

TOWN OF GYPSUM, COLORADO

Ordinance No. 02 (Series 2019)

AN ORDINANCE ANNEXING CERTAIN LANDS KNOWN AS THE GREEN ANNEXATION, TO THE TOWN OF GYPSUM, COLORADO.

WHEREAS, a petition ("Petition") for the annexation of a tract of land known as the GREEN ANNEXATION, described on Exhibit A attached hereto and incorporated herein by this reference (the ""Property"), has been submitted to the Town of Gypsum; and

WHEREAS, the Town Council has adopted Resolution No. 06 (Series 2019) Initiating Annexation Proceedings for Certain Property to be known as the Green Annexation and Finding the Petition to be in Substantial Compliance with Section 31-12-107, C.R.S.; and

WHEREAS, the Petition has been signed by more than fifty percent (50%) of the owners of the Property who own more than fifty percent (50%) of the Property, exclusive of streets and alleys; and

WHEREAS, all applicable requirements of the Gypsum Municipal Code have been fulfilled; and

WHEREAS, the Town Council has held a public hearing, received evidence, and adopted Resolution No. 08 (Series 2019) Setting Forth Findings of Facts and Conclusions Regarding the Green Annexation;

WHEREAS, the Property is eligible for annexation in accordance with the Municipal Annexation Act of 1965;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, as follows:

Section 1 - INCORPORATION: The recitals set forth above are incorporated and ordained as if set forth in this section in full.

Section 2 - ANNEXATION: The Property is hereby annexed to the Town of Gypsum, Colorado.

Section 3 - ANNEXATION CONDITIONS: The annexation of the Property is subject to the terms and conditions of the Annexation Agreement approved by the Town Council on 19th day of April 2019 between the Town of Gypsum and the landowners petitioning for annexation and conditions listed below:

1. That as otherwise modified by representations of the applicant in this application, all material representations of the applicant in this application, correspondence and public meetings shall be adhered to and considered conditions of approval, unless otherwise amended by other conditions.

EXHIBIT A DESCRIPTION OF PROPERTY

A Parcel of land situated in Tract 89, Section 18, according to the Supplemental Plat of the Independent Resurvey of Township 5 South, Range 85 West, of the 6th Principal Meridian, as approved by the Survey General June 20, 1922, Eagle County State of Colorado, and being known as, Lot 1 IK Bar Ranches, according to the Amended Final Plat, recorded November 1, 1995, at Reception No. 575879, with all bearings contained hereon based on an assumed and previously platted bearing of S 5° 54' 14" W, between the Northeast Corner of said Lot 1, IK Bar Ranches, a found 2.5" Brass Cap, U.S.G.L.O. marking Angle Point No. 6, Tract 73, found against a fence post flush with ground and the Southwest Corner Lot 1, Chatfield Corners, Filing II, recorded on January 27, 2003 at Reception No. 821515, a found 1.5" Aluminum Cap on #5 Rebar, LS #22589, being a 1' Witness Corner easterly to the true corner and Accepted as a point on line 40.55 feet northerly from the said Southeast Corner of Lot 1, IK Bar Ranches, being more particularly described as follows;

Beginning at said Angle Point No. 6, Tract 73, also being the north line of said Tract 89, thence S 5°54'14"W 1383.37 feet to a point on the South line of said Tract 89, also being the north line of Tract 90, also being the approximate centerline of Cottonwood Pass Road, whence Angle Point No. 4, of said Tract 89 bears N 86°53'39" E a distance of 2715.75 feet to a 3.5" Aluminum Cap, down 1.5 feet, LS #26967, being a 20 foot witness corner easterly to the true Angle Point No. 4 of Tract 89, thence along said south line of Tract 89, north line of Tract 90 and the approximate centerline of Cottonwood Pass Road, S 86°53'59" W a distance of 1163.97 feet to the Southwest corner of Lot 1, IK Bar Ranch and also being the Southeast corner of Wilson 3. Wilson Ranch Parcels, as recorded on May 26, 2017 in Reception No. 201709969, being a found 2" Aluminum Cap, on #5 rebar, set in asphalt, LS #37902, whence Angle Point No. 3, of said Tract 89 bears S 86°53'39" W a distance of 1362.88 feet, a found 2.5" Brass Cap, U.S.G.L.O., on a 1" pipe, up 1.5'; thence the following thirteen (13) courses along an old fence line, along the east line of said Wilson 3 Parcel;

- 1) N 0°48'00" W a distance of 30.02 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 2) N 0°59'31" W a distance of 62.64 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 3) N 3°33'55" E a distance of 52.43 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 4) N 0°35'53" E a distance of 53.51 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 5) N 2°57'13" W a distance of 67.94 feet to a found 2" Brass Shiner set on old fence post, LS #26967
- 6) N 0°22'21" W a distance of 105.14 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 7) N 3°06'29" W a distance of 46.04 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 8) N 1°33'28" W a distance of 87.55 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 9) N 33°58'04" E a distance of 6.48 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 10) N 0°59'43" W a distance of 111.67 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 11) N 0°10'12" W a distance of 213.80 feet to a found 2" Brass Shiner set on old fence post, LS #26967
- 12) N 0°41'16" W a distance of 236.12 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 13) N 34°04'39" E a distance of 136.66 feet to a found 2" Aluminum Cap, on #5 Rebar, LS #37902, also being a point on the line of a Parcel of land known as the Serafin Parcel, recorded March 15, 1995 at Book 663 Page 285; thence continuing along an old fence line and along the said Serafin Parcel the following three courses;

- 1) S 83°56'56" E a distance of 365.65 feet to a found 1.25" Plastic Cap, on #5 Rebar, LS #5441
- 2) N 37°28'35" E a distance of 197.53 feet to a found 1.25" Plastic Cap, on #5 Rebar, LS #5441
- 3) N 17°24'07" E a distance of 120.85 feet to a point on the north line of said Tract 89 and the south line of Tract 73, whence Angle Point No. 2 Tract 89 bears S 88°19'59" W a distance of 1938.59 feet to a found 2.5" Brass Cap, U.S.G.L.O., on a 1" pipe up 1' and also being Angle Point No. 5 of Tract 73; thence along the south line of Tract 89 and the north line of Tract 73, N 88°19'59" E a distance of 716.52 feet to the Point of Beginning.

Said Parcel Containing 36.302 Acres+— and is also contiguous with the current Town of Gypsum's Boundary by 1383.37 feet. The Perimeter of said Parcel is 5157.87 feet making the contiguous line 26.8% of the Perimeter Parcel Boundary and meeting the 1/6 contiguity requirement for this Annexation.

2. If the actual out-of-pocket costs of the Town in reviewing the agreement is greater than the amount of the deposit paid by applicant, applicant shall pay the additional out-of-pocket costs incurred by the Town no later than within 30 days of receipt of an invoice.
3. A mylar of the approved annexation map is provided for recording no later than May 1, 2019.

Section 4 - FILINGS: Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall:

- a. File one copy of the annexation map with the original of the Annexation Ordinance in the office of the Clerk of the Town of Gypsum, Colorado.
- b. File a certified copy of the Annexation Ordinance and map of the area annexed containing a legal description of such area with the County Clerk and Recorder.

Section 5 - PUBLIC HEARING: A public hearing on this Ordinance was held on the 26th day of March 2019 and April 9, 2019 at 7:00 p.m. at the Town Council Chambers, Gypsum Town Hall, 0050 Lundgren Boulevard Gypsum, Colorado.

Section 6 - EFFECTIVE DATE: This Ordinance shall become effective as a permanent ordinance five days after publication following final passage.

Section 7 - SEVERABILITY: If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM, ON THE 12TH DAY OF FEBRUARY 2019. BY A VOTE OF 7 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM, COLORADO

By: Stephen M. Carver
Stephen M. Carver, Mayor Pro Tem
Tom Edwards


ATTEST:

Danette Schlegel
Danette Schlegel, Town Clerk



INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, AND PASSED AT ITS MEETING HELD ON THE 9TH DAY OF APRIL 9 2019, BY A VOTE OF 4 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM, COLORADO

By: 
Stephen M. Carver, Mayor

ATTEST:


Danette Schlegel, Town Clerk

