



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: January 10, 2022

TO: President Lawrence W. Atencio and Members of City Council
CC: Nicholas A. Gradisar, Mayor
VIA: Marisa Stoller, City Clerk
FROM: Scott Hobson, Acting Director of Planning and Community Development
SUBJECT: AN ORDINANCE ANNEXING UNINCORPORATED LAND COMMONLY KNOWN AS THE WILDHORSE ANNEXATION 1 TO THE CITY OF PUEBLO DESCRIBED AS 80.40 ACRES OF LAND LOCATED NORTH OF THE U.S. HIGHWAY 50 WEST AND THE PUEBLO BOULEVARD INTERCHANGE

SUMMARY:

The Petitioner is requesting to annex the property containing 80.40 acres into the City of Pueblo commonly known as the Wildhorse Annexation 1 to the City of Pueblo. This is the first phase of a two-phase annexation that will total 179.38 acres.

PREVIOUS COUNCIL ACTION:

On June 14, 2021 City Council approved a Resolution No. 14632 preliminarily determining that the petition for annexation of the area commonly known as the Wildhorse Annexation 1 is valid under the provisions of Colorado Revised Statutes Section 31-12-107(1).

BACKGROUND:

The Wildhorse Annexation 1 is located north of the U.S. Highway 50 West and the Pueblo Boulevard Interchange. The Petitioner is requesting to annex 80.40 acres into the City to facilitate the development of a mixture of retail uses, high density residential, and business park uses. The proposed annexation site is located north of unincorporated Pueblo County (A-1, Agricultural One, A-2, Agricultural Two, A-3, Agricultural Three Districts), which are undeveloped except for a self-storage facility within the A-2 Agricultural District. The property to the east is undeveloped A-1, Agricultural One in Pueblo County. The property to the south has A-3, Agricultural Three, A-1, Agricultural One, and S-1, Public Use Districts within unincorporated Pueblo County. There is one residence south of the property within the Holiday Hills Subdivision in unincorporated Pueblo County. In addition, the Colorado Department of Transportation Maintenance Facility and Yard is located south of the property within city limits. The area west of the property is undeveloped A-3, Agricultural Three in Pueblo County.

The annexation agreement identifies that the property will be zoned City A-1, Agricultural One as an interim zone district. The annexation agreement allows for the A-1 zone district to continue for not more than 10 years and prohibits building permits from being issued until the property is rezoned to a zone district that is consistent with the Pueblo Comprehensive Plan.

FINANCIAL IMPLICATIONS:

The Petitioners acknowledge and agree that upon the annexation, the property shall become subject to the Charter, Ordinances, Resolutions, rules, and regulations of the City, but that the City shall have no obligation to furnish or extend municipal services, including but not limited to sanitary sewer services, to the area proposed to be annexed.

BOARD/COMMISSION RECOMMENDATION:

The City Planning and Zoning Commission reviewed the annexation at the December 8, 2021, Regular Meeting. A motion to approve the proposed annexation was made by Commissioner Bailey and seconded by Commissioner Avalos to recommend approval of the proposed annexation petition. Motion passed 7-0.

STAKEHOLDER PROCESS:

Annexation Impact Reports have been filed with taxing entities as required by Colorado Revised Statutes.

ALTERNATIVES:

Upon request of City Council, the Ordinance could be returned to the Planning and Zoning Commission for consideration of proposed modifications.

City Council could vote to not approve the annexation Ordinance. The applicant could resubmit an annexation petition in the future subject to the applicable provisions of the Municipal Annexation Act of 1965 and C.R.S. §31-12-104, 105 and 107(1).

RECOMMENDATION:

Approval of the Ordinance.

Attachments:

Proposed Ordinance

Wildhorse Annexation Agreement

Wildhorse Annexation 1 Plat

Minutes of the Planning and Zoning Commission December 8, 2021

Planning and Zoning Commission Staff Report with Exhibits

ORDINANCE NO. _____

AN ORDINANCE ANNEXING UNINCORPORATED LAND COMMONLY KNOWN AS THE WILDHORSE ANNEXATION PHASE 1 TO THE CITY OF PUEBLO DESCRIBED AS 80.40 ACRES OF LAND LOCATED NORTH OF THE U.S. HIGHWAY 50 WEST AND THE PUEBLO BOULEVARD INTERCHANGE

WHEREAS, the City Planning and Zoning Commission has recommended that the area described in Section 1 hereof be annexed to the City of Pueblo; and,

WHEREAS, the City Council has heretofore found and determined by Resolution that the Petition for Annexation and the area described in Section 1 hereof to be in compliance with the notice and other applicable provisions of the Municipal Annexation Act of 1965 and C.R.S. §31-12-104, 105 and 107(1); and,

WHEREAS, the City Council has by Resolution found and determined that an election is not required under C.R.S. §31-12-107 (2) and no additional terms and conditions are to be imposed upon the area described in Section 1 other than those set forth in the Petition for Annexation and the Annexation Agreement; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The following described area situated in Pueblo County, Colorado, is hereby annexed to Pueblo, a Colorado Municipal Corporation, subject to the terms and conditions set forth in the Petition for Annexation and the Annexation Agreement, and the official map of the City shall be amended to show such annexation:

1. AREA TO BE ANNEXED

WILDHORSE ANNEXATION 1

A portion of three parcels of land located in sections 9 and 10, Township 20 South, Range 65 West, of the 6th Principal Meridian in the County of Pueblo and State of Colorado, being more particularly described as follows:

Commencing at the SE corner of the W ½ of the E ½ of the SW ¼ of said Section 10; Thence S89 degrees 10 minutes 16 seconds W, a distance of 612.25 feet to the point of beginning the present city limits line; thence N89 degrees 10 minutes 16 seconds E, a distance of 612.25 feet; thence N01 degrees 40 minutes 27 seconds E, a distance of 2661.29 feet to the

Northeast corner of the W 1/2 of E 1/2 of the SW 1/4 of section 10; thence S88 degrees 57 minutes 11 seconds W, along the said north line, a distance of 665.40 feet, to the Northwest corner of the W 1/2 of the E 1/2 of the SW 1/4 of Section 10; thence S0 degrees 0 minutes 0 seconds W, a distance of 1492.67 feet; thence N90 degrees 0 minutes 0 seconds W, a distance of 2318.65 feet; thence S 29 degrees 39 minutes 59 seconds E, a distance of 1269.12 feet to a point on the west line of the E 1/2 of the E 1/2 of the E 1/2 of the SE 1/4 of said Section 9 and the north line of Colorado State Highway No. 50, and the present city limits line; thence S 88 degrees 08 minutes 38 seconds E, continuing along said City Limits line, a distance of 178.88 feet; thence N 77 degrees 48 minutes 53 seconds E, continuing along said City Limits line, a distance of 152.37 feet; thence N 77 degrees 32 minutes 17 seconds E, continuing along said City Limits line, a distance of 312.70 feet; thence N 67 degrees 53 minutes 08 seconds E, continuing along said City Limits line, a distance of 309.71 feet; thence N 10 degrees 48 minutes 11 seconds, continuing along said City Limits line, a distance of 460.12 feet; thence S 74 degrees 30 minutes 12 seconds E, continuing along said City Limits line, a distance of 441.31 feet; thence S 06 degrees 04 minutes 05 seconds E, continuing along said City Limits line, a distance of 385.19 feet; thence S 23 degrees 35 minutes 46 seconds E, continuing along said City Limits line, a distance of 141.19 feet; thence S 55 degrees 35 minutes 35 seconds E, continuing along said City Limits line, a distance of 166.17 feet to a point on the south line of W 1/2 of the E 1/2 of the SW 1/4 of said section 10 and the point of beginning.

Containing 80.40 acres, more or less.

2. PROPOSED NEW CITY LIMITS LINE:

Commencing at the SE corner of the W 1/2 of the E 1/2 of the SW 1/4 of said Section 10; Thence S89 degrees 10 minutes 16 seconds W, a distance of 612.25 feet to the point of beginning the present city limits line; thence N89 degrees 10 minutes 16 seconds E, a distance of 612.25 feet; thence N01 degrees 40 minutes 27 seconds E, a distance of 2661.29 feet to the Northeast corner of the W 1/2 of E 1/2 of the SW 1/4 of section 10; thence S 88 degrees 57 minutes 11 seconds W, along the said north line, a distance of 665.40 feet, to the Northwest corner of the W 1/2 of the E 1/2 of the SW 1/4 of Section 10; thence S0 degrees 0 minutes 0 seconds W, a distance of 1492.67 feet; thence N90 degrees 0 minutes 0 seconds W, a distance of 2318.65 feet; thence S 29 degrees 39 minutes 59 seconds E, a distance of 1269.12 feet to a point on the west line of the E 1/2 of the E 1/2 of the E 1/2 of the SE 1/4 of said Section 9 and the north line of Colorado State Highway No. 50, and the present city limits line.

3. CERTIFICATION OF PERIMETER:

At least one-sixth of the boundary of the land described in paragraphs one (1) above, is now existing City Limits Line.

SECTION 2.

The owners of one hundred percent (100%) of the property to be annexed have petitioned for such annexation.

SECTION 3.

The Annexation Agreement in the form and content presented to the City Council at this meeting is hereby authorized and approved. The President of the City Council is hereby authorized to execute and deliver the Annexation Agreement in the name of the City and the City Clerk is directed to affix the seal of the City thereto and attest same.

SECTION 4.

Within thirty (30) days after the effective date of the Ordinance, the City Clerk shall:

- (a) File one copy of the annexation map with the original of this ordinance in the office of the City Clerk; and,
- (b) File for recording three certified copies of this Ordinance and annexation map with the Pueblo County Clerk and Recorder; and,
- (c) File one certified copy of the annexation map and this Ordinance with the Southeastern Colorado Water Conservancy District.

SECTION 5.

The officers of the City are hereby authorized to take all other actions necessary or appropriate, on behalf of the City, to implement the provisions of this Ordinance and the Annexation Agreement.

SECTION 6.

If any provisions of this Ordinance or Annexation Agreement shall be held or deemed to be illegal, inoperative or unenforceable, the same shall not affect any other provisions or provisions of this Ordinance or Annexation Agreement or render the same invalid, inoperative or unenforceable, except as otherwise expressly provided in the Annexation Agreement.

SECTION 7.

The City Council hereby consents to the inclusion of the annexed area in the Southeastern Colorado Water Conservancy District pursuant to C.R.S. §37-45-136 (3.6).

SECTION 8.

This Ordinance shall become effective immediately upon final passage and the annexation shall be effective for ad valorem tax purposes on and after January 1, 2023.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

Approved on _____.

Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk