

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
Council Bill No. 08
Ordinance No. 1485
Series 2011

TITLE: AN ORDINANCE APPROVING THE ANNEXATION AND ZONING OF LAND LOCATED IN SECTIONS 19 AND 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO (CASE NO. ANX-11-01/TABLE MOUNTAIN ANIMAL CENTER)

WHEREAS, the City Council has been presented with a request for the annexation of certain unincorporated area, more fully described on **Exhibit A**, attached hereto and fully incorporated herein by this reference (the "Property"), which area has been surrounded by the municipal boundaries of the City in excess of three years; and

WHEREAS, the City has entered into an intergovernmental agreement with Jefferson County, Colorado regarding the Property, which agreement provides that the City shall not finalize its annexation of the Property unless and until certain conditions, detailed in the intergovernmental agreement, have been satisfied; and

WHEREAS, the intergovernmental agreement also provides that Jefferson County waives its right to receipt of an annexation impact report pursuant to C.R.S. 31-12-108.5, and therefore no such report has been or is required to be prepared with respect to this annexation; and

WHEREAS, the conditions set forth in the intergovernmental agreement as preconditions to the City Council finalizing the annexation of the subject property have been or will be satisfied as of the date of final approval of this ordinance, and

WHEREAS, the City has entered into an intergovernmental agreement with the Longs Peak Metropolitan District effective April 25, 2011 which provides that the City shall require as a condition of annexation, that the Property be included within the boundaries of the District; and

WHEREAS, notice of public hearing on this ordinance has been given in compliance with the Wheat Ridge Home Rule Charter and C.R.S. §§ 31-12-106(1) and 31-12-108(2) by publication once per week for four successive weeks and by registered mail to the Clerk of the Board 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 finds that as a consequence of the property being an enclave within the meaning of 31-12-106(1), C.R.S., that the City may annex the

Property without compliance with Sections 31-12-104, 31-12-105, or 31-12-109 C.R.S. ; and

WHEREAS, the city council wishes to provide for the appropriate zoning of the Property.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Recitals Incorporated. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Annexation Approved; Conditions. The annexation to the City of the real property described on **Exhibit A** is hereby approved, subject to the following conditions:

- the owners of the Property shall, within sixty (60) days after the effective date of the annexation, petition the Longs Peak Metropolitan District for inclusion of the Property into the legal boundaries of the District,
- the Property shall be made subject to the covenants or lease provisions imposing the Public Improvement Fees and Capital Facilities Fees provided for in Section 8 and 9 of that certain "Amended and Restated Intergovernmental Agreement between the City of Wheat Ridge, Colorado and the Longs Peak Metropolitan District" effective as of April 25, 2011.


Section 3. Annexed Property Zoned. That portion of the Property currently owned by Jefferson County, representing the property described on the attached **Exhibit A** less the property described on the attached **Exhibit B**, is hereby zoned Planned Commercial Development (PCD) and incorporated into the Clear Creek Crossing development. That portion of the Property owned by the Colorado Department of Transportation and described on the attached **Exhibit B** is hereby zoned Agriculture-One.

Section 4. Effective Date. This Ordinance shall take effect upon recordation of the annexation plat.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 6 to 0 on this 14th day of March, 2011, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for April 25, 2011 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 25th day of April, 2011.

SIGNED by the Mayor on this 26th day of April, 2011.



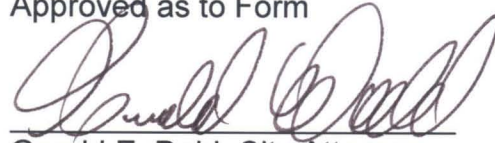
Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney

First Publication: March 17, 2011

Second Publication: April 28, 2011

Wheat Ridge Transcript

Effective Date: Upon recordation of the annexation plat

Exhibit A

Legal Description of TMAC Annexation Property

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19 AND THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 3, SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 19, THENCE S89°08'59"W ALONG THE SOUTHERLY OF SECTION 19 A DISTANCE OF 1312.98 FEET TO THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29; THENCE N00°07'26"W ALONG THE WESTERLY LINE OF SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19 A DISTANCE OF 939.25 FEET TO THE NORTHWEST CORNER OF LOT 8, CABELAS/COORS SUBDIVISION FILING NO. 1, AMENDED, RECORDED AT RECEPTION NO. 2006148911 AND THE POINT OF BEGINNING;

THENCE N00°07'26"W CONTINUING ALONG SAID WESTERLY LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19 A DISTANCE OF 382.28 FEET TO THE NORTHWEST CORNER, SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19 ALSO BEING A POINT ON THE SOUTHERLY LINE OF LOT 10, CABELAS/COORS, SUBDIVISION FILING NO. 1, AMENDED RECORDED AT RECEPTION NO. 2006148911;

THENCE N89°07'34"E ALONG THE SOUTHERLY LINE OF SAID LOT 10 AND THE SOUTHERLY LINE OF THE NORTH ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 19 A DISTANCE OF 1319.02 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10 AND THE SOUTHEAST CORNER, NORTH ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 19;

THENCE N00°08'15"E ALONG THE EASTERLY LINE OF SAID LOT 10 AND THE WESTERLY LINE OF SOUTHWEST QUARTER OF SECTION 20 A DISTANCE OF 752.93 FEET TO A POINT ON THE NORTHERLY LINE OF COMMISSIONERS DEED RECORDED AT RECEPTION NO. 2006018786;

THENCE ALONG THE SAID NORTHERLY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES 1.) N89°15'37"E A DISTANCE OF 235.71 FEET; 2.) THENCE N38°41'56"E A DISTANCE OF 132.40 FEET; 3.) THENCE N88°56'37"E A DISTANCE OF 559.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 70 RECORDED AT BOOK 1875, PAGE 159;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES; 1.) S21°32'38"E A DISTANCE OF 266.54 FEET 2.) THENCE S00°42'34"E A DISTANCE OF 927.88 FEET TO A POINT ON THE

NORTHEAST CORNER OF LOT 1, CABLEAS/COORS SUBDIVISION FILING NO. 1, AMENDED;

THENCE ALONG THE NORTHERLY LINE OF LOT 1, 2 AND 8, CABELAS/COORS SUBDIVISION FILING NO. 1, AMENDED THE FOLLOWING FIVE (5) CONSECUTIVE COURSES 1.) S89°01'11"W A DISTANCE OF 990.43 FEET; 2.) THENCE S00°08'15"W A DISTANCE OF 7.56 FEET; 3.) THENCE N89°39'36"W A DISTANCE OF 731.27 FEET; 4.) THENCE S64°57'34"W A DISTANCE OF 177.70 FEET; 5.) THENCE S89°52'34"W A DISTANCE OF 425.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 36.092 ACRES OR 1,572,148 SQ. FT. MORE OR LESS.

Exhibit B
Legal description of CDOT Annexation parcel

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 29; THENCE N01°01'46"W ALONG THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 29, A DISTANCE OF 2641.58 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE N00°08'15"E ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 20 A DISTANCE OF 1963.34 FEET THE POINT OF BEGINNING; THENCE N00°08'15"E CONTINUING ALONG SAID WESTERLY LINE A DISTANCE OF 111.76 FEET A POINT ON THE NORTHERLY LINE OF COMMISSIONERS DEED RECORDED AT RECEPTION NO. 2006018786; THENCE ALONG THE SAID NORTHERLY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES: 1.) N89°15'37"E A DISTANCE OF 235.70 FEET; 2.) THENCE N38°41'56"E A DISTANCE OF 132.40 FEET 3.) THENCE N88°56'37"E A DISTANCE OF 559.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTRASTATE HIGHWAY 70 RECORDED AT BOOK 1875, PAGE 159; THENCE ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES: 1.) S21°32'38"E A DISTANCE OF 266.54 FEET; 2.) THENCE S00°42'34"E A DISTANCE OF 162.21 FEET; THENCE 592.10 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 577.60 FEET AND A CHORD WHICH BEARS N57°08'22"W AND DISTANCE OF 566.51 FEET; THENCE N87°08'21"W A DISTANCE OF 142.63 FEET; THENCE S69°45'14"W A DISTANCE OF 383.89 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.711 ACRES OR 118,090 SQ. FT. MORE OR LESS

BEARINGS ARE BASED ON THE CITY OF WHEAT RIDGE BEARINGS OF N01°01'46"E ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MONUMENTED BY A 3-1/4" BRASS DISK PLS # 13212 IN RANGE BOX AT THE EAST QUARTER CORNER OF SECTION 30 AND A 3-1/4" BRASS CAP PLS # 13212 AT A 200' WITNESS CORNER SOUTH OF THE NORTHEAST CORNER OF SECTION 30.

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REVIEWED BY RICHARD A. NOBBE PLS.
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