RESOLUTION NO. 2022-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF AN APPROXIMATE 95.105 ACRES OF CONTIGUOUS LAND, KNOWN AS THE MAGPIE PROPERTY ANNEXATION, 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 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO

WHEREAS, the City Council of the City of Brighton, Colorado, at a Regular Meeting on July 5, 2022, passed Resolution No. 2022-78, finding the petition for annexation of the hereinafter described parcel of land to be in substantial compliance with the requirements of Colo. Rev. Stat. § 31-12-107(1); and

WHEREAS, City staff has provided notice of the public hearing on the proposed annexation by publication once a week for four consecutive weeks and by registered mail to the Clerk of the Board of County Commissioners, the County Attorney, the school district, and to any special district having territory in the area to be annexed; and

WHEREAS, the City Council has completed a public hearing to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105, to establish eligibility for annexation.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. That the City Council of the City of Brighton, Colorado, hereby finds and concludes with regard to the annexation of the territory described in Exhibit A, attached hereto and incorporated herein, that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the City of Brighton, Colorado; and therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the City of Brighton; that the territory to be annexed is urban or will be urbanized in the near future; and that the territory proposed to be annexed is integrated or is capable of being integrated with the City of Brighton, Colorado.

Section 2. That the City Council finds and determines that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of the area from a school district; that the annexation will not result in the extension of a municipal boundary more than three miles; that the City of Brighton has in place a plan for the area; and that in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

Section 3. That an election is not required, and no additional terms or conditions are to	
be imposed upon the area to be annexed.	
Section 4. This Resolution is effective as of the date of its adoption.	
RESOLVED this 16 th day of August, 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 (s)

Overall Legal Description

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 IS SOUTH, RANGE 68 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 80°57'07' EAST, WITH ALL BEARNINGS HEREIN CONTAINED RELATIVE THERETO.

THENCE NORTH 00'44'02' WEST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 11 A DISTANCE OF 1,024.31 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 35°25'10' WEST A DISTANCE OF 2,365.50 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 80°57'07" WEST A DISTANCE OF 1,223.38 FEET TO A POINT ON THE EAST
- 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 80"50"15" WEST ALSO BEING THE NORTH LINE OF WILLMANN-SMITH SUBDIMISION, RECORDED AT RECEPTION NO. 2002030076233 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, A DISTANCE OF 103.68 FEET;
- 5) NORTH 19"54"45" EAST A DISTANCE OF 42.54 FEET;
- 6) NORTH 80°58'27" WEST A DISTANCE OF 371.15 FEET TO A POINT ON THE EAST LINE OF BROWLEY HILL ANNEXATION PLAT, RECORDED AT RECEPTION NO. 200700004279 IN 9AID ADAMS COUNTY RECORDS;

THENCE NORTH 40"25"31" EAST ALONG SAID EAST LINE A DISTANCE OF 46.10 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 78.49 FEET;
- 2) NORTH 49°24'03" EAST A DISTANCE OF 101.37 FEET;

THENCE SOUTH 80°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)

- 1) NORTH 49°24'57" EAST A DISTANCE OF 1,936.16 FEET;
- 2) NORTH 49"29"21" EAST A DISTANCE OF 2,398.88 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 THE 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 4,142,785 SQUARE FEET, OR 95.105 ACRES, MORE OR LESS

Individual Legal Descriptions

SURVEYOR'S DESCRIPTION - MATHIS PARCEL 1:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH. RANGE 86 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 80°57°07" EAST, WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO,

THENCE NORTH 78°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 80°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

1) ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF I PACINGS AND EVENT CONTROL TO THE EFF THAT HAS CENTRAL PRICE OF SEATHER, PRICE OF SEATHER, PRICE OF SEATHER, PRICE OF SEATHER, PRICE OF SEATHER CHARGE OF SEATHER CO. S. AND O. J. RALLWAY, RIGHT-OF-WART LINE OF THE BURLINGTON NORTHERN (C. S. AND. O. J. RALLWAY, C. S. AND. O. J. RAL

THENCE NORTH 40°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 188.79 FEET;

2) SOUTH 80*07*47" EAST A DISTANCE OF 124.58 FEET; 3) SOUTH 38*5827" 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

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 80°57'07" EAST, WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO;

THENCE NORTH 76°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.

NORTH 38"58"27" WEST A DISTANCE OF 110.92 FEET;
 NORTH 80"07"47" WEST A DISTANCE OF 124.58 FEET.

3) NORTH 40°5908' WEST A DISTANCE OF 18870 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN (C.B. AND Q.) RAILWAY;

THENCE NORTH 49"24"S?" 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.

SOUTH 80°0747 EAST A DISTANCE OF 125.09 FEET; SOUTH 30°5827 EAST A DISTANCE OF 140.55 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 - 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 SOU 80°5707" EAST, WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO,

THENCE NORTH 74"48"16" EAST A DISTANCE OF 190.17 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 80°5827" 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"55'06" WEST A DISTANCE OF 177.74 FEET TO THE SOUTHEASTERLY RIGHT-OF-MARY LINE OF THE BURLINGTON NORTH-FERN (C.B. AND Q.) RAILWAY;

THENCE NORTH 40°24'57" EAST ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 909.47 FEET:

THENCE SOUTH 00°16'40" WEST A DISTANCE OF 858.92 FEET TO THE POINT OF

SAID PARCEL CONTAINS AN AREA OF 342,981 SQUARE FEET, OR 7.874 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 98 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 1,369,60 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 152ND AVENUE AND THE POINT OF BEGINNING;

THENCE SOUTH 39'23'10' 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 1,223.98 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14;

NORTH 89"58"27" WEST A DISTANCE OF 673.12 FEET;
 SOUTH 02"48"49" WEST A DISTANCE OF 40.02 FEET;

3) SOUTH 0274937 WEST A LISTANCE OF 42 02 FEET; 4) NORTH 80°50°15° WEST ALISO BEING THE NORTH LINE OF WILLMANN-SMITH SUBDIVISION, RECORDED AT REC. NO. 2002030078233 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDERS OFFICE A DISTANCE OF 103.68 FEET; 5) NORTH 80°5427° WEST A DISTANCE OF 42.54 FEET; LINE OF BROMLEY HILL ANNEXATION PLAT, RECORDED AT RECEPTION NO. 2007000044279 IN SAID ADAMS COUNTY RECORDS:

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 190.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 152ND AVENUE AND THE POINT OF BEGINNING;

THENCE NORTH 00°16'40" 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.)

THENCE NORTH 49°24'57" ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 644.36

THENCE SOUTH 00°18'27" WEST A DISTANCE OF 1,276.53 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:

- NORTH 80°57'07" WEST A DISTANCE OF 428.68 FEET;
 SOUTH 00°02'53" WEST A DISTANCE OF 5.00 FEET;
- 3) NORTH 80°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

SAID PARCEL CONTAINS AN AREA OF 519,464 SQUARE FEET, OR 11,925 ACRES, MORE OR LESS.

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

THENCE NORTH 40°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 280 IN SAID ADAMS COUNTY RECORDS;

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

- 1) SOUTH 80°58'27" EAST ALONG SAID NORTH LINE A DISTANCE OF 78.49 FEET
- 2) NORTH 49"24"03" EAST A DISTANCE OF 101.37 FEET:

THENCE SOUTH 80°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"S4" EAST A DISTANCE OF 21.47 FEET; 2) ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 08"S934", A RADIUS OF 247.57 FEET, AN ARC LENGTH OF 38.42 FEET AND A CHORD THAT BEARS SOUTH 39"479" EAST A DISTANCE OF 38.39 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID EAST 152ND AVENUE:

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

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11 AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER TO BEAR SOUTH 80°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 595.88 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"29"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

SAID PARCEL CONTAINS AN AREA OF 3,019,131 SQUARE FEET, OR 69,310 ACRES, MORE OR LESS.

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

THENCE ALONG SAID NORTH LINE THE FOLLOWING NINE (9) COURSES:

- SOUTH 89°58'28" EAST A DISTANCE OF 719.67 FEET;
 SOUTH 89°57'07" EAST A DISTANCE OF 232.13 FEET;
- 3) SOUTH 00°02'53" WEST A DISTANCE OF 5:00 FEET; 4) SOUTH 80°57'07" EAST A DISTANCE OF 10:00 FEET;
- 5) NORTH 00"02"53" EAST A DISTANCE OF 5.00 FEET; 6) SOUTH 80"57"07" EAST A DISTANCE OF 428.68 FEET;
- SOUTH 00"18'27" WEST A DISTANCE OF 20.00 FEET;
 SOUTH 80"57'07" EAST A DISTANCE OF 595.88 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 179,890 SQUARE FEET, OR 4,130 ACRES, MORE OR