

RESOLUTION NO. 18-___

**A RESOLUTION REGARDING THE REX RANCH ANNEXATION NO. 2;
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 Thaine Gilliland, 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 "Low Density Residential (LR)."

INTRODUCED, READ, SIGNED AND APPROVED this 23th 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**

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26 AND CONSIDERING THE EAST LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26 TO BEAR SOUTH 00°19'39" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE SOUTH 00°19'39" EAST, ALONG THE EAST LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 446.43 FEET;

THENCE SOUTH 89°41'36" WEST, A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTH 119TH STREET AS RECORDED IN BOOK 148 AT PAGE 135 AND A POINT ON THE TOWN OF ERIE TOWN LIMITS ACCORDING TO THE REX RANCH ANNEXATION MAP RECORDED AT RECEPTION NO. 2831557 OF THE RECORDS OF THE BOULDER COUNTY CLERK AND RECORDER, SAID POINT ALSO BEING THE

POINT OF BEGINNING;

THENCE ALONG SAID TOWN LIMITS THE FOLLOWING FOUR (4) COURSES:

- 1) SOUTH 00°19'39" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 349.87 FEET;
- 2) SOUTH 89°39'19" WEST A DISTANCE OF 467.58 FEET;
- 3) NORTH 00°18'19" WEST A DISTANCE OF 350.18 FEET;
- 4) NORTH 89°41'36" EAST A DISTANCE OF 467.45 FEET TO THE **POINT OF BEGINNING;**

SAID PARCEL CONTAINS A CALCULATED AREA OF 163,641 SQUARE FEET, OR 3.76 ACRES, MORE OR LESS.

TO: THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.

RE: PETITION FOR ANNEXATION

DATE:

The undersigned landowner ("Petitioner"), in accordance with it's the Municipal Annexation Act of 1965 as set forth in Article 12, Title 31, Colorado Revised Statutes ("Act"), as amended and as in effect on the submission date set forth below, hereby petitions the Board of Trustees of the Town of Erie for annexation to the Town of Erie ("Town") of the following unincorporated territory located in the County of Boulder and State of Colorado, the property being more particularly described by its legal description in "Exhibit A," which is attached hereto and incorporated herein by reference (Rex Ranch Filing No. 3).

In support of this petition for annexation ("Petition"), Petitioner further alleges to the Board of Trustees of the Town that:

1. It is desirable and necessary that the territory described above be annexed to the Town.
2. The requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - a) Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town or will be contiguous with the Town within such time as required by C.R.S. § 31-12-104.
 - b) A community of interest exists between the area proposed to be annexed and the Town.
 - c) The area proposed to be annexed is urban or will be urbanized in the near future.
 - d) The area proposed to be annexed is integrated with or is capable of being integrated with the Town.
 - e) No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.
 - f) No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty (20) acres or more, and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars

(\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.

- g) The Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for incorporation or annexation in an area that is part or all of the Property; nor has any election for annexation of the Property or substantially the same territory to the Town been held within the twelve (12) months immediately preceding the filing of this Petition.
 - h) The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district or attachment of same to another school district.
 - i) Except to the extent necessary to avoid dividing parcels within the Property held in identical ownership, at least fifty percent (50%) of which are within the three-mile limit, the proposed annexation will not extend the municipal boundary of the Town more than three (3) miles in any direction from any point of the current municipal boundary in any one year.
 - j) Prior to completion of the annexation of the territory proposed to be annexed, the Town will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town; and the proposed land uses for the area; such plan to be updated at least once annually.
 - k) In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed.
 - l) The Town will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town but is not bounded on both sides by the Town.
3. Petitioner comprise more than fifty percent (50%) of the landowners in the Property owning more than fifty percent (50%) of the Property, excluding public streets, alleys and any land owned by the annexing municipality, and the Petitioner hereby consents to the establishment of the boundaries of the Property as shown in the annexation maps submitted herewith. The legal description of the land owned by the Petitioner is set forth in "Exhibit B," attached hereto and incorporated herein by reference.
4. Accompanying this Petition are four (4) copies of an annexation map (Rex Ranch Filing

No. 3 Annexation Map) containing the following information:

- a) A written legal description of the boundaries of the area proposed to be annexed;
 - b) A map showing the boundary or the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - c) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. The affidavit of the circulator of this Petition certifying that the signature on this Petition is the signature of each person whose name it purports to be certifying the accuracy of the date of such signatures is attached hereto as "Exhibit C" and is incorporated herein by this reference.
 6. The proposed annexation of the Property complies with § 30(1)(b) of Article II of the Colorado Constitution.
 7. Upon the annexation ordinance becoming effective, the Property proposed to be annexed will become subject to all ordinances, rules and regulations of the Town, except for general property taxes of the Town which shall become effective as the January 1 next ensuing following the adoption of the annexation ordinance.
 8. This Petition is conditioned upon the zoning classification for the area proposed to be annexed being approved as Low Density Residential and approval by the Petitioner of an annexation agreement acceptable to the Petitioner and the Town.

WHEREFORE, the following Petitioner respectfully requests that the Town, acting through its Board of Trustees, approve the annexation of the Property pursuant to the provisions of the Act.

[Signature Page to Follow]

EXHIBIT A

Legal Description of Property to be Annexed

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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POINT OF BEGINNING;

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- 4) NORTH 89°41'36" EAST A DISTANCE OF 467.45 FEET TO THE
POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 163,641 SQUARE FEET, OR 3.76 ACRES, MORE OR LESS.

EXHIBIT B

Land Owned By Petitioner

LEGAL DESCRIPTION

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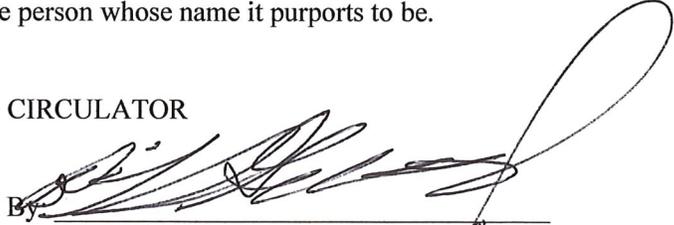
EXHIBIT C

Affidavit of Circulator

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

ROBERT THOMAS GILLILAND, being first duly sworn upon oath, deposes and says that he was the circulator of this Petition for Annexation of lands to the Town of Erie, Colorado, consisting of 7 () pages including this page and that each signature hereon was witnessed by your affiant and is the signature of the person whose name it purports to be.

CIRCULATOR

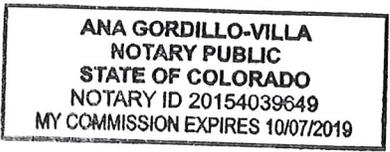
By: 
Name: ROBERT THOMAS GILLILAND

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 08 day of August, 2017 by Robert T. Gilliland II.

My commission expires: 10.07.2019

Witness My hand and official seal.



Notary Public
AGordillo

REX RANCH ANNEXATION NO. 2 THE TOWN OF ERIE

A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26,
TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO
3.76 ACRES
AN-000906-2017

LEGAL DESCRIPTION

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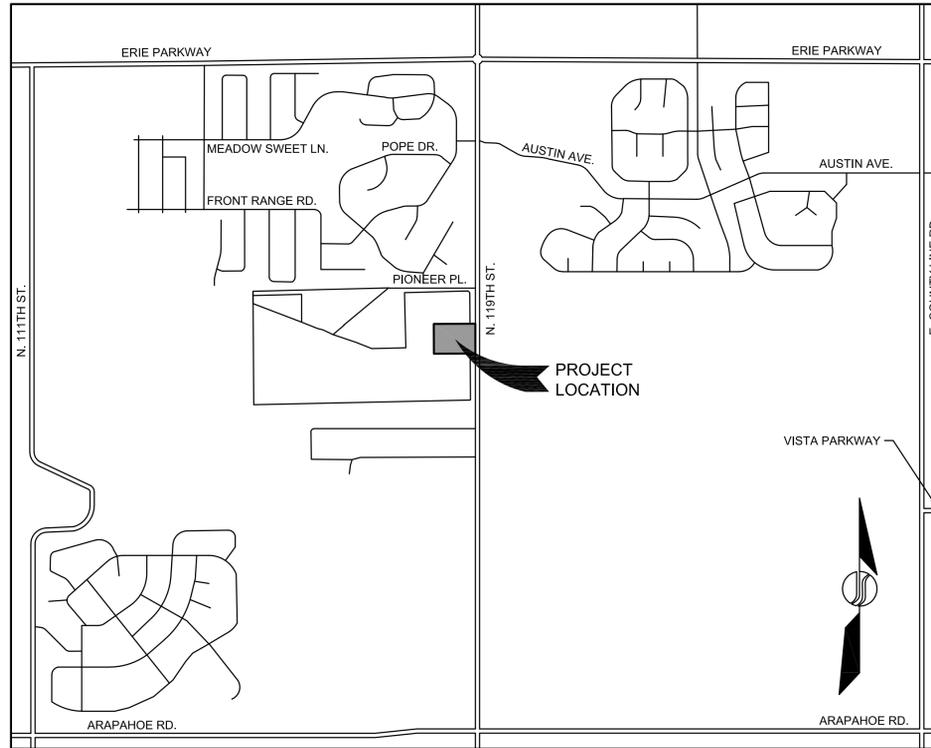
NOTES:

1. **BASIS OF BEARINGS:** THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN WAS ASSUMED TO BEAR SOUTH 00°19'39" EAST AND IS MONUMENTED AS SHOWN HEREON.

2. **NOTICE:** ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

3. THIS MAP WAS PREPARED WITHOUT BENEFIT OF A CURRENT TITLE COMMITMENT AND DOES NOT CONSTITUTE A TITLE SEARCH BY JANSEN STRAWN CONSULTING ENGINEERS TO DETERMINE OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF PUBLIC RECORD.

4. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT. THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY DEFINES THE U.S. SURVEY FOOT AS 1200/3937 METERS.



VICINITY MAP

SCALE 1"=1000'

CONTIGUOUS SUMMARY TABLE

TOTAL PERIMETER:	1,635.07 FEET
CONTIGUOUS PERIMETER TO PRESENT ERIE TOWN LIMITS:	1,635.07 FEET
PERCENT CONTIGUOUS (STATE LAW REQUIRES A MINIMUM 1/6 (16.66%) CONTIGUITY WITH EXISTING TOWN BOUNDARY):	100%
1/6 PERIMETER:	272.51 FEET
TOTAL AREA ANNEXED	3.76 ACRES

SURVEYOR'S CERTIFICATE

I, THOMAS D. STAAB, A DULY LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ANNEXATION MAP TRULY AND CORRECTLY REPRESENTS THE ABOVE DESCRIBED PARCEL OF LAND AND THAT AT LEAST ONE SIXTH (1/6") OF THE PERIPHERAL BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE TOWN OF ERIE.

I ATTEST THE ABOVE ON THIS ___ DAY OF _____, 201__ A.D.

THOMAS D. STAAB,
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR #25965
FOR AND ON BEHALF OF
JANSEN STRAWN CONSULTING ENGINEERS, INC.

BOARD OF TRUSTEES APPROVAL CERTIFICATE

THIS ANNEXATION MAP IS TO BE KNOWN AS THE "REX RANCH FILING NO. 3 ANNEXATION MAP TO THE TOWN OF ERIE" AND IS APPROVED AND ACCEPTED BY ORDINANCE NO. _____ PASSED AND ADOPTED AT THE REGULAR (SPECIAL) MEETING OF THE BOARD OF TRUSTEES OF ERIE, COLORADO, HELD ON _____, 201__.

MAYOR

TOWN CLERK

CLERK & RECORDER CERTIFICATE

STATE OF COLORADO)
) SS.
COUNTY OF _____)

I HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS FILED IN MY OFFICE THIS ___ DAY OF _____, 201__ A.D. AND WAS RECORDED AT RECEPTION NUMBER _____.

SIGNATURE

COUNTY CLERK & RECORDER

Scale: N/A
Date: MAY 5, 2017
Job No.: 17000
Sheet 1 of 2

ENGINEER / SURVEYOR



JANSEN STRAWN
CONSULTING ENGINEERS
A WARE MALCOMB Company
45 WEST 2ND AVENUE
DENVER, CO 80223
P.303.561.3333
F.303.561.3339

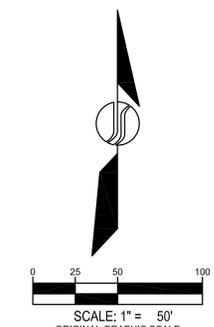
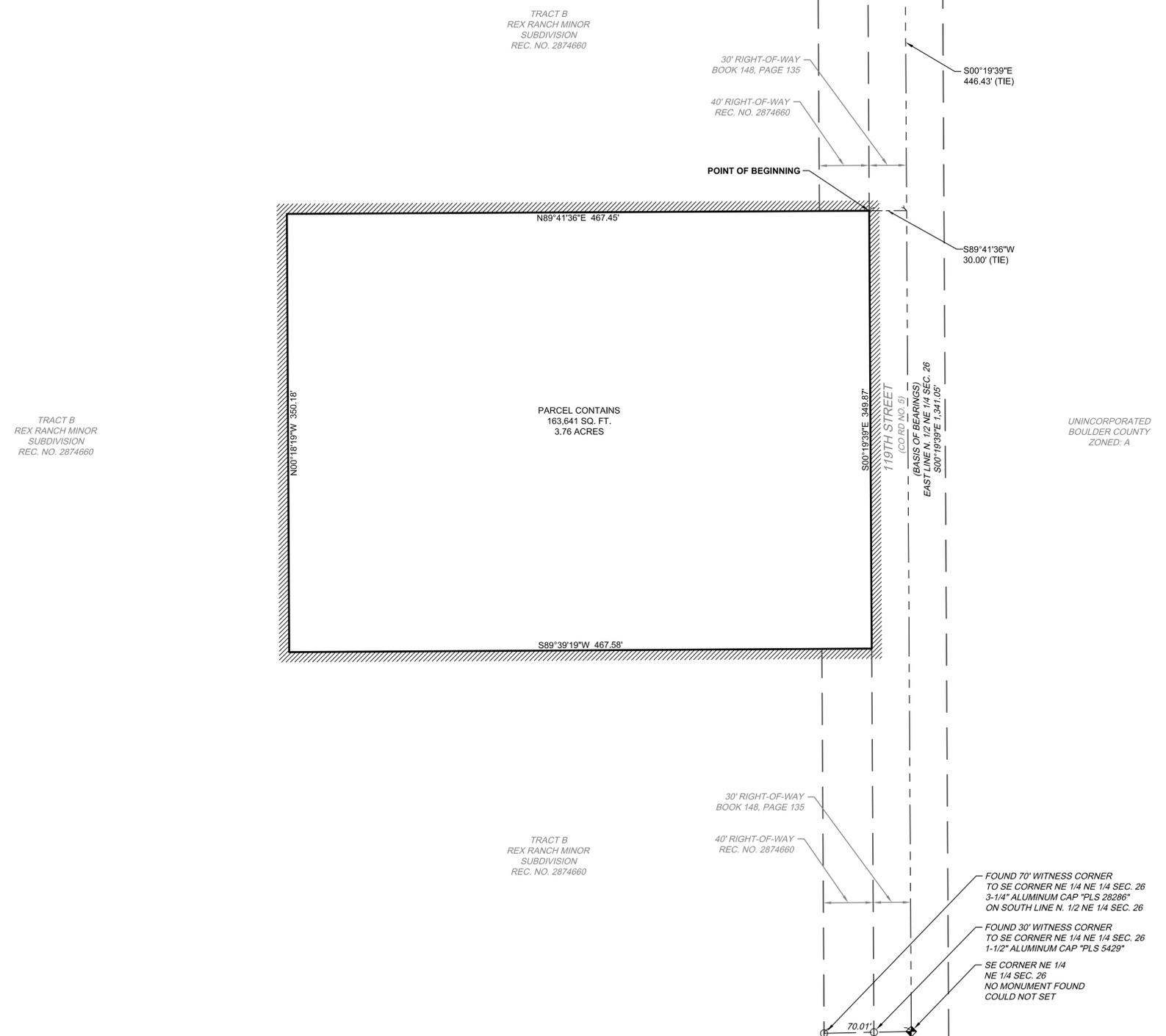
No.	Revisions	Date	By

Designed By: _____ Checked By: _____

REX RANCH ANNEXATION NO. 2 THE TOWN OF ERIE

A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26,
TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO
3.76 ACRES
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LEGEND	
	ZONING BOUNDARY
	EXISTING RIGHT-OF-WAY
	EXISTING LOT LINE
	SECTION LINE
	SECTION CORNER AS NOTED
	CURRENT CONTIGUITY WITH THE TOWN LIMITS OF THE TOWN OF ERIE



Scale: 1" = 50'
Date: MAY 5, 2017
Job No.: 17000
Sheet 2 of 2

ENGINEER / SURVEYOR

JANSEN STRAWN
CONSULTING ENGINEERS
A WARE MALCOMB Company

45 WEST 2ND AVENUE
DENVER, CO 80223
P.303.561.3333
F.303.561.3339

No.	Revisions	Date	By

Designed By: _____ Checked By: _____