



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Kristi Jefferson - Senior Planner	January 17, 2023

### ITEM

Resolution 2023-03: Approving the Findings of Fact of the Lundberg/Castro Annexation.

### BACKGROUND

The proposed actions for the Lundberg/Castro Annexation are as follows:

Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
Findings of Fact Resolution 2023-03			01/17/2023
Annexation Ordinance 2023-01	12/13/2022	01/03/2023	01/17/2023
Annexation Agreement Resolution 2023-04			01/17/2023
Zoning Ordinance 2023-02	12/13/2022	01/03/2023	01/17/2023

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 .48 acres located at 601 Scott Street and 745 Scott Street, and including portions of Scott Street and Illinois Avenue.

The findings include:

- Notice in the paper for four consecutive weeks: the proposed annexation was published in the Mountain Mail on December 9, 2022, December 16, 2022, December 23, 2022 and December 30, 2022.
- Mail notice by registered mail to County Clerk, County Attorney, Salida School District, HRRMC Hospital District, Upper Arkansas Water Conservancy District, Salida Regional Library, Colorado Mountain College-Salida District and South Arkansas Fire Protection District. The letters were mailed on December 19, 2022.
- A public hearing was held on the annexation on December 13, 2022 and determined 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.



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### **STAFF RECOMMENDATION**

All of the findings have been met and staff recommends the Council adopt Resolution 2023-03

### **SUGGESTED MOTION**

A council person should make the motion to “adopt Resolution 2023-03 approving the findings of facts for the Lundberg/Castro Annexation.”

Attachment:

Resolution 2023-03

**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 03  
SERIES OF 2023**

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

**WHEREAS**, on August 16, 2022, representatives (the “Owners”) of the Lundberg/Castro Annexation, 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 .48 acres located at 601 Scott Street and 745 Scott Street, Salida, in the County of Chaffee, State of Colorado, and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference (the “Property”); and

**WHEREAS**, the City Council by Resolution 54, Series of 2022, 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 January 17, 2023 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 17th day of January, 2023.

CITY OF SALIDA, COLORADO

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Dan Shore, Mayor

[SEAL]  
ATTEST:

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City Clerk/Deputy City Clerk

## **EXHIBIT A**

Beginning at the south-western corner of Lot 1, Peel's Subdivision, from whence the intersection of the north right-of-way of Illinois Avenue and the western right-of-way of Scott Street bears North  $17^{\circ}28'05''$  west a distance of 182.19 feet;

Thence north  $89^{\circ}07'49''$  west a distance of 53.84 feet to the western right-of-way of Scott Street;

Thence along said right-of-way of Scott Street north  $00^{\circ}17'02''$  west a distance of 172.97 more or less to the intersection of the northern right-of-way of Illinois Avenue, extended westerly;

Thence along said right-of-way of Illinois Avenue extended south  $89^{\circ}20'24''$  east a distance of 57.51 feet to the eastern right-of-way of Scott Street;

Thence continuing on said right-of-way of Illinois Avenue south  $89^{\circ}20'24''$  east a distance of 137.82 feet;

Thence south  $00^{\circ}52'59''$  west a distance of 25.00 feet more or less to the southern right-of-way of Illinois Avenue, and the north-east corner of Lot 3, Peels Subdivision;

Thence south  $00^{\circ}52'59''$  west a distance of 148.65 feet to the south-east corner of said Lot 1;

Thence north  $89^{\circ}07'49''$  west along the south line of said Lot 1 a distance of 138.07 feet to the point of beginning.

Also known by the following addresses:

601 Scott Street, Salida, CO 81201

And assessor's schedule or parcel number: 380704300022

745 Scott Street, Salida, CO 81201

And assessor's schedule or parcel number: 380704300029