

**Town of Erie
Ordinance No. 28-2021**

**An Ordinance of the Board of Trustees of the Town of Erie
Annexing to the Town the Real Property Known as Erie Gateway
South Annexation No. 8 and Approving the Associated Annexation
Agreement**

Whereas, a petition for annexation was filed with the Town requesting the annexation to the Town of certain unincorporated territory located in Boulder County and described in the attached **Exhibit A**, attached hereto and incorporated herein by this reference, also known as Erie Gateway South Annexation No. 8 (the "Property");

Whereas, by resolution adopted on August 10, 2021, the Board of Trustees found the petition to be in substantial compliance with C.R.S. § 31-12-107(1);

Whereas, on September 28, 2021, the Board of Trustees conducted a properly-noticed public hearing and determined that the Property is eligible for annexation to the Town; and

Whereas, the Board of Trustees finds that it is desirable and necessary that the Property to be annexed to the Town; and

Whereas, the Town and the Property owner wish to establish the terms and conditions to be imposed on the Property as part of this annexation by execution of an Annexation Agreement.

Now Therefore be it Ordained by the Board of Trustees of the Town of Erie, Colorado, that:

Section 1. The Property is hereby annexed to the Town. Upon the effective date of this Ordinance, the Property shall become subject to the jurisdiction of the Town.

Section 2. The Annexation Agreement is approved in substantially the form attached hereto, subject to final approval by the Town Attorney.

Section 3. The Town Clerk shall file for recording three certified copies of this Ordinance and three copies of the Annexation Map with the Weld County Clerk and Recorder, and shall keep one copy of the Annexation Map and the original of this Ordinance in the Town Clerk's office.

Section 4. The Town Clerk shall request that the Weld County Clerk and Recorder file one certified copy of this Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs and the same with the Colorado Department of Revenue.

Section 5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 6. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 7. Effective Date. This Ordinance shall become effective 30 days after publication. For the purpose of general taxation, this Ordinance shall become effective on January 1st of the next succeeding year following its passage.

Introduced, Read, Passed and Ordered Published this 28th Day of September, 2021.

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk

Exhibit A

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36 BEING S 89°36'44" W AND MONUMENTED AS FOLLOWS:

-SOUTHWEST CORNER OF SECTION 36, BEING A FOUND 2.25" ALUMINUM CAP IN RANGE BOX, PLS 28656 PER MON REC DATED 12-2-93.

-SOUTH 1/4 CORNER OF SECTION 36, BEING A FOUND 3.25" ALUMINUM CAP, AS A 75' WC. RLS 4846 PER MON REC DATED 9-10-08.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 36;

THENCE N 00°20'01" W ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 36 A DISTANCE OF 75.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 7 (BASELINE ROAD) SAID POINT ALSO BEING THE SOUTHWEST CORNER OF ERIE GATEWAY SOUTH ANNEXATION NO. 1, ORD. NO. 330016, RECEPTION NO. 03573283 AND THE POINT OF BEGINNING;

THENCE S 89°36'44" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 576.06 FEET TO THE SOUTHEAST CORNER OF ERIE GATEWAY SOUTH ANNEXATION NO. 7, ORD. NO. 05-2018, RECEPTION NO. 3649284;

THENCE ALONG THE EASTERLY AND SOUTHERLY BOUNDARY OF SAID ERIE GATEWAY SOUTH ANNEXATION NO. 7 THE FOLLOWING TWO (2) COURSES;

1. N 00°01'08" W A DISTANCE OF 1209.44 FEET;

2. S 87°03'19" E A DISTANCE OF 573.88 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID ERIE GATEWAY SOUTH ANNEXATION NO. 1, ORD. NO. 33-2016, RECEPTION NO. 03573283;

THENCE S 00°20'01" E ALONG SAID WESTERLY BOUNDARY A DISTANCE OF 1 176.06 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 685,260 SQUARE FEET OR 15.7314 ACRES MORE OR LESS.