

Town Council, Town of Gypsum, State of Colorado

RESOLUTION NO. 08 (SERIES 2019)

**A RESOLUTION SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS
REGARDING THE GREEN ANNEXATION**

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

The Town Council hereby sets forth its findings of fact and conclusions based thereon with respect to the proposed annexation of the Green Annexation based on the evidence contained in the official file, the official records of the Town of Gypsum, Colorado and the evidence produced at the public hearing held on the 26th day of March 22, 2019.

FINDINGS OF FACT

1. The Town Council adopted a resolution on the 12th day of February 2019, finding the Petitions for Annexation of the land described on Exhibit A, attached hereto and incorporated herein (the "Property"), and also known as the Green Annexation, to be in substantial compliance with Section 31-12-107(l), C.R.S.
2. The Town Council has completed a hearing on March 26, 2019 and April 9, 2019 pursuant to Section 31-12-109, C.R.S. to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S., at which any interested person was allowed to appear and present evidence regarding the proposed annexation.
3. Proper notice of this hearing was published 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 mailed as provided in Section 31-12-108(2), C.R.S.
4. The requirements of the applicable parts of Sections 31-12-104 and 31-12-105, C.R.S., have been met including the following:
 - (a) Not less than one-sixth (1/6th) of the perimeter of the Property is contiguous with the Town as can be seen from the annexation map and as substantiated by the testimony.
 - (b) A community of interest exists between the Property and the Town, due to the proximity of the Property to the Town, the desires of the owners to annex and existing Town services in the area.
 - (c) The Property is urban or will be urbanized in the near future and is already substantially integrated with, and is capable of being fully integrated with the Town. A majority of the adult residents make use of the recreational, civic, social, religious, industrial and commercial facilities of the Town.
 - (d) It is practical to extend Town services to the area on the same terms and conditions on which services are available to Town citizens generally.
 - (e) No land held in identical ownership has been divided into separate parts without the written consent of the owner. No land comprising 20 acres or more with a valuation of over \$200,000 has been included without written consent. No

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.

annexation proceedings concerning this area have been commenced by any other municipality.

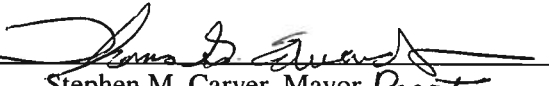
- (f) This annexation will not result in any detachment of area from the Eagle County RE50J School District. No part of the Property extends any more than three miles from the existing Town boundaries. The Town has in place a plan for the Property as required by Section 31-12-105, C.R.S.
 - (g) The entire width of any streets to be annexed are included within the annexation.
 - (h) Access shall be allowed to annexed portions of the streets to the owners of unincorporated property adjoining annexed streets on a reasonable basis.
5. No petition for annexation election has been submitted and an election is not required pursuant to Section 31-12-107(2), C. R. S.
 6. The Town Council has determined that additional terms and conditions will not be imposed, except as provided in the Annexation Agreement submitted by the Petitioners and agreed to by the Town.
 7. The Petitions were signed by the owners 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.
 8. A request to the Board of County Commissioners to waive the requirement for an annexation impact report was granted so no report has been filed.

CONCLUSIONS

1. The Property is eligible for annexation pursuant to applicable parts of Section 31-12-104, C.R.S. None of the limitations of Section 31-12-105, C.R.S., apply to restrict annexation.
2. No additional terms or conditions are to be imposed except as provided in the Annexation Agreement dated 9th day of April 2019, submitted by the Petitioners and agreed to by the Town and those listed below:
 - i) 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.
 - ii) 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. An election is not required under Section 31-12-107(2), C.R.S.; said area may be annexed by Ordinance pursuant to Section 31-12-111, C.R.S.

ADOPTED this 9th day of April 2019, by the Town Council of the Town of Gypsum.

TOWN OF GYPSUM, COLORADO

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

ATTEST:



Danette Schlegel, CMC
Town Clerk

