

RESOLUTION NO. 17-__

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO AUTHORIZING THE APPROPRIATE TOWN OFFICIAL TO SIGN THE TERMINATION AND RELEASE OF ANNEXATION AGREEMENT; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Owner of the Dearmin Property, described on Exhibit “A,” attached hereto and incorporated herein by this reference (“Property”) and the Town are parties to an existing Annexation Agreement which allows for a proposed landfill on the Property; and,

WHEREAS, the Buyer of the Property has made applications to the Town for a residential and commercial development on the Property; and,

WHEREAS, the Owner, Town and Buyer of the Property agree that the existing Annexation Agreement should be terminated in order to end the right to develop a landfill and to allow residential and commercial development of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. The Board of Trustees of the Town of Erie hereby directs and authorizes the appropriate Town Official to sign and bind the Town to the Termination and Release of Annexation Agreement for the Dearmin Property.

ADOPTED AND APPROVED THIS 26th DAY OF SEPTEMBER 2017, BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.

TOWN OF ERIE,
a Colorado municipal corporation

By: _____
Tina Harris, Mayor

ATTEST:

By: _____
Nancy Parker, Town Clerk

EXHIBIT A

Parcel A:

A parcel of land located in the West half of Section 21, Township 1 North, Range 68 West of the Sixth Principal Meridian, Town of Erie, County of Weld, State of Colorado, more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Section 21, and considering the Northerly line of the Northwest Quarter of said Section 21 to bear North 89°38'17" East with all bearings shown hereon relative thereto; thence South 00°16'01" East along the Easterly line of the Northwest Quarter of said Section 21 a distance of 30.00 feet to a point on the Southerly right-of-way line of Erie Parkway (Weld County Road 8) as described in Commissioners Book 5, Page 206 of the records of the Weld County commissioners and the point of beginning; Thence continuing along said Easterly line of the Northwest Quarter of Section 21 South 00°16'00" East a distance of 2,619.90 feet to the center corner of said Section 21; Thence South 00°16'04" East along the Easterly line of the Southwest Quarter of said Section 21 a distance of 1,229.70 feet to a point on the Westerly boundary of the community ditch as described in Book 63, Page 464, Reception No. 23030 of the records of the Weld County clerk and recorder; Thence along said Westerly boundary of the community ditch the following twenty-one (21) courses:

- 1) South 76°41'08" West a distance of 77.18 feet to a point of curvature;
- 2) Along a curve to the right having a central angle of 26°32'10", a radius of 225.00 feet, an arc length of 104.21 feet and a chord that bears South 89°57'13" West a distance of 103.28 feet;
- 3) North 76°46'42" West a distance of 223.90 feet to a point of curvature;
- 4) Along a curve to the left having a central angle of 15°24'26", a radius of 425.00 feet, an arc length of 114.29 feet and a chord that bears North 84°28'55" West a distance of 113.94 feet;
- 5) South 87°48'52" West a distance of 145.31 feet to a point of curvature;
- 6) Along a curve to the left having a central angle of 34°36'07", a radius of 325.00 feet, an arc length of 196.27 feet and a chord that bears South 70°30'47" West a distance of 193.30 feet;
- 7) South 53°12'44" West a distance of 80.82 feet to a point of curvature;
- 8) Along a curve to the left having a central angle of 13°09'14", a radius of 425.00 feet, an arc length of 95.57 feet and a chord that bears South 46°38'08" West a distance of 97.36 feet;
- 9) South 40°03'31" West a distance of 199.79 feet;
- 10) South 43°18'24" West a distance of 274.93 feet;
- 11) South 41°54'01" West a distance of 126.84 feet;
- 12) South 43°57'21" West a distance of 169.36 feet to a point of curvature;
- 13) Along a curve to the left having a central angle of 62°08'24", a radius of 225.00 feet, an arc length of 244.02 feet and a chord that bears South 12°53'09" West a distance of 232.24 feet;
- 14) South 18°11'03" East a distance of 8.91 feet to a point of curvature;
- 15) Along a curve to the left having a central angle of 39°02'42", a radius of 175.00 feet, an arc length of 119.26 feet and a chord that bears South 37°42'25" East a distance of 116.96 feet;
- 16) South 57°13'46" East a distance of 50.68 feet to a point of curvature;
- 17) Along a curve to the left having a central angle of 24°57'41", a radius of 425.00 feet, an arc length of 185.15 feet and a chord that bears South 69°42'37" East a distance of 183.69 feet;
- 18) South 82°11'27" East a distance of 100.58 feet to a point of curvature;
- 19) Along a curve to the right having a central angle of 22°03'40", a radius of 575.00 feet, an arc length of 221.40 feet and a chord that bears South 71°09'37" East a distance of 220.03 feet;
- 20) South 60°07'47" East a distance of 347.74 feet to a point of curvature;
- 21) Along a curve to the right having a central angle of 02°24'14", a radius of 475.00 feet, an arc length of 19.93 feet and a chord that bears South 58°55'40" East a distance of 19.93 feet to a point on the Northerly right-of-way line of Weld County Road 6 as described in Commissioners Book 86, Page 273 of the records of the Weld County commissioners;

Thence South 89°25'57" West along said Northerly right-of-way line a distance of 2,019.11 to a point on the Easterly right-of-way line of Weld County Road 5 as described in Commissioners Book 86, Page 273 of the records of the Weld County commissioners;

Thence North 00°06'17" West along said Easterly right-of-way line a distance of 874.06 to a point on the boundary of that parcel of land described at Reception No. 2978817 of the records of the Weld County clerk and recorder;

Thence along said boundary the following five (5) courses:

- 1) North 89°53'43" East a distance of 807.64 feet;
- 2) North 00°06'17" West a distance of 457.00 feet;
- 3) South 89°53'43" West a distance of 608.07 feet;
- 4) North 00°06'17" West a distance of 230.00 feet;
- 5) South 89°53'43" West a distance of 199.57 feet to a point on the Easterly right-of-way line of said Weld County Road 5;

Thence along said Easterly right-of-way line the following two (2) courses:

- 1) North 00°06'17" West a distance of 1,064.19 feet;
- 2) North 00°00'31" East a distance of 1,574.75 feet to a point on the Easterly right-of-way line of Weld County Road 5 as described in the Deeds recorded at Reception No. 3338310 and Reception No. 3338311 of the Weld County clerk and recorder;

Thence along said Easterly right-of-way line and along the Southerly right-of-way line of Erie Parkway (Weld County Road 8) the following four (4) courses:

- 1) South 89°59'29" East a distance of 60.00 feet;
- 2) North 00°00'31" East a distance of 980.30 feet;
- 3) North 89°38'17" East a distance of 1,106.54 feet;
- 4) North 00°21'43" West a distance of 70.00 feet to a point on said Southerly right-of-way line of Erie Parkway (Weld County Road 8) as described in Commissioners Book 5, Page 205 of the records of the Weld County commissioners; Thence North 89°38'17" East along said Southerly right-of-way line a distance of 1,467.60 feet to the point of beginning.

Parcel B:

A parcel of land located in the Southwest Quarter of Section 21, Township 1 North, Range 68 West of the Sixth Principal Meridian, Town of Erie, County of Weld, State of Colorado, more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Section 21, and considering the Northerly line of the Northwest Quarter of said of Section 21 to bear North 89°38'17" East with all bearings shown hereon relative thereto; thence South 00°16'01" East along the Easterly line of the Northwest Quarter of said Section 21 a distance of 2,649.90 feet to the center corner of said Section 21; thence South 00°16'04" East along the Easterly line of the Southwest Quarter of said Section 21 a distance of 1,281.03 feet to a point on the Easterly boundary of the community ditch as described in Book 63, Page 464, Reception No. 23030 of the records of the Weld County clerk and recorder and the point of beginning; Thence continuing along said Easterly line of the Southwest Quarter of Section 21 South 00°16'04" East a distance of 1,339.39 feet to a point on the Northerly right-of-way line of Weld County Road 6 as described in Commissioners Book 86, Page 273 of the records of the Weld County commissioners; Thence South 89°25'57" West along said Northerly right-of-way line a distance of 551.20 to a point on the Easterly boundary of said community ditch; Thence along said Easterly boundary of the community ditch the following twenty-one (21) courses:

- 1) Along a curve to the left having a central angle of 10°05'03", a radius of 525.00 feet, an arc length of 92.40 feet and a chord that bears North 55°05'16" West a distance of 92.28 feet;
- 2) North 60°07'47" West a distance of 347.74 feet to a point of curvature;
- 3) Along a curve to the left having a central angle of 22°03'40", a radius of 625.00 feet, an arc length of 240.65 feet and a chord that bears North 71°09'37" West a distance of 239.17 feet;

- 4) North $82^{\circ}11'27''$ West a distance of 100.58 feet to a point of curvature;
- 5) Along a curve to the right having a central angle of $24^{\circ}57'41''$, a radius of 375.00 feet, an arc length of 163.37 feet and a chord that bears North $69^{\circ}42'37''$ West a distance of 162.08 feet;
- 6) North $57^{\circ}13'46''$ West a distance of 50.68 feet to a point of curvature;
- 7) Along a curve to the right having a central angle of $39^{\circ}02'42''$, a radius of 125.00 feet, an arc length of 85.18 feet and a chord that bears North $37^{\circ}42'25''$ West a distance of 83.54 feet;
- 8) North $18^{\circ}11'03''$ West a distance of 8.91 feet to a point of curvature;
- 9) Along a curve to the right having a central angle of $62^{\circ}08'24''$, a radius of 175.00 feet, an arc length of 189.80 feet and a chord that bears North $12^{\circ}53'09''$ East a distance of 180.63 feet;
- 10) North $43^{\circ}57'21''$ East a distance of 170.26 feet;
- 11) North $41^{\circ}54'01''$ East a distance of 127.12 feet;
- 12) North $43^{\circ}18'24''$ East a distance of 275.73 feet;
- 13) North $40^{\circ}03'31''$ East a distance of 201.21 feet to a point of curvature;
- 14) Along a curve to the right having a central angle of $13^{\circ}09'14''$, a radius of 375.00 feet, an arc length of 86.09 feet and a chord that bears North $46^{\circ}38'08''$ East a distance of 85.90 feet;
- 15) North $53^{\circ}12'44''$ East a distance of 80.82 feet to a point of curvature;
- 16) Along a curve to the right having a central angle of $34^{\circ}36'07''$, a radius of 275.00 feet, an arc length of 166.08 feet and a chord that bears North $70^{\circ}30'47''$ East a distance of 163.57 feet;
- 17) North $87^{\circ}48'52''$ East a distance of 145.31 feet to a point of curvature;
- 18) Along a curve to the right having a central angle of $15^{\circ}24'26''$, a radius of 375.00 feet, an arc length of 100.84 feet and a chord that bears North $84^{\circ}28'55''$ East a distance of 100.54 feet;
- 19) South $76^{\circ}46'42''$ East a distance of 223.90 feet to a point of curvature;
- 20) Along a curve to the left having a central angle of $26^{\circ}32'10''$, a radius of 275.00 feet, an arc length of 127.36 feet and a chord that bears North $89^{\circ}57'13''$ East a distance of 126.23 feet;
- 21) North $76^{\circ}41'08''$ East a distance of 65.60 feet the point of beginning.