



## REQUEST FOR CITY COUNCIL ACTION

Meeting: April 20, 2021

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
	Community Development	Bill Almquist

### **ITEM:**

Resolution 2021-10: A Resolution of the City Council of the City of Salida, Colorado, Making Findings of Fact, Determinations, and Conclusions Concerning the Upchurch Annexation.

### **BACKGROUND:**

State statutes require cities to approve findings that the proposed annexation has met the requirements of the State of Colorado. The proposed annexation consists of 5.32 acres located between County Roads 140 and 141, Salida, in the County of Chaffee, State of Colorado; plus a portion of County Road 140 stretching from the existing City limits at the eastern terminus of County Road 141 approximately 1,274 feet to the western terminus of County Road 141, totaling approximately 2.58 acres. The findings include:

- Notice in the paper for four consecutive weeks: the proposed annexation was published in the Mountain Mail on March 12, 19, 26, and April 2, 2021.
- Mail notice by registered mail to County Clerk, County Attorney, County Commissioners, Salida School District, Colorado Mountain College-Salida District, HRRMC Hospital District, Upper Arkansas Water Conservancy District, Salida Regional Library and South Arkansas Fire Protection District. The letters were mailed on March 24, 2021.
- We held a public hearing on the annexation on April 20, 2021 and determined that the area to be annexed complies with state statutes including
  - that not less than one-sixth of the perimeter of the area is adjacent to Salida's boundary;
  - the property has not been divided since starting the annexation;
  - no other annexation proceedings including the property have been started by another municipality;
  - the annexation will not cause the property to be detached from the school district; and
  - the annexation is not three miles beyond our municipality and there is a Three Mile Plan in place.

### **STAFF RECOMMENDATION:**

All of the findings have been met and staff recommends the Council adopt the Resolution.

### **PROPOSED ACTION:**

A councilmember should make a motion to "adopt Resolution 2021-10 approving the findings of facts for the Upchurch Annexation."

Attachments  
Resolution 2021-10

**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 10  
SERIES OF 2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO,  
MAKING FINDINGS OF FACT, DETERMINATIONS, AND CONCLUSIONS  
CONCERNING THE UPCHURCH ANNEXATION.**

WHEREAS, in December 2020, Tory and Clee Upchurch (the “Owners”) filed a General Development Application (the “Petition”) to commence proceedings to annex to the City of Salida (the “City”) a certain unincorporated tract of land comprised of 5.32 acres located between County Roads 140 and 141, Salida, in the County of Chaffee, State of Colorado; plus a portion of County Road 140 stretching from the existing City limits at the eastern terminus of County Road 141 approximately 1,274 feet to the western terminus of County Road 141, totaling approximately 2.58 acres, and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the City Council by Resolution 04, Series of 2021, found that the Petition is in substantial compliance with § 31-12-107(1) of the Colorado Revised Statutes; and

WHEREAS, the City Clerk has provided notice of public hearing on the proposed annexation by publication once per week for four successive weeks and by registered mail to the Clerk of the Board of 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 has completed a public hearing on April 20, 2021 to determine if the proposed annexation complies with Article II, Section 30 of the Colorado Constitution and Sections 31-12-104 and 105, Colorado Revised Statutes, to establish eligibility for annexation.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA THAT:

That the City Council hereby finds and concludes with regard to the annexation of the territory described in Exhibit A attached hereto and incorporated herein, that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the City and because of such contiguity, a community of interest exists between the territory proposed to be annexed and the City; and

BE IT FURTHER RESOLVED:

That the City Council finds and determines that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension

of a municipal boundary more than three miles; that the City has in place a plan for said three mile area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included with the area annexed.

BE IT FURTHER RESOLVED:

That an election is not required, and no additional terms or conditions are to be imposed upon the area to be annexed.

RESOLVED, APPROVED AND ADOPTED this 20th day of April, 2021.

CITY OF SALIDA, COLORADO

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P.T. Wood, Mayor

[SEAL]  
ATTEST:

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City Clerk

## **EXHIBIT A - PROPERTY DESCRIPTION**

ALL THAT TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 50 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBES AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF DUPLEX 4-A, BOUNDARY LINE ADJUSTMENT AND REPLAT OF COCHETOPA ESTATES, AS RECORDED AT RECEPTION NO. 309631 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE A 2 1/2" ALUMINUM CAP STAMPED "RM", LS 16117 BEARS SOUTH 86°38'21" WEST, A DISTANCE OF 13.80 FEET;

THENCE SOUTH 01°25'11" WEST, A DISTANCE OF 82.16 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140;

THENCE NORTH 88°35'30" WEST ALONG SAID CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 777.08 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY OF CHAFFEE COUNTY ROAD NO. 140 NORTH 88°34'33" WEST, A DISTANCE OF 497.11 FEET;

THENCE NORTH 00°58'40" EAST, A DISTANCE OF 80.87 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND THE NORTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 140, MARKED BY A 1" ALUMINUM CAP STAMPED LS 1776;

THENCE SOUTH 88°38'54" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 185.05 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269;

THENCE NORTH 00°52'55" EAST, A DISTANCE OF 220.83 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269;

THENCE NORTH 88°32'00" WEST, A DISTANCE OF 184.68 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 AND ON THE EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141;

THENCE NORTH 00°58'40" EAST ALONG SAID EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 124.84 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141;

THENCE SOUTH 88°31'21" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 801.81 FEET TO THE NORTHWEST CORNER OF LOT 1, 141 ANNEX MINOR SUBDIVISION AS RECORDED AT RECEPTION NO. 447958 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER;

THENCE SOUTH 01°29'04" WEST, A DISTANCE OF 333.01 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 279296 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND A POINT ON SAID

NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE SOUTH  $88^{\circ}30'29''$  EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 416.06 FEET, TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 389150 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER;  
 THENCE SOUTH  $78^{\circ}51'30''$  EAST, A DISTANCE OF 60.86 TO THE POINT OF BEGINNING.  
 CONTAINING 7.90 ACRES, MORE OR LESS

