

RESOLUTION NO. 18-____

**A RESOLUTION REGARDING THE ERIE FARMS ANNEXATION;
ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS
FAVORABLE TO THE ANNEXATION.**

WHEREAS, the Board of Trustees of the Town of Erie, Colorado, has considered the annexation of property owned by Erie Farm Metropolitan District, for the annexation of the following real property ("Property"); to wit:

See attached "Exhibit A."

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

Section 1. Findings of Fact.

- a. The petition is in compliance with the relevant portions of Colorado Constitution Article II, Section 30.
- b. The petition is in substantial compliance with subsection (1) of C.R.S. 31-12-107. It contains the required allegations, the dated signatures of persons comprising more than fifty percent of the landowners of the Property and owning more than fifty percent of the Property requested to be annexed, the required affidavit of circulation, the required legal description of the area to be annexed, and the required annexation boundary map. As a petition of persons comprising more than fifty percent of the landowners of the Property and owning more than fifty percent of the Property to be annexed, it is eligible for annexation by ordinance as provided by C.R.S. 31-12-107 (1) (g).
- c. With respect to compliance with C.R.S. 31-12-104, the Board of Trustees makes the following findings of fact:
 1. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.
 2. A community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the required 1/6 the contiguity with the annexing municipality shall be a basis for a finding of compliance with these requirements.
 3. The requirements of C.R.S. 31-12-104 exist or have been met.
- d. With respect to compliance with C.R.S. 31-12-105, the Board of Trustees makes the following findings of fact:

1. No land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowners thereof.
 2. No land held in identical ownership, whether consisting on one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation) is included in the proposed annexation without the written consent of the landowners.
 3. No land is proposed to be annexed for which annexation proceedings have been commenced for the annexation of part or all of such territory to another municipality.
 4. The proposed annexation will not result in the detachment of the area from any school district and the attachment of the same to another school district.
 5. The proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year.
 6. The proposed annexation is in conformance with the "Three Mile Annexation Plan" duly updated and adopted by the Board of Trustees of the Town of Erie on January 9, 2018.
 7. The proposed annexation will not result in the annexation of a portion of a platted street without the annexation of the entire width of the street.
 8. The Town will not deny reasonable access to landowners, owner of an easement or the owner of a franchise adjoining a platted street or alley which has been annexed by the Town but is not bounded on both sides by the Town.
 9. The requirements of C.R.S. 31-12-105 exist or have been met.
- e. With respect to compliance with C.R.S. 31-12-108, the Board of Trustees makes the following finding of fact:
1. Notice of the August 14, 2018, hearing occurred as is provided for in C.R.S. 31-12-108(2) and as evidenced by certificates of the owner, editor or manager of the Colorado Hometown Weekly.
- f. With respect to compliance with C.R.S. 31-12-108.5, the Board of Trustees makes the following finding of fact:
1. An annexation impact report is not necessary as the area proposed for annexation is less than 10 acres.

Section 2. Conclusions

- a. The requirements of the applicable parts of Colorado Constitution Article II Section 30, C.R.S. 31-12-104 and 31-12-105 have been met.
- b. No election is required under C.R.S. 31-12-107(2) or Colorado Constitution Article II Section 30(1)(a).
- c. The proposed annexation to the Town of Erie, Colorado, complies with the applicable sections of the Municipal Annexation Act of 1965.
- d. The most appropriate zoning for the property shall be "Low Density Residential (LR)."

INTRODUCED, READ, SIGNED AND APPROVED this 14th day of August, 2018.

TOWN OF ERIE,
a Colorado municipal corporation

By: _____
Jennifer Carroll, Mayor

ATTEST:

By: _____
Jessica Koenig, Deputy Town Clerk

EXHIBIT A
LEGAL DESCRIPTION

A parcel of land located in the Northeast Quarter of Section 25, Township 1 North, Range 69 West of the 6th P.M., Town of Erie, County of Boulder, State of Colorado, being more particularly described as follows: Commencing at the Southeast corner of said Northeast Quarter of Section 25, and considering the East line of said Southeast Quarter of Section 25 to bear South 00°21'41" West, with all bearings hereon relative thereto; Thence North 89°42'40" West along the South line of said Northeast Quarter a distance of 30.00 feet to a point on the westerly right-of-way line of East County Line Road (County Road No. 901), said point also being the Point of Beginning; Thence continuing North 89°42'40" West along said South line of the Northeast Quarter of Section 25 a distance of 360.86 feet to a point of curvature; Thence along a non-tangent curve to the left having a central angle of 19°18'50", a radius of 160 feet, an arc length of 53.93 feet, and a chord that bears North 80°37'55" East a distance of 53.68 feet; Thence North 70°58'30" East a distance of 52.88 feet to a point of curvature; Thence along a curve to the right having a central angle of 19°18'50", a radius of 240.00 feet, an arc length of 80.90 feet, and a chord that bears North 80°37'55"E East a distance of 80.52 feet; Thence South 89°42'40" East a distance of 142.66 feet to a point of curvature; Thence along a curve to the left having a central angle of 90°57'20", a radius of 2.00 feet, an arc length of 31.75 feet, and a chord that bears South 44°48'40" West; Thence North 00°40'00" West a distance of 278.78 feet; Thence North 03°55'56" East a distance of 187.08 feet to a point on said westerly right-of-way line of East County Line Road (County Road No. 901); Thence South 00°40'00" East along said westerly right-of-way line a distance of 525.85 feet to the Point of Beginning, County of Boulder, State of Colorado.