

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

RE: PETITION FOR ANNEXATION

DATE: March 2, 2017

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 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

(Vernon) 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 RR - rental 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 2ND day of MARCH, 20 17. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.

OWNER:

Name of Owner: Bev Vernon (Beverly A. Vernon Living Trust)

By: Beverly A. Vernon

Title: Owner

Date of Signature: 3/2/17

Mailing Address:

10675 Goosehaver Dr.
Lafayette, CO 80026

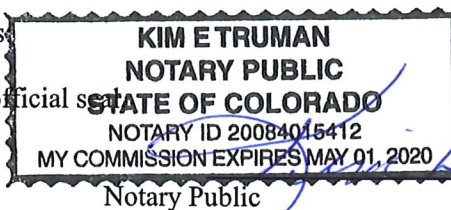
Resident of the Property: _____

STATE OF COLORADO)
COUNTY OF BOULDER) ss.

The foregoing instrument was acknowledged before me this 2ND day of MARCH, 2017 by BEVERLY VERNON.

My commission expires _____

Witness My hand and official seal _____



Notary Public



**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

**EXHIBIT "A"
LEGAL DESCRIPTION**

File No.: 01330-93643-C2

A portion of the NE1/4 of Section 14, Township 1 North, Range 69 West of the 6th P.M., described as follows: Beginning at the Northeast corner of Section 14; thence along the East line of the NE1/4 of said Section 14 South 261.69 feet; thence South 88°21'16" West 415.40 feet; thence North 0°43'05" West 260.95 feet to the North line of said NE1/4 of Section 14; thence along said North line North 88°15'49" East 418.70 feet to the point of beginning,
County of Boulder,
State of Colorado

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File No.: 01330-93643

ALTA Commitment 06-17-06

Page 2 of 6

AMERICAN
LAND TITLE
ASSOCIATION



EXHIBIT B

Land Owned By Petitioner

EXHIBIT C

Affidavit of Circulator

STATE OF COLORADO)
COUNTY OF Boulder) ss.

Beverly Vernon, 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 eight (8) 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: _____

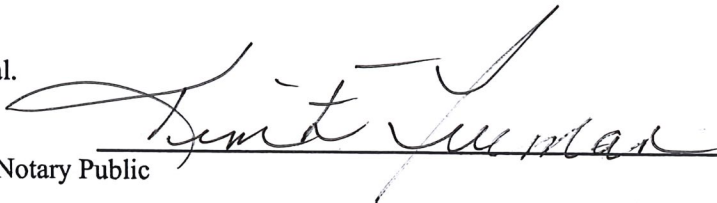
Name: _____

STATE OF COLORADO)
COUNTY OF BOULDER) ss.

The foregoing instrument was acknowledged before me this 27TH day of JUNE, 2017 by BEVERLY VERNON.

My commission expires:

Witness My hand and official seal.


Notary Public

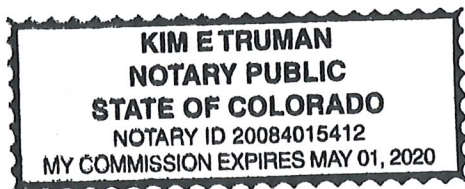


EXHIBIT C

Affidavit of Circulator

STATE OF COLORADO)
COUNTY OF Boulder) ss.

Vernetta Angelo, 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 eight (8) 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.

[Signature]
CIRCULATOR

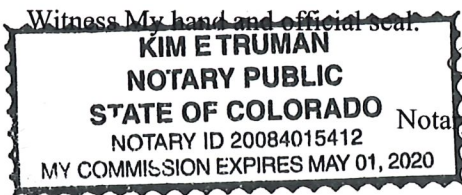
By: _____

Name: _____

STATE OF COLORADO)
COUNTY OF BOULDER) ss.

The foregoing instrument was acknowledged before me this 27th day of JUNE, 2017 by VERNETTA ANGELO.

My commission expires:



[Signature]
Notary Public



Certification of Trust

(Affidavit of Trust)

(Pursuant to Colorado Revised Statutes §11-105-111)

The undersigned, being all of the acting trustee(s) of the Trust described below, hereby certify as follows:

1. The following trust is the subject of this Certification of Trust:

BEVERLY A. VERNON and VOYLE L. VERNON, Trustees, or their successors in trust, under the BEVERLY A. VERNON LIVING TRUST, dated March 14, 2000, and any amendments thereto.

2. The name and address of the currently acting Trustee(s) of the trust are as follows:

BEVERLY A. VERNON
10675 Goose Haven Drive
Lafayette, CO 80026

VOYLE L. VERNON
10675 Goose Haven Drive
Lafayette, CO 80026

3. The Trust is an inter vivos trust created by an agreement executed on March 14, 2000.
4. The name of the Trustmaker/Grantor/Settlor of the Trust is BEVERLY A. VERNON, also known as BEVERLY ANN VERNON.
5. The powers of the Trustee under the Trust Instrument include the power to open a checking or other depository account or investment account, and to draw on such accounts, as well as each of the following additional powers:

The power to borrow money on behalf of the Trust;

The power to pledge depository accounts of the Trust and security for any borrowing; and

The power to pledge other assets of the Trust as security.

6. The name of the successor Trustee(s) are set forth below.

a. The Trustees upon the disability of BEVERLY A. VERNON are:

VOYLE L. VERNON

VERNETTA ANGELO

b. The Trustees upon the death of BEVERLY A. VERNON are:

VOYLE L. VERNON

VERNETTA ANGELO


7. If any issues or questions arise as to the successor Trustee(s), please refer to Article Fifteen of the Trust.
8. The Trust is revocable and BEVERLY A. VERNON has the power to amend or revoke the Trust.
9. Pursuant to the terms of the trust, any co-Trustee is authorized to act for and conduct business on behalf of the trust without the consent of the Trustmaker.
10. The tax identification number of the Trust is the Social Security number of BEVERLY A. VERNON.
11. The Trust was established under the laws of the State of Colorado.
12. Title to assets of the Trust should be taken in the following form:

BEVERLY A. VERNON and VOYLE L. VERNON, Trustees, or their successors in trust, under the BEVERLY A. VERNON LIVING TRUST, dated March 14, 2000, and any amendments thereto.
13. The Trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this Certification of Trust to be incorrect.
14. Attached to this Certification of Trust and incorporated in it are selected provisions of the trust evidencing the following:
 - a. Article One - Creation of the trust and initial Trustees
 - b. Article Eighteen - Signature page(s)
15. The trust provisions which are not attached to this Certification of Trust are of a personal nature and set forth the distribution of trust property. They do not modify the powers of the Trustee(s).

16. The signatories of this Certification of Trust are currently the acting Trustee(s) of the trust and declare that the foregoing statements are true and correct and the attached trust provisions are accurate copies, under penalty of perjury.

IN WITNESS WHEREOF, I have under oath executed this Certification of Trust on September 20, 2012, in multiple counterpart originals, and I have directed some photographic copies of this Certification of Trust be made which shall have the same force and effect as an original.


BEVERLY A. VERNON, Trustee


VOYLE L. VERNON, Trustee

STATE OF COLORADO

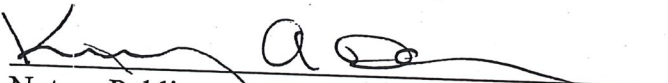
COUNTY OF ADAMS

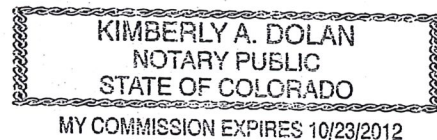
)
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ss.

The foregoing Certification of Trust was subscribed and sworn to before me on September 20, 2012, by BEVERLY A. VERNON and VOYLE L. VERNON, as Trustees.

Witness my hand and official seal.


Notary Public



**The Restatement of
the Beverly A. Vernon Living
Trust**

**Article One
Creation of My Trust**

Section 1. My Trust

On March 14, 2000, I, BEVERLY A. VERNON, also known as BEVERLY ANN VERNON, the Trustmaker, executed the BEVERLY A. VERNON LIVING TRUST, dated March 14, 2000. I now wish to restate that original trust, and any amendments, in their entirety. This restatement, dated September 20, 2012, shall replace and supersede my original trust and all prior amendments, except any memoranda that I may have prepared under Article Seven of my original trust or any previous amendments or restatements thereof.

The following shall serve as my initial Trustees:

BEVERLY A. VERNON

and

VOYLE L. VERNON

My trust is a revocable living trust that contains my instructions for my own well-being and that of my loved ones. All references to "my trust" or "trust," unless otherwise stated, shall refer to this Living Trust and the trusts created in it. All references to "Trustee" shall refer to my initial Trustee or Trustees, or their successor or successors in trust.

When the term "Trustmaker" is used in my trust, it shall have the same legal meaning as "Grantor," "Settlor," "Trustor," or any other term referring to the maker of a trust.

Section 4. Tax Identification Number

This trust is a "grantor" trust and does not have a separate employer identification number ("EIN") or taxpayer identification number ("TIN") as long as the Trustmaker is living pursuant to Section 1.671-3(a)(1) of the Regulations. The tax identification number for this trust shall be the Trustmaker's own social security number.

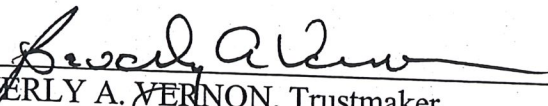
Section 5. Income Taxes to be Filed on Form 1040

Pursuant to federal income tax law, I am treated as the owner of my trust for tax reporting purposes because I have retained control of the assets transferred to my trust (See IRC Sections 674-677). Also, federal income tax law specifically states that a trust income tax return should not be filed, and all income should be reported on my personal 1040 income tax return (See IRC Regulation 1.671-4).

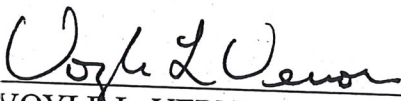
h. Severability

If any provision of this Agreement is declared by a court of competent jurisdiction to be invalid for any reason, such invalidity shall not affect the remaining provisions of this Agreement. The remaining provisions shall be fully severable, and this Agreement shall be construed and enforced as if the invalid provision had never been included in this Agreement.

IN WITNESS WHEREOF, I have executed this Restatement on September 20, 2012.


BEVERLY A. VERNON, Trustmaker


BEVERLY A. VERNON, Trustee


VOYLE L. VERNON, Trustee

STATE OF COLORADO

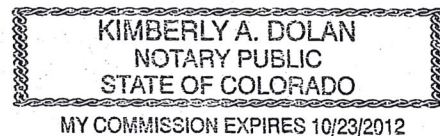
COUNTY OF ADAMS

)
) ss.
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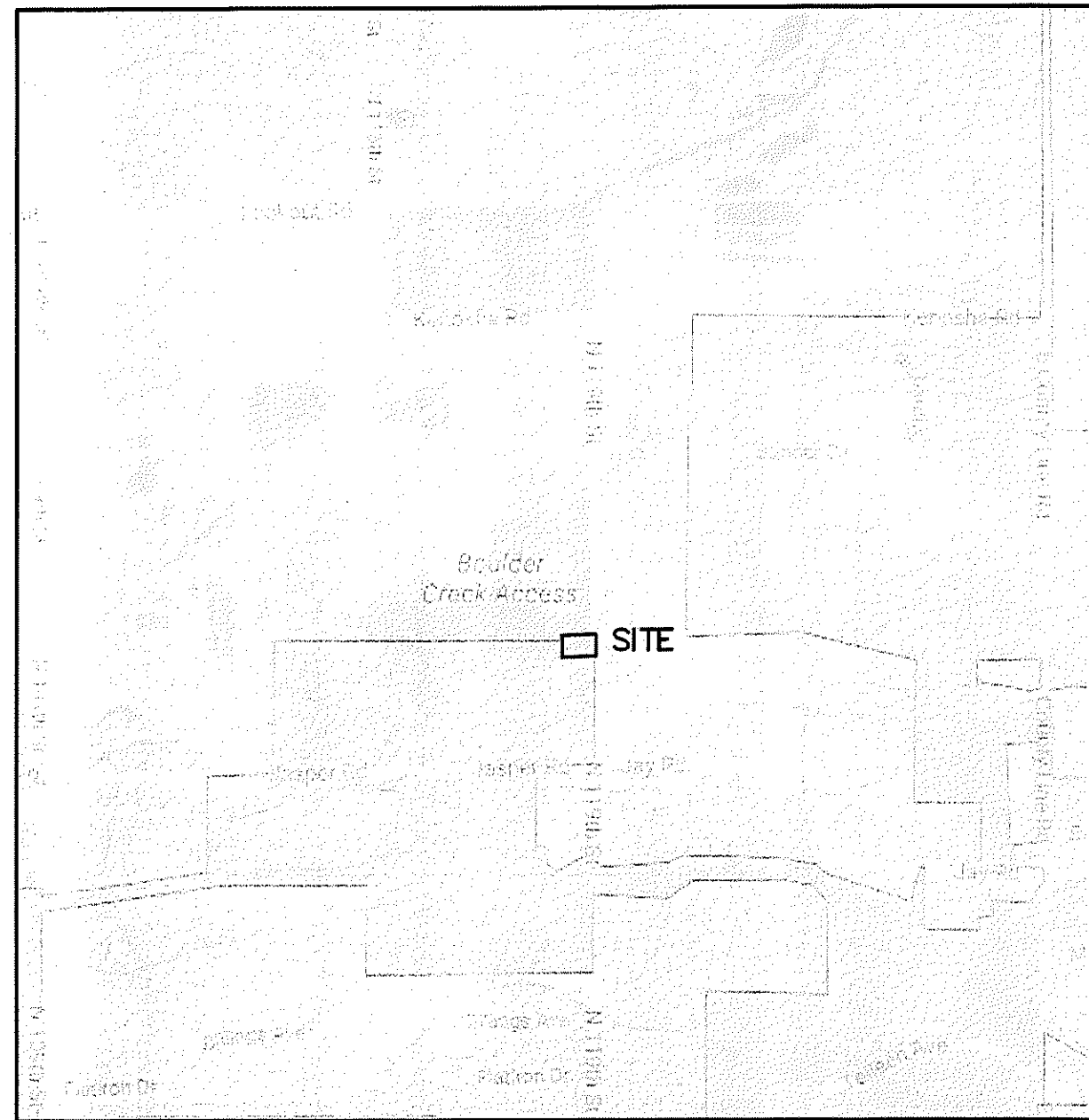
The foregoing Restatement of a Revocable Living Trust was acknowledged before me on September 20, 2012, by BEVERLY A. VERNON, as Trustmaker, and BEVERLY A. VERNON and VOYLE L. VERNON, as Trustees.

Witness my hand and official seal.


Notary Public



VICINITY MAP
1"=2000'



VERNON ANNEXATION TO THE TOWN OF ERIE

A PORTION OF THE NORTHEAST QUARTER OF SECTION 14,
T1N, R69W OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF BOULDER, STATE OF COLORADO
2.382 ACRES
AN-000913-2017

CONTIGUITY

TOTAL PERIMETER OF PROPERTY 1316.91'
1/6 TOTAL PERIMETER OF PROPERTY 219.48'
PERIMETER CONTIGUOUS TO THE TOWN OF ERIE 918.21'

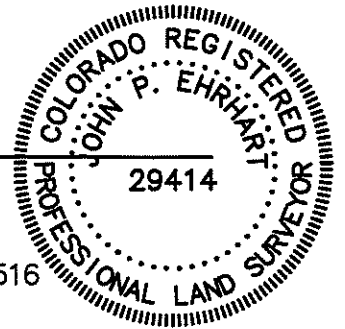
TOTAL AREA BEING ANNEXED: 103,747 SQ. FT. OR 2.382 ACRES, MORE OR LESS

SURVEYING CERTIFICATE

I, JOHN P. EHRHART, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP SHOWN HEREON IS A CORRECT DELINEATION OF THE HEREON 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 FURTHER CERTIFY THAT THIS MAP AND LEGAL DESCRIPTION WERE PREPARED UNDER MY PERSONAL SUPERVISION ON THE 19TH DAY OF FEBRUARY, 2017.

JOHN P. EHRHART
COLORADO P.L.S. #29414
EHRHART LAND SURVEYING, LLC
P.O. BOX 930, ERIE, COLORADO 80516
PHONE: (303) 828-3340



BOARD OF TRUSTEES APPROVAL CERTIFICATE

THIS ANNEXATION MAP IS TO BE KNOWN AS "VERNON ANNEXATION 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 _____, 20____, AND

MAYOR _____

ATTEST: _____ TOWN CLERK

CLERK & RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF BOULDER) ss

I HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____ A.D., 20____, AND WAS RECORDED AT RECEPTION NUMBER _____.

BOULDER COUNTY CLERK AND RECORDER _____

ANNEXATION DESCRIPTION

A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 14; THENCE S88°11'24"W ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER S88°11'24"W A DISTANCE OF 20.01 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF NORTH 119TH STREET, SAID POINT BEING ON THE WEST LINE OF THE ALLAN FARMS ANNEXATION RECORDED NOVEMBER 1, 2016 AT RECEPTION NO. 3554424, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE S0°03'18"E ALONG SAID WEST LINE A DISTANCE OF 261.59 FEET TO A POINT ON THE NORTH LINE OF THE WISE ACRE ANNEXATION RECORDED SEPTEMBER 12, 1995 AT RECEPTION NO. 1546834; THENCE S88°15'29"W ALONG SAID NORTH LINE A DISTANCE OF 395.57 FEET; THENCE N0°44'25"W CONTINUING ALONG BOUNDARY OF SAID WISE ACRE ANNEXATION 261.05 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE N88°11'24"E ALONG SAID NORTH LINE A DISTANCE OF 398.71 FEET TO THE TRUE POINT OF BEGINNING;

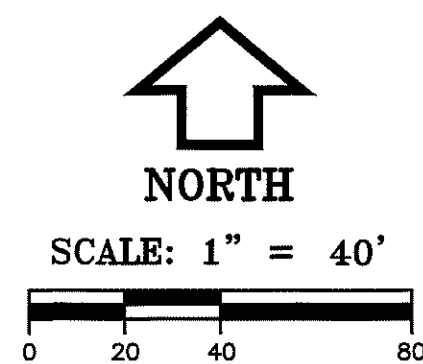
CONTAINING 103,747 SQ. FT. OR 2.382 ACRES, MORE OR LESS.

NOTES

1) THIS ANNEXATION MAP DOES NOT CONSTITUTE A TITLE SEARCH BY EHRHART LAND SURVEYING, LLC OF THE PROPERTY SHOWN AND DESCRIBED HEREON TO DETERMINE RIGHT-OF-WAY, EASEMENTS AND ENCUMBRANCES OF RECORD AFFECTING THIS TRACT OF LAND.

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 SURVEYOR'S STATEMENT SHOWN HEREON.

3) BEARINGS ARE BASED ON THE EAST LINE OF THE NE QUARTER OF SECTION 14 BEARS N0°03'21"W (ASSUMED), MONUMENTED AS SHOWN HEREON.



LEGEND

- SECTION CORNER
- TOWN OF ERIE LIMITS
- AREA BEING ANNEXED
- (M) - MEASURED
- (D) - DEEDED

N 1/16 CORNER SECTION 13/14
#6 REBAR WITH 2.5" ALUMINUM CAP LS 23500
CONFORMS WITH MONUMENT RECORD 8/9/95

TRUE POINT OF BEGINNING

TOWN OF ERIE
LAND USE: RR

POINT OF COMMENCEMENT
NE CORNER SECTION 14
#6 REBAR WITH 2.5"
ALUMINUM CAP LS 23500
CONFORMS WITH MONUMENT
RECORD 5/18/98

ANNEXATION
ALLAN FARMS
REC 3554424
11/1/16

AREA BEING ANNEXED

ANNEXATION
WISE ACRE
REC 1546834
9/12/95

ANNEXATION
WISE ACRE
REC 1546834
9/12/95