCE NORTH 76°24'22" WEST A DISTANCE OF 213.13 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 152ND AVENUE AND THE POINT OF BEGINNING;

THENCE NORTH 89°58'27" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 513.14 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE SPEER CANAL;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF SPEER CANAL THE FOLLOWING TWO (2) COURSES:

- 1) ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08°53'34", A RADIUS OF 247.57 FEET, AN ARC LENGTH OF 38.42 FEET AND A CHORD THAT BEARS NORTH 35°47'39" WEST A DISTANCE OF 38.39 FEET;
- 2) NORTH 40°14'54" WEST A DISTANCE OF 21.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN (C.B. AND Q.) RAILWAY;

THENCE NORTH 49°24'57" EAST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 308.93 FEET TO THE WEST LINE OF THE BURLINGTON EXTENSION DITCH;

THENCE ALONG SAID WEST LINE THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 40°55'08" EAST A DISTANCE OF 186.79 FEET;
- 2) SOUTH 80°07'47" EAST A DISTANCE OF 124.58 FEET;
- 3) SOUTH 38°58'27" EAST A DISTANCE OF 110.92 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 70,498 SQUARE FEET, OR 1.618 ACRES, MORE OR LESS.

SURVEYOR'S DESCRIPTION - SURABIAN PARCEL:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 11 AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER TO BEAR SOUTH 89°57'07" EAST, WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO.

THENCE NORTH 74°48'16" EAST A DISTANCE OF 180.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 152ND AVENUE AND THE POINT OF BEGINNING.

THENCE NORTH 00°18'40" EAST A DISTANCE OF 856.92 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN (C.B. AND Q.) RAILWAY;

THENCE NORTH 49°24'57" ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 644.38 FEET;

THENCE SOUTH 00°18'27" WEST A DISTANCE OF 1,278.53 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 152ND AVENUE;

THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING FIVE (5) COURSES:

- 1) NORTH 89°57'07" WEST A DISTANCE OF 478.68 FEET;
- 2) SOUTH 00°02'53" WEST A DISTANCE OF 5.00 FEET;
- 3) NORTH 89°57'07" WEST A DISTANCE OF 10.00 FEET;
- 4) NORTH 00°02'53" EAST A DISTANCE OF 5.00 FEET;
- 5) NORTH 89°57'07" WEST A DISTANCE OF 47.98 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 519,464 SQUARE FEET, OR 11.925 ACRES, MORE OR LESS.

SURVEYOR'S DESCRIPTION - MATHIS PARCEL 2:

A PARCEL OF LAND IN THE SOUTH HALF OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 11 AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER TO BEAR SOUTH 89°57'07" EAST, WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO.

THENCE NORTH 74°48'16" EAST A DISTANCE OF 180.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 152ND AVENUE AND THE POINT OF BEGINNING.

THENCE ALONG SAID NORTH LINE THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 89°57'07" WEST A DISTANCE OF 184.15 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 11;
- 2) NORTH 89°58'27" WEST A DISTANCE OF 174.36 FEET TO THE EAST LINE OF THE BURLINGTON DITCH;

THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES:

- 1) NORTH 38°58'27" WEST A DISTANCE OF 140.55 FEET;
- 2) NORTH 80°07'47" WEST A DISTANCE OF 125.06 FEET;
- 3) NORTH 40°55'08" WEST A DISTANCE OF 177.74 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN (C.B. AND Q.) RAILWAY;

THENCE NORTH 49°24'57" EAST ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 809.47 FEET;

THENCE SOUTH 00°18'40" WEST A DISTANCE OF 856.92 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 342,981 SQUARE FEET, OR 7.874 ACRES, MORE OR LESS.

SURVEYOR'S DESCRIPTION - MAGPIE RUN PARCEL:

A PARCEL OF LAND IN THE EAST HALF OF SECTION 11 AND THE WEST HALF OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11 AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER TO BEAR SOUTH 89°57'07" EAST, WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO.

THENCE NORTH 00°44'02" WEST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11 A DISTANCE OF 1,924.31 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 35°23'10" WEST A DISTANCE OF 2,321.95 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST 152ND AVENUE.

THENCE NORTH 89°57'07" WEST ALONG SAID NORTH LINE A DISTANCE OF 585.89 FEET;

THENCE NORTH 00°18'27" EAST A DISTANCE OF 1,298.53 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN (C.B. AND Q.) RAILWAY;

THENCE NORTH 49°23'21" EAST ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 2,398.86 FEET;

THENCE SOUTH 63°55'12" EAST A DISTANCE OF 619.38 FEET;

THENCE SOUTH 35°23'10" WEST A DISTANCE OF 765.39 FEET TO A POINT ON SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 11.

THENCE SOUTH 00°44'02" EAST ALONG SAID EAST LINE A DISTANCE OF 67.87 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 3,019,131 SQUARE FEET, OR 69.310 ACRES, MORE OR LESS.

**SURVEYOR'S DESCRIPTION - BURLINGTON EXTENSION DITCH**

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 11 AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER TO BEAR SOUTH 89°57'07" EAST, WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO:

THENCE NORTH 78°24'22" WEST A DISTANCE OF 213.13 FEET TO THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF EAST 152ND AVENUE AND THE WEST LINE OF THE BURLINGTON DITCH, AND THE POINT OF BEGINNING.

THENCE ALONG SAID WEST LINE OF THE BURLINGTON DITCH THE FOLLOWING THREE (3) COURSES:

- 1) NORTH 38°58'27" WEST A DISTANCE OF 110.92 FEET;
- 2) NORTH 80°07'47" WEST A DISTANCE OF 124.58 FEET;
- 3) NORTH 40°55'08" WEST A DISTANCE OF 186.79 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN (C.B. AND Q.) RAILWAY;

THENCE NORTH 49°24'57" EAST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 25.00 FEET TO THE EAST LINE OF SAID BURLINGTON DITCH.

THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 40°55'08" EAST A DISTANCE OF 177.74 FEET;
- 2) SOUTH 80°07'47" EAST A DISTANCE OF 125.08 FEET;
- 3) SOUTH 38°58'27" EAST A DISTANCE OF 140.65 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF EAST 152ND AVENUE;

THENCE NORTH 89°58'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 32.17 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 10,820 SQUARE FEET, OR 0.248 ACRES, MORE OR LESS.

**SURVEYOR'S DESCRIPTION - EAST 152ND AVENUE PARCEL:**

A PARCEL OF LAND IN THE SOUTH HALF OF SECTION 11 AND THE NORTH HALF OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11 AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER TO BEAR SOUTH 89°57'07" EAST, WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO:

THENCE NORTH 88°41'49" WEST A DISTANCE OF 1,389.60 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 152ND AVENUE AND THE POINT OF BEGINNING.

THENCE SOUTH 35°23'10" WEST A DISTANCE OF 73.55 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID EAST 152ND AVENUE;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING SIX (6) COURSES:

- 1) NORTH 89°57'07" WEST A DISTANCE OF 1,223.38 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14;
- 2) NORTH 89°58'27" WEST A DISTANCE OF 673.12 FEET;
- 3) SOUTH 02°48'40" WEST A DISTANCE OF 40.02 FEET;
- 4) NORTH 89°59'15" WEST ALSO BEING THE NORTH LINE OF WILLMANN-SMITH SUBDIVISION, RECORDED AT REC. NO. 2002030978233 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE A DISTANCE OF 103.66 FEET;
- 5) NORTH 19°54'45" EAST A DISTANCE OF 42.54 FEET;
- 6) NORTH 89°58'27" WEST A DISTANCE OF 371.15 FEET TO A POINT ON THE EAST LINE OF BROMLEY HILL ANNEXATION PLAT, RECORDED AT RECEPTION NO. 2007000044279 IN SAID ADAMS COUNTY RECORDS.

**SURVEYOR'S DESCRIPTION - EAST 152ND AVENUE PARCEL (CONTINUED):**

THENCE NORTH 49°25'31" EAST A DISTANCE OF 48.10 FEET ALONG SAID EAST LINE A DISTANCE OF 48.10 FEET TO A POINT ON THE BOUNDARY LINE OF ANNEXATION MAP RECORDED AT FILE 18, MAP 288 IN SAID ADAMS COUNTY RECORDS.

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 89°58'27" EAST ALONG SAID NORTH LINE A DISTANCE OF 76.49 FEET
- 2) NORTH 49°24'03" EAST A DISTANCE OF 101.37 FEET;

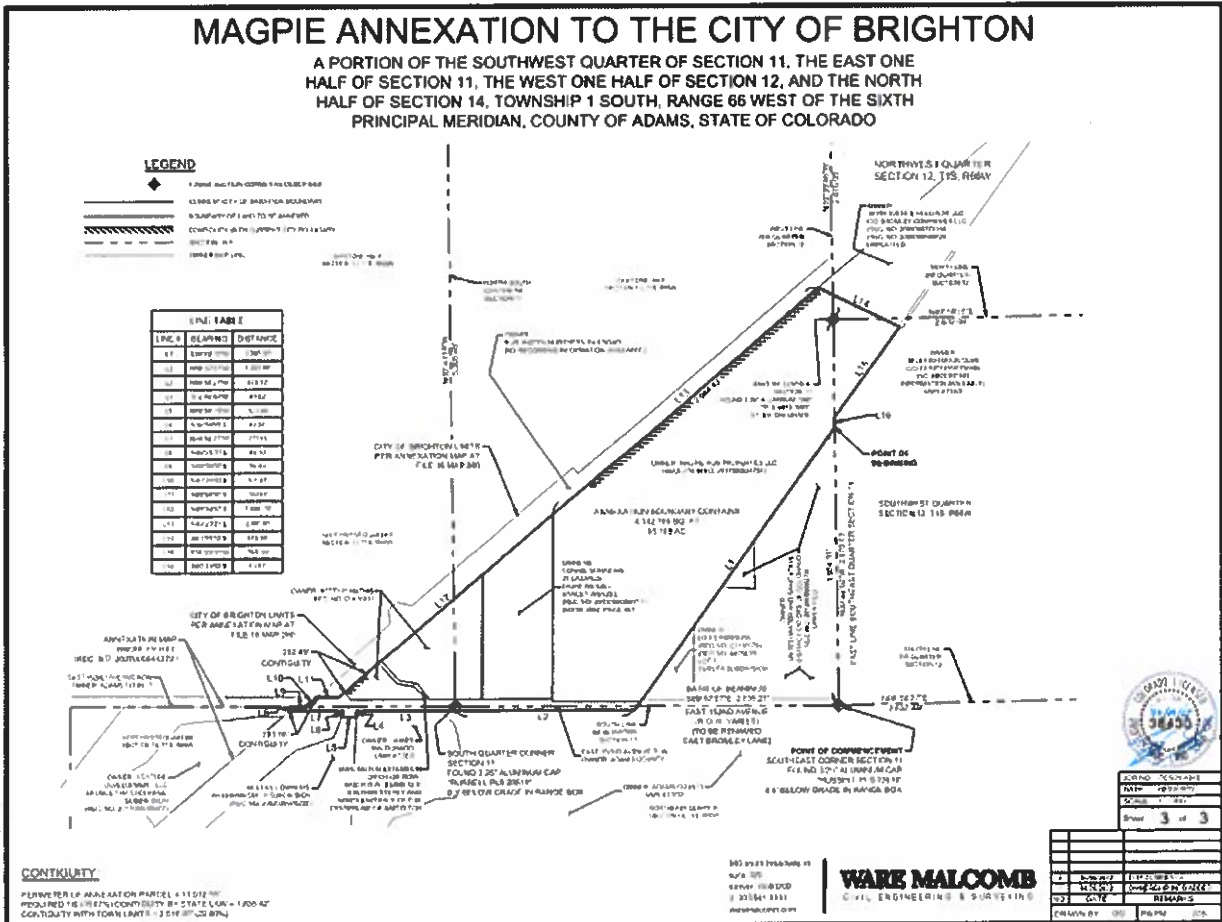
THENCE SOUTH 89°58'27" EAST A DISTANCE OF 153.57 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN (C.B. AND Q.) RAILWAY;

THENCE NORTH 49°24'57" EAST ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 48.40 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE SPEER CANAL;

THENCE ALONG SAID EAST LINE THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 40°14'54" EAST A DISTANCE OF 21.47 FEET;
- 2) ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 68°53'34", A RADIUS OF 247.57 FEET, AN ARC LENGTH OF 38.42 FEET AND A CHORD THAT BEARS SOUTH 35°47'30" EAST A DISTANCE OF 38.30 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID EAST 152ND AVENUE.

# **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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APPROVED: *for*

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.)
- X   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):

  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 groundwater rights, specifically excluding surface 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.
14. In the event the City does not grant the zoning for these properties, as requested by the applicant in conjunction with this petition and necessary to develop, this petition may be withdrawn.

[SIGNATURE PAGES FOLLOW THIS PAGE]

Annexation Petition

Page 3

EXECUTED this 25th day of April, 2022.**PROPERTY OWNER/PETITIONER SIGNATURES**

The signatures affixed hereon represent property owners within the Annexation Boundary who desire Annexation to the City of Brighton, Colorado.

Name of Owner (print):	Magpie Runs Properties, LLC
Address of Parcel within the Annexation Boundary (number, street, city):	21251 E 152nd Ave
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000126, 0156900000128, 0156900000276
Signature of Owner:	
Date of Signature:	
Initials of Circulator:	
Name of Owner (print):	Cornie Surablen, Lazarus Surablen, Ryan Steel and Sherry Wenzel <i>Steel SS</i>
Address of Parcel within the Annexation Boundary	
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000164
Signature of Owner:	<i>Sherry Steel</i> <i>RS</i>
Date of Signature	4/20/22 4/20/22
Initials of Circulator	
Name: (print)	BETTY MATHIS
Address of Parcel within the Annexation Boundary	20799 E BROMLEY LN
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000163, 0156900000162
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 5 of 9

Name of Owner (print):	Magpie Run Properties, LLC
Address of Parcel within the Annexation Boundary (number, street, city):	21251 E 152nd Ave
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000126, 0156900000128, 0156900000276
Signature of Owner:	<i>Roger Ollinger</i>
Date of Signature:	<i>March 22, 2022</i>
Initials of Circulator:	
Name of Owner (print):	Cornie Susablen, Lazarus Susablen, David Wenzel and Steacy Wenzel
Address of Parcel within the Annexation Boundary	
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000164
Signature of Owner:	
Date of Signature	
Initials of Circulator	
Name: (print)	BETTY MATHIS
Address of Parcel within the Annexation Boundary	20799 E BROMLEY LN
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000163, 0156900000162
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 5

**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 6 of 9

Name of Owner (print):	Magpie Runs Properties, LLC
Address of Parcel within the Annexation Boundary (number, street, city):	21251 E 152nd Ave
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000126, 0156900000128, 0156900000276
Signature of Owner:	
Date of Signature:	
Initials of Circulator:	
Name of Owner (print):	Connie Surabian, Lazarus Surabian, David Wenzel and Stacey Wenzel
Address of Parcel within the Annexation Boundary	
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000164
Signature of Owner:	<i>Connie Surabian</i> <i>P. Wenzel</i>
Date of Signature	<i>4-20-22</i> <i>4-20-22</i>
Initials of Circulator	
Name: (print)	BETTY MATHIS
Address of Parcel within the Annexation Boundary	20799 E BROMLEY LN
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000163, 0156900000162
Signature	
Date of Signature	
Initials of Circulator	

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Annexation Petition

Page 6

**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 7 of 9

Name of Owner (print):	Magpie Runs Properties, LLC
Address of Parcel within the Annexation Boundary (number, street, city):	21251 E 152nd Ave
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000126, 0156900000128, 0156900000276
Signature of Owner:	
Date of Signature:	
Initials of Circulator:	
Name of Owner (print):	Connie Surabian, Lazarus Surabian, David Wenzel and Stacey Wenzel
Address of Parcel within the Annexation Boundary	
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000164
Signature of Owner:	
Date of Signature:	
Initials of Circulator:	
Name: (print)	BETTY MATHIS
Address of Parcel within the Annexation Boundary	20799 E BROMLEY LN
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	0156900000163, 0156900000162
Signature	<i>Betty Mathis</i>
Date of Signature	4-21-22
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 7

## 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 8 of 9

  
 Signature \_\_\_\_\_ Initials MJ  
Madison Jones Director  
 Print Name Title

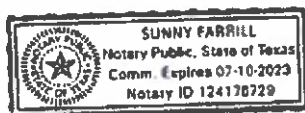
Signature \_\_\_\_\_ Initials \_\_\_\_\_  
 Print Name Title

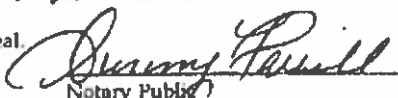
Signature \_\_\_\_\_ Initials \_\_\_\_\_  
 Print Name Title

TEXAS  
 STATE OF ~~COLORADO~~  
 ) ss.  
 COUNTY OF Harris )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of April, 2022, by Madison Jones.

WITNESS my hand and official seal.



  
 Notary Public  
 My commission expires:

7-10-23

Annexation Petition  
Page 8

Exhibit B

- Central Colorado Ground Water Subdistrict
- Central Colorado Ground Water Conservatory
- Fire District 6 Greater Brighton
- Regional Transportation District
- Rangeview Library District
- School District 27J – Brighton
- Urban Drainage and Flood Control District
- Urban Drainage South Platte