

BRIGHTON CITY COUNCIL RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF BRIGHTON, COLORADO FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION, AND SETTING A PUBLIC HEARING FOR AUGUST 21, 2018, TO DETERMINE IF THE PROPOSED APPROXIMATE 9.040 ACRE PARCEL, TO BE KNOWN AS THE NEFF II ANNEXATION, COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION.

RESOLUTION NO.: 2018-77

WHEREAS, on March 13, 2018, 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 9.040 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, Eric Eckberg, of JE Homes, LLC (the “Applicant”), submitted the Petition, attached hereto as **Exhibit C**, on behalf of Gary Antonoff, Galaxy Land Company, LLC, owner of 100% of the Property (the “Owner”); 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 21, 2018, 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 AND PASSED THIS 17th DAY OF JULY, 2018.

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
Legal Description

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, LYING WESTERLY OF THE CENTERLINE OF ADAMS COUNTY ROAD NO. 122 (ABANDONED), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 1, WHENCE THE WEST QUARTER CORNER THEREOF BEARS S00°46'49"E, 2331.28 FEET; THENCE S00°46'49"E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 1889.48 FEET TO THE POINT OF BEGINNING; THENCE N89°13'12"E, A DISTANCE OF 988.29 FEET TO THE CENTERLINE OF SAID COUNTY ROAD NO. 122 (ABANDONED); THENCE S24°18'10"W, ALONG SAID CENTERLINE A DISTANCE OF 495.77 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE S89°45'04"W, ALONG SAID SOUTH LINE, A DISTANCE OF 778.15 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 1; THENCE N00°46'49"W, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 441.80 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 9.040 ACRES.

EXHIBIT C

Annexation Petition

[Annexation Petition begins on the next five (5) pages.]

**PETITION FOR ANNEXATION OF UNINCORPORATED TERRITORY
IN THE COUNTY OF ADAMS, 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 Adams, 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

X:\Projects\Neff Property\1st Annexation Submittal\Annexation Petition -Neff Property South 9 acres.doc

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 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. Annexor will acquire and dedicate water rights as required by City of Brighton's 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.


EXECUTED this 13th day of March, 20 18

[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 4

Name of Owner (print):	Galaxy Land Company, LLC
Address of Parcel within the Annexation Boundary (number, street, city):	N/A
Legal Description(s) (Lot, Block, Subdivision Name) or Parcel Number(s):	Parcel Number: 0156900000301
Signature of Owner:	
Date of Signature:	MARCH 15, 2018
Initials of Circulator:	
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	

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.)

EXHIBIT A

Legal Description

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, LYING WESTERLY OF THE CENTERLINE OF ADAMS COUNTY ROAD NO. 122 (ABANDONED), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 1, WHENCE THE WEST QUARTER CORNER THEREOF BEARS S00°46'49"E, 2331.28 FEET; THENCE S00°46'49"E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 1889.48 FEET TO THE POINT OF BEGINNING; THENCE N89°13'12"E, A DISTANCE OF 988.29 FEET TO THE CENTERLINE OF SAID COUNTY ROAD NO. 122 (ABANDONED); THENCE S24°18'10"W, ALONG SAID CENTERLINE A DISTANCE OF 495.77 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE S89°45'04"W, ALONG SAID SOUTH LINE, A DISTANCE OF 778.15 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 1; THENCE N00°46'49"W, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 441.80 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

NEFF PROPERTY ANEXATION

Annexation Petition

Adams County Account No.:	R0108371
Adams County Parcel ID No.:	0156900000301

SPECIAL DISTRICTS PER TAX STATEMENT

1. Rangeview Library District
2. Central Colorado Water Conservancy
3. Fire District 6
4. RTD
5. Adams County School District 27
6. Urban Drainage and Flood Control District