



## APPLICATION FOR ANNEXATION

**Property Owner(s):** *(for multiple owners, please attach a separate sheet listing the following information for each owner)*

**Name:** City of Fountain  
**Address:** 116 S. Main Street Fountain, CO 80817  
**Email:** [strainor@fountaincolorado.org](mailto:strainor@fountaincolorado.org) **Phone #:** 719-322-2000  
**Fax #:** \_\_\_\_\_

**Applicant:** City of Fountain Electric Department  
**Address:** 116 S. Main Street Fountain, CO 80817  
**Email:** dblankenship@fountaincolorado.org **Phone #:** 719-322-2000  
**Fax #:** \_\_\_\_\_


**Annexation Plat Name:** Fountain Electric Substation Addition  
**Assessor's Parcel #:** Portion of 55000-00-222 and portion of Marksheffel Road Right of way **Acreage:** 6.715  
*(From County Assessor's Office 520-6600)*

**Property Location:** Generally Located Southeast of the intersection of Link Road and Marksheffel Road  
**Proposed Initial Zoning:** Planned Industrial (PI) District  
*(Nearest Street Intersection)*

**A copy of the Submittal Matrix must accompany your development application packet**

<b>Materials Required to Accompany Application:</b>	<b>Check if Complete</b>
1. Nonrefundable fee as set forth in the fee schedule.	<input type="checkbox"/>
2. Referral Matrix - provided by the City of Fountain.	<input type="checkbox"/>
3. Referral agencies packets folded and assembled in <b>unsealed</b> manila envelopes addressed to appropriate referral agencies as specified in the referral matrix.	<input type="checkbox"/>

As owner or applicant named herein, I acknowledge that the foregoing statements contained herein and the information provided as part of this application are in all respects true and accurate to the best of my knowledge and belief.

 8/18/20  
 Signature of Owner Date

 8/18/20  
 Signature of Applicant Date

<b>PLANNING DEPARTMENT USE ONLY</b>	
<b>Date Received:</b> _____	<b>Received By:</b> _____
<b>Fee Paid:</b> _____	<b>Complete Submittal:</b> _____



August 14, 2019

City of Fountain  
Planning Division  
116 S Main Street  
Fountain, CO 80817  
719-322-2000  
Attn: Kristy Martinez, Planning Supervisor

RE: Letter of Intent and Justification Statement for:  
Future Jimmy Camp Creek Substation Annexation and  
Zoning

Ms. Martinez:

The Electric Department has procured property generally located at the southeast intersection of Link Rd. and Marksheffel Rd. in unincorporated El Paso County ("Property") comprising of 3.976 acres (or 173,184 sq. ft.) more or less on August 4, 2020. The legal description of Property is enclosed as Exhibit A.

The purpose of this letter is to serve as the required "Letter of Intent", in connection with the enclosed application or annexation ("Application") of the property into the City of Fountain ("City").

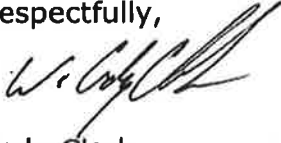
The Property is within the three-mile boundary of the City, and as such, is identified in the City's Annexation Plan as being eligible for annexation to the City. The Application includes, among those items identified on the enclosed Application for Annexation, one original petition for annexation of the Property and four copies of an annexation map of the Property in accordance with the requirements of C.R.S. §31-12-107.

The current zoning of the Applicant Property in unincorporated El Paso County is A-5 CAD-O; Agricultural Commercial Airport Overlay. In connection with the Applicant's request for annexation to the City, the Applicant intends to submit a zoning application for the Applicant Property for zoning to the City's Heavy Industrial District.

Electric Department  
116 South Main Street, Fountain, CO 80817  
[www.fountaincolorado.org](http://www.fountaincolorado.org)

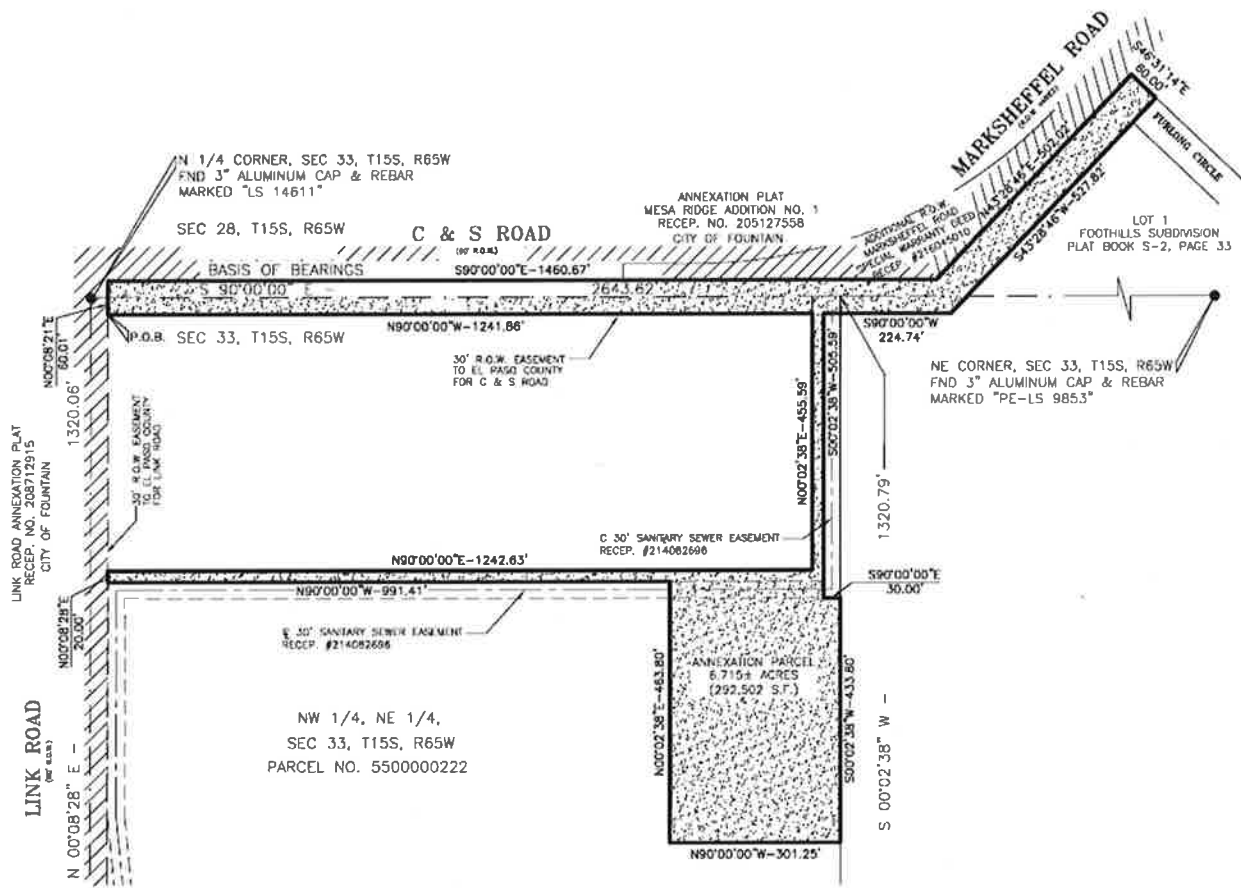
The 3.976 acre site will consist of an electric substation with a footprint of approximately 173,194.56 sq. ft. and associated landscaping and utilities. The Electric Department is requesting approval of this Annexation and Zoning which have been prepared in accordance with the City of Fountain criteria.

Respectfully,



Cody Clark  
General Foreman  
City of Fountain  
116 South Main Street  
Fountain, CO 80817  
719.322.2082 direct line  
[cody@fountaincolorado.org](mailto:cody@fountaincolorado.org)

# VICINITY MAP



## PETITION FOR ANNEXATION

**TO: THE CITYCOUNCIL OF THE CITY OF FOUNTAIN, COLORADO**

**RE: PETITION KNOWN AS: FOUNTAIN ELECTRIC SUBSTATION  
ADDITION**

The undersigned landowner(s), in accordance with the provisions of Sections 31-12-101, et seq., 12B C.R.S. and known as the Municipal Annexation Act of 1965, as amended, hereby petition(s) the City Council of the City of Fountain for annexation to the City of Fountain the following described unincorporated area situate and being in the County of El Paso, and State of Colorado, to wit:

(See Exhibit A, attached hereto and incorporated herein by reference)

Your petitioner(s) further state(s) to the City Council of the City of Fountain, Colorado, as follows:

1. That it is desirable and necessary that such be annexed to the City of Fountain, Colorado.

2. That the area sought to be annexed to the City of Fountain meets the requirements of Section 31-12-104 and 105, as amended, of the Municipal Annexation Act of 1965, in that:

a. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed will be contiguous with the existing boundaries of the City of Fountain, Colorado.

b. A community of interest exists between the area proposed to be annexed and the City of Fountain, Colorado.

c. The area proposed to be annexed is urban or will be urbanized in the near future and said area is integrated or is capable of being integrated with the City of Fountain, Colorado.

d. No land held in identical ownership, whether consisting of one tract or parcel or real estate or two or more contiguous tracts or parcels of real estate:

(1) is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;

(2) comprising 20 acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the annexation is included within the area proposed to be annexed without the written consent of the landowner or landowners.

e. No annexation proceedings have been commenced for the annexation to another municipality of part or all the territory proposed to be annexed.

f. The annexation of the area proposed to be annexed will not result in the detachment of area from any school district and the attachment of same to another school district.

g. The annexation of the area proposed to be annexed does not extend the municipal boundary of the City of Fountain more than three (3) miles in any direction from any point of such municipal boundary in any one year unless such limit has the effect of dividing a parcel of property held in identical ownership provided that at least fifty percent (50%) of such property is within the three mile limit or the property to be annexed is an enterprise zone.

h. In establishing the boundaries of any area proposed to be annexed, if a portion of a platted street or alley is annexed, the entire width of such street or alley is included within the area annexed.

3. That attached hereto and incorporated herein by reference are two (2) prints folded to 8 ½" x 11" and one (1) copy reduced to 11" x 17" of the annexation plat, 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;
- c. Within the annexation boundary map, a showing of the location of each ownership tract of unplatted land, and, with respect to any area which is platted, the boundaries and the plat numbers of plots or 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 Fountain and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

A mylar and xerox mylar of the annexation plat that is acceptable to the City shall be submitted for recordation purposes on or before the effective date of the Annexation Ordinance.

4. That the petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed exclusive of streets and alleys.

5. That all the petitioners signed this Petition for Annexation within 180 days of the date of the filing of this Petition of Annexation.

6. That this Petition for Annexation satisfies the requirements of Article II, Section 30, of the Constitution of Colorado in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Fountain.

7. That upon the Annexation Ordinance becoming effective, all lands within the area sought to be annexed shall become subject to the Charter of the City of Fountain, Colorado, and all ordinances, resolutions, rules and regulations of the City of Fountain, except for general

property taxes of the City of Fountain which shall become effective January 1 of the next succeeding year following the passage of the Annexation Ordinance.

8. That, by the date that is ninety (90) days after the effective date of the Annexation Ordinance, the petitioners will request that the zoning be granted by the City of Fountain.

9. That in the event an Annexation Agreement, if applicable, satisfactory to both petitioners and the City of Fountain, Colorado, is not entered into and fully executed on or before the date of the second reading of the Ordinance to effectuate the annexation contemplated in this Petition for Annexation, the petitioners may withdraw their signatures from this Petition for Annexation, the effect of which shall be as if no petition had ever been executed and filed with the City of Fountain.

Therefore, your petitioners respectively request that following a public hearing on this Petition for Annexation, the City Council with the City of Fountain, Colorado, approve the annexation of the area proposed to be annexed, which is described in Exhibit A, attached hereto.

Whenever from the context it appears appropriate, each term stated in either the singular or plural will include the other, and pronouns stated in either the masculine, feminine or neuter gender will include each of the other genders.

PETITION KNOWN AS **FOUNTAIN ELECTRIC SUBSTATION ADDITION**  
ADDITION TO THE CITY OF FOUNTAIN

SIGNATURE OF  
LANDOWNER(S)

DATE OF  
SIGNATURE

MAILING ADDRESS  
OF LANDOWNER(S)

Scott Swain

8/14/20

116 S. Main St  
Fountain, CO 80817

\_\_\_\_\_

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\_\_\_\_\_



**AFFIDAVIT OF CIRCULATOR**

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

That (he or she) was a circulator of the foregoing Petition for Annexation of lands to the City of Fountain, Colorado, and that each signature therein whose name is set forth below was witnessed by your affiant and is the true signature of the person whose name it purports to be.

NAME(S) of SIGNERS OF PETITION

Silvia Huffman \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

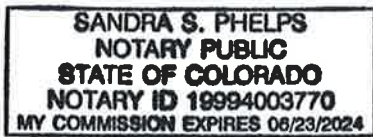
Silvia Huffman  
 \_\_\_\_\_  
 Circulator

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF )

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 18 day of August, 2020 A.D., by Silvia Huffman.

Witness my hand and official seal.

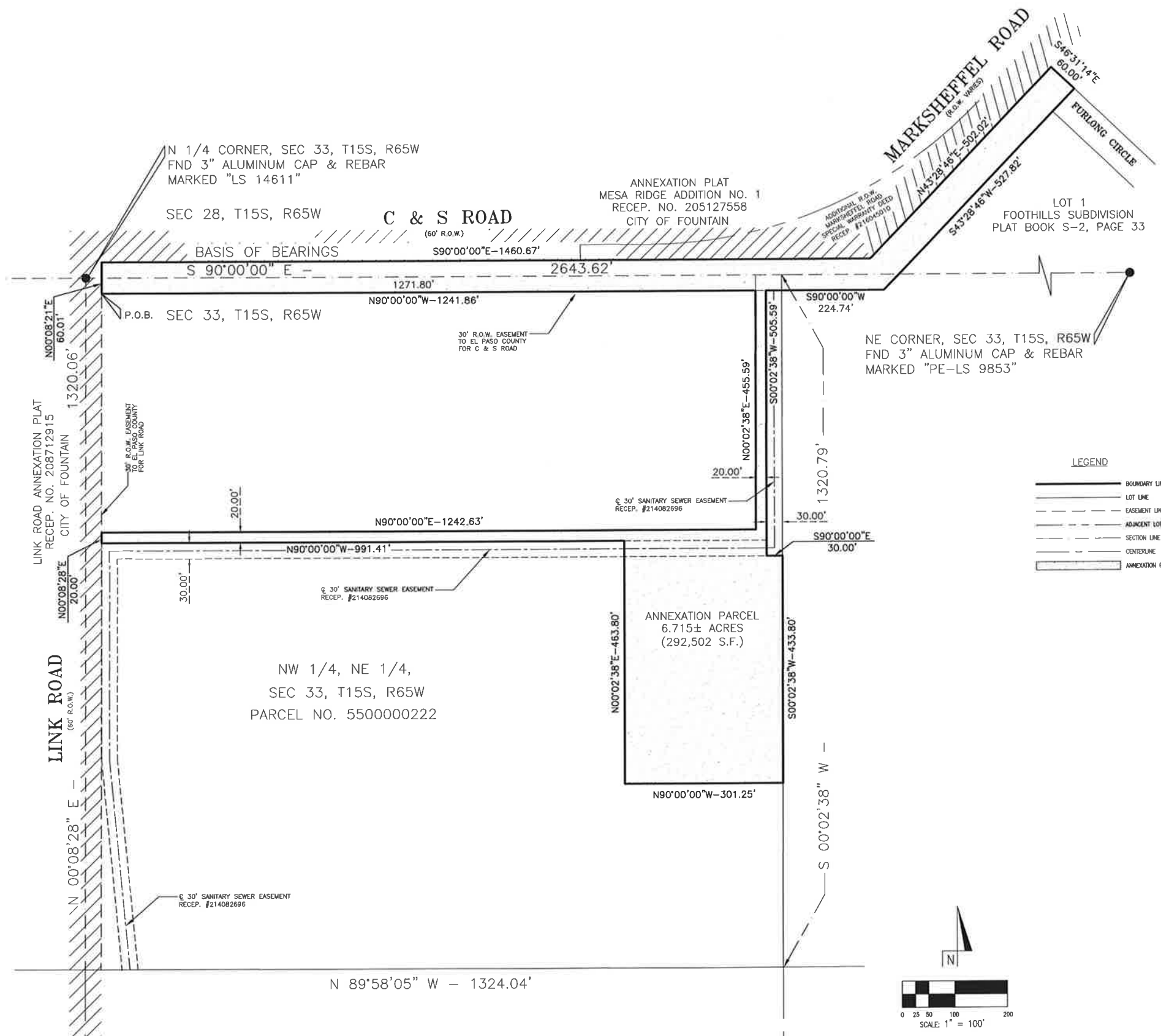
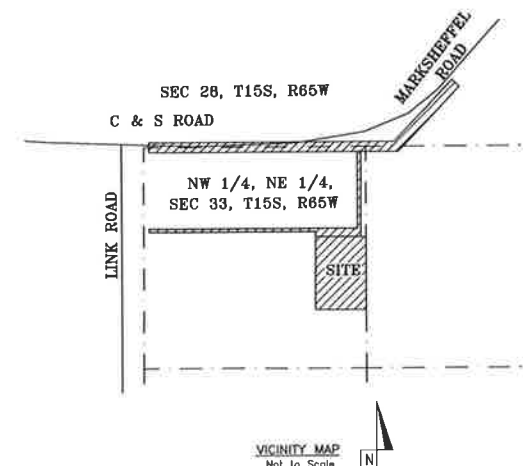
My commission expires: 6-23-2024



Sandra Phelps  
 \_\_\_\_\_  
 Notary Public

# FOUNTAIN ELECTRIC SUBSTATION ADDITION ANNEXATION PLAT

A PORTION OF THE SE1/4, SEC. 28 AND THE NE1/4, SEC.33, T15S, R65W, 6TH P.M.  
 COUNTY OF EL PASO, STATE OF COLORADO



**LAND DESCRIPTION:**  
 A tract of land located in a portion of the Southeast One-quarter (SE1/4) of Section 28 and the Northeast One-quarter (NE1/4) of Section 33, Township 15 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:  
 Beginning at the intersection of the East Right-of-Way line of Link Road and the South Right-of-Way line of C&S Road; Thence N00°08'21"E, a distance of 60.01 feet to a point on the North Right-of-Way line of C&S Road; Thence S90°00'00"E along the North Right-of-Way line of C&S Road, a distance of 1460.67 feet to the Westerly Right-of-Way line of Marksheffel Road as described in Mesa Ridge Addition No. 1 Annexation Plat recorded under Reception No. 205127558 of the records of said County; Thence N43°28'46"E along said Westerly Right-of-Way line of Marksheffel Road, a distance of 502.02 feet; Thence S46°31'14"E, a distance of 60.00 feet to a point on the Northernly Right-of-Way line of Furlong Circle of Foothills Subdivision recorded in Plat Book S-2 at Page 33 of the records of said County and a point on the Easterly Right-of-Way line of said Marksheffel Road; Thence S43°28'46"W along said Easterly Right-of-Way line, a distance of 527.82 feet to a point on the Southerly Right-of-Way line of said C&S Road; Thence S90°00'00"W along said Right-of-Way line, a distance of 224.74 feet; Thence S00°02'38"W, a distance of 505.59 feet; Thence S90°00'00"E, a distance of 30.00 feet; Thence S00°02'38"W, a distance of 433.80 feet; Thence N90°00'00"W, a distance of 301.25 feet; Thence N00°02'38"E, a distance of 463.80 feet; Thence N90°00'00"W, a distance of 991.41 feet to a point on the Easterly Right-of-Way line of said Link Road; Thence N00°08'28"E along the Easterly Right-of-Way line of said Link Road, a distance of 20.00 feet; Thence N90°00'00"E, a distance of 1242.63 feet; Thence N00°02'38"E, a distance of 455.59 feet to a point on the said Southerly Right-of-Way line of C&S Road; Thence N90°00'00"W along the said Southerly Right-of-Way line of C&S Road, a distance of 1241.86 feet to the Point of Beginning.

Said tract contains 6.715 Acres (292,502 S.F.) more or less.

**BASIS OF BEARINGS STATEMENT:**  
 The bearings of this plat are based upon the North line of the Northeast One-quarter (NE1/4) of Section 33, Township 15 South (T15S), Range 65 West (R65W) of the 6TH P.M., County of El Paso, State of Colorado, being monumented at the North One-quarter corner of said Section 33 by a found 3" aluminum cap marked "LS 14611" and at the Northeast corner of said Section 33 by a found 3" aluminum cap marked "PE-LS 9853". Said line bears S90°00'00"E, a distance of 2643.62 feet.

**NOTES:**  
 1. All distances shown hereon are in US Feet.  
 2. This Annexation Plat was derived from found monuments and Land Descriptions and under no circumstances should this Annexation Plat be considered a Monumented Land Survey Plat. The purpose of the Annexation Plat is to graphically show the area to be annexed by the City of Fountain, Colorado.

**ONE-SIXTH CONTIGUOUS CALCULATION:**  
 Total Perimeter: 8,521 L.F.  
 Minimum Required Contiguity: 1,420 L.F.  
 Perimeter Contiguous to City Boundary: 2,043 L.F.  
 Percent of Contiguity: 23.98%  
 Area to be Annexed: 6.715± acres (292,502 S.F.)

**IN WITNESS WHEREOF:**  
 The City of Fountain has caused these presents to be executed and this plat approved the \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_, pursuant to the ordinances of the City of Fountain, Colorado, Annexing Real Property.

By: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
 Chairman, Planning Commission City Clerk

**APPROVALS:**  
 The annexation of the real property shown on this plat is approved pursuant to an ordinance made and adopted by the City of Fountain, El Paso, County, Colorado by the action of the City Council of the City of Fountain at it's meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
 Mayor of Fountain City Clerk

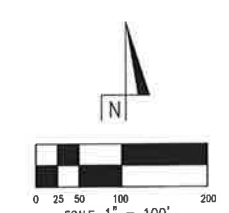
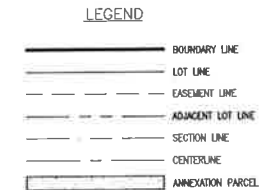
**RECORDING:**  
 STATE OF COLORADO )  
 COUNTY OF EL PASO ) SS

I hereby certify that this instrument was filed for record in my office at \_\_\_\_ o'clock \_\_\_\_ M., this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ A.D., and is duly recorded at Reception No. \_\_\_\_\_ of the records of El Paso County, Colorado.

SURCHARGE: \_\_\_\_\_ CHUCK BROERMAN, Recorder  
 FEE: \_\_\_\_\_ By: \_\_\_\_\_ Deputy

**SURVEYOR'S CERTIFICATION:**  
 The undersigned Registered Land Surveyor in the State of Colorado hereby certifies that the accompanying annexation plat was surveyed and drawn under his supervision and accurately shows the described tract of land thereof, and that at least one-sixth of the perimeter boundary of said tract of land is contiguous to the present boundary of the City of Fountain, El Paso County, Colorado.

Pinnacle Land Surveying Co., Inc.  
 John W. Towner, Registered Professional Land Surveyor No. 25968



Pinnacle Land Surveying Company, Inc.  
 121 County Road 5, Divide, CO 687-7360

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

FOUNTAIN ELECTRIC SUBSTATION ADDITION ANNEXATION PLAT  
 DRAWN BY: JMW CHECKED BY: JMT DATE: 08/11/20  
 JOB NO.: 20003000 DWG: 20003000AP.DWG SHEET 1 OF 1

EXHIBIT "A"  
FOUNTAIN ELECTRIC SUBSTATION ADDITION  
ANNEXATION PLAT

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Said tract contains 6.715 Acres (292,502 S.F.) more or less.

For and on Behalf of  
Pinnacle Land Surveying Co., Inc.  
John W. Towner  
P.L.S. #25968

<b>PINNACLE LAND SURVEYING, INC.</b> 121 County Road 5, Divide, CO 80814		
EXHIBIT "A"		
TITLE: FOUNTAIN ELECTRIC SUBSTATION ADDITION ANNEXATION PLAT		
SCALE: N.T.S.	DRAWN BY: MWW	FILE: 20003000-EXH.DWG
DATE: 08/12/20	CHECKED BY: JMT	JOB NO. 20003000

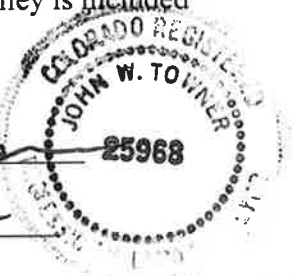
AFFIDAVIT

John W. Towner, the affiant, first being duly sworn, deposes and says as follows:

1. He is a registered professional land surveyor in the State of Colorado, Registration No. 25968.
2. He is employed by Pinnacle Land Surveying Co., Inc.
3. The annexation plat of Fountain Electric Substation Addition was prepared under his supervision.
4. He has examined this annexation plat and the legal description therein.
5. The legal description set forth on the plat accurately describes the property that is subject to annexation to the City of Fountain.
6. The annexation plat accurately sets forth the boundary of the property that is subject to annexation to the City of Fountain.
7. As shown on the plat, at least one-sixth (1/6th) of the boundary of the property to be annexed is contiguous with the boundary of the city limits of the City of Fountain
8. In establishing the boundaries of the area proposed to be annexed, if a portion of a platted street or alley is annexed, the entire width of said street or alley is included within the area proposed to be annexed.

FURTHER AFFIANT SAYETH NOT.

John W. Towner



SUBSCRIBED AND SWORN TO before me this 12 day of AUGUST, 2020.

Witness my hand and official seal.

Maxine R. Kierney  
NOTARY PUBLIC

STATE OF COLORADO )  
                                  ) ss.  
COUNTY OF EL PASO )

My Commission expires: 06-21-22

