

**Town of Erie
Resolution No. 22-92**

**A Resolution of the Board of Trustees of the Town of Erie Making
Certain Findings of Fact Regarding the Proposed Annexation to the
Town of the Real Property Known as Erie Gateway South No. 9**

Whereas, a petition for annexation was filed with the Town Clerk requesting the annexation of certain unincorporated territory located in Boulder County and described in **Exhibit A**, attached hereto and incorporated herein by this reference, also known as Erie Gateway South No. 9 (the "Property");

Whereas, by resolution adopted on June 28, 2022, the Board of Trustees found the petition to be in substantial compliance with C.R.S. § 31-12-107(1); and

Whereas, on August 9, 2022, the Board of Trustees conducted a properly-noticed public hearing to determine if the Property is eligible for annexation to the Town.

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

Section 1. The applicable provisions of C.R.S. § 31-12-104 have been met, in that not less than one-sixth of the perimeter of the Property is contiguous with the existing boundaries of the Town; and therefore, because of such contiguity, a community of interest exists between the Property and the Town; the Property is urban or will be urbanized in the near future, and the Property is integrated or is capable of being integrated with the Town.

Section 2. The applicable provisions of C.R.S. § 31-12-105 have been met, in that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a Town boundary more than three miles; the Town has in place a plan for said three-mile area; and, in establishing the boundaries of the Property, the entire width of any street or alley is included within the Property.

Section 3. An annexation election is not required under C.R.S. § 31-12-107(2) and no additional terms or conditions are to be imposed upon the area to be annexed other than as contained in the Annexation Agreement, which has been considered and approved by separate action.

Section 4. The Property is eligible for annexation to the Town, and all requirements of law have been met, including the requirements of C.R.S. §§ 31-12-104 and 31-12-105.

Section 5. An ordinance annexing the Property to the Town will be considered by the Board of Trustees pursuant to C.R.S. § 31-12-111.

Introduced, read, signed, and approved this 9th day of August, 2022.

Justin Brooks, Mayor

Attest:

Debbie Stamp, Town Clerk

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 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 THE NORTHEAST 1/4 OF SECTION 36 BEING S 89°00'36" W AND MONUMENTED AS FOLLOWS:

- SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36 BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,
- CENTER 1/4 CORNER OF SECTION 36 BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF ERIE GATEWAY SOUTH ANNEXATION NO. 2, TOWN OF ERIE ORDINANCE NO. 34-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573284;

THENCE ALONG THE NORTHERLY LINE OF SAID ERIE GATEWAY SOUTH ANNEXATION NO. 2, TOWN OF ERIE ORDINANCE NO. 34-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573284 THE FOLLOWING TWO (2) COURSES:

- 1) S 89°00'36" W A DISTANCE OF 1341.46 FEET;
- 2) N 89°56'15" W A DISTANCE OF 1319.94 FEET TO A POINT ON THE EASTERLY LINE OF ERIE GATEWAY SOUTH ANNEXATION NO. 3, TOWN OF ERIE ORDINANCE NO. 35-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573286;

THENCE N 00°04'29" E ALONG SAID EASTERLY LINE OF ERIE GATEWAY SOUTH ANNEXATION NO. 3, TOWN OF ERIE ORDINANCE NO. 35-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573286 AND THE EASTERLY LINE OF ERIE GATEWAY SOUTH ANNEXATION NO. 4, TOWN OF ERIE ORDINANCE NO. 36-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573288 A DISTANCE OF 1345.89 FEET TO THE NORTHEAST CORNER OF SAID ERIE GATEWAY SOUTH ANNEXATION NO. 4, TOWN OF ERIE ORDINANCE NO. 36-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573288, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36;

THENCE S 89°58'43" E ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID NORTHWEST 1/4 OF SECTION 36 A DISTANCE OF 1332.41 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT R-4 OF A PLAT OF SURVEY RECORDED AT RECEPTION NO. 90807363;

THENCE N 00°00'45" W ALONG THE WESTERLY LINE OF SAID TRACT R-4 A DISTANCE OF 659.63 FEET TO THE SOUTHWEST CORNER OF DONLEY ANNEXATION, TOWN OF ERIE ORDINANCE NO. 658, RECORDED ON 6/20/2000 AT RN: 2054309;

THENCE ALONG THE SOUTHERLY AND EASTERLY LINE OF SAID DONLEY ANNEXATION, TOWN OF ERIE ORDINANCE NO. 658, RECORDED ON 6/20/2000 AT RN: 2054309 THE FOLLOWING THREE (3) COURSES:

- 1) N 89°56'07" E A DISTANCE OF 659.86 FEET;
- 2) N 89°56'49" E A DISTANCE OF 660.11 FEET;
- 3) N 00°01'24" W A DISTANCE OF 634.63 FEET TO A POINT ON THE SOUTHERLY LINE OF ARAPAHOE ROAD ANNEXATION NO. 2, TOWN OF ERIE ORDINANCE NO. 551, RECORDED ON 9/4/1997 AT RN: 1727898;

THENCE S 89°57'39" E ALONG SAID SOUTHERLY LINE A DISTANCE OF 659.27 FEET TO A POINT ON THE WESTERLY LINE OF ZAHN ANNEXATION, TOWN OF ERIE ORDINANCE NO. 482, RECORDED ON 3/17/1997 AT RN: 1683819;

THENCE S 00°02'56" E ALONG SAID WESTERLY LINE A DISTANCE OF 1295.67 FEET TO THE NORTHEAST CORNER OF ERIE GATEWAY SOUTH ANNEXATION NO. 1, TOWN OF ERIE ORDINANCE NO. 33-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573282;

THENCE ALONG THE NORTHERLY AND WESTERLY LINE OF SAID ERIE GATEWAY SOUTH ANNEXATION NO. 1, TOWN OF ERIE ORDINANCE NO. 33-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573282 THE FOLLOWING TWO (2) COURSES:

- 1) S 89°59'59" W A DISTANCE OF 659.84 FEET;
- 2) S 00°18'01" E A DISTANCE OF 1323.17 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,288,656 SQUARE FEET, OR 121.4108 ACRES MORE OR LESS.