

RESOLUTION NO. 18-___

**A RESOLUTION REGARDING THE STANLEY 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 the Town of Erie, 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 was provided of the January 23, 2018, hearing as provided 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. No additional terms and conditions are to be imposed.
- d. The proposed annexation to the Town of Erie, Colorado, complies with the applicable sections of the Municipal Annexation Act of 1965.
- e. The most appropriate zoning for the property shall be "Public Lands & Institutions (PLI)."

INTRODUCED, READ, SIGNED AND APPROVED this 23rd day of January, 2018.

TOWN OF ERIE,
a Colorado municipal corporation

By: _____
Tina Harris, Mayor

ATTEST:

By: _____
Nancy J. Parker, CMC, Town Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL A:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING PART OF THAT PROPERTY DESCRIBED IN DEED RECORDED FEBRUARY 27, 2008 AT RECEPTION NO. 2912547, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 23; THENCE N00°21'45"E ALONG THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF ERIE PARKWAY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE N00°21'45"E CONTINUING ALONG SAID WEST LINE A DISTANCE OF 40.00 FEET; THENCE S88°11'40"E A DISTANCE OF 482.94 FEET TO A POINT ON THE EAST LINE OF SAID PROPERTY AT RECEPTION NO. 2912547; THENCE S00°21'45"W ALONG SAID EAST LINE A DISTANCE OF 13.54 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE; THENCE S88°39'57"W ALONG SAID NORTH LINE A DISTANCE OF 483.00 FEET TO THE TRUE POINT OF BEGINNING; CONTAINING 12,924 SQUARE FEET OR 0.297 ACRE, MORE OR LESS.

PARCEL B:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING PART OF THAT PROPERTY DESCRIBED IN DEED RECORDED JUNE 23, 1989 AT RECEPTION NO. 989145, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 22; THENCE N89°22'55"W ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 30.00 FEET; THENCE S00°06'09"W A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ERIE PARKWAY AND THE WEST RIGHT OF WAY LINE OF 111TH STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE S00°06'09"W CONTINUING ALONG SAID WEST LINE A DISTANCE OF 20.87 FEET; THENCE ALONG A 25.17 FOOT RADIUS CURVE TO THE LEFT (SAID CURVE HAVING A CENTRAL ANGLE OF 62°36'44" AND A CHORD BEARING N56°02'33"W A DISTANCE OF 26.16 FEET) AN ARC LENGTH OF 27.51 FEET; THENCE N87°21'29"W A DISTANCE OF 183.86 FEET TO A POINT ON SAID SOUTH LINE OF ERIE PARKWAY; THENCE S89°22'55"E ALONG SAID SOUTH LINE A DISTANCE OF 205.41 FEET TO THE TRUE POINT OF BEGINNING; CONTAINING 829 SQUARE FEET OR 0.019 ACRE, MORE OR LESS.