



# CITY COUNCIL ACTION FORM

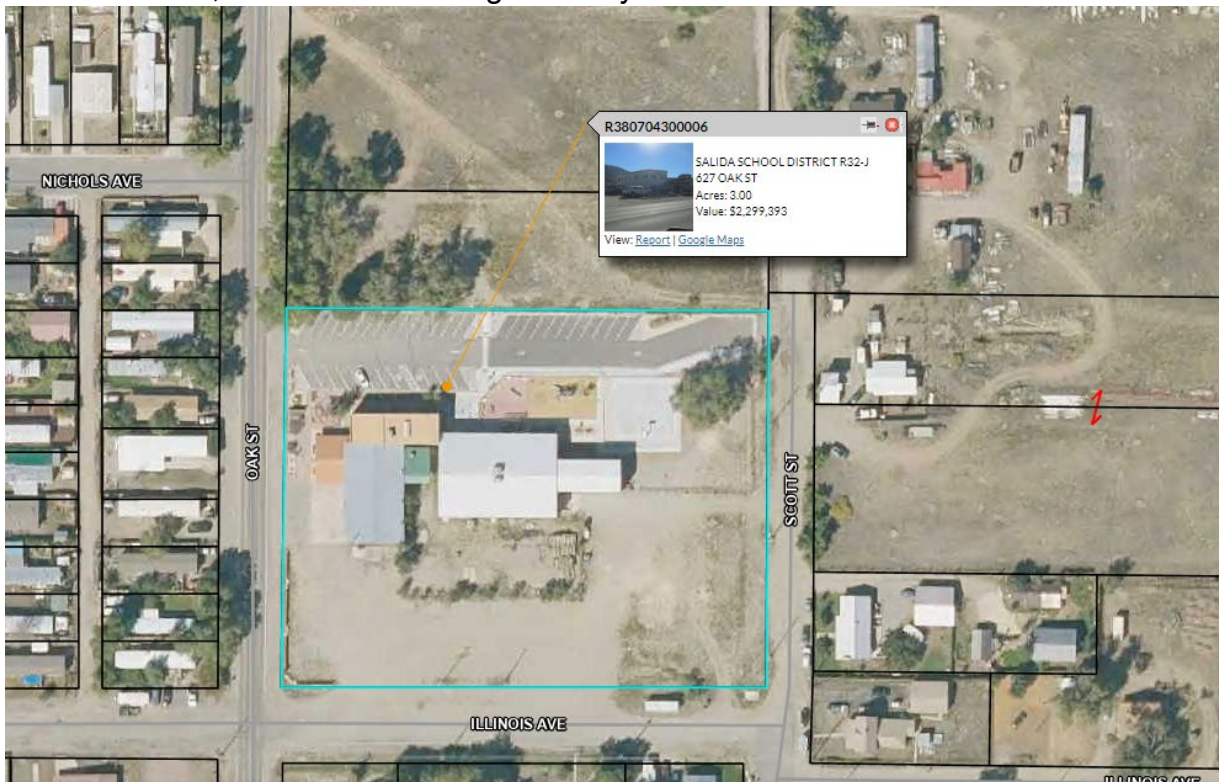
DEPARTMENT	PRESENTED BY	DATE
Community Development	Kathryn Dunleavy - Associate Planner	July 16, 2024

## AGENDA ITEM

Resolution 2024 - 44: A resolution declaring the Salida School District Annexation application is in substantial compliance with city ordinances and state statutes and setting a public hearing for September 3, 2024.

## BACKGROUND

On May 30, 2024, staff received an application from Salida School District to annex a 4.43 acre property located at 627 Oak Street (Parcel Number 380704300006), along with adjacent Oak Street, Illinois Avenue, and Scott Street right-of-way.



When annexing a property, the City must follow adopted state laws which provide a framework and procedures to follow. Below is a brief summary of the steps and standards that need to be followed according to Colorado Revised Statutes:

- A minimum of 1/6<sup>th</sup> (16.67%) of the perimeter of the proposed annexation must be contiguous with the City of Salida city limits.
- Staff reviews the petition for compliance with City and State statutes.
- Council adopts a resolution stating the petition is valid and sets a public hearing date that is no less than 30 days and no greater than 60 days from the resolution date.
- The City Council public hearing is advertised in the newspaper for four consecutive weeks.
- Planning Commission holds a public hearing to review the annexation and recommend the zoning designation of the property.
- City Council holds a public hearing on the annexation petition.
- City Council holds a public hearing to review and act on the proposed zoning.

## **FISCAL IMPACT**

Fiscal Impact statement does not apply to this application.

## **RECOMMENDATION**

Staff finds the proposed annexation in substantial compliance with city and state statutes and recommends City Council adopt the proposed resolution setting a public hearing for September 3, 2024.

## **MOTION**

A City Councilmember should state, "I move to \_\_\_\_\_ Resolution 2024-44 declaring the Salida School District Annexation is in substantial compliance with city ordinances and state statutes and setting a public hearing for September 3, 2024," followed by a second and a roll call vote.

## **ATTACHMENTS**

Resolution 2024-44  
Annexation petition  
Annexation plat

**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 44  
SERIES OF 2024**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO,  
FINDING THE SALIDA SCHOOL DISTRICT ANNEXATION PETITION TO BE IN  
SUBSTANTIAL COMPLIANCE WITH STATE STATUTES AND SETTING A PUBLIC  
HEARING ON SAID PETITION.**

WHEREAS, on May 30, 2024, Salida School District 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 4.43 acres located at 627 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, after review of the annexation Petition and map, the City planning staff advised the City Council that the Petition and map are in substantial compliance with the state statutes, as required by C.R.S. § 31-12-101 *et seq.*; and

WHEREAS, the Petition alleges as follows:

1. It is desirable and necessary that the territory described above be annexed to the City of Salida, Colorado.
2. The requirements of C.R.S. § 31-12-104, as amended, exist or have been met, including without limitation the following:
  - a. Not less than 1/6<sup>th</sup> of the perimeter of the area proposed to be annexed is contiguous with the City of Salida, Colorado.
  - b. A community of interest exists between the area proposed to be annexed and the City of Salida, Colorado.
  - c. The area proposed to be annexed is urban or will be urbanized in the near future.
  - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Salida, Colorado.
3. The requirements of C.R.S. § 31-12-105, as amended, exist or have been met, including without limitation the following:
  - a. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
    - i. has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof.

- ii. comprising twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the proposed annexation), has been included without the written consent of the landowners.
- b. No annexation proceedings have been commenced for the annexation to a municipality other than the City of Salida, Colorado, of all or part of the territory proposed to be annexed.
- c. The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district.
- d. The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the City of Salida more than three (3) miles in any direction from any point on the current municipal boundary of the City in any one year; and

WHEREAS, the City finds that the Petition is in compliance with Salida Municipal Code (SMC) §§ 16-9-10 through 16-9-40; and

WHEREAS, the City has or will have in place a plan meeting the requirements of C.R.S. §31-12-105(e) prior to the effective date of the proposed annexation; and

WHEREAS, no election for annexation of the area proposed to be annexed to the City of Salida has been held in the preceding twelve (12) months; and

WHEREAS, the signers of the Petition are the owners of one hundred percent (100%) of the territory proposed to be annexed, exclusive of public streets and alleys; and

WHEREAS, the annexation to the City of Salida, Colorado of the area proposed to be annexed will not result in a change of county boundaries; and

WHEREAS, the names and mailing addresses of the signers of the Petition and date of signing are included in the Petition, and the legal descriptions of the land owned by Petitioner is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the City Clerk; and

WHEREAS, the Petition is accompanied by four (4) or more copies of an Annexation Map containing, among other things, the following information:

1. A written legal description of the boundaries of the area proposed to be annexed to the City of Salida, Colorado;
2. The boundary of the area proposed to be annexed to the City of Salida, Colorado;
3. Within the annexation boundary map, a showing of the location of each ownership tract in un-platted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and

4. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the City of Salida, Colorado; and

WHEREAS, none of the area proposed to be annexed to the City of Salida, Colorado, is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town; and

WHEREAS, it appears that the Petition filed as aforesaid is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. § 31-12-107(1), as amended.

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

1. The City incorporates the foregoing recitals as findings by the City Council.
2. The Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. § 31-12-107(1), as amended.
3. The City Council of the City of Salida, Colorado, will hold a hearing upon the Petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. § 31-12-104, § 31-12-105, and SMC §§ 16-9-10 through 16-9-40, all as amended, and is considered eligible for annexation. The hearing shall be held on September 3, 2024 commencing at the hour of 6 p.m. in the City Council Chambers, 448 East First Street, Salida, Colorado.
4. Any person may appear at such hearing and present evidence upon any matter to be determined by the City Council of the City of Salida, Colorado.

RESOLVED, APPROVED AND ADOPTED this 16<sup>th</sup> day of July 2024.

CITY OF SALIDA, COLORADO

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Dan Shore, Mayor

[SEAL]  
ATTEST:

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City Clerk/Deputy City Clerk

## **EXHIBIT A**

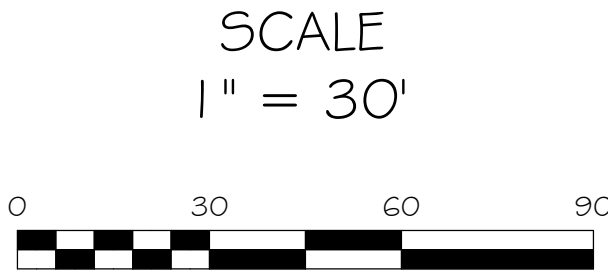
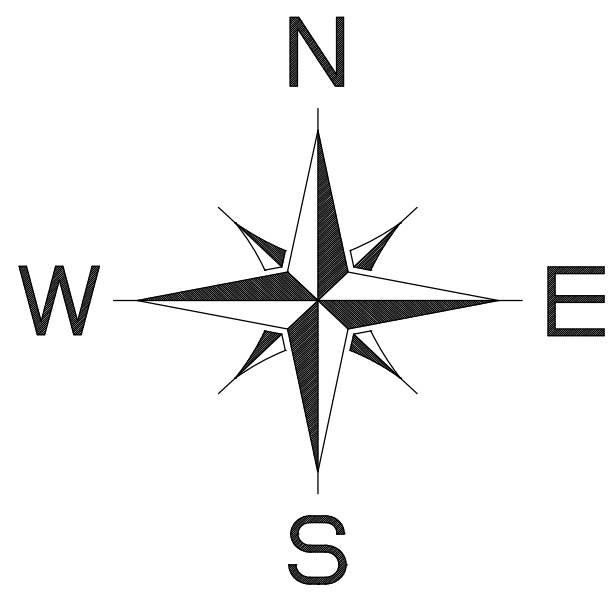
### **LEGAL DESCRIPTION OF A TRACT OF LAND**

A TRACT OF LAND LOCATED WITHIN THE NORTH HALF 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 NORTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 474501, 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 NORTH 78°21'04" EAST, A DISTANCE OF 1290.53 FEET;  
THENCE SOUTH 89°21'33" EAST, A DISTANCE OF 38.99 FEET TO THE EAST RIGHT-OF-WAY OF SCOTT STREET;  
THENCE SOUTH 00°18'13" WEST, ALONG SAID EAST RIGHT-OF-WAY OF SCOTT STREET, A DISTANCE OF 378.79 FEET;  
THENCE NORTH 89°41'31" WEST, ALONG THE SOUTH RIGHT-OF-WAY OF ILLINOIS AVENUE, A DISTANCE OF 350.90 FEET;  
THENCE NORTH 89°59'07" WEST, ALONG THE SOUTH RIGHT-OF-WAY OF ILLINOIS AVENUE, A DISTANCE OF 97.41 FEET TO THE EAST RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NO. 291 (OAK STREET);  
THENCE NORTH 89°59'07" WEST, A DISTANCE OF 60.00 FEET TO THE WEST RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NO. 291 (OAK STREET);  
THENCE NORTH 00°43'13" EAST, ALONG THE WEST RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NO. 291 (OAK STREET), A DISTANCE OF 382.55 FEET;  
THENCE SOUTH 89°21'33" EAST, A DISTANCE OF 59.06 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 474501;  
THENCE SOUTH 89°21'33" EAST, ALONG THE NORTH BOUNDARY OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 474501, A DISTANCE OF 407.49 FEET TO THE POINT OF BEGINNING.  
CONTAINING 4.43 ACRES

PREPARED BY:

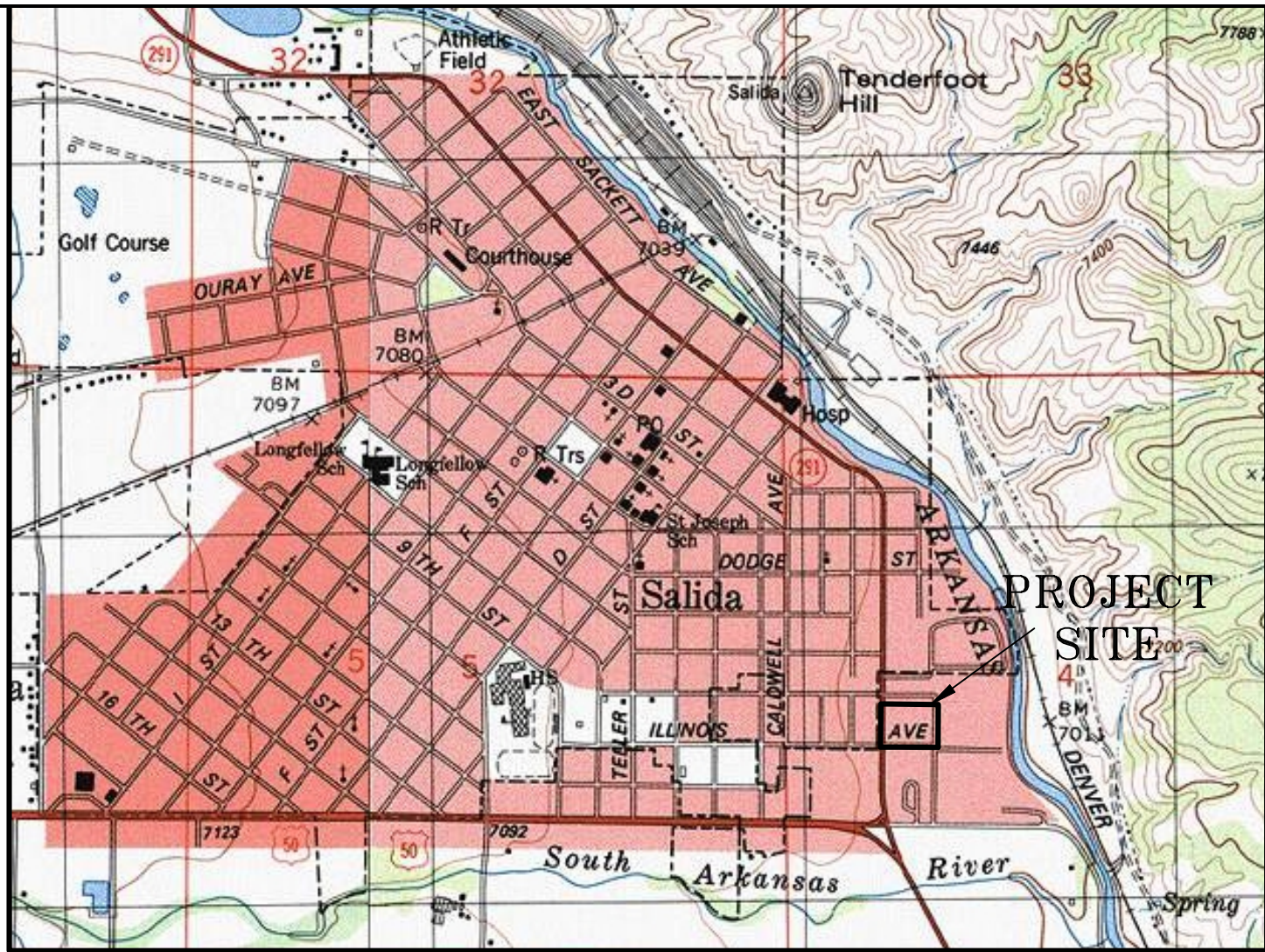






# SALIDA SCHOOL DISTRICT ANNEXATION PLAT

LOCATED WITHIN THE NORTH HALF OF THE SOUTHWEST  
QUARTER OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 9  
EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN,  
CHAFFEE COUNTY, COLORADO



VICINITY MAP  
NOT TO SCALE

## CITY COUNCIL APPROVAL

WHEREAS, THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY SALIDA SCHOOL DISTRICT R32-J AS OWNER OF 100 PERCENT OF THE AREA TO BE ANNEXED; AND WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED ON \_\_\_\_\_, 20\_\_\_\_, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENT OF SECTION 31-12-107(1), C.R.S.; AND WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON \_\_\_\_\_, 20\_\_\_\_, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NO. \_\_\_\_\_ (SERIES 20\_\_\_\_), DETERMINING THAT THE ANNEXATION SATISFIED THE REQUIREMENTS OF SECTIONS 31-12-107 AND 105, C.R.S. AND THAT AN ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON \_\_\_\_\_, 20\_\_\_\_, THE CITY COUNCIL ADOPTED ORDINANCE NO. \_\_\_\_\_ (SERIES 20\_\_\_\_) APPROVING AND ANNEXING SALIDA SCHOOL DISTRICT ANNEXATION.

NOW, THEREFORE, THE CITY COUNCIL OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE  
SALIDA SCHOOL DISTRICT ANNEXATION AS DESCRIBED HEREIN, TO WIT:  
LEGAL DESCRIPTION OF THE PERIMETER:

A TRACT OF LAND LOCATED WITHIN THE NORTH HALF 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 NORTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 474501, BEING MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 4, BEING MARKED BY A 2 1/2" ALUMINUM CAP STAMPED LS 16117, BEARS NORTH 78°21'04" EAST, A DISTANCE OF 1290.53 FEET; THENCE SOUTH 89°21'33" EAST, A DISTANCE OF 38.99 FEET TO THE EAST RIGHT-OF-WAY OF SCOTT STREET; THENCE SOUTH 00°18'13" WEST, ALONG SAID EAST RIGHT-OF-WAY OF SCOTT STREET, A DISTANCE OF 378.79 FEET; THENCE NORTH 89°41'31" WEST, ALONG THE SOUTH RIGHT-OF-WAY OF ILLINOIS AVENUE, A DISTANCE OF 350.90 FEET; THENCE NORTH 89°59'07" WEST, ALONG THE SOUTH RIGHT-OF-WAY OF ILLINOIS AVENUE, A DISTANCE OF 97.41 FEET TO THE EAST RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NO. 291 (OAK STREET); THENCE NORTH 89°59'07" WEST, A DISTANCE OF 60.00 FEET TO THE WEST RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NO. 291 (OAK STREET); THENCE NORTH 00°43'13" EAST, ALONG THE WEST RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NO. 291 (OAK STREET), A DISTANCE OF 382.55 FEET; THENCE SOUTH 89°21'33" EAST, A DISTANCE OF 59.06 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 474501; THENCE SOUTH 89°21'33" EAST, ALONG THE NORTH BOUNDARY OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 474501, A DISTANCE OF 407.49 FEET TO THE POINT OF BEGINNING. CONTAINING 4.43 ACRES

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

MAYOR OF THE CITY OF SALIDA

## CERTIFICATION OF TITLE

I, \_\_\_\_\_, A LICENSED TITLE INSURANCE AGENT IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE PROPERTY HEREBY DEDICATED AND AS SHOWN AND DESCRIBED ON THIS PLAT AND FOUND TITLE VESTED IN SALIDA SCHOOL DISTRICT R32-J, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS LISTED BELOW:

\_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

TITLE AGENT

## GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTH LINE OF SUBJECT PROPERTY BETWEEN TWO 1 1/2" ALUMINUM CAPS ON #5 REBAR STAMPED LS 16117 HAVING A BEARING OF SOUTH 89°21'33" EAST
- 2) OWNER: SALIDA SCHOOL DISTRICT R32-J  
627 OAK STREET  
SALIDA, COLORADO 81201
- 3) EXISTING ZONE: CHAFFEE COUNTY-COMMERCIAL
- 4) THIS ANNEXATION SUBJECT TO THE TERMS AND CONDITIONS AS SET FORTH IN THE ANNEXATION AGREEMENT RECORDED AT RECEPTION NO. \_\_\_\_\_
- 5) UNDERGROUND UTILITIES SHOWN AS MARKED ON THE SURFACE BY UTILITY NOTIFICATION CENTER OF COLORADO AND OTHERS, LANDMARK SURVEYING AND MAPPING ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF ANY UNDERGROUND UTILITIES DEPICTED HEREON.
- 6) TOTAL AREA TO BE ANNEXED=4.43 ACRES

## CERTIFICATE OF DEDICATION AND OWNERSHIP

THIS IS TO CERTIFY THAT SALIDA SCHOOL DISTRICT R32-J IS THE OWNER OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, EXCEPT PUBLIC STREETS, THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE CITY OF SALIDA, COLORADO AND DOES HEREBY DEDICATE TO THE CITY OF SALIDA THAT PORTION OF PROPERTY TO BECOME THE RIGHT-OF-WAY OF SCOTT STREET AS SHOWN HEREON.

EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

OWNERS:

REPRESENTATIVE SALIDA SCHOOL DISTRICT R32-J

COUNTY OF CHAFFEE )  
STATE OF COLORADO ) ss.

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BY REPRESENTATIVE SALIDA SCHOOL DISTRICT R32-J. WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES \_\_\_\_\_.

NOTARY PUBLIC

TOTAL PERIMETER OF LAND TO BE ANNEXED	1775.19
CONTIGUOUS BOUNDARY WITH CITY OF SALIDA	1006.51
CONTIGUOUS BOUNDARY REQUIREMENT 1/6=16.7%	56.7%

## CLERK AND RECORDER'S CERTIFICATE

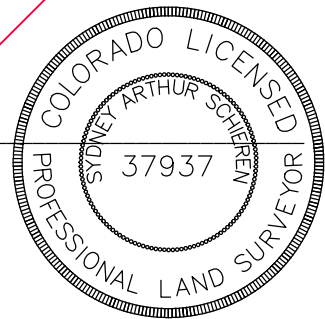
THIS ANNEXATION PLAT WAS FILED IN THE OFFICE OF THE CLERK AND RECORDER OF CHAFFEE COUNTY, COLORADO, AT \_\_\_\_\_ M. ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024 UNDER RECEPTION NUMBER \_\_\_\_\_.

CHAFFEE COUNTY CLERK AND RECORDER

## LAND SURVEYOR'S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SYDNEY A. SCHIEREN  
COLORADO P.L.S. 37937



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 SURVEYOR'S STATEMENT CONTAINED HEREON.