

RESOLUTION NO. 2018-09

A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF KEENESBURG, COLORADO, KNOWN AS THE ERGER ANNEXATION NO. 1 TO THE TOWN OF KEENESBURG, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION

WHEREAS, a petition for annexation of property described in Exhibit A attached hereto has been filed with the Board of Trustees of the Town of Keenesburg; and

WHEREAS, pursuant to state law, the Town Board has held a hearing and desires to adopt by Resolution its findings in regard to the petition and eligibility for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF KEENESBURG, COLORADO:

Section 1. The Town Board finds and concludes that:

1. It is desirable and necessary that the territory described in Exhibit A attached hereto and incorporated herein be annexed to the Town of Keenesburg.
2. The applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met, including without limitation:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Keenesburg; in accordance with Section 31-12-104(1)(a), C.R.S., contiguity may be established by the annexation of two or more parcels in a series.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Keenesburg.
 - 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 of Keenesburg.
 - 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, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty 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 landowners.
 - g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
 - h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
 - i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Keenesburg more than three miles in any direction from any point of the boundary of the Town of Keenesburg in any one year.
 - j. The territory proposed to be annexed is 7.669 acres, more or less.
 - k. The Comprehensive Plan adopted by the Planning Commission and approved by the Board of Trustees of the Town of Keenesburg shall serve as the plan for the area proposed to be annexed, in accordance with Section 31-12-105(1)(e), C.R.S.
 - l. Any portion of a platted street or alley to be annexed will result in the entire width of the street or alley having been included within and made a part of the Town of Keenesburg and reasonable access will not be denied 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 of Keenesburg but is not bounded on both sides by the Town of Keenesburg.
- 3. Four copies of an annexation map of each of the area proposed to be annexed have been submitted to the Town Board and are on file with the Town.
 - 4. Upon the annexation ordinance becoming effective, all land within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the Town of Keenesburg, except that general property taxes of the Town of Keenesburg, if applicable, shall become effective as of the January 1 next ensuing.

5. No election for annexation of the area proposed to be annexed has been held in the preceding twelve months, and no election is required under Sections 31-12-107(2) or -112, C.R.S.
6. No additional terms and conditions are to be imposed other than those set forth in the annexation petition or otherwise agreed to by all owners, which are not to be considered additional terms and conditions within the meaning of Sections 31-12-107(1)(g), -110(2) or 112, C.R.S.
7. The landowners of one hundred percent (100%) of the area proposed to be annexed signed the petition requesting annexation, in compliance with Article II, Section 30 of the Colorado Constitution and Section 31-12-107(1), C.R.S.

Section 2. The Town Board concludes that all statutory requirements have been met, that the proposed annexation is proper under the laws of the State of Colorado and the area proposed to be annexed is eligible for annexation to the Town. The Town Board, acting in its legislative capacity and pursuant to authority granted to it by state law, may adopt one or more ordinances annexing the subject property to the Town of Keenesburg.

INTRODUCED, READ, and ADOPTED this 19th day of March, 2018.

Ken Gfeller, Mayor

ATTEST:

Toni Pearl, Town Clerk

EXHIBIT A - LEGAL DESCRIPTION

DESCRIPTION – ANNEXATION NO. 1

A PARCEL LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 23 AND THE NORTHWEST ONE-QUARTER OF SECTION 26, TOWNSHIP 02 NORTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 23 BEING A 3.25 INCH ALUMINUM CAP MARKED PLS 37971, THENCE NORTH 89°26'14" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23, A DISTANCE OF 660.28 FEET, MORE OR LESS TO THE SOUTHERNMOST SOUTHWEST CORNER OF LOT B, RECORDED EXEMPTION NO. 1305-23-3-RE1979 ACCORDING TO THE MAP OR PLAT THEREOF FILED FOR RECORD IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER AT RECEPTION NO. 2540139 AND THE **POINT OF BEGINNING**;

THENCE OVER AND ACROSS SAID LOT B THE FOLLOWING TWO (2) COURSES AND DISTANCES;

1. NORTH 11°42'03" EAST A DISTANCE OF 1050.15 FEET;
2. SOUTH 22°02'54" EAST A DISTANCE OF 946.60 FEET, MORE OR LESS, TO THE EAST LINE OF SAID LOT B;

THENCE SOUTH 01°36'33" WEST, ALONG SAID LINE, PASSING AT A DISTANCE OF 145.48 FEET THE SOUTHEAST CORNER OF SAID LOT B AND THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23, CONTINUING FOR A TOTAL DISTANCE OF 175.50 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY LINE OF WELD COUNTY ROAD NO. 18 AND THE NORTH LINE OF THE EXISTING TOWN OF KEENESBURG LIMITS ACCORDING TO THE MAP OR PLAT THEREOF FILED FOR RECORD IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER AT RECEPTION NO.1592212;

THENCE SOUTH 89°26'14" WEST, 30.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23 AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 460.83 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SAID ANNEXATION;

THENCE SOUTH 89°26'14" WEST, CONTINUING 30.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23, A DISTANCE OF 101.84 FEET;

THENCE NORTH 01°25'39" WEST A DISTANCE OF 30.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 7.669 ACRES (334050 SQUARE FEET) OF LAND, MORE OR LESS. THE PERIMETER OF THE ABOVE DESCRIBED PARCEL BEING 2764.92 FEET.