



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Kathryn Dunleavy - Planner	August 16, 2022

ITEM

Resolution 2022-36: Approving the Findings of Fact of the Salida Fire Station Annexation

BACKGROUND

The proposed actions for Salida Fire Station Annexation are as follows:

Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
Annexation Ordinance 2022-12	07/25/2022	08/02/2022	08/16/2022
Findings of Fact Resolution 2022-36			08/16/2022
Zoning Ordinance 2022-13	07/25/2022	08/02/2022	08/16/2022

State statute requires cities to approve findings that the proposed annexation has met the requirements of the State of Colorado. The findings include:

- A public hearing on the annexation was held on August 16, 2022 and determined the area to be annexed complies with state statute including:
 - The property is municipally-owned land and complies with CRS 31-12-106(3) regarding annexation of unincorporated municipally owned land.
 - 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 Resolution 2022-36.

SUGGESTED MOTION

A council person should make the motion to "adopt Resolution 2022-36 approving the findings of facts for the Salida Fire Station Annexation."

Attachment: Resolution 2022-36

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 36
SERIES OF 2022**

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

WHEREAS, on July 6, 2022, the City of Salida (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 owned by the City comprised of 2.94 acres located at 611 Oak Street in the County of Chaffee, State of Colorado (the “Property:”), and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to §31-12-106(3), because the Property is unincorporated municipally owned land, the City Council may by ordinance annex said area to the City, without the notice and hearing as provided in sections 31-12-108 and 31-12-109, and said annexing ordinance must state that the area proposed to be annexed is owned by the annexing municipality and is not solely a public street or right-of-way; and

WHEREAS, the Property proposed to be annexed is owned by the City of Salida and is not solely a public street or right-of-way; and

WHEREAS, the City Council by this Resolution 36, Series of 2022, finds that the Petition is in substantial compliance with § 31-12-107(1) of the Colorado Revised Statutes; and

WHEREAS, the City Council has completed a public hearing on August 16, 2022 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 16th day of August 2022.

CITY OF SALIDA, COLORADO

Dan Shore, Mayor

[SEAL]
ATTEST:

City Clerk/Deputy City Clerk

EXHIBIT A
Legal Description of the Property

A TRACT OF LAND LOCATED WITHIN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER-WEST 1/16TH CORNER, SAID POINT BEING THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 477122, BEING MARKED BY A 1 ½" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 4, BEING MARKED BY A 2 ½" ALUMINUM CAP STAMPED LS 16117, BEARS SOUTH 89°21'21" EAST, A DISTANCE OF 1262.48 FEET;
THENCE NORTH 89°30'29" WEST, A DISTANCE OF 406.23 TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 477122 AND THE EAST RIGHT OF WAY OF COLORADO HIGHWAY NO. 291 (OAK STREET) AS MONUMENTED;
THENCE NORTH 88°57'47" WEST, A DISTANCE OF 60.56 FEET TO THE WEST RIGHT OF WAY OF SAID HIGHWAY NO. 291, AS MONUMENTED;
THENCE SOUTH 00°16'23" WEST, ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 274.23 FEET;
THENCE SOUTH 89°21'33" EAST, A DISTANCE OF 59.06 FEET TO SAID EAST RIGHT OF WAY AS MONUMENTED AND THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 476596;
THENCE SOUTH 89°21'33" EAST, A DISTANCE OF 407.50 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 476596;
THENCE NORTH 00°19'13" EAST, ALONG THE EAST LINE OF SAID PROPERTIES DESCRIBED AT RECEPTION NOS. 476596 AND 477122, A DISTANCE OF 274.86 FEET TO THE POINT OF BEGINNING.
CONTAINING 2.94 ACRES

Also known by the following address:

611 Oak Street, Salida, CO 81201

And assessor's schedule or parcel number: 380704300005 & 380704300169