

TO: THE CITY OF ARVADA, COLORADO.

RE: PETITION FOR ANNEXATION

DATE: December 11, 2020

The undersigned landowners (collectively, the "**Petitioner**"), in accordance with the Municipal Annexation Act of 1965 as set forth in Article 12, Title 31, Colorado Revised Statutes (the "**Act**"), as amended and as in effect on the submission date set forth below, hereby petitions the City Council of the City of Arvada for annexation to the City of Arvada (the "**City**") of the following unincorporated properties located at 6700 Indiana Street, 6702 Indiana Street, 6710 Indiana Street, and a portion of 6720 Indiana Street in the County of Jefferson and State of Colorado (collectively, the "**Property**"), the Property being more particularly described by their legal description in "Exhibit A," which is attached hereto and incorporated herein by reference.

In support of this petition for annexation (the "**Petition**"), Petitioner further alleges to the City Council of the City that:

1. It is desirable and necessary that the areas described above be annexed to the City.
2. The requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended, exist or have been met in that:
  - a) Not less than one-sixth of the perimeter of the areas proposed to be annexed are contiguous with the City or will be contiguous with the City within such time as required by C.R.S. § 31-12-104.
  - b) A community of interest exists between the areas proposed to be annexed and the City.
  - c) The areas proposed to be annexed are urban or will be urbanized in the near future.
  - d) The areas proposed to be annexed are integrated with or are capable of being integrated with the City.
  - e) No land within the boundary of the areas proposed to be annexed which is held in identical ownership, whether consisting of one (1) tract or parcel of real estate or two (2) or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.
  - f) No land within the boundary of the areas proposed to be annexed which is held in identical ownership, comprises twenty (20) acres or more, and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars and 00/100 (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.

- g) The Property are not presently a part of any incorporated city, city and county, or the City; nor have any proceedings been commenced for incorporation or annexation in an area that is part or all of the Property; nor has any election for annexation of the Property or substantially the same areas to the City been held within the twelve (12) months immediately preceding the filing of this Petition.
  - h) The annexation of the areas proposed to be annexed will not result in the detachment of area from any school district or attachment of same to another school district.
  - i) Except to the extent necessary to avoid dividing parcels within the Property held in identical ownership, at least fifty percent (50%) of which are within the three (3)-mile limit, the proposed annexation will not extend the municipal boundary of the City more than three (3) miles in any direction from any point of the current municipal boundary in any one (1) year.
  - j) Prior to completion of the annexation of the areas proposed to be annexed, the City will have in place a plan for those areas, which generally describes the proposed: location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the City; and the proposed land uses for the areas; such plan to be updated at least once annually.
  - k) In establishing the boundary of the areas proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the areas to be annexed.
  - l) The City will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the City but is not bounded on both sides by the City.
3. Petitioner comprises more than fifty percent (50%) of the landowners in the Property owning more than fifty percent (50%) of the Property, excluding public streets, alleys and any land owned by the annexing municipality, and the Petitioner hereby consents to the establishment of the boundaries of the Property as shown in the annexation maps submitted herewith. The legal description of the lands owned by the Petitioner is set forth in "Exhibit A" attached hereto and incorporated herein by reference.
4. Accompanying this Petition are four (4) copies of an annexation map containing the following information:
- a) A written legal description of the boundaries of the areas proposed to be annexed;
  - b) A map showing the boundary or the areas proposed to be annexed, said

map prepared and containing the seal of a registered engineer;

- c) Within the annexation boundary maps, a showing of the location of each ownership tract in unplatted land and, if part or all of the areas are platted, the boundaries and the plat numbers of plots or of lots and blocks;
  - d) Next to the boundary of the areas proposed to be annexed, a drawing of the contiguous boundary of the City and the contiguous boundary of any other municipality abutting the areas proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. The affidavit of the circulator of this Petition certifying that the signature on this Petition is the signature of each person whose name it purports to be certifying the accuracy of the date of such signatures is attached hereto as "Exhibit B" and is incorporated herein by this reference.
  6. The proposed annexation of the Property complies with § 30(1)(b) of Article II of the Colorado Constitution.
  7. Upon the annexation ordinance becoming effective, the Property proposed to be annexed will become subject to all ordinances, rules and regulations of the City, except for general property taxes of the City which shall become effective as the January 1 next ensuing following the adoption of the annexation ordinance.
  8. This Petition is conditioned upon the approval of Light Industrial zoning classification for the entire Property and approval by the Petitioner of one or more annexation agreements for the Property that are acceptable to the Petitioner and the City.

WHEREFORE, the following Petitioner respectfully requests that the City, acting through its City Council, approve the annexation of the Property pursuant to the provisions of the Act.

[Signature Pages to Follow]

Respectfully submitted this \_\_\_ day of \_\_\_\_\_, 2020. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.

6700 INDIANA STREET PROPERTY OWNER:

Name of Owner:

Scannell Properties #456, LLC

an Indiana limited liability company

By: *Marc D. Pflieger*  
*Marc D. Pflieger*

Title: Manager

Date of Signature: 10.22.20

Mailing Address:

c/o Scannell Properties

8801 River Crossing Blvd.,

Suite 300

Indianapolis, IN 46240

Resident of the Property: \_\_\_\_\_

STATE OF INDIANA )  
 ) ss.

COUNTY OF MARION

The foregoing instrument was acknowledged before me this 22nd day of October, 2020,  
by *Jane Ellen Butler* *by Marc D. Pflieger, Manager of Owner*

My commission expires:

7-9-2027

Witness My hand and official seal.

Notary Public



Respectfully submitted this 21<sup>st</sup> day of October, 2020. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.

6702 INDIANA STREET PROPERTY OWNER:

By: Gary Edward Dymond  
Gary Edward Dymond

By: Michelle Avienne Dymond  
Michelle Avienne Dymond

Date of Signature: 10-21-20

Date of Signature: October 21, 2020

Mailing Address:

Mailing Address:

6702 INDIANA ST  
ARVADA CO 80007

6702 Indiana St.  
Arvada, CO 80007

Resident of the Property: yes

Resident of the Property: yes

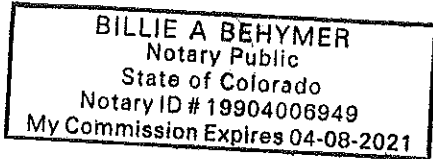
STATE OF COLORADO )  
                                  ) ss.  
COUNTY OF JEFFERSON

The foregoing instrument was acknowledged before me this 21 day of OCTOBER 2020,  
by Billie A. Behymer

My commission expires: 4-8-2021

Witness My hand and official seal.

Notary Public



Respectfully submitted this 15 day of October, 2020. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.

6710 INDIANA STREET PROPERTY OWNER:

By: [Signature]  
Troy Newsome

Date of Signature: 16.15.2020

Mailing Address:

995 S. Gaylord St.  
Denver, CO 80209

Resident of the Property: \_\_\_\_\_

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF Adams     )

The foregoing instrument was acknowledged before me this 15 day of October, 2020,  
by Troy Newsome.

My commission expires: 01/07/2023

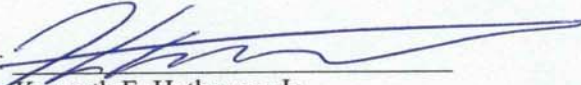
Witness My hand and official seal.

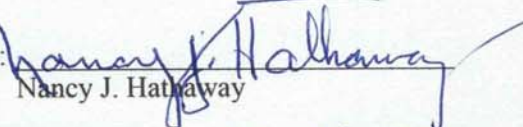
VICKI L. WEISS  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20104052605  
MY COMMISSION EXPIRES 01/07/2023

Notary Public [Signature]

Respectfully submitted this 16 day of October, 2020. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.

6720 INDIANA STREET PROPERTY OWNER:

By:   
Kenneth F. Hathaway Jr.

By:   
Nancy J. Hathaway

Date of Signature: 10-16-20

Date of Signature: 10-16-20

Mailing Address:  
6720 INDIANA ST  
ARVADA CO 80007

Mailing Address:  
6720 INDIANA ST  
ARVADA CO 80007

Resident of the Property: \_\_\_\_\_

Resident of the Property: \_\_\_\_\_

STATE OF COLORADO     )  
                                      ) ss.  
COUNTY OF Jefferson    )

The foregoing instrument was acknowledged before me this 16 day of October, 2020,  
by Kenneth F. Hathaway and Nancy J. Hathaway.

My commission expires: February 21<sup>ST</sup>, 2024

Witness My hand and official seal.

  
Notary Public

**MEGAN HOKULE'A ROLFSON**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20204007457**  
**MY COMMISSION EXPIRES 02/21/2024**

EXHIBIT A

**6700 Indiana Street**

That part of the Northwest  $\frac{1}{4}$  Southwest  $\frac{1}{4}$  of Section 6, Township 3 South, Range 69 West, described as follows:

Beginning at a point from which the West Quarter corner of said Section 6 bears North 01 degree 10 minutes East 710.2 feet; Thence South 88 degrees 23 minutes East 749.0 feet; Thence South 01 degree 10 minutes West 95.6 feet; Thence North 88 degrees 23 minutes West 448.4 feet; thence South 01 degree 10 minutes West 69.4 feet; Thence North 88 Degrees 23 minutes west 300.6 feet; Thence North 01 degree 10 minutes East 165 feet to the Point of Beginning, (Except the West 30 feet thereof, and except that part described in Book 2266 at Page 960, which was conveyed to William L. Hart III and Nevae L. Hart).

also;

A part of the Northwest Quarter of the Southwest Quarter of Section 6 in Township 3 South in Range 69 West of the Sixth Principal Meridian, described as follows: Beginning at a point on the West line of said Northwest Quarter of the Southwest Quarter which is 875.2 feet South of the West Quarter corner of said Section 6, Thence South 88°23' East 300.6 feet; Thence North 01°10' East 69.4 feet; Thence South 88°23' East 251.4 Feet; Thence South 01°10' 123.7 Feet, Thence North 88°23' West 552 feet to a point on the West line of said Northwest Quarter of the Southwest Quarter; Thence North 01°10' East along said West line 54.3 feet to the Point of Beginning,

Except:

A tract of land in the Northwest One-Quarter of the Southwest One-Quarter of Section 6, Township 3 South, Range 69 West of the 6th P.M., more particularly described as follows: Beginning at a point on the West line of said Northwest One-Quarter of the Southwest One-Quarter, whence the West One-Quarter corner of said Section bears North 1° 10' East, 710.2 feet, Thence South 88°23' East, 300.6 feet to the True Point of Beginning, Thence continuing South 88°23' East 448.4 feet to a point; Thence South 1°10' West, 95.6 feet to a point; Thence North 88°23' West, 197.0 feet to a point; Thence South 1° 10' West, 123.7 feet to a point; Thence North 88° 23' West, 251.4 feet to a point; Thence North 1° 10' East, 219.3 feet to the True Point of Beginning,

County of Jefferson,  
State of Colorado.



**6702 Indiana Street**

Parcel 1:

A tract of land in the Northwest One-Quarter of the Southwest One-Quarter of Section 6, Township 3 South, Range 69 West of the 6th P.M., more particularly described as follows:

Beginning at a point on the West line of said Northwest One-Quarter of the Southwest One-Quarter, whence the West One-Quarter corner of said Section bears North 01°10'00" East, 710.2 feet; Thence South 88°23'00" East, 300.6 feet to the True Point of Beginning; Thence continuing South 88°23'00" East 448.4 feet to a point; Thence South 01°10'00" West, 95.6 feet to a point; Thence North 88°23'00" West, 197.0 feet to a point; Thence South 01°10'00" West, 123.7 feet to a point; Thence North 88°23'00" West, 251.4 feet to a point; Thence North 01°10'00" East, 219.3 feet to the True Point of Beginning,

County of Jefferson,  
State of Colorado.

Parcel 2:

A non-exclusive easement for Private Road purposes over the Northerly 15.0 feet of the West 300.6 feet of that property described in Book 1083 at Page 145 of the Jefferson County records, as set forth and described in Warranty Deed recorded June 8, 1971 in Book 2266 at Page 960 of the Jefferson County records.

**6710 Indiana Street**

THAT PORTION OF THE SOUTHWEST 1/4 AND THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 6; THENCE SOUTH 01°10' WEST ALONG THE WEST LINE OF SAID SECTION 6, 710.2 FEET;  
THENCE SOUTH 88°23' EAST 916.5 FEET;  
THENCE NORTH 1°10' EAST, 724.0 FEET;  
THENCE NORTH 89°49' EAST, 550.0 FEET;  
THENCE NORTH 1°07' EAST, 217.7 FEET;  
THENCE NORTH 86°32' EAST, 349.6 FEET;  
THENCE NORTH 6°55' WEST, 617.5 FEET;  
THENCE NORTH 87°22' WEST, 298.0 FEET;  
THENCE SOUTH 81°09' WEST, 384.5 FEET;  
THENCE SOUTH 65°22' WEST, 225.4 FEET;  
THENCE SOUTH 49°17' WEST, 219.9 FEET;  
THENCE SOUTH 17°27' WEST, 138.7 FEET;  
THENCE NORTH 85°58' WEST, A DISTANCE OF 646.3 FEET, MORE OR LESS, TO A POINT O THE WEST LINE OF SAID SECTION 6;  
THENCE SOUTH 1°12' WEST ALONG SAID WEST LINE A DISTANCE OF 471.9 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS OF THE ABOVE DESCRIBED PROPERTY DESCRIBED IN DEEDS RECORDED OCTOBER 7, 1869 IN BOOK P AT PAGE 224 AND 225, APRIL 5, 1870 IN BOOK P AT PAGE 405 AND 406, JUNE 6, 1873 IN BOOK 4 AT PAGE 83; MARCH 15, 1887 IN BOOK 46 AT PAGE 184; DECEMBER 18, 1920 IN BOOK 226 AT PAGE 30; MAY 4, 1943 IN BOOK 471 AT PAGE 261; MARCH 19, 1970 IN BOOK 2168 AT PAGE 423; JANUARY 6, 1970 IN BOOK 2153 AT PAGE 738 AND DECEMBER 28, 1992 UNDER RECEPTION NO. 92167755, RE-RECORDED JANUARY 11, 1993 UNDER RECEPTION NO. 93004477; AND EXCEPT THAT PART LYING WITHIN INDIANA STREET.

THE ABOVE PARCEL IS ALSO DESCRIBED AS:

A parcel of land situated in the North half of the Southwest quarter and the South half of the Northwest quarter of Section 6, Township 3 South, Range 69 West of the Sixth Principal Meridian, City of Arvada, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the West quarter corner of said Section 6;

Thence South 00°04'37" East, for 710.20 feet to the POINT OF BEGINNING;  
Thence South 89°37'37" East, for 916.50 feet;  
Thence North 00°04'37" West, for 724.00 feet;  
Thence North 88°34'23" East, for 550.00 feet;  
Thence North 00°07'37" West, for 217.70 feet;  
Thence North 85°17'23" East, for 349.60 feet;  
Thence North 08°09'37" West, for 368.91 feet;  
Thence South 72°10'40" West, for 610.00 feet;  
Thence South 67°28'20" West, for 590.00 feet;  
Thence North 78°44'41" West, for 161.57 feet;  
Thence South 00°02'37" West, for 351.20 feet;  
Thence South 89°57'23" West, for 246.83 feet;  
Thence South 00°04'37" East, for 518.04 feet;  
Thence along a curve to the right, having a radius of 20.00 feet, a central angle of 90°02'01", along a curve length of 31.43 feet;  
Thence South 89°57'23" West, for 210.99 feet;  
21155208.2

Thence South 00°04'37" West, for 72.48 feet, to the POINT OF BEGINNING,

County of Jefferson,  
State of Colorado.

**A portion of 6720 Indiana Street**

A TRACT OR PARCEL OF LAND LOCATED IN THE WEST 1/2 OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF ARVADA, STATE OF COLORADO, BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED BY DEED RECORDED WITH THE JEFFERSON COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 2017119140, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL DESCRIBED UNDER RECEPTION NO. 2017119140, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 6 BEARS N00°02'35"W, 1.17 FEET;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL, N00°02'36"W, 56.64 FEET;

THENCE S89°07'58"E, 124.28 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 135.50 FEET AND A LONG CHORD OF S55°37'16"E, 149.62 FEET;

THENCE SOUTHEASTERLY, A DISTANCE OF 158.51 FEET ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 67°01'24";

THENCE S22°06'34"E, 74.99 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL;

THENCE S89°49'10"W, 45.26 FEET TO A SOUTHWESTERLY CORNER OF SAID PARCEL;

THENCE N00°05'36"W, 99.54 FEET TO A CORNER OF SAID PARCEL;

THENCE S89°57'02"W, 230.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 13,413 SQUARE FEET OR 0.308 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE CENTER LINE OF THE WEST HALF OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., BEING N88°58'53"E USING THE COLORADO STATE PLANE COORDINATES - CENTRAL ZONE, AS MONUMENTED AT THE WEST 1/4 CORNER OF SECTION 6, FOUND ILLEGIBLE 2.0" ALUMINUM CAP, PER MONUMENT RECORD BY PLS 12405 DATED 8/16/00, AND AS MONUMENTED AT THE CENTER 1/4 CORNER OF SECTION 6, BY A FOUND 2.5" ALUMINUM CAP PLS 5112, PER MONUMENT RECORD BY PLS 5112, DATED 6/11/97.

PREPARED UNDER THE SUPERVISION OF:  
DOUGLAS H. ORT III, PLS 37066  
(303) 501-1221  
1675 BROADWAY, SUITE 200  
DENVER, CO 80202

EXHIBIT B

Affidavit of Circulator

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

\_\_\_\_\_, being first duly sworn upon oath, deposes and says that he was the circulator of this Petition for Annexation of lands to the City of Arvada, Colorado, consisting of \_\_\_\_\_ ( ) pages including this page and that each signature hereon was witnessed by your affiant and is the signature of the person whose name it purports to be.

CIRCULATOR

By: \_\_\_\_\_

Name: \_\_\_\_\_

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2020,  
by \_\_\_\_\_.

My commission expires:

Witness My hand and official seal.

Notary Public