



COUNCIL AGENDA ITEM
MEETING DATE: August 10, 2021

TO: City Council
FROM: Sandra Llanes, Interim City Attorney
DATE: August 10, 2021
AGENDA
ITEM: **Item 2A – CU South Re 1289 & Ord 8483**

In order to keep council's options open, staff is bringing forward tonight's first reading Ordinance 8483 as a non-emergency ordinance. A revised version is attached hereto for council's consideration.

Staff will provide council with both an emergency and non-emergency ordinance option at second reading.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORDINANCE 8483

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 308.15 ACRES OF LAND GENERALLY KNOWN AS CU SOUTH LOCATED AT 4886 AND 5278 TABLE MESA DRIVE, 0 HIGHWAY 36 (2 PARCELS), 718 MARSHALL ROAD, AND 4745 W. MOORHEAD WITH AN INITIAL ZONING CLASSIFICATION OF PUBLIC (P) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS:

A. The Regents of the University of Colorado, a body corporate, ("CU") is the owner of the parcels which comprise the real property more particularly described in Exhibit A attached hereto (the "Property").

B. All owners of 100% of the area proposed for annexation have petitioned for annexation of the Property with an initial zoning of Public (P); the Property is not embraced within any city, city and county, or incorporated town; and the Property abuts, and is contiguous to, the City of Boulder by at least one-sixth of its perimeter.

C. A community of interest exists between the Property proposed for annexation and the City of Boulder, the Property is urban or will be urbanized in the near future, and the Property is capable of being integrated into the City of Boulder.

D. The Property does not include any area included in another annexation proceeding involving a city other than the City of Boulder.

1 E. This annexation will not result in the detachment of the area from one school district
2 and the attachment of same to another school district.

3 F. This annexation will not have the effect of extending the City of Boulder's
4 boundaries any further than three miles from any point of the existing city boundaries.
5

6 G. The Property does not include any area which is the same or substantially the same
7 area in which an election for the annexation to the City of Boulder was held within twelve months
8 preceding the filing of the above petition.
9

10 H. The Planning Board duly held a public hearing regarding the proposed annexation
11 of the Property to the City of Boulder with initial zoning of Public (P). The Planning Board
12 recommended certain changes to the draft annexation agreement reviewed by the Board. A motion
13 that the Board recommend that City Council approve the proposed annexation and initial zoning
14 failed.
15

16 I. A public hearing on the proposed annexation and initial zoning of the Property
17 annexed and zoned hereby was duly held before the City Council on September 14, 2021.

18 J. The initial zoning designation of Public (P) for the Property is consistent with the
19 Boulder Valley Comprehensive Plan and bears a substantial relation to and will enhance the
20 general welfare of the Property and of the residents of the City of Boulder.
21

22 K. The City Council has jurisdiction and the legal authority to annex and zone the
23 Property.
24
25

1 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
2 COLORADO:

3 Section 1. The territory more particularly described in Exhibit A is hereby annexed to and
4 included within the corporate boundaries of the City of Boulder.
5

6 Section 2. Chapter 9-5, "Modular Zone System," B.R.C. 1981, and the zoning district map
7 forming a part thereof, be, and the same hereby are, amended to include the Property within the
8 Public (P) zoning district.
9

10 Section 3. The City Council adopts the recitals in this ordinance and incorporates them
11 herein by this reference.

12 Section 4. The City Council approves any variations or modifications to the Boulder
13 Revised Code or other City ordinances that are in the agreement associated with this annexation.
14

15 Section 5. For the limited purposes of this ordinance, the City Council suspends the timing
16 requirement of Subsection 9-2-17(c), "Annexation Requirements," B.R.C. 1981, which otherwise
17 would require that the owners of the land petitioning the city for annexation of their property
18 execute the annexation agreement *prior* to the first reading of this ordinance and suspends any
19 associated requirement under Subsection 9-1-5(a), "Amendments and Effect of Pending
20 Amendments," B.R.C. 1981.
21

22 Section 6. The City Council authorizes the city manager to execute the agreement
23 associated with this annexation after final CU Board of Regents approval and execution of said
24 agreement and to implement the terms of said agreement.
25

1 Section 7. All actions heretofore taken by the City Council or the officers, employees
2 and agents of the Council or the City of Boulder relating to the annexation and initial zoning of
3 the Property and that are not inconsistent with this ordinance or the agreement associated
4 therewith are hereby ratified, approved and confirmed, including all actions relating to the
5 approval and acceptance of the petition for annexation and negotiation of the annexation
6 agreement.

7
8 Section 8. The annexation and zoning of the Property is necessary for the protection of the
9 public health, safety, and welfare.

10 Section 9. The City Council deems it appropriate that this ordinance be published by title
11 only and orders that copies of this ordinance be made available in the office of the city clerk for
12 public inspection and acquisition.
13
14
15
16
17
18
19
20
21
22
23
24
25

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 10th day of August 2021.

3
4 _____
Sam Weaver, Mayor

5 Attest:

6
7 _____
Elesha Johnson, City Clerk

8
9 READ ON SECOND READING, PASSED AND ADOPTED this _____ day of
10 _____ 2021.

11
12 _____
Sam Weaver, Mayor

13 Attest:

14
15 _____
16 Elesha Johnson, City Clerk

17
18
19
20
21
22
23
24
25

EXHIBIT A

PAGE 1 OF 4

LEGAL DESCRIPTION

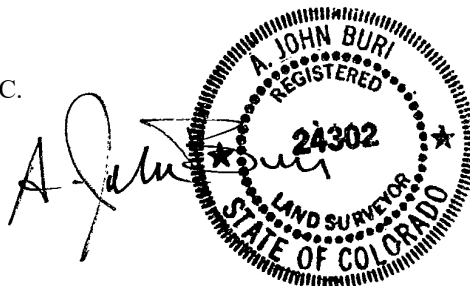
A PARCEL OF LAND IN SECTIONS 9 AND 16 OF TOWNSHIP ONE SOUTH OF RANGE SEVENTY WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE 6TH P.M., WHENCE THE SOUTHEAST CORNER OF SAID SECTION 9 BEARS NORTH 89°25'00" EAST, 1330 FEET, SAID POINT BEING ON THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED ON FILM 1017 AS RECEPTION NO. 287026;
THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND DESCRIBED ON FILM 1017 AS RECEPTION NO. 287026, THE FOLLOWING THREE COURSES:
THENCE SOUTH 53°57'00" WEST, 439.99 FEET;
THENCE SOUTH 20°10'00" WEST, 530.00 FEET;
THENCE SOUTH 00°01'52" EAST, ALONG A LINE PARALLEL TO THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16, 577.97 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4;
THENCE SOUTH 89°55'15" WEST, ALONG SAID SOUTH LINE, 752.64 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4;
THENCE NORTH 00°01'52" WEST, ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4, 1322.13 FEET TO THE 1/4 CORNER COMMON TO SAID SECTIONS 9 AND 16;
THENCE NORTH 89°36'36" WEST, ALONG THE SOUTH LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 9, 1340.57 FEET TO THE SOUTHWEST CORNER OF SAID EAST 1/2 OF THE SOUTHWEST 1/4;
THENCE NORTH 00°05'17" EAST, ALONG THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 9, 2631.36 FEET TO THE NORTHWEST CORNER OF SAID EAST 1/2 OF THE SOUTHWEST 1/4;
THENCE NORTH 89°46'26" EAST, ALONG THE NORTH LINE OF SAID EAST 1/2 OF THE SOUTHWEST 1/4, 213.64 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN BOOK 1287 AT PAGE 5 OF THE SAID BOULDER COUNTY RECORDS, FROM WHICH POINT THE CENTER 1/4 CORNER OF SAID SECTION 9 BEARS NORTH 89°46'25" EAST, 1120.70 FEET;
THENCE NORTH 00°16'56" EAST, ALONG THE WEST LINE OF SAID PARCEL, 1489.55 FEET TO A POINT FROM WHICH THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN BOOK 953 AT PAGE 413 BEARS NORTH 00°16'56" EAST, 41.50 FEET;
THEN FOLLOWING THE SOUTHERLY AND EASTERLY LINES OF THE PARCEL OF LAND DESCRIBED ON FILM 1023 AS RECEPTION NO. 294102 FOR THE FOLLOWING FIVE COURSES:
THENCE NORTH 89°36'37" EAST, 0.48 FEET TO A POINT OF CURVATURE TO THE LEFT;
THENCE NORTHEASTERLY, ALONG THE ARC OF A CURVE CONCAVE NORTHWESTERLY, 338.55 FEET TO A POINT OF TANGENCY, SAID ARC OF CURVE HAVING A RADIUS OF 402.73 FEET, AN INTERIOR ANGLE OF 48°09'54" AND A CHORD BEARING NORTH 65°31'42" EAST, 328.67 FEET;
THENCE NORTH 41°26'43" EAST, 79.42 FEET TO A POINT ON A NON-TANGENT CURVE;
THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE CONCAVE NORTHEASTERLY, 622.66 FEET TO A POINT OF TANGENCY, SAID ARC OF CURVE HAVING A RADIUS OF 1152.56 FEET, AN INTERIOR ANGLE OF 30°57'14" AND A CHORD BEARING NORTH 33°04'38" WEST, 615.12 FEET;
THENCE NORTH 17°36'22" WEST, 42.98 FEET TO A POINT ON THE EAST LINE OF THE AFOREMENTIONED PARCEL DESCRIBED IN BOOK 953 AT PAGE 413;
THEN FOLLOWING THE SOUTHWESTERLY LINE OF THE PARCEL OF LAND DESCRIBED ON FILM 1023 AS RECEPTION NO. 294101 FOR THE FOLLOWING ONE COURSE:
THENCE CONTINUING NORTH 17°36'22" WEST, 321.87 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL OF LAND DESCRIBED ON FILM 804 AS RECEPTION NO. 051988;
THENCE NORTH 89°36'30" EAST, ALONG THE SOUTH LINE OF SAID PARCEL OF LAND DESCRIBED ON FILM 804 AS RECEPTION NO. 051988, 98.72 FEET TO A POINT ON THE EAST LINE OF THE AFOREMENTIONED PARCEL DESCRIBED IN BOOK 953 AT PAGE 413;
THENCE NORTH 00°15'30" EAST, ALONG SAID EAST PARCEL LINE, 41.00 FEET TO THE NORTHWEST

EXHIBIT A
PAGE 2 OF 4

CORNER OF THE PARCEL OF LAND DESCRIBED IN BOOK 1287 AT PAGE 5, A POINT ON THE SOUTH LINE OF THE PARCEL OF LAND DESCRIBED IN BOOK 880 AT PAGE 92;
THEN FOLLOWING THE SOUTH LINES OF THE PARCEL OF LAND DESCRIBED IN BOOK 880 AT PAGE 92 FOR THE FOLLOWING THREE COURSES:
THENCE NORTH 89°36'30" EAST, 476.96 FEET TO AN ANGLE POINT IN THE SOUTH LINE OF THE SAID PARCEL OF LAND DESCRIBED IN BOOK 880 AT PAGE 92;
THENCE SOUTH 80°40'06" EAST, 118.04 FEET TO AN ANGLE POINT ON THE SOUTH LINE OF SAID PARCEL OF LAND DESCRIBED IN BOOK 880 AT PAGE 92;
THENCE SOUTH 58°57'21" EAST, 265.94 FEET TO THE MOST NORTHERN POINT OF THE PARCEL OF LAND DESCRIBED ON FILM 763 AS RECEPTION NO. 010051;
THEN FOLLOWING THE WESTERLY AND SOUTHERLY LINES OF SAID PARCEL OF LAND DESCRIBED ON FILM 763 AS RECEPTION NO. 010051 FOR THE FOLLOWING SIX COURSES:
THENCE SOUTH 02°34'39" WEST, 153.50 FEET;
THENCE SOUTH 21°21'36" EAST, 169.90 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 673.00 FEET, A DISTANCE OF 610.74 FEET (THE CHORD OF THIS ARC BEARS SOUTH 46°41'21" EAST, 590.00 FEET);
THENCE NORTH 88°40'54" EAST, 324.50 FEET;
THENCE SOUTH 87°41'21" EAST, 81.60 FEET;
THENCE SOUTH 84°49'06" EAST, 164.21 FEET TO THE NORTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED ON FILM 1017 AS RECEPTION NOS. 287022 AND 287025;
THENCE SOUTH 00°45'27" EAST, ALONG THE WEST LINE OF SAID PARCEL OF LAND DESCRIBED ON FILM 1017 AS RECEPTION NOS. 287022 AND 287025, 329.40 FEET TO THE EAST LINE OF THAT TRACT OF LAND RECORDED ON FILM 602 AS RECEPTION NO. 846200;
THENCE SOUTH 00°21'10" EAST, CONTINUING ALONG THE WEST LINE OF SAID PARCEL OF LAND DESCRIBED ON FILM 1017 AS RECEPTION NOS. 287022 AND 287025, 59.98 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9;
THENCE ALONG THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED ON FILM 1017 AS RECEPTION NO. 287025, THE FOLLOWING 6 COURSES:
THENCE SOUTH 00°06'17" EAST, 1110.00 FEET;
THENCE SOUTH 33°06'00" EAST, 180.00 FEET;
THENCE SOUTH 69°12'08" EAST, 143.79 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 9, WHENCE THE EAST 1/4 CORNER OF SAID SECTION 9 BEARS NORTH 89°44'39" EAST, 1636.25 FEET;
THENCE NORTH 89°44'39" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 9, 728.83 FEET;
THENCE SOUTH 43°34'47" EAST, 340.44 FEET;
THENCE SOUTH 10°34'47" EAST, 400.00 FEET;
THENCE SOUTH 12°15'08" WEST, ALONG THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED ON FILM 1017 AS RECEPTION NO. 287025 AND THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED ON FILM 1017 AS RECEPTION NO. 287026, 1349.94 FEET;
THENCE ALONG THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED ON FILM 1017 AS RECEPTION NO. 287026, THE FOLLOWING 2 COURSES:
THENCE SOUTH 24°55'00" WEST, 500.00 FEET;
THENCE SOUTH 47°55'00" WEST, 340.00 FEET TO THE POINT OF BEGINNING.

A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
07/13/21
PROJECT NO. 18492A



SOUTH BOULDER ROAD / TABLE MESA DRIVE

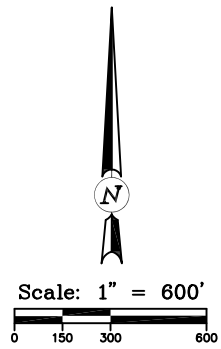
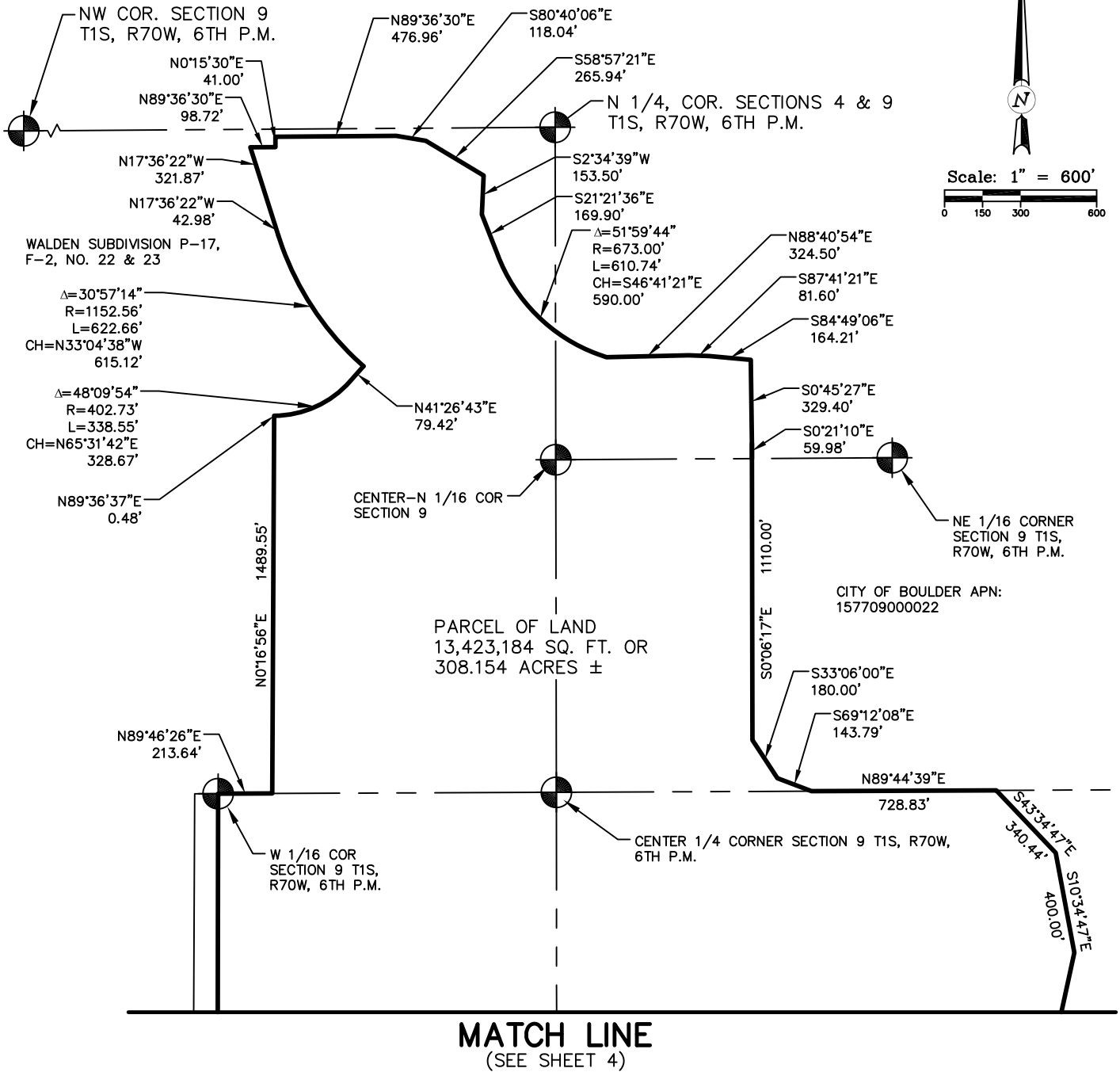


EXHIBIT A
PAGE 3 OF 4

SCOTT, COX & ASSOCIATES, INC.
 consulting engineers • surveyors
 1530 55th Street • Boulder, Colorado 80303
 (303) 444 - 3051

MATCH LINE
(SEE SHEET 3)

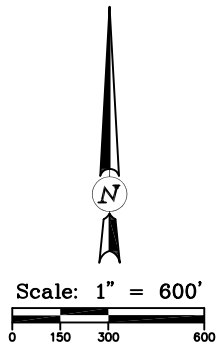
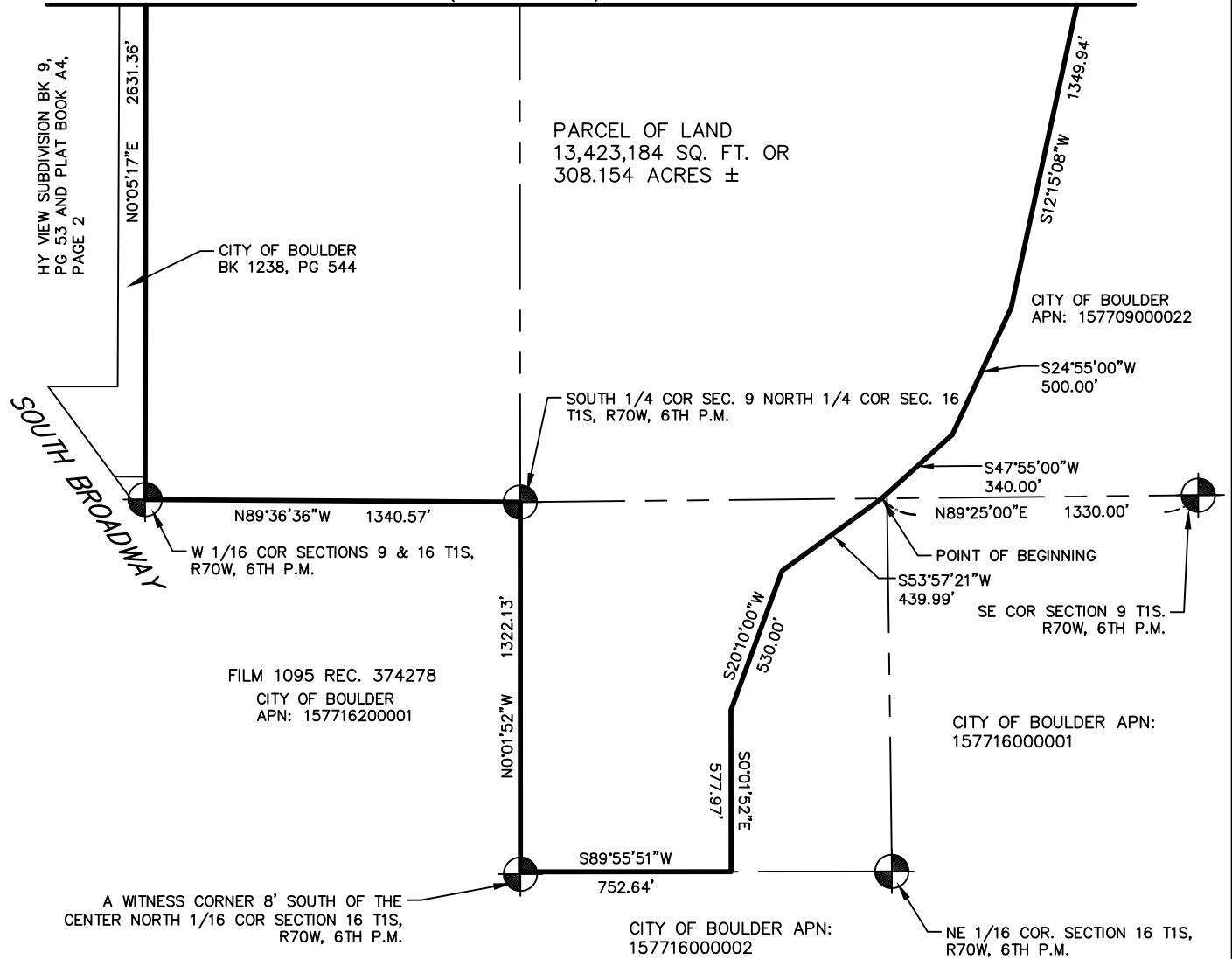


EXHIBIT A
PAGE 4 OF 4

SCOTT, COX & ASSOCIATES, INC.
consulting engineers • surveyors
1530 55th Street • Boulder, Colorado 80303
(303) 444 - 3051