

TOWN COUNCIL, TOWN GYPSUM, COLORADO

RESOLUTION NO. 06 (SERIES 2019)

A RESOLUTION 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.

WHEREAS, a Petition has been filed with the Town Clerk of the Town of Gypsum ("Town") requesting annexation of certain property to be known as the Green Annexation (the "Property"); and

WHEREAS, the Petition contains the following:

- A. An allegation that it is desirable and necessary that the Property be annexed to the Town;
- B. An allegation that the Property meets the requirements of Sections 31-12-104 and 31-12-105, C.R.S., in that:
 1. Not less than one-sixth (1/6th) of the perimeter of the Property is contiguous with the Town, which contiguity may be established by the annexation of one or more parcels in a series.
 2. 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 with or is capable of being integrated with the Town.
 3. Without the consent of the landowners, no land included within the Property 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:
 - a. is divided into separate parts or parcels, unless such tracts or parcels are separated by a dedicated street, road, or other public way; or
 - b. comprises 20 acres or more and, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the proposed annexation.
 4. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the Property.

5. The annexation of the Property will not result in the detachment of area from any school district and the attachment of same to another school district.
 6. The annexation of the Property will not have the effect of extending the boundary of the Town more than three miles in any direction from any point of the Town's boundary in any one year.
 7. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the Property.
 8. Reasonable access shall not be denied to landowners, owners of an easement, or the owners of a franchise, adjoining any platted street or alley annexed by the Town but not bounded on both sides by the Town.
- C. An allegation that the signers of the petition comprise the landowners of more than fifty percent (50%) of the Property, exclusive of streets and alleys;
 - D. A request that the Town approve annexation of the Property;
 - E. Signatures of more than fifty percent (50%) of the owners of the Property who own more than fifty percent (50%) of the Property;
 - F. The mailing address of each Petition signer;
 - G. The legal description of the land owned by each Petition signer;
 - H. The date of signing of each signature, which date is not more than one hundred eighty (180) days prior to the filing of the Petition;
 - I. An affidavit of each circulator of the Petition, that each signature is the signature of the person whose name it purports to be;
 - J. Four copies of an annexation map containing a legal description of the boundaries of the Property, a map showing the Property, a showing of the location of each ownership tract of unplatted land and the plat numbers of plots or lots and blocks of platted land within the Property, and the boundary of the Town and any other municipality contiguous to the Property.

WHEREAS, Gypsum Town Council has determined that it is in the best interests of the citizens of the Town to annex said area to the Town; and

WHEREAS, the Gypsum Town Council desires to initiate annexation proceedings in accordance with law.

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

Section 1. The recitals contained above are incorporated as if resolved and set forth in full.

Section 2. The Petition is in substantial compliance with the requirements of Section 31-12-107(l), C.R.S.

Section 3. The Town Council hereby initiates annexation of the Property, situate in the County of Eagle, State of Colorado, described on Exhibit A attached hereto, and incorporated herein by this reference.

Section 4. The Notice attached hereto and incorporated herein as Exhibit B is adopted as a part of this Resolution. The Notice establishes the date, time and place when a hearing will be held regarding the final passage of an annexation ordinance pertaining to the Property. The Town Clerk is directed to publish a copy of this Resolution and the Notice once a week for four successive weeks in a newspaper of general circulation within the Property, with the first publication at least thirty days prior to the hearing, and mail such notice as provided in Section 31-12-108(2), C.R.S.

Passed and adopted at a regular meeting of the Town Council of the Town of Gypsum held this 12th day of February 2019, by a vote of 7 in favor, and 0 against.

TOWN OF GYPSUM, COLORADO

By: _____

Stephen M. Carver, Mayor

ATTEST:

Danette Schlegel

Town Clerk

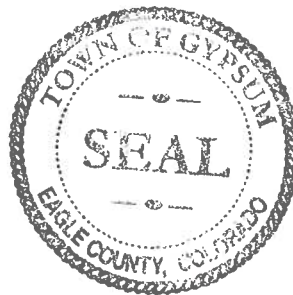


EXHIBIT A DESCRIPTION OF THE PROPERTY

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, 1996, at Reception No. 575879, with all bearings contained herein based on an assumed and previously plotted 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, Chaffield Corners, Filing II, recorded on January 27, 2008 at Reception No. 821816, a found 1.5" Aluminum Cap on #5 Rebar, LS #22586, being a 1" Witness Corner easterly to the true corner and Accepted as a point on line 40.00 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 3.0" Aluminum Cap, down 1.5 feet, LS #26967, being a 20 feet 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' 39" W a distance of 1167.87 feet to the Southwest corner of Lot 1, IK Bar Ranches and also being the Southeast corner of Wilson 3, Wilson Ranch Parcel, as recorded on May 26, 2017 in Reception No. 201709966, 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 1267.66 feet, a found 2.5" Brass Cap, U.S.G.L.O., or 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°48'53" W a distance of 39.02 feet to a found 1.5" Aluminum Cap, or #5 Rebar, LS #26967
- 2) N 3°59'31" W a distance of 82.64 feet to a found 1.5" Aluminum Cap, or #5 Rebar, LS #26967
- 3) N 3°33'55" E a distance of 52.43 feet to a found 1.5" Aluminum Cap, or #5 Rebar, LS #26967
- 4) N 0°30'33" E a distance of 53.51 feet to a found 1.5" Aluminum Cap, or #5 Rebar, LS #26967
- 5) N 2°57'15" W a distance of 87.94 feet to a found 2" Brass Shiner set or old fence post, LS #26967
- 6) N 0°22'21" W a distance of 105.14 feet to a found 1.5" Aluminum Cap, or #5 Rebar, LS #26967
- 7) N 3°06'29" W a distance of 46.64 feet to a found 1.5" Aluminum Cap, or #5 Rebar, LS #26967
- 8) N 1°33'28" W a distance of 87.55 feet to a found 1.5" Aluminum Cap, or #5 Rebar, LS #26967
- 9) N 3°38'04" E a distance of 6.42 feet to a found 1.5" Aluminum Cap, or #5 Rebar, LS #26967
- 10) N 0°58'43" W a distance of 111.67 feet to a found 1.5" Aluminum Cap, or #5 Rebar, LS #26967
- 11) N 3°19'17" W a distance of 213.89 feet to a found 2" Brass Shiner set or old fence post, LS #26967
- 12) N 0°41'16" W a distance of 246.12 feet to a found 1.5" Aluminum Cap, or #5 Rebar, LS #26967
- 13) N 34°34'39" E a distance of 136.66 feet to a found 2" Aluminum Cap, or #5 Rebar, LS #37902, also being a point on the line of a Parcel of land known as the Scarlin Parcel, recorded March 16, 1993 at Book 663 Page 186; thence continuing along an old fence line and along the said Scarlin Parcel the following three courses:

- 1) S 83°36'36" E a distance of 365.65 feet to a found 1.25" Plastic Cap, or #5 Rebar, LS #5441
 - 2) N 37°38'35" E a distance of 187.53 feet to a found 1.25" Plastic Cap, or #5 Rebar, LS #5441
 - 3) N 1°24'07" E a distance of 120.25 feet to a point on the north line of said Tract 88 and the south line of Tract 73, whence Angle Point No. 2 Tract 88 bears S 88°18'59" W a distance of 1935.59 feet to a found 2" Brass Cap, U.S.G.L.C., on a 1" pipe up 1" and also being Angle Point No. 5 of Tract 73; thence along the south line of Tract 88 and the north line of Tract 73, N 88°9'59" 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 of 57.87 feet making the contiguous line 16.8% of the Perimeter Parcel Boundary and meeting the 1/5 contiguity requirement for this Approxation.

EXHIBIT B NOTICE OF HEARING

TO ALL PERSONS INTERESTED:

PLEASE TAKE NOTICE that the Town Council of the Town of Gypsum, Colorado has adopted a Resolution Initiating Annexation Proceedings for Certain Property known as the Green Annexation, said Annexation being more particularly described in said Resolution, a copy of which precedes this Notice.

That, on the 26th day of March 2019 at the hour of 7:00 p.m., or as soon thereafter as the matter may come on for hearing in the Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado, the Town Council will hold a hearing for the purpose of finding and determining whether the property proposed to be annexed meets the applicable requirements of Colorado law and is considered eligible for annexation.

Dated this 12th day of March 2019.

Danette Schlegel
Town Clerk

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February 28, 2019

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March 14, 2019

March 21, 2019