



**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 2 TO THE CITY OF PUEBLO DESCRIBED AS 98.98 ACRES OF LAND LOCATED NORTH AND WEST OF THE WILDHORSE ANNEXATION 1 AND EAST AND WEST OF WILDHORSE ROAD

**SUMMARY:**

The Petitioner is requesting to annex the property containing 98.98 acres into the City of Pueblo commonly known as the Wildhorse Annexation 2 to the City of Pueblo. This is the second 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. 14633 preliminarily determining that the petition for annexation of the area commonly known as the Wildhorse Annexation 2 is valid under the provisions of Colorado Revised Statutes Section 31-12-107(1).

**BACKGROUND:**

The Wildhorse Annexation 2 is located north and west of the Wildhorse Annexation 1 and east and west of Wildhorse Road. The Petitioner is requesting to annex 98.98 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 2 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 2 TO THE CITY OF PUEBLO DESCRIBED AS 98.98 ACRES OF LAND LOCATED NORTH AND WEST OF THE WILDHORSE ANNEXATION 1 AND EAST AND WEST OF WILDHORSE ROAD

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 2**

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 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 the SW 1/4 of section 10; thence S 88 degrees 57 minutes 11 seconds W, along the 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 and point of beginning; thence S 89 degrees 54 minutes 17 seconds W, along the north line, a distance of 1331.50 feet, to the Northeast corner of the E 1/4 of section 9; thence S 89 degrees 58 minutes 22 seconds W, along the north line, a distance of 328.94 feet to the NW corner of the E 1/2 of the E 1/2 of the E 1/2 of the SE 1/4 of Section 9; thence S 0 degrees 40 minutes 42 seconds W, along the west line, a distance of 1258.29 feet to a point on a non-tangent curve, having a radius of 1019.00 feet, a radial line bears N 39 degrees 23 minutes 00 seconds E from said point; thence northwesterly along the arc of last said curve through a central angle of 14 degrees 18 minutes 07 seconds, a distance of 254.36 feet; thence N 36 degrees 19 minutes 40 seconds W, tangent to last said curve, a distance of 1258.29 feet, to a point on the north line of the SE 1/4 of said Section 9; thence N 89 degrees 58 minutes 03 seconds W, along said north line, a distance of 991.15 feet to a point on the center line of the Kansas and Colorado Railroad abandoned right of way; thence N 42 degrees 46 feet 50 seconds, along said center line, distance of 187.77 feet to the beginning of a curve to the right having a radius of 5864.93 feet; thence northwesterly, continuing along said center line, along the arc of said curve, through a central angle of 11 degrees 29 minutes 01 seconds, a distance of 574.22 feet; thence N 31 degrees 39 minutes 05 seconds W continuing along said center line a distance of 26.62 feet; thence S 02 degrees 50 minutes 55 seconds W, leaving said center line, a distance of 379.17 feet; thence S 11 degrees 18 minutes 19 seconds E, a distance of 290.71 feet; thence S25 degrees 46 minutes 13 seconds E, a distance of 494.36 feet; thence S 74 degrees 06 minutes 44 seconds E, a distance of 738.34 feet; thence S 45 degrees 34 minutes 43 seconds E, a distance of 1107.74 feet to the present city limits line; thence N 90 degrees 0 minutes 0 seconds E continuing along said city limits line, a distance of 2318.65 feet; thence N 0 degrees 0 minutes 0 seconds W, continuing along said city limits line, a distance of 1492.67 feet to the point of beginning.

Said parcels contain 98.98 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 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 the SW 1/4 of section 10; thence S 88 degrees 57 minutes 11 seconds W, along the 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 and point of beginning; thence S 89 degrees 54 minutes 17 seconds W, along the north line, a

distance of 1331.50 feet, to the Northeast corner of the E ¼ of section 9; thence S 89 degrees 58 minutes 22 seconds W, along the north line, a distance of 328.94 feet to the NW corner of the E ½ of the E ½ of the E ½ of the SE ¼ of Section 9; thence S 0 degrees 40 minutes 42 seconds W, along the west line, a distance of 1258.29 feet to a point on a non-tangent curve, having a radius of 1019.00 feet, a radial line bears N 39 degrees 23 minutes 00 seconds E from said point; thence northwesterly along the arc of last said curve through a central angle of 14 degrees 18 minutes 07 seconds, a distance of 254.36 feet; thence N 36 degrees 19 minutes 40 seconds W, tangent to last said curve, a distance of 1258.29 feet, to a point on the north line of the SE ¼ of said Section 9; thence N 89 degrees 58 minutes 03 seconds W, along said north line, a distance of 991.15 feet to a point on the center line of the Kansas and Colorado Railroad abandoned right of way; thence N 42 degrees 46 feet 50 seconds, along said center line, distance of 187.77 feet to the beginning of a curve to the right having a radius of 5864.93 feet; thence northwesterly, continuing along said center line, along the arc of said curve, through a central angle of 11 degrees 29 minutes 01 seconds, a distance of 574.22 feet; thence N 31 degrees 39 minutes 05 seconds W continuing along said center line a distance of 26.62 feet; thence S 02 degrees 50 minutes 55 seconds W, leaving said center line, a distance of 379.17 feet; thence S 11 degrees 18 minutes 19 seconds E, a distance of 290.71 feet; thence S25 degrees 46 minutes 13 seconds E, a distance of 494.36 feet; thence S 74 degrees 06 minutes 44 seconds E, a distance of 738.34 feet; thence S 45 degrees 34 minutes 43 seconds E, a distance of 1107.74 feet to 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:

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\_\_\_\_\_  
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