

Agenda Item: GB-B
Meeting Date: April 25, 2022

Subject: RESOLUTION 22-34, A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE FOR AN ANNEXATION PETITION FILED WITH THE CITY OF DAcono, COLORADO, KNOWN AS THE RIDGE LANDS IV ANNEXATION TO THE CITY OF DAcono, AND SETTING A PUBLIC HEARING THEREON.

Presenter: Jennifer Krieger, AICP, Community Development Director

Background: A voluntary petition for annexation of certain property known as the Ridge Lands IV Annexation was filed with the City Clerk. The petition is now referred to the City Council to determine substantial compliance with applicable Colorado annexation law. Since this is a voluntary annexation, no election is required.

Staff reviewed the petition and found it to comply with the applicable law. A public hearing for the annexation is scheduled for June 13, 2022.

Recommended Action: Staff recommends approval of Resolution 22-34.

RESOLUTION NO. 22-34

A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE FOR AN ANNEXATION PETITION FILED WITH THE CITY OF DACONO, COLORADO, KNOWN AS THE RIDGE LANDS IV ANNEXATION TO THE CITY OF DACONO, AND SETTING A PUBLIC HEARING THEREON.

WHEREAS, a petition for annexation of certain property to be known as the **Ridge Lands IV Annexation** has been filed with the City Clerk of the City of Dacono, Colorado, and referred to the City Council for a determination of substantial compliance with applicable law; and

WHEREAS, the City Council wishes to permit simultaneous consideration of the subject property for annexation and zoning, if requested in the petitions; and

WHEREAS, the City Council has reviewed the petition and desires to adopt by Resolution its findings in regard to the petition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. The petition, the legal description for which is attached hereto as Exhibit A and incorporated herein by reference, are in substantial compliance with C.R.S. §§ 31-12-104 and -105 and Section 30 of Article II of the Colorado Constitution.

Section 2. No election is required under C.R.S. § 31-12-107(2) or Article II, Section 30 of the Colorado Constitution.

Section 3. No additional terms and conditions are to be imposed within the meaning of Sections 31-12-107(1)(g), -110(2) or -112, C.R.S.

Section 4. The City Council will hold a public hearing for the purpose of determining if the proposed annexation complies with Section 30 of Article II of the Colorado Constitution and Sections 31-12-104 and 31-12-105, C.R.S., and will hold a public hearing to determine the appropriate zoning of the subject property, if requested in the petitions, at the Dacono City Hall Annex Building, 512 Cherry Street, Building C Dacono, Colorado 80514, on **Monday, June 13, 2022 at 6:00 p.m.**

Section 5. Any person may appear at such hearing and present evidence relative to the proposed annexation, and the proposed zoning if requested in the petition.

Section 6. Upon completion of the hearing, the City Council will set forth, by resolution, its findings and conclusions with reference to the eligibility of the proposed annexation, and whether the constitutional and statutory requirements for the proposed annexation have been met, and will further determine the appropriate zoning of the subject property if requested in the petitions.

Section 7. If the City Council concludes, by resolution, that all constitutional and statutory requirements have been met and that the proposed annexation is proper under the laws of the State of Colorado, the City Council may pass one or more ordinances annexing the subject property to the City of Dacono, and will pass one or more ordinances zoning the subject property if requested in the petition.

INTRODUCED, READ, and ADOPTED this 25th day of April, 2022.

Adam Morehead
Mayor

ATTEST:

Valerie Taylor
City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

RIDGE LANDS IV ANNEXATION TO THE CITY OF DACONO:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 1 FROM WHENCE THE CENTER QUARTER CORNER BEARS S00°06'46"E (BASIS OF BEARINGS);

THENCE S00°06'46"W, 175.70 FEET ALONG THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 1 TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 52, BEING THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 52 THE FOLLOWING TWO COURSES:

- 1) S89°43'49"E, 21.00 FEET;
- 2) N45°12'11"E, 26.83 FEET;

THENCE S00°06'46"W, 286.36 FEET ALONG A LINE PARALLEL WITH AND 40.00 FEET EAST OF THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 1 TO AN ANGLE POINT OF THE "SHARPE II ANNEXATION";

THENCE ALONG THE WESTERLY LINE OF SAID "SHARPE II ANNEXATION" THE FOLLOWING FIVE COURSES:

- 1) S00°06'46"W 1,153.94 FEET;
- 2) S89°51'00"E, 20.00 FEET;
- 3) S00°06'46"W, 20.00 FEET;
- 4) N89°51'00"W, 20.00 FEET;
- 5) S00°06'46"W, 730.00 FEET TO THE NORTHERLY LINE OF "RIDGE LANDS III ANNEXATION";

THENCE N89°51'00"W, 40.00 FEET ALONG SAID NORTHERLY LINE TO THE EASTERLY LINE OF "RIDGE LANDS ANNEXATION";

THENCE N00°06'46"E, 2,171.39 FEET ALONG SAID EASTERLY LINE (ALSO BEING THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 1) TO THE POINT OF BEGINNING, CONTAINING 2.01 ACRES, MORE OR LESS.

DESCRIPTION PREPARED BY:
BO BAIZE, COLORADO PLS 37990
FOR AND ON BEHALF OF HURST & ASSOCIATES, INC.

PETITION FOR ANNEXATION

TO: THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO

We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Dacono and its City Council for annexation to the City of Dacono of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, located in the County of Weld and the State of Colorado, and to be known as the County Road 11 1/2 Annexation to the City of Dacono.

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 Dacono.
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 area proposed to be annexed is contiguous with the City of Dacono or will be contiguous with the City of Dacono within such time as required by Section 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the City of Dacono.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Dacono.
 - e. No land within the boundary of the territory 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 area 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 which, 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 area proposed to be annexed without the written consent of the landowner or landowners.

- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
 - h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
 - i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the City of Dacono more than three miles in any direction from any point of the boundary of the City of Dacono in any one year.
 - j. The territory proposed to be annexed is 2.0 acres in total area.
 - k. Prior to completion of the annexation of the area proposed to be annexed, a plan will be in place, pursuant to Section 31-12-105(1)(e), 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 Dacono; and the proposed land uses for the area; such plan to be updated at least once annually.
 - l. 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 to the City of Dacono but is not bounded on both sides by the City of Dacono.
 - m. If required, an impact report will be prepared and filed pursuant to Section 31-12-108.5, C.R.S.
3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.

The signatures on this petition comprise one-hundred percent (100%) of the

landowners of the territory to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election.

4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared by and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the City of Dacono and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the City of Dacono, except for general property taxes of the City of Dacono, which shall become effective as of the January 1 next ensuing.
6. The zoning classification requested for the area proposed to be annexed is COS.

The petitioners agree that said annexed land shall be brought under the provisions of Chapter 16 of the Dacono Municipal Code within ninety (90) day from the effective date of the annexation ordinance.

7. There shall be no duty or obligation upon the City of Dacono to furnish water or sanitary sewer facilities to the area proposed to be annexed. Such services will be provided at such time, in the sole discretion of the City, when such services for water and sanitary sewer can be economically and reasonably installed to service a sufficient number of inhabitants within the area so as to make the construction and establishment of such services feasible and at no additional cost for the same or similar type of services provided to inhabitants within the existing corporate limits of the City.
8. If required by the City, an annexation agreement has been or will be executed by the

petitioners herein and the City of Dacono relating to this annexation and the petitioners hereby expressly consent to the terms and conditions set forth in the annexation agreement.

9. The petitioners agree to the following terms and conditions, which shall be covenants running with the land, and which may, at the option of the City, appear on the annexation map:
 - a. Water rights shall be provided pursuant to City ordinance.
 - b. All conditions set out in the annexation agreement executed by the petitioner.
 - c. Other:

WHEREFORE, the petitioners, whose signatures are on the signature sheet on the next page, respectfully request that the City of Dacono, acting through its City Council, approve the annexation of the area proposed to be annexed:

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the City of Dacono, Colorado, consisting of 2 pages, including this page and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.

[Handwritten signature in blue ink]
Circulator

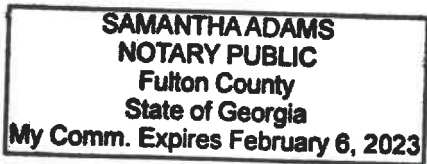
ACKNOWLEDGEMENT

Georgia
STATE OF COLORADO)
COUNTY OF Fulton)ss

The above and foregoing Affidavit of Circulator was subscribed and sworn to before me this 14 day of March, 2022.


Witness my hand and official seal.

My commission expires on: 02-06-2023



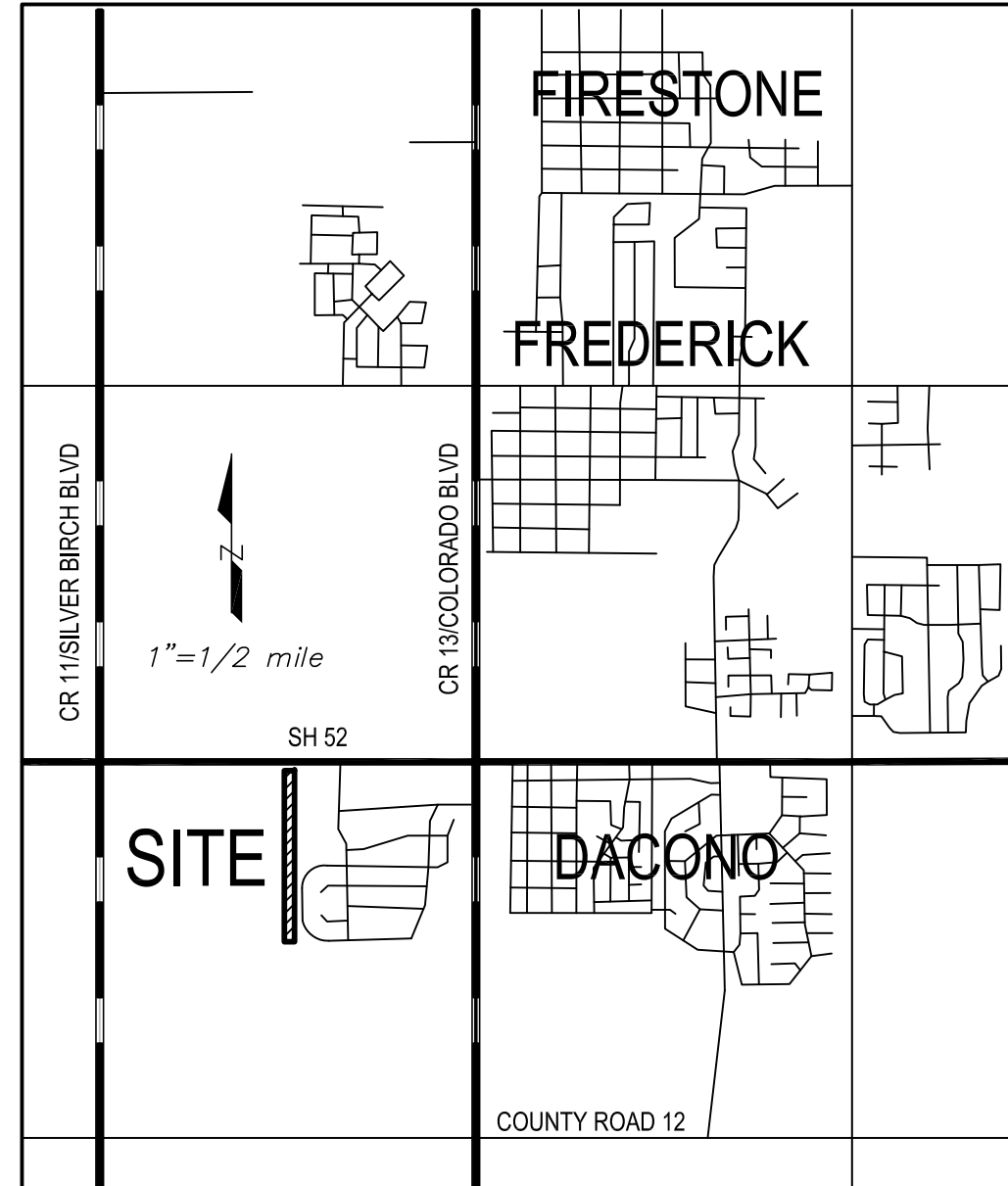
[Handwritten signature]
Notary Public
1031 Marietta St NW #A
Address
Atlanta, GA 30318

(SEAL)

Signature of Landowner/Petitioner	Date of Signing	Mailing Address of Landowner/Petitioner	Are you a registered elector, resident landowner of the area proposed to be annexed (Yes or No)	Are you a non-resident landowner of the area proposed to be annexed (Yes or No)	See Exhibit A, attached hereto and incorporated into this petition by this reference, for the legal description of the land owner by this signer
	3/14/22	1123 Zonolite Rd NE Suite 30 Atlanta, Ga 30306	NO	YES	

RIDGE LANDS IV ANNEXATION MAP TO THE CITY OF DACONO

LOCATED IN THE NORTHEAST QUARTER OF SECTION 1,
TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF WELD, STATE OF COLORADO



VICINITY MAP

CONTIGUITY INFORMATION:

PERIMETER: 4,489.52'
1/6 OF PERIMETER OF ANNEXATION: 748.25'
PERIMETER CONTIGUOUS TO THE CITY OF DACONO: 4,155.33'

OWNER CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS THAT STARS & STRIPES 4B, LLC, BEING THE SOLE OWNER OF THE FOLLOWING DESCRIBED LAND, TO WIT:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 1 FROM WHENCE THE CENTER QUARTER CORNER BEARS S00°06'46"E (BASIS OF BEARINGS);

THENCE S00°06'46"W, 175.70 FEET ALONG THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 1 TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 52, BEING THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 52 THE FOLLOWING TWO COURSES:

- S89°43'49"E, 21.00 FEET;
- N45°12'11"E, 26.83 FEET;

THENCE S00°06'46"W, 286.36 FEET ALONG A LINE PARALLEL WITH AND 40.00 FEET EAST OF THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 1 TO THE NORTHWESTERLY CORNER OF THE "SHARPE II ANNEXATION" (ANNEXATION MAP RECORDED 06/01/2000 AT RECEPTION NO. 2771764), ALSO BEING THE SOUTHWESTERLY CORNER OF LOT A OF RECORDED EXEMPTION NO. 1467-01-1-RE1656 (RECORDED EXEMPTION RECORDED 03/27/1995 AT RECEPTION NO. 2431734);

THENCE ALONG THE WESTERLY LINE OF SAID "SHARPE II ANNEXATION" THE FOLLOWING FIVE COURSES:

- S00°06'46"W 1,153.94 FEET;
- S89°51'00"E, 20.00 FEET;
- S00°06'46"W, 20.00 FEET;
- N89°51'00"W, 20.00 FEET;
- S00°06'46"W, 730.00 FEET TO THE NORTHERLY LINE OF "RIDGE LANDS III ANNEXATION" (ANNEXATION MAP RECORDED 07/29/2004 AT RECEPTION NO. 3203555);

THENCE N89°51'00"W, 40.00 FEET ALONG SAID NORTHERLY LINE TO THE EASTERLY LINE OF "RIDGE LANDS ANNEXATION" (ANNEXATION MAP RECORDED 08/25/2000 AT RECEPTION NO. 2789487);

THENCE N00°06'46"E, 2,171.39 FEET ALONG SAID EASTERLY LINE (ALSO BEING THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 1) TO THE POINT OF BEGINNING, CONTAINING 2.01 ACRES, MORE OR LESS.

HAS CAUSED THE ABOVE-DESCRIBED TRACT OF LAND TO BE ANNEXED UNDER THE NAME OF "RIDGE LANDS IV ANNEXATION TO THE CITY OF DACONO".

STARS & STRIPES 4B, LLC

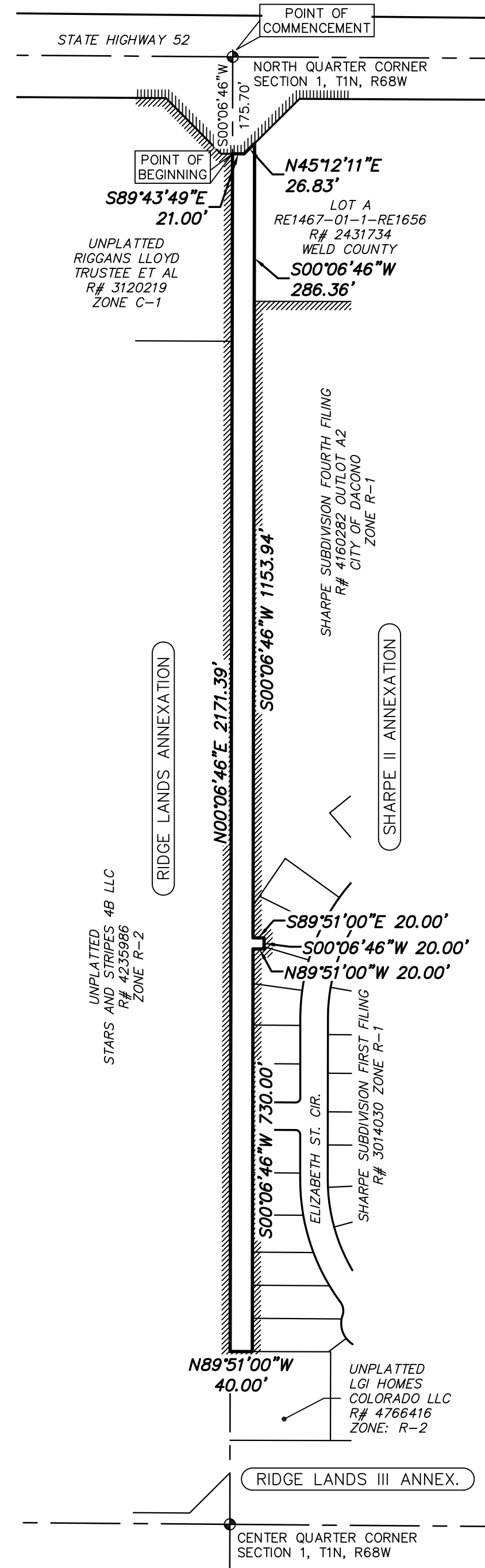
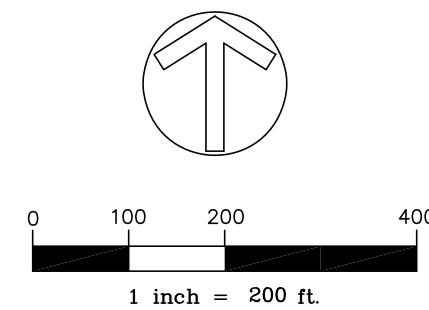
NAME: _____
TITLE: _____

STATE OF _____)
COUNTY OF _____) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____ 20__ BY _____ AS _____ OF STARS & STRIPES 4B, LLC, A DELAWARE LIMITED LIABILITY COMPANY.
WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

LEGEND:
 - CITY OF DACONO LIMITS
 - TOWN OF FREDERICK LIMITS



NOTES:

- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS MAP BE COMMENCED MORE THAN TEN YEAR FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS ANNEXATION MAP IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT. BOUNDARY DETERMINATIONS ARE NOT A PART OF THIS ANNEXATION MAP.
- BEARINGS ARE BASED ON THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 1, ASSUMED TO BE S00°06'46"E BETWEEN THE NORTH QUARTER CORNER AND CENTER QUARTER CORNER TO MATCH THE SHARPE II AND RIDGE LANDS ANNEXATIONS.
- RECORDING INFORMATION:
- SHARPE II ANNEXATION (R# 2771764)
- RIDGE LANDS ANNEXATION (R# 2789487)
- RIDGE LANDS III ANNEXATION (R# 3203555)
- WELD COUNTY RD. 13, STATE HIGHWAY 52 AND WAGNER PROPERTY ANNEXATION TO THE TOWN OF FREDERICK (R# 2191962)
- RECORDED EXEMPTION NO. 1467-01-1-RE1656 (R# 2431734)
- ALL LINEAR DISTANCES ARE IN U.S. SURVEY FEET.

CITY COUNCIL APPROVAL:

THIS IS TO CERTIFY THAT "RIDGE LANDS IV ANNEXATION MAP TO THE CITY OF DACONO" WAS APPROVED ON THE _____ DAY OF _____, 20____ BY ORDINANCE NO. _____ AND THAT THE MAYOR OF THE CITY OF DACONO, ON BEHALF OF THE CITY OF DACONO, HEREBY ACKNOWLEDGES SAID ANNEXATION UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

MAYOR _____

ATTEST: CITY CLERK _____

CERTIFICATION:

I, BO BAIZE, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP SHOWN HEREON IS A CORRECT DELINEATION OF THE ABOVE DESCRIBED PARCEL OF LAND AND THAT IT IS AT LEAST ONE-SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF DACONO.
I FURTHER CERTIFY THAT THIS MAP AND LEGAL DESCRIPTION WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

FOR AND ON BEHALF OF HURST & ASSOCIATES, INC.
BO BAIZE, COLORADO PLS NO. 37990

SCALE VERIFICATION
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY

NO.	DESCRIPTION	DATE	BY
1	Original Map	08/29/19	Ba
2	Update perimeter distance	07/24/19	Ba
3	Update description, ownership	12/07/19	Ba
4	Review of owner info, update with LGI	03/22/22	Ba

REVISIONS

HURST & ASSOCIATES, INC.
1265 S Public Road, Suite B
Lafayette, CO 80026
303.449.9105

HURST
CIVIL ENGINEERING
PLANNING
SURVEYING

**RIDGE LANDS IV ANNEXATION
MAP TO THE CITY OF DACONO**
WELD COUNTY, COLORADO

DRAWN BY:	BO
DESIGNED BY:	BO
APPROVED BY:	BO
JOB NUMBER:	2549-01
DATE:	03/22/22
SCALE:	1"=200'
SHEET NO.:	1 OF 1

OWNER:
STARS & STRIPES 4B, LLC
1031 MARIETTA STREET NW, SUITE A
ATLANTA, GA 30318
404-480-4900

FILE LOCATION: G:\2549\1\SURVEY\RIDGE LANDS IV ANNEX MAP