

ORDINANCE NO. 2232

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, ANNEXING CERTAIN TERRITORY KNOWN AS THE SOUTH NEIGHBORHOODS PROPERTY ANNEXATION TO THE CITY OF GOLDEN

WHEREAS, the real property generally described as the South Neighborhoods Property Annexation, consisting of approximately 5.77 acres, generally located at 152 Heritage Road, and which is more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the “Property”), is currently located in an unincorporated area of Jefferson County, Colorado; and

WHEREAS, the City of Golden submits to annex the Property, pursuant to the Municipal Annexation Act of 1965 (the “Act”) C.R.S. § 31-12-101, et al., and specifically the provisions of C.R.S. § 31-12-106(3), because the Property is owned entirely by the City of Golden, does not consist solely of a public street or public right-of-way, and the rights-of-way are not being used to achieve the one-sixth contiguity requirement; and

WHEREAS, the Property is eligible and meets the requirements of section 30(1) of Article II of the Colorado Constitution, C.R.S §31-12-104(1)(a), §31-12-105 and §31-12-106(3) because:

1. the area is solely owned by the City of Golden;
2. the area’s perimeter is at least one-sixth contiguous with the existing boundaries of the City, as the area is an enclave within current city limits;
3. the area is less than 20 acres, not held in identical ownership, being divided, or included without written consent of the owner;
4. there are no annexation proceedings related to the area that have been commenced by another municipality;
5. the annexation will not result in the detachment of an area from a school district;
6. the annexation will not result in the extension of the municipal boundary more than three miles;
7. the City of Golden has an Annexation Study Area Plan addressing annexations within said distance;
8. and there are no platted streets or alleys included in the area to be annexed; and

WHEREAS, upon annexation, the Property shall be subject to all ordinances, resolutions, and other regulations of the City, as they may be amended from time to time; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of Council.

Section 2. The City Council finds and concludes regarding the annexation of the Property, that the Property complies with the requirements of C.R.S. § 31-12-106(3) because the Property is owned entirely by the City of Golden, does not consist solely of a public street or public right-of-way, and the

rights-of-way are not being used to achieve the one-sixth contiguity requirement.

Section 3. The City Council further finds and concludes that it also complies with section 30(1) of Article II of the Colorado Constitution because the Property is solely owned by the annexing municipality (City of Golden).

Section 4. The City Council further finds and determines that the annexation complies with C.R.S. § 31-12-104(1)(a) as required by C.R.S. § 31-12-106(3) because not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the City.

Section 5. The City Council further finds and determines that the annexation complies with C.R.S. § 31-12-105 as required by C.R.S. § 31-12-106(3) because the Property is less than 20 acres, not held in identical ownership, being divided, or included without written consent of the owner; there are no annexation proceedings related to the area that have been commenced by another municipality; the annexation will not result in the detachment of an area from a school district; the annexation will not result in the extension of the municipal boundary more than three miles; the City of Golden has an Annexation Study Area Plan addressing annexations within said distance; and there are no platted streets or alleys included in the area to be annexed.

Section 6. Based on the foregoing findings, the City Council concludes that the proposed annexation complies with section 30(1) of Article II of the Colorado Constitution, C.R.S. §31-12-104(1)(a), §31-12-105 and §31-12-106(3) and that the Property is eligible for annexation to the City of Golden.

Section 7. Annexation of Property Approved. The Property, as more particularly described in **Exhibit A**, is hereby annexed to, and included within, the corporate limits of the City of Golden, Colorado, in accordance with law.

Section 8. Direction to City Staff. City Council hereby directs City staff to complete all necessary procedures required for annexation of the Subject Property to the City, including: (1) filing for recordation of three certified copies of this Ordinance and the map(s) of the Subject Property containing a legal description (“Annexation Map”) with the Jefferson County Clerk and Recorder; (2) filing the original of this Ordinance together with a copy of the Annexation Map with the City Clerk of the City of Golden, Colorado; and (3) taking the post-approval actions specified under Section 31-12-113, C.R.S.. Prior to submitting the Annexation Map to the Jefferson County Clerk for recordation, the City Clerk shall verify with the City of Golden Director of Community and Economic Development and the City Attorney that any and all technical corrections to the Annexation Map have been made, if and as applicable.

Section 9. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 10. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 11. The repeal or modification of any provision of the Municipal Code of the City of Golden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 12. Safety. This ordinance is deemed necessary for the protection of health, welfare, and safety of the community.

Section 13. Effective Date. This ordinance shall become effective five (5) days after publication following final passage in accordance with Section 5.9 of the Charter for the City of Golden, Colorado.

INTRODUCED, READ, AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, THE 26TH DAY OF MARCH, 2024.

READ, PASSED, AND ADOPTED AS AN ORDINANCE ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, THE 9TH DAY OF APRIL, 2024.

Laura M. Weinberg
Mayor

ATTEST:

Monica S. Mendoza, CMC
City Clerk

APPROVED AS TO FORM:

Sandra M. Llanes
City Attorney

I, Monica S. Mendoza, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular business meeting of the City Council of said city, held on the 26th day of March, 2024 and was published as a proposed ordinance on the city website as the law directs seven days or more prior to its passage. A public hearing was held on the 9th day of April, 2024, and the said proposed ordinance was read on second reading. The ordinance was passed by the City Council and ordered published on the City of Golden website, as the law directs on the 9th day of April, 2024.

Witness my hand and official seal of the City of Golden, Colorado, on the 9th day of April, 2024.



ATTEST:

MONICA S. MENDOZA

Monica S. Mendoza, City Clerk of the City of Golden, Colorado

EXHIBIT A
Legal Description
South Neighborhoods Property Annexation

A TRACT OF LAND LOCATED IN THE EAST ONE-HALF OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH P.M., JEFFERSON COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 10; THENCE N. 88° 55' 22" W. ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 10, A DISTANCE OF 656.99 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SW1/4 SE1/4 NE1/4) OF SAID SECTION 10; THENCE N. 00° 00' 23" E. ALONG THE EAST LINE OF SAID SW1/4 SE1/4 NE1/4 A DISTANCE OF 345.34 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 40 AND THE SOUTHEASTERLY CORNER OF THE LANDS DESCRIBED IN THE CITY OF GOLDEN ANNEXATION ORDINANCE NO. 1899 RECORDED AT RECEPTION 2011093386; THENCE ALONG THE BOUNDARY OF SAID ANNEXATION THE FOLLOWING THREE (3) COURSES:

1) WESTERLY ALONG SAID RIGHT-OF-WAY LINE, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1196.00 FEET, A CENTRAL ANGLE OF 59° 00' 56", A CHORD WHICH BEARS S. 37° 21' 27" W. A DISTANCE OF 1178.16 FEET, FOR AN ARC DISTANCE OF 1231.90 FEET TO THE CENTERLINE OF COLORADO HIGHWAY 93 (ALSO KNOWN AS HERITAGE ROAD);

2) THENCE N. 10° 20' 07" W. ALONG SAID CENTERLINE A DISTANCE OF 450.13 FEET;

3) THENCE DEPARTING SAID CENTERLINE, N. 50° 11' 17" E. A DISTANCE OF 30.60 FEET TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION;

THENCE CONTINUING ALONG SAID ANNEXATION BOUNDARY THE FOLLOWING NINETEEN (19) COURSES:

- 1) THENCE N. 6° 51' 47" W. A DISTANCE OF 109.65 FEET;
- 2) THENCE N. 43° 30' 24" E. A DISTANCE OF 6.11 FEET;
- 3) THENCE N. 23° 34' 57" W. A DISTANCE OF 23.03 FEET;
- 4) THENCE N. 26° 52' 39" W. A DISTANCE OF 85.13 FEET;
- 5) THENCE N. 26° 09' 26" W. A DISTANCE OF 107.95 FEET;
- 6) THENCE N. 25° 02' 25" W. A DISTANCE OF 65.03 FEET;
- 7) THENCE N. 26° 11' 10" W. A DISTANCE OF 100.93 FEET;
- 8) THENCE N. 25° 12' 26" W. A DISTANCE OF 100.61 FEET;
- 9) THENCE N. 25° 38' 00" W. A DISTANCE OF 85.52 FEET;
- 10) THENCE S. 78° 46' 02" E. A DISTANCE OF 374.71 FEET;

- 11) THENCE S. 87° 48' 00" E. A DISTANCE OF 265.50 FEET;
- 12) THENCE S. 89° 18' 03" E. A DISTANCE OF 108.07 FEET;
- 13) THENCE S. 00° 00' 23" W. A DISTANCE OF 130.00 FEET;
- 14) THENCE S. 46° 53' 14" W. A DISTANCE OF 65.98 FEET;
- 15) THENCE S. 28° 28' 18" W. A DISTANCE OF 113.49 FEET;
- 16) THENCE S. 45° 35' 56" W. A DISTANCE OF 83.63 FEET;
- 17) THENCE S. 45° 23' 12" W. A DISTANCE OF 223.40 FEET;
- 18) THENCE N. 86° 54' 06" W. A DISTANCE OF 97.51 FEET
- 19) THENCE S. 50° 11' 17" W. A DISTANCE OF 86.42 FEET TO THE **POINT OF BEGINNING OF THIS DESCRIPTION.**

THE ABOVE DESCRIBED PARCEL CONTAINS 5.77 ACRES, MORE OR LESS.

Total acreage (approximate): 5.77 acres, as more particularly shown in the annexation map(s) on file with the City Clerk.