## RESOLUTION NO. 21-290

## **BOARD OF COUNTY COMMISSIONERS** COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION TO AUTHORIZE SUBMISSION OF A PETITION FOR ANNEXATION OF COUNTY RIGHT-OF-WAY TO THE CITY OF FOUNTAIN AND TO APPROVE SAID ANNEXATION FOR MARKSHEFEL ROAD FROM FURLONG CIRCLE TO PEACEFUL VALLEY ROAD

WHEREAS, pursuant to §§30-11-101(1)(b)(c), 30-11-102, 30-11-103, and 30-1'-107(1)(a)(h), C.R.S., the Board of County Commissioners of El Paso County, Colorado (hereinafter "Board") has the legislative authority to purchase and hold real and personal property for the use of the County and to make such orders concerning the same when deemed by the Board to be in the best interests of the County and its inhabitants; and

WHEREAS, the County owns right-of-way, adjacent interests, and associated public infrastructure on and adjacent to portions of Marksheffel Road from Furlong Circle to Peaceful Valley Road; and

WHEREAS, the City of Fountain (hereinafter "City") has determined that it would like to acquire through Annexation the above-described portion of County right-of-way and associated public infrastructure; and

WHEREAS, the County may also need to convey to the City interests appurtenant to the right-of-way, including but not limited to easements, tracts and associated appurtenant public infrastructure, that may be adjacent to and not included within the public right-of-way and thus not specifically shown in the associated annexation plat; and

WHEREAS, pursuant to C.R.S. § 30-12-108.5, an Annexation Impact Report concerning the proposed annexation is required, except that such report shall not be required for annexations of ten acres or less in total area or when the municipality and the Board of County Commissioners governing the area proposed to be annexed agree that the report may be waived; and

WHEREAS, the Department of Public Works ("DPW") recommends that a Petition for Annexation be submitted to the City for the portion of Marksheffel Road which is generally shown in Exhibit A, attached hereto and incorporated herein, and DPW recommends that the Board waive the requirement for an Annexation Impact Report and will request on behalf of the Board that the City waive the same; and

WHEREAS, the City will assume ownership, maintenance and operation of the right-of-way and associated public infrastructure therein together with any adjacent appurtenant interests; and

> Chuck Broerman 07/28/2021 08:32:04 AM Doc \$0.00 Rec \$0.00

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WHEREAS, the Board has determined that it would be in the best interests of the community to authorize the Petition for Annexation to effectuate the hereinabove described transaction.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes a Petition for Annexation be submitted to the City of Fountain, by and through the El Paso County Department of Public Works, to annex portions of the County's right-of-way known as Marksheffel Road, from Furlong Circle to Peaceful Valley Road, as more particularly depicted and described in Exhibit A.

BE IT FURTHER RESOLVED that the Board authorizes the County Engineer or her or his designee to submit all necessary documents to the City and to represent the Board on behalf of the County to effectuate the Petition for Annexation, and authorizes the Chair and Vice Chair to execute any conveyance instruments to effectuate the transfer of interests adjacent or appurtenant to the proposed Annexation without further action of the Board.

BE IT FURTHER RESOLVED that the Board authorizes and consents to the City's annexation of the County's property as described herein.

**DONE THIS** 27th day of July 2021, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO

Stan VanderWerf

Chair

County Cl

## MARKSHEFFE ROAD COLOURS IN SECTION 27 AND 28, TOWNESSIP 15 SOUTH, RANGE GENEST, OF THE SYTH PRIPERAL MERIDIAN, GOALTON OF EL PASO, STATE OF COLOURDO PLAT ANNEXATION

## LEGAL DESCRIPTION

THAT PART OF MANUSHEFEL ROAD LYNG WITHIN THE SOUTHEAST QUARTER OF SECTION THE WEST HAT, AND ROAMENEAST QUARTER OF SECTION ATT, TOWNSELD IS SOUTH, RANGE WEST OF THE SOTH PRINCIPAL, BENDAM, COMINT OF EL PAGO, STATE OF COLORADIO, MORE SECRITY THININ THE CITY LIMITS OF THE CITY OF FOUNTAM, COLORADO, MORE PARTICULAR, SOSOBED AS.

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THENCE, N 33' 24' 53" E, A DISTANCE OF 853.74 FEET;

THENCE, N 58" 35" 39" W, A DISTANCE OF 53.62 FEET;

SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 18" 38" 20", HANNG A RABIUS OF 1985-00 FEET, AN ANG LUDITH OF 6.38.38 FEET WHOSE LUNG CHORD BEARS N 24" 01" 22" E, A DISTANCE OF 68.55 FEET. THENCE, N. 33' 20' 36" E, A DISTANCE OF 538.51 FEET; THENCE, N. 33' 20' 32" E, A DISTANCE OF 243.55 FEET TO THE BECONNING OF A CURVE,

THENCE, N 14" 42" 12" E, A DISTANCE OF 559.86 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 27;

THENCE, N 89' 30' 20' E, ALONG SAD NORTH LINE A DISTANCE OF 171,88 FEET; THENCE, S 14' 45' 50" K, A DISTANCE OF 484,73 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE,

CLRVE, TURRING TO THE RIGHT THROUGH AN ANGLE OF 18" OS' OF", HANNIG A RADUS OF TO STAFFEL THET, AN AND STAFFEL THROSE LONG CHORD BEARS S 24" 14" 56" W. IN DISTANCE OF 772.23 FELL.

THENCE, S 33" 16" 26 " W, A DISTANCE OF 182.22 FEET;

THENCE, S 89' 22' 52" W, A DISTANCE OF 28.61 FEET; THENCE, S 33' 24' 03" W, A DISTANCE OF 1369.91 FEET;

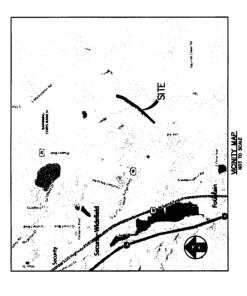
THENCE, S 56' 35' 57" E, A DISTANCE OF 23.12 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE,

SAND CURVE TURNING TO THE RIGHT THROUGH 03' 28' 15", HANNG A RADULS OF 5501.00 FEET, A MA CLEMOTH OF 330.00 FEET MAKES, LONG CHOOD BEARS 5.5' 44' 06" W, A DISTANCE OF 339.89 FEET TO THE BECRAMMEN OF A NOW-TANGDITHAL CURVE.

SAID CURVE TURNING TO THE RIGHT THROUGH OF 31' 32", HANNG A RADUS OF 5486.58 FEET, A ARC LENGTH OF 144.39 FEET WAGE LUNG LOKADO BEARS 5.3° 54' 16" W, A DISTANCE OF 146.39 FEET OF THE BECHAMING OF A NOW-TANGENTIAL CURVE. D CURPE TURNING TO THE RIGHT THROUGH OT' 25' 35", HANNE A RADUS OF 6867.31 FEET, ARE LEBGTH OF 17.45 FEET THROSE LONG ORGONE SARES 5 40' 33' 41" W, A DISTANCE OF 45' FEET TO THE BECENNING OF A NON-TANGENTAL CURPE.

SAID CLRUE LIRRING TO THE RIGHT THROUGH AN ANGLE OF 03" 45" SI", HANNIG A RADIUS OF SAID CLRUE OF 05 8664. FEET IN MONO BEARS SET, AN AND CLRUENT OF 8864. FEET IN A POWER OF MISSECTION WITH A NON-TANGENTIAL LINE. A DISTANCE OF 8864.7 FEET TO A POWER OF RIFESECTION WITH A NON-TANGENTIAL LINE. THENCE S 42" 40" 41" W A DISTANCE OF 2284.93 FEET TO THE POINT OF BEGINNING.

ABOVE DESCRIBED TRACT CONTAINS 538,458 SQUARE FEET (12,361 ACRES), MORE OR LESS.



HE CITY OF POLITICAL HAS CAUSED THESE PRESENTS TO BE DECUTED AND THIS PLAT APPRINCED THIS DAY OF POLITICAL SOCIETY OF POLITICAL SOCIETY OF POLITICAL PROPERTY. N WINESS THEREOF:

TITY OF POUNTAIN, EL PARO COUNTY, STATE OF COLORADO BY WE ACTION OF WE CITY COUNCIL OF THE TITY OF POUNTAIN AT IT'S MEXIMO ON THE DAY OF THE TITY OF POUNTAIN AT IT'S MEXIMO ON THE TITY OF THE TITY O MAYOR OF FOUNTAIN

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CONTIGUITY STATEMENT:

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GENERAL NOTES

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