

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

RE: PETITION FOR ANNEXATION

DATE: NOVEMBER 6, 2018

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 ("Property").

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 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) 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 (Zilis 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 Rural 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]

Respectfully submitted this 6TH day of NOVEMBER, 2018. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.

OWNER:

Paul Zilis Kimberly Zilis

Name of Owner: Paul and Kimberly Zilis

By: Paul Zilis and Kimberly Zilis

Date of Signatures: 11/6/18

Mailing Address:

12170 Jasper Road
Erie, CO 80516

Resident of the Property: Yes

STATE OF COLORADO)
COUNTY OF Boulder) ss.

The foregoing instrument was acknowledged before me this 6th day of November, 2018 by Paul Zilis and Kimberly Zilis

My commission expires: 7/24/22

Witness My hand and official seal.

Cynthia L. McMurl

Notary Public

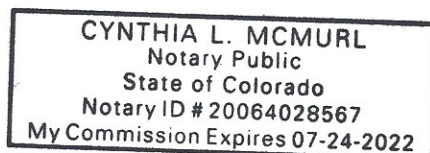


EXHIBIT A

Legal Description of Property to be Annexed

EXHIBIT "A"

PARCEL A:

ALL THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO. DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 1323.60 FEET; THENCE NORTH 89°49' EAST 1689.55 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°49' EAST 140.00 FEET; THENCE SOUTH, 312.00 FEET; THENCE SOUTH 89°49' WEST 140.00 FEET; THENCE NORTH 312.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL B:

THE WEST HALF OF THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OR SECTION 13, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO. DESCRIBED AS FOLLOWS:

BEGINNING AT A STEEL PIN ON THE WEST LINE OF SAID SECTION 13, FROM WHICH THE NORTHWEST CORNER OF SECTION 13 BEARS NORTH 1323.60 FEET; THENCE NORTH 89°49' EAST 1689.48 FEET MORE OR LESS, TO A POINT THAT IS WEST 330.00 FEET FROM THE NORTHERLY PROLONGATION OF THE WEST LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO CLIFF W. MARSHALL, ETC., BY DEED RECORDED JUNE 5, 1961, IN BOOK 1185, PAGE 12, RECORDS OF BOULDER COUNTY BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 89°49' EAST 330.00 FEET TO THE INTERSECTION OF THE PROLONGATION OF THE WEST LINE OF SAID MARSHALL'S LAND; THENCE SOUTHERLY ALONG THE WEST LINE OF MARSHALL'S LAND AND THE SOUTHERLY PROLONGATION THEREOF 1201.99 FEET; THENCE NORTH 86°18' WEST 126.39 FEET; THENCE NORTH 89°15' WEST 130.00 FEET; THENCE SOUTH 89°42' WEST 73.82 FEET TO A POINT THAT IS SOUTH 1192.56 FEET FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 1192.56 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT THAT PORTION AS DESCRIBED IN INSTRUMENT RECORDED FEBRUARY 10, 1971 ON FILM 722 AS RECEPTION NO. 967254 AND KNOWN AS PARCEL A ABOVE, ALL IN THE COUNTY OF BOULDER, STATE OF COLORADO.

EXHIBIT B

Land Owned By Petitioner

EXHIBIT "B"

PARCEL A:

ALL THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO. DESCRIBED AS FOLLOWS:

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EXHIBIT C

Affidavit of Circulator

STATE OF COLORADO)
COUNTY OF Boulder) ss.

PAUL ZILIS, 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 NINE (9) 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: [Signature]
Name: PAUL ZILIS

STATE OF COLORADO)
COUNTY OF Boulder) ss.

The foregoing instrument was acknowledged before me this 2nd day of May, 2019 by Paul Zilis.

My commission expires: 7/24/22

Witness My hand and official seal.

Cynthia McMurl
Notary Public

CYNTHIA L. MCMURL
Notary Public
State of Colorado
Notary ID # 20064028567
My Commission Expires 07-24-2022