

TO: THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.

RE: PETITION FOR ANNEXATION

DATE: July 18, 2016

The undersigned landowner (“Petitioner”), in accordance with it’s the Municipal Annexation Act of 1965 as set forth in Article 12, Title31, Colorado Revised Statutes (“Act”), as amended and as in effect on the submission date set forth below, hereby petitions the Board of Trustees of the Town of Erie for annexation to the Town of Erie (“Town”) of the following unincorporated territory located in the County of Boulder and State of Colorado, the property being more particularly described by its legal description in “Exhibit A,” which is attached hereto and incorporated herein by reference (“Property”).

In support of this petition for annexation (“Petition”), Petitioner further alleges to the Board of Trustees of the Town that:

1. It is desirable and necessary that the territory described above be annexed to the Town.
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 area proposed to be annexed is contiguous with the Town or will be contiguous with the Town within such time as required by C.R.S. § 31-12-104.
  - b) A community of interest exists between the area proposed to be annexed and the Town.
  - c) The area proposed to be annexed is urban or will be urbanized in the near future.
  - d) The area proposed to be annexed is integrated with or is capable of being integrated with the Town.
  - e) No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two 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 area 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

(\$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 is not presently a part of any incorporated city, city and county, or town; 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 territory to the Town been held within the twelve (12) months immediately preceding the filing of this Petition.
  - h) The annexation of the territory 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-mile limit, the proposed annexation will not extend the municipal boundary of the Town more than three (3) miles in any direction from any point of the current municipal boundary in any one year.
  - j) Prior to completion of the annexation of the territory proposed to be annexed, the Town will have in place a plan for that area, 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 Town; and the proposed land uses for the area; such plan to be updated at least once annually.
  - k) In establishing the boundary of the territory 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 territory to be annexed.
  - l) The Town 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 Town but is not bounded on both sides by the Town.
3. Petitioner comprise 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 land owned by the Petitioner is set forth in "Exhibit B," attached hereto and incorporated herein by reference.
4. Accompanying this Petition are four (4) copies of an annexation map (Allan Farms

Annexation Map) containing the following information:

- a) A written legal description of the boundaries of the area proposed to be annexed;
  - b) A map showing the boundary or the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
  - c) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
  - d) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area 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 C" 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 Town, except for general property taxes of the Town which shall become effective as the January 1 next ensuing following the adoption of the annexation ordinance.
  8. This Petition is conditioned upon the zoning classification for the area proposed to be annexed being approved as AG/OS-Agricultural/Open Space and approval by the Petitioner of an annexation agreement acceptable to the Petitioner and the Town.

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

[Signature Page to Follow]

Respectfully submitted this 18<sup>th</sup> day of July, 2016. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.

OWNER:

TOWN OF ERIE

[Signature]  
A. J. Krieger, Town Administrator

Date of Signature: July 18, 2016

Mailing Address:

PO Box 750  
Erie, Colorado 80516

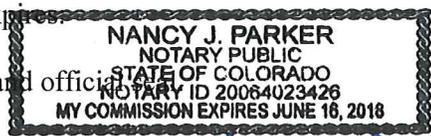
Resident of the Property: No

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF Weld     )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of July, 2016 by AJ Krieger.

My commission expires:

Witness My hand and official seal:



Nancy J Parker  
Notary Public

EXHIBIT A

Legal Description of Property to be Annexed

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12 AND THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE S89°31'10"W A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 119TH STREET, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE N00°28'50"W ALONG SAID WEST LINE A DISTANCE OF 1323.85 FEET; THENCE S89°41'56"E A DISTANCE OF 1347.94 FEET TO THE SOUTHWEST ONE-SIXTEENTH CORNER OF SAID SECTION 12; THENCE S89°59'27"E ALONG THE BOUNDARY OF THE KENOSHA FARM ANNEXATION RECORDED MARCH 18, 1997 AT RECEPTION NO. 1684075 A DISTANCE OF 61.83 FEET; THENCE S00°23'10"E CONTINUING ALONG SAID ANNEXATION A DISTANCE OF 1310.56 FEET; THENCE N89°25'26"W A DISTANCE OF 872.10 FEET; THENCE N00°34'49"E A DISTANCE OF 112.00 FEET; THENCE N89°25'11"W A DISTANCE OF 497.69 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 119TH STREET; THENCE S00°28'47"E ALONG SAID EAST LINE A DISTANCE OF 132.02 FEET; THENCE S89°25'11"E A DISTANCE OF 1492.82 FEET; THENCE S00°34'41"W A DISTANCE OF 689.54 FEET; THENCE S58°36'41"W A DISTANCE OF 175.63 FEET; THENCE S70°21'41"W A DISTANCE OF 141.70 FEET; THENCE S37°17'41"W A DISTANCE OF 147.20 FEET; THENCE S64°26'41"W A DISTANCE OF 120.30 FEET; THENCE S16°23'41"W A DISTANCE OF 194.40 FEET; THENCE S63°14'41"W A DISTANCE OF 100.20 FEET; THENCE S86°43'41"W A DISTANCE OF 134.30 FEET; THENCE S71°42'41"W A DISTANCE OF 123.60 FEET; THENCE S34°19'57"W A DISTANCE OF 13.33 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF JASPER ROAD; THENCE S89°36'09"W ALONG THE NORTH LINE OF THE 119TH JASPER JAY ANNEXATION RECORDED FEBRUARY 17, 2016 AT RECEPTION NO. 3501287 A DISTANCE OF 600.14 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 119TH STREET; THENCE N00°03'18"W ALONG THE BOUNDARY OF THE WISE ACRE ANNEXATION RECORDED SEPTEMBER 12, 1995 AT RECEPTION NO. 1546834 A DISTANCE OF 1033.52 FEET; THENCE S88°16'51"W CONTINUING ALONG SAID ANNEXATION A DISTANCE OF 40.02 FEET; THENCE N00°03'18"W A DISTANCE OF 273.66 FEET TO THE **TRUE POINT OF BEGINNING**;

CONTAINING 3,477,267 SQUARE FEET OR 79.827 ACRES, MORE OR LESS.

## EXHIBIT B

### Land Owned By Petitioner

#### PARCEL 1:

ALL THAT PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., SAVE AND EXCEPT A PIECE OF LAND COMMENCING AT A POINT 20 FEET NORTH OF THE SOUTH LINE OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 69 WEST, AND 25 RODS EAST OF THE WEST LINE OF SAID SECTION 12; THENCE NORTH 112 FEET; THENCE EAST 97 1/4 FEET; THENCE SOUTH 112 FEET; THENCE WEST 97 1/4, BEING HERETOFORE CONVEYED BY GRANTOR AND RECORDED IN BOOK 222 AT PAGE 153; ALSO A PIECE OF LAND COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 69 WEST; THENCE NORTH ALONG SAID QUARTER SECTION LINE TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12; THENCE WEST ALONG THE CENTER LINE OF SAID QUARTER SECTION TO WITHIN 3 3/4 RODS OF THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTH PARALLEL WITH SAID CENTER LINE OF SAID QUARTER SECTION TO WITHIN 20 FEET OF SOUTH LINE OF SAID SECTION; THENCE WEST 58 3/4 RODS TO A POINT 20 FEET NORTH OF THE SOUTH LINE OF SAID SECTION; THENCE NORTH TO A POINT 112 FEET; THENCE WEST 25 RODS TO CENTER OF WAGON ROAD (COUNTY ROAD NO. 5); THENCE SOUTH ALONG THE CENTER OF SAID WAGON ROAD (COUNTY ROAD NO. 5) TO THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE ALONG SAID SECTION LINE TO PLACE OF BEGINNING, BEING HERETOFORE CONVEYED BY GRANTOR AND RECORDED IN BOOK 183 AT PAGE 516 OF THE RECORDS OF THE COUNTY CLERK AND RECORDER OF BOULDER COUNTY, COLORADO.

#### PARCEL 2:

ALL THAT PART OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 187 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID NORTHWEST 1/4, OF SAID SECTION; THENCE SOUTH 700 FEET, MORE OR LESS, TO THE "LOWER BOULDER DITCH" (SOUTH PLATTE SUPPLY CANAL); THENCE ALONG THE LINE OF SAID DITCH SOUTHWESTERLY TO THE SOUTH LINE OF SAID NORTH 1/2 OF SAID NORTHWEST 1/4 OF SAID SECTION; THENCE WEST ALONG SAID LINE TO THE WEST LINE OF SAID SECTION; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION TO THE NORTHWEST CORNER THEREOF; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION TO THE POINT OF BEGINNING. ALL IN THE COUNTY OF BOULDER, STATE OF COLORADO.

EXHIBIT C

Affidavit of Circulator

STATE OF COLORADO )  
 ) ss.  
COUNTY OF Weld )

Nancy Parker, Town Clerk, being first duly sworn upon oath, deposes and says that he was the circulator of this Petition for Annexation of lands to the Town of Erie, Colorado, consisting of seven (7) 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: *Nancy Parker*  
Name: Nancy Parker

STATE OF COLORADO )  
 ) ss.  
COUNTY OF Weld )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of July,  
2016 by Nancy Parker.

My commission expires: March 7, 2020

Witness My hand and official seal. *Melinda Helmer*

Notary Public

