

RESOLUTION NO. 16-__

**A RESOLUTION REGARDING THE ALLAN FARMS 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 the Town of Erie, on the petition of the Town of Erie, 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. As unincorporated municipally owned land, the Property to be annexed is eligible for annexation by ordinance as provided by C.R.S. 31-12-106 (3).
- b. With respect to compliance with C.R.S. 31-12-104(1)(a), 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.
- c. 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 municipality 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 municipality 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 municipality but is not bounded on both sides by the municipality.
- d. With respect to compliance with C.R.S. 31-12-108, the Board of Trustees makes the following findings of fact:
 1. Notice was provided of the September 27, 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.
 - e. With respect to compliance with C.R.S. 31-12-108.5, the Board of Trustees makes the following findings 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 C.R.S. 31-12-104(1)(a) and 31-12-105 have been met.
- b. No election is required under C.R.S. 31-12-107(2).
- 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 “Agricultural/Open Space (AG/OS)”.

INTRODUCED, READ, SIGNED AND APPROVED this 27th day of September, 2016.

TOWN OF ERIE,
a Colorado municipal corporation

By: _____
Tina Harris, Mayor

ATTEST:

By: _____
Nancy J. Parker, Town Clerk

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12 AND THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE S89°31'10"W A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 119TH STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE N00°28'50"W ALONG SAID WEST LINE A DISTANCE OF 1323.85 FEET; THENCE S89°41'56"E A DISTANCE OF 1347.94 FEET TO THE SOUTHWEST ONE-SIXTEENTH CORNER OF SAID SECTION 12; THENCE S89°59'27"E ALONG THE BOUNDARY OF THE KENOSHA FARM ANNEXATION RECORDED MARCH 18, 1997 AT RECEPTION NO. 1684075 A DISTANCE OF 61.83 FEET; THENCE S00°23'10"E CONTINUING ALONG SAID ANNEXATION A DISTANCE OF 1310.56 FEET; THENCE N89°25'26"W A DISTANCE OF 872.10 FEET; THENCE N00°34'49"E A DISTANCE OF 112.00 FEET; THENCE N89°25'11"W A DISTANCE OF 497.69 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 119TH STREET; THENCE S00°28'47"E ALONG SAID EAST LINE A DISTANCE OF 132.02 FEET; THENCE S89°25'11"E A DISTANCE OF 1492.82 FEET; THENCE S00°34'41"W A DISTANCE OF 689.54 FEET; THENCE S58°36'41"W A DISTANCE OF 175.63 FEET; THENCE S70°21'41"W A DISTANCE OF 141.70 FEET; THENCE S37°17'41"W A DISTANCE OF 147.20 FEET; THENCE S64°26'41"W A DISTANCE OF 120.30 FEET; THENCE S16°23'41"W A DISTANCE OF 194.40 FEET; THENCE S63°14'41"W A DISTANCE OF 100.20 FEET; THENCE S86°43'41"W A DISTANCE OF 134.30 FEET; THENCE S71°42'41"W A DISTANCE OF 123.60 FEET; THENCE S34°19'57"W A DISTANCE OF 13.33 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF JASPER ROAD; THENCE S89°36'09"W ALONG THE NORTH LINE OF THE 119TH JASPER JAY ANNEXATION RECORDED FEBRUARY 17, 2016 AT RECEPTION NO. 3501287 A DISTANCE OF 600.14 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 119TH STREET; THENCE N00°03'18"W ALONG THE BOUNDARY OF THE WISE ACRE ANNEXATION RECORDED SEPTEMBER 12, 1995 AT RECEPTION NO. 1546834 A DISTANCE OF 1033.52 FEET; THENCE S88°16'51"W CONTINUING ALONG SAID ANNEXATION A DISTANCE OF 40.02 FEET; THENCE N00°03'18"W A DISTANCE OF 273.66 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING 3,477,267 SQUARE FEET OR 79.827 ACRES, MORE OR LESS.