

## RESOLUTION NO. 16-\_\_\_

### **A RESOLUTION REGARDING THE SCHMIDT PROPERTY ANNEXATION; ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE ANNEXATION.**

**WHEREAS**, the Board of Trustees of the Town of Erie, Colorado, considered the annexation of property owned by TI Residential, LLC and the Estate of Sue Owen Schmidt, on the petition of TI Residential, LLC and the Estate of Sue Owen Schmidt, for the annexation of the following real property (“Property”); to wit:

See attached “Exhibit A.”

**NOW THEREFORE, BE IT ORDAINED 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 August 23, 2016.
  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 October 11, 2016, 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 was filed with the Board of County Commissioners of the County of Boulder as required by C.R.S. 31-12-108.5.

## **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 LR - Low Density Residential and AG/OS – Agricultural/Open Space.

**INTRODUCED, READ, SIGNED AND APPROVED this 11<sup>th</sup> day of October, 2016.**

TOWN OF ERIE,  
a Colorado municipal corporation

By: \_\_\_\_\_  
Tina Harris, Mayor

ATTEST:

By: \_\_\_\_\_  
Nancy J. Parker, Town Clerk

**EXHIBIT A  
LEGAL DESCRIPTION**

TI Residential, LLC

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 13, THENCE N00°10'48"E ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 116.80 FEET;

THENCE N89°24'12"W, A DISTANCE OF 666.10 FEET;

THENCE N88°05'06"W A DISTANCE OF 258.00 FEET;

THENCE N02°11'05"E A DISTANCE OF 23.32 FEET TO A POINT ON THE APPARENT NORTH RIGHT OF WAY LINE OF JAY ROAD, EVIDENCED BY A 5/8" REBAR AND PLASTIC CAP, PLS 6716, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE N86°53'01"W, A DISTANCE OF 493.00 FEET;

THENCE N84°46'00"W, A DISTANCE OF 929.46 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 84°10'43", AN ARC DISTANCE OF 440.76 FEET (CHORD BEARS N42°40'38"W, A DISTANCE OF 402.17 FEET) TO A POINT OF TANGENT;

THENCE N00°35'17"W, A DISTANCE OF 708.07 FEET;

THENCE N00°07'43"E, A DISTANCE OF 156.84 FEET;

THENCE N89°54'17"W, A DISTANCE OF 40.13 FEET TO A POINT ON THE WEST LINE OF THE SAID NORTHEAST QUARTER OF SECTION 13 FROM WHENCE THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION BEARS S00°07'34"W, A DISTANCE OF 65.45 FEET;

THENCE N00°07'34"E ALONG SAID WEST LINE, A DISTANCE OF 1,264.78 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 13, EVIDENCED BY A 4" BRASS CAP SET IN CONCRETE, PLS 13446;

THENCE N89°08'12"E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 1,789.05 FEET TO A POINT ON THE APPROXIMATE CENTERLINE OF AN IRRIGATION DITCH;

THENCE ALONG SAID DITCH CENTERLINE OF AN IRRIGATION DITCH;

THENCE ALONG SAID DITCH CENTERLINE THE FOLLOWING FIVE COURSES:

1. S05°18'53"W, A DISTANCE OF 85.95 FEET;
2. S09°21'45"W, A DISTANCE OF 18.85 FEET TO A POINT OF CURVE;
3. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 171.00 FEET AND A CENTRAL ANGLE OF 71°01'12", AN ARC DISTANCE OF 211.96 FEET; (CHORD BEARS S44°52'21"W, A DISTANCE OF 198.65 FEET) TO A POINT OF TANGENT;
4. S80°22'57"W, A DISTANCE OF 39.94 FEET;
5. S84°33'07"W, A DISTANCE OF 110.15 FEET TO A POINT ON THE NORTH LINE OF AN EASEMENT FOR THE LOWER BOULDER IRRIGATION CANAL, AS RECORDED AT BOOK 986, PAGES 266 AND 269, BOULDER COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ALONG THE NORTH LINE OF SAID EASEMENT THE FOLLOWING TWO COURSES:

1. N76°17'21"W, A DISTANCE OF 116.57 FEET;

2. S67°06'39"W, A DISTANCE OF 46.92 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13;

THENCE S00°09'11"W ALONG SAID WEST LINE, A DISTANCE OF 846.84 FEET TO A POINT, EVIDENCED BY A 5/8" REBAR AND PLASTIC CAP, PLS 6716;

THENCE N89°29'13"E, A DISTANCE OF 104.55 FEET;

THENCE S00°09'16"/W, A DISTANCE OF 17.93 FEET TO A POINT ON THE APPROXIMATE CENTERLINE OF AN IRRIGATION DITCH;

THENCE ALONG SAID DITCH CENTERLINE THE FOLLOWING NINE COURSES:

1. S87°53'01"E, A DISTANCE OF 96.53 FEET;
2. S54°47'37"E, A DISTANCE OF 37.79 FEET;
3. S35°58'27"E, A DISTANCE OF 46.95 FEET
4. S30°22'26"E, A DISTANCE OF 187.12 FEET;
5. S27°11'53"E, A DISTANCE OF 237.04 FEET;
6. S20°56'33"E, A DISTANCE OF 133.69 FEET
7. S08°05'21"E, A DISTANCE OF 67.96 FEET;
8. S01°39'24"E, A DISTANCE OF 209.10 FEET
9. S00°14'08"W, A DISTANCE OF 273.40 FEET TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND RECORDED AT RECEPTION NO. 2484649, BOULDER COUNTY CLERK AND RECORDER'S OFFICE;

THENCE N89°36'22"W, A DISTANCE OF 0.66 FEET TO THE NORTHWEST CORNER OF SAID PARCEL, EVIDENCED BY A 5/8" REBAR AND ALUMINUM CAP, PLS 4846;

THENCE S00°14'06"W ALONG THE MOST WESTERLY LINE OF SAID PARCEL, A DISTANCE OF 75.50 FEET TO A POINT, EVIDENCED BY A 1-1/2"ALUMINUM CAP SET IN CONCRETE, PLS 2152;

THENCE N73°58'04"W, A DISTANCE OF 114.01 FEET TO THE A POINT, AS EVIDENCED BY A 1-1/2" ALUMINUM CAP SET IN CONCRETE, PLS 2152;

THENCE S02°13'11"W, A DISTANCE OF 239.47 FEET TO THE TRUE POINT OF BEGINNING.

Estate of Sue Owen Schmidt

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 13, THENCE N00°10'48"E, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 116.80 FEET;  
THENCE N89°24'12"W, A DISTANCE OF 666.10 FEET  
THENCE N88°05'06"W, A DISTANCE OF 258.00 FEET;  
THENCE N02°11'05"E, A DISTANCE OF 23.32 FEET TO A POINT ON THE APPARENT NORTH RIGHT OF WAY LINE OF JAY ROAD, EVIDENCED BY A 5/8" REBAR AND PLASTIC CAP, PLS 6716, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;  
THENCE ALONG THE NORTH RIGHT OF WAY LINE OF JAY ROAD, N89°53'01"W, A DISTANCE OF 400.00 FEET;  
THENCE DEPARTING SAID RIGHT OF WAY LINE N03°06'59"E, A DISTANCE OF 100.00 FEET TO A POINT OF CURVE;  
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET AND A CENTRAL ANGLE OF 26°20'43", AN ARC DISTANCE OF 241.40 FEET (CHORD BEARS N16°17'21"E, A DISTANCE OF 239.28 FEET) TO A POINT OF COMPOUND CURVE;  
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 65°46'18", AN ARC DISTANCE OF 22.96 FEET (CHORD BEARS N62°20'51"E, A DISTANCE OF 21.72 FEET);  
THENCE S84°46'00"E, A DISTANCE OF 128.96 FEET TO A POINT OF CURVE;  
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 82°34'31", AN ARC DISTANCE OF 72.06 FEET (CHORD BEARS N53°56'45"E, A DISTANCE OF 65.98 FEET);  
THENCE S87°31'40"E, A DISTANCE OF 246.29 FEET;  
THENCE S00°14'08"W, A DISTANCE OF 94.50 FEET TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND RECORDED AT RECEPTION NO. 2484649, BOULDER COUNTY CLERK AND RECORDER'S OFFICE;  
THENCE N89°36'22"W, A DISTANCE OF 0.66 FEET TO THE NORTHWEST CORNER OF SAID PARCEL, EVIDENCED BY A 5/8" REBAR AND ALUMINUM CAP, PLS 4846;  
THENCE S00°14'06"W ALONG THE MOST WESTERLY LINE OF SAID PARCEL, A DISTANCE OF 75.50 FEET TO A POINT, EVIDENCED BY A 1-1/2" ALUMINUM CAP SET IN CONCRETE, PLS 2152;  
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THENCE S02°13'11"W, A DISTANCE OF 239.47 FEET TO THE TRUE POINT OF BEGINNING.