

**TOWN OF ERIE  
RESOLUTION NO. 20-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF  
ERIE MAKING CERTAIN FINDINGS OF FACT REGARDING THE  
ANNEXATION TO THE TOWN OF A PARCEL OF LAND LOCATED IN  
UNINCORPORATED WELD COUNTY (SWINK ANNEXATION)**

**WHEREAS**, a petition for annexation (the "Petition") was filed with the Town requesting the annexation to the Town of certain unincorporated territory located in Weld County and more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

**WHEREAS**, by resolution adopted on December 10, 2019, the Board of Trustees found the petition to be in substantial compliance with C.R.S. § 31-12-107(1); and

**WHEREAS**, on January 28, 2020, the Board of Trustees conducted a properly-noticed public hearing to consider whether to annex the Property to the Town.

**NOW BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
ERIE, COLORADO, THAT:**

Section 1. The Board of Trustees, upon reviewing the recommendation of Town staff, hearing the statements of the petitioner and the public, and giving due consideration to the matter, finds and determines as follows:

- a. The applicable provisions of Section 30 of Article 2 of the Colorado Constitution have been met, in that: the Petition was signed by persons comprising more than 50% of the landowners in the area and owning more than 50% of the area, excluding public streets, and alleys and any land owned by the annexing municipality.
- b. The applicable provisions of C.R.S. § 31-12-104 have been met, in that: not less than one-sixth of the perimeter of the Property is contiguous with the existing boundaries of the Town; and therefore, because of such contiguity, a community of interest exists between the Property and the Town; the Property is urban or will be urbanized in the near future, and the Property is integrated or is capable of being integrated with the Town.
- c. The applicable provisions of C.R.S. § 31-12-105 have been met, in that: no land held in identical ownership has been divided or included without written consent of the owner thereof; no annexation proceedings have been commenced by another municipality; the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a Town boundary more than three miles; the Town has in place a plan for said three-mile area; and, in establishing the boundaries of the Property, the entire width of any street or alley is included within the Property.
- d. An annexation election is not required under C.R.S. § 31-12-107(2) and no additional terms or conditions are to be imposed upon the area to be annexed other than as

contained in the related Swink Annexation and Dearmin East Agreement, which has been considered and approved by the Board of Trustees by separate ordinance.

e. The Property is eligible for annexation to the Town, and all requirements of law have been met, including the requirements of C.R.S. §§ 31-12-104 and 31-12-105.

Section 2. Based on the foregoing findings, an ordinance annexing the Property to the Town will be considered by the Board of Trustees pursuant to C.R.S. § 31-12-111.

**ADOPTED this 28<sup>th</sup> day of January, 2020.**

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Jennifer Carroll, Mayor

**ATTEST:**

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Joanne Salser, Deputy Town Clerk

## EXHIBIT A

### LEGAL DESCRIPTION:

A PORTION OF THE EAST ONE-HALF OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 21 MONUMENTED ON THE EAST END OF SAID LINE BY A FOUND 3/4 INCH REBAR WITH A 2 INCH ALUMINUM CAP STAMPED "LS 14087 1994" AND ON THE WEST END BY A FOUND REBAR WITH A 2 INCH ALUMINUM CAP ILLEGIBLY STAMPED; ASSUMED TO BEAR NORTH 89°38'36" EAST, A DISTANCE OF 2663.38 FEET.

**COMMENCE** AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE SOUTH 44°34'28" WEST A DISTANCE OF 42.38 FEET TO A POINT ON A LINE BEING 30 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 21 ALSO BEING THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 7 ACCORDING TO THAT CERTAIN DOCUMENT RECORDED JULY 22, 1996 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 2502152 SAID POINT ALSO BEING THE **POINT OF BEGINNING OF** THE PARCEL HEREINAFTER DESCRIBED;

THENCE SOUTH 00°29'40" EAST, ALONG SAID RIGHT-OF-WAY AND PARALLEL LINE, A DISTANCE OF 2,043.98 FEET TO THE NORTHERLY LINE OF THAT CERTAIN 50.00 FEET WIDE DITCH PARCEL DESCRIBED IN A DOCUMENT RECORDED DECEMBER 20, 1886 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER AT BOOK 63 AT PAGE 464;

THENCE SOUTHWESTERLY, ALONG SAID NORTHERLY LINE, THE FOLLOWING 32 COURSES:

1. THENCE SOUTH 51°26'38" WEST A DISTANCE OF 70.94 FEET TO A 375.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
2. THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°10'55" AN ARC DISTANCE OF 204.09 FEET;
3. THENCE SOUTH 82°37'33" WEST A DISTANCE OF 226.26 FEET TO A 525.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
4. THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°34'39" AN ARC DISTANCE OF 124.41 FEET;
5. THENCE NORTH 83°47'48" WEST A DISTANCE OF 212.21 FEET TO A 565.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHEASTERLY;
6. THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°51'49" AN ARC DISTANCE OF 205.74 FEET;
7. THENCE SOUTH 75°20'23" WEST A DISTANCE OF 6.27 FEET TO A 225.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHEASTERLY;
8. THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°53'26" AN ARC DISTANCE OF 89.89 FEET;

9. THENCE SOUTH 52°26'57" WEST A DISTANCE OF 22.72 FEET TO A 165.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHEASTERLY;
10. THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 46°45'36" AN ARC DISTANCE OF 134.66 FEET;
11. THENCE SOUTH 05°41'21" WEST A DISTANCE OF 106.91 FEET;
12. THENCE SOUTH 01°41'27" WEST A DISTANCE OF 92.68 FEET;
13. THENCE SOUTH 01°00'54" WEST A DISTANCE OF 269.23 FEET TO A 1,075.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
14. THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 09°38'04" AN ARC DISTANCE OF 180.76 FEET;
15. THENCE SOUTH 10°38'58" WEST A DISTANCE OF 50.93 FEET TO A 1,225.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
16. THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°50'26" AN ARC DISTANCE OF 124.87 FEET;
17. THENCE SOUTH 16°29'24" WEST A DISTANCE OF 29.52 FEET TO 235.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
18. THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 45°35'41" AN ARC DISTANCE OF 187.01 FEET;
19. THENCE SOUTH 62°05'05" WEST A DISTANCE OF 52.47 FEET;
20. THENCE SOUTH 57°50'12" WEST A DISTANCE OF 48.87 FEET TO A 150.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHEASTERLY;
21. THENCE SOUTHWESTERLY, ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 24°38'29" AN ARC DISTANCE OF 64.51;
22. THENCE SOUTH 33°11'43" WEST A DISTANCE OF 111.15 FEET TO A 200.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
23. THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°47'56" AN ARC DISTANCE OF 128.45 FEET;
24. THENCE SOUTH 69°59'39" WEST A DISTANCE OF 171.86 FEET TO A 925.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHEASTERLY;
25. THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°52'09" AN ARC DISTANCE OF 207.76 FEET;
26. THENCE SOUTH 57°07'30" WEST A DISTANCE OF 139.10 FEET TO A 200.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
27. THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°33'50" AN ARC DISTANCE OF 75.27 FEET;
28. THENCE SOUTH 78°41'20" WEST A DISTANCE OF 119.10 FEET TO A 145.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;

29. THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 33°20'04" AN ARC DISTANCE OF 84.36 FEET;
30. THENCE NORTH 67°58'36" WEST A DISTANCE OF 47.24 FEET TO A 275.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHWESTERLY;
31. THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°56'55" AN ARC DISTANCE OF 172.54 FEET;
32. THENCE SOUTH 76°04'29" WEST A DISTANCE OF 23.28 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 21;

THENCE NORTH 00°16'05" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1,223.81 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST ONE-QUARTER;

THENCE NORTH 00°16'06" WEST, ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 21, A DISTANCE OF 2,619.86 FEET TO A LINE BEING 30 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST ONE QUARTER ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 8 ACCORDING TO THAT CERTAIN DOCUMENT RECORDED OCTOBER 14, 1889 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER IN BOOK 86 AT PAGE 273;

THENCE NORTH 89°38'36" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY AND PARALLEL LINE, A DISTANCE OF 2,633.50 FEET **TO THE POINT OF BEGINNING.**

THE ABOVE DESCRIPTION YIELDS A CALCULATED AREA OF 7,868,244 SQUARE FEET (180.63002 ACRES), MORE OR LESS.

**EXCEPTING THEREFROM:**

(EXCEPTION PARCEL 1)

A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO. WITH BEARINGS REFERENCED TO THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 21 MONUMENTED ON THE EAST END OF SAID LINE BY A FOUND 3/4 INCH REBAR WITH A 2 INCH ALUMINUM CAP STAMPED "LS 14087 1994" AND ON THE WEST END BY A FOUND REBAR WITH A 2 INCH ALUMINUM CAP ILLEGIBLY STAMPED; ASSUMED TO BEAR NORTH 89°38'56" EAST, A DISTANCE OF 2663.38 FEET

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE SOUTH 44°34'28" WEST A DISTANCE OF 42.38 FEET TO A POINT ON A LINE BEING 30 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 21 ALSO BEING THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 7 ACCORDING TO THAT CERTAIN DOCUMENT RECORDED JULY 22, 1996 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 2502152 SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED;

THENCE SOUTH 00°29'40" EAST, ALONG SAID RIGHT-OF-WAY AND PARALLEL LINE, A DISTANCE OF 758.81 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN

PARCEL DESCRIBED IN A DOCUMENT RECORDED JULY 22, 1996 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 2502152; THENCE SOUTH 12°10'26" WEST, ALONG THE WESTERLY LINE OF SAID PARCEL, A DISTANCE OF 6.88 FEET TO THE SOUTHERLY LINE OF THAT CERTAIN 50.00 FEET WIDE DITCH PARCEL DESCRIBED IN A DOCUMENT RECORDED DECEMBER 20, 1886 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER AT BOOK 63 AT PAGE 464;

THENCE WESTERLY AND NORTHERLY, ALONG THE SOUTHERLY AND WESTERLY LINE OF SAID DITCH PARCEL, THE FOLLOWING ELEVEN COURSES:

1. THENCE NORTH 67°28'48" WEST A DISTANCE OF 226.67 FEET TO A 575.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHERLY;

2. THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°50'33", AN ARC DISTANCE OF 329.60 FEET;

3. THENCE SOUTH 79°40'39" WEST A DISTANCE OF 294.87 FEET;

4. THENCE SOUTH 77°11'24" WEST A DISTANCE OF 214.63 FEET;

5. THENCE SOUTH 74°41'14" WEST A DISTANCE OF 127.29 FEET;

6. THENCE SOUTH 73°56'17" WEST A DISTANCE OF 64.14 FEET;

7. THENCE SOUTH 80°39'30" WEST, A DISTANCE OF 123.80 FEET TO A 47.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHERLY;

8. THENCE NORTHWESTERLY, ALONG SAID THROUGH A CENTRAL ANGLE OF 97°55'18" AN ARC DISTANCE OF 80.33 FEET;

9. THENCE NORTH 01°25'12" WEST A DISTANCE OF 155.38 FEET;

10. THENCE NORTH 00°42'57" EAST A DISTANCE OF 225.38 FEET;

11. THENCE NORTH 00°49'26" EAST A DISTANCE OF 381.55 FEET TO A LINE BEING 30 FEET SOUTHERLY OF AND PARALLEL WITH THE PREVIOUSLY CITED NORTH LINE OF THE NORTHEAST ONE QUARTER OF SECTION 21 ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF WELD COUNTY ROAD 8 ACCORDING TO THAT CERTAIN DOCUMENT RECORDED OCTOBER 14, 1889 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER IN BOOK 86 AT PAGE 273;

THENCE NORTH 89°38'36" EAST, ALONG SAID RIGHT-OF-WAY AND PARALLEL LINE, A DISTANCE OF 1,383.69 FEET TO **THE POINT OF BEGINNING.**

THE ABOVE DESCRIPTION YIELDS A CALCULATED AREA OF 982,677 SQUARE FEET (22.55916 ACRES), MORE OR LESS.

**ALSO EXCEPTING THEREFROM:**

(EXCEPTION PARCEL 2)

A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO. WITH BEARINGS REFERENCED TO THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 21 MONUMENTED ON THE EAST END

OF SAID LINE BY A FOUND 3/4 INCH REBAR WITH A 2 INCH ALUMINUM CAP STAMPED "LS 14087 1994" AND ON THE WEST END BY A FOUND REBAR WITH A 2 INCH ALUMINUM CAP ILLEGIBLY STAMPED; ASSUMED TO BEAR NORTH 89°38'56" EAST, A DISTANCE OF 2663.38 FEET

**COMMENCE** AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE SOUTH 44°34'28" WEST A DISTANCE OF 42.38 FEET TO A POINT ON A LINE BEING 30 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 21 ALSO BEING THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 7 ACCORDING TO THAT CERTAIN DOCUMENT RECORDED JULY 22, 1996 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 2502152; THENCE SOUTH 00°29'40" EAST, ALONG SAID RIGHT-OF-WAY AND PARALLEL LINE, A DISTANCE OF 1,365.76 FEET TO THE MOST SOUTHERLY CORNER OF THAT CERTAIN PARCEL DESCRIBED IN A DOCUMENT RECORDED JULY 22, 1996 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 2502152 ALSO BEING THE **POINT OF BEGINNING** OF THE PARCEL HEREINAFTER DESCRIBED;

THENCE CONTINUE SOUTH 00°29'40" EAST, ALONG SAID RIGHT-OF- WAY AND PARALLEL LINE, A DISTANCE OF 564.57 FEET TO THE SOUTH LINE OF THAT CERTAIN PARCEL DESCRIBED IN A DOCUMENT RECORDED MARCH 23, 2012 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 3833970;

THENCE ALONG THE EXTERIOR OF SAID PARCEL THE FOLLOWING THREE COURSES;

1. THENCE SOUTH 89°30'19" WEST A DISTANCE OF 500.00 FEET;
2. THENCE NORTH 00°29'41" WEST A DISTANCE OF 680.00 FEET;
3. THENCE NORTH 89°30'19" EAST A DISTANCE OF 483.79 FEET TO THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN A DOCUMENT RECORDED JULY 22, 1996 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 2502152 ;

THENCE SOUTH 08°29'23" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 116.54 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIPTION PRODUCES A CALCULATED AREA OF 339,065 SQUARE FEET (7.78387 ACRES), MORE OR LESS.

THE ABOVE DESCRIBED PARCEL CONTAINS A NET AREA OF 6,546,502 SQ. FT. (150.28699 ACRES) MORE OR LESS.