

RESOLUTION NO. 2020-23

A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF KEENESBURG, COLORADO, KNOWN AS THE **OLIVER ANNEXATION NO. 2** 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 4.12 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 20<sup>th</sup> day of April, 2020.

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Kenneth Gfeller, Mayor

ATTEST:

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Christina Fernandez, Town Clerk

## EXHIBIT A - LEGAL DESCRIPTION

### Oliver Annexation – No. 2 To The Town of Keenesburg:

Being portions of the Southeast Quarter of Section 19 and the Southwest Quarter of Section 20, both in Township 2 North, Range 64 West of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows;

Considering the East line of the Southeast Quarter of said Section 19, Township 2 North, Range 64 West as bearing North 00°00'00" West and with all bearings contained herein relative thereto;

**BEGINNING** at the Southeast Corner of said Section 19; thence along the West line of the Southeast Quarter of said Section 19 North 00°00'00" West 30.00 feet to a point on the North Right-of-Way of Weld County Road 18; thence along said North Right-of-Way North 89°19'14" West 87.01 feet to the Southwest corner of Lot A of Corrected Recorded Exemption No. 1305-19-4-RE-2907; thence departing said North Right-of-Way line and along said West line North 46°54'21" West 74.13 feet to the **TRUE POINT OF BEGINNING**; thence continuing along the Westerly line of said Corrected Recorded Exemption the following Four (4) courses and distances: North 46°54'21" West 295.25 feet; North 33°54'45" West 94.01 feet; North 24°14'00" West 167.81 feet; North 32°45'09" West 42.11 feet; thence departing said Westerly line and along the Northerly line of Lot A of said Corrected Recorded Exemption and along the Easterly prolongation of said North line North 88°14'51" East 531.10 feet to the East Right-of-Way of Weld County Road 51; thence along said East Right-of-Way line South 00°00'00" East 536.45 feet to the North Right-of-Way of Weld County Road 18; thence departing said East Right-of-Way and said north Right-of-Way North 07°52'22" West 219.02 feet to a point on the East line of the Southeast Quarter of said Section 19; thence departing said East line South 10°13'47" West 168.92 feet to a point on the West Right-of-Way line of Weld County Road 51; thence departing said West Right-of-Way line North 89°19'14" West 111.14 feet to a point on the West line of Lot A of said Corrected Recorded Exemption and the **TRUE POINT OF BEGINNING**.

The above described Oliver Annexation No. 2 contains 4.12 acres, more or less, and is subject to all existing easements and/or rights of way of record.