

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 754**

AN ORDINANCE ANNEXING ALL OF LOT NINE BLOCK TWO, AND A PORTION OF LOT FIVE BLOCK FOUR, SEKICH BUSINESS PARK, A PORTION OF THE SOUTHWEST QUARTER OF SECTION TWENTY-THREE, TOWNSHIP THREE NORTH, RANGE SIXTY-EIGHT WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, UPON THE PETITION OF THE OWNER THEREOF, TO BE KNOWN AS THE CONCORD RIG/ZAK DIRT ANNEXATION TO THE TOWN OF MEAD, COLORADO, AND APPROVING THE REQUESTED LAND USE THEREOF.

WHEREAS, petitions for Annexation have been filed by Concord Rig Services, LLC, 790 Shaffer Pkwy., Littleton, CO 80127, a Delaware limited liability company, and the Kerry K. Sewczak Revocable Trust, 14290 Hilltop Rd., Longmont, CO 80504, DBA as Zak Dirt, for annexation to the Town of the following described real property, to wit:

ALL OF LOT NINE BLOCK TWO, AND A PORTION OF LOT FIVE BLOCK FOUR, SEKICH BUSINESS PARK, A PORTION OF THE SOUTHWEST QUARTER OF SECTION TWENTY-THREE, TOWNSHIP THREE NORTH, RANGE SIXTY-EIGHT WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, SAID PARCELS COMBINED being more particularly described in Appendix A.

WHEREAS, the above described property consists of two individual properties under separate ownership that are to be combined for the purpose of the annexation; and

WHEREAS, a public hearing was held on said Petitions pursuant to statute on November 24, 2014; and

WHEREAS, the Board of Trustees by Resolution No. 41-R-2014, determined that the applicable parts of C.R.S. 31-12-104 and C.R.S. 31-12-105 have been met; and

WHEREAS, it has been determined by the Board of Trustees that it is desirable and necessary that the described real property be annexed to the Town of Mead, Colorado; and

WHEREAS, land uses for the property were requested in the petitions for annexation as allowed by C.R.S. 31-12-115, said land use to be accomplished by separate ordinances to become effective following final adoption of this annexation ordinance; and

WHEREAS, the annexation of said property shall be subject to the separate Pre-Annexation Agreements executed by the Petitioners and the Board of Trustees;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Annexation of Property. The above described property is hereby annexed and included within the town limits of the Town of Mead.

Section 2. Three-mile Annexation Plan. The "*TOWN OF MEAD COMPREHENSIVE*

PLAN, March 2009” published by the Town of Mead Planning Commission in March 2009, along with accompanying maps, plats, charts and descriptive material, has been adopted as the master plan for the three-mile area surrounding the Town of Mead as required by C.R.S. 31-12-105 (1) (e). The “Three Mile Annexation Plan” as adopted by Ordinance 654, on August 10, 2009, is hereby amended to the extent necessary to incorporate the above described property and to update said Plan thereby.

Section 3. Pre-Annexation Agreements. Pre-Annexation Agreements have been executed and incorporated herein by this reference.

- a. The Pre-Annexation Agreement between Concord Rig Services and the Town, dated July 23, 2013, has been signed and shall be incorporated herein by this reference, reserving to the parties the rights, privileges and obligations as mutually agreed therein.
- b. The Pre-Annexation Agreement between the Kerry K. Sewczak Revocable Trust and the Town, dated February 27 2014, has been signed and shall be incorporated herein by this reference, reserving to the parties the rights, privileges and obligations as mutually agreed therein.

Section 4. Land Use of the Property. The land use of the property shall be designated “LI - Light Industrial” in accordance with the *Mead Municipal Code*, as requested in the petitions for annexation. Said land use shall be accomplished by separate ordinances, the effective date of which shall be not sooner than the effective date of this annexation ordinance.

Section 5. Ministerial Action. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required for annexation of said property to the Town including, filing the required certified copies of the annexation ordinance, a map of the area to be annexed containing a legal description of such area, and the Annexation Agreement with the Weld County Clerk and Recorder.

Section 6. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 7. Validity. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 8. Necessity. In the opinion of the Board of Trustees of the Town of Mead, this ordinance is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Mead.

Section 9. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 24th DAY OF November ,
2014.**

ATTEST:

TOWN OF MEAD

By *Linda Blackston*
Linda Blackston, CMC, Town Clerk

By *Gary R. Shields*
Gary R. Shields, Mayor



EXHIBIT A

Legal Description:

ALL OF LOT 9 BLOCK TWO, AND A PORTION OF LOT 5 BLOCK FOUR, SEKICH BUSINESS PARK, A PORTION OF THE SOUTHWEST QUARTER OF SECTION TWENTY-THREE, TOWNSHIP THREE NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, SAID PARCELS COMBINED BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT FOUR, BLOCK FOUR SEKICH BUSINESS PARK, REPLAT "A" SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT FIVE, BLOCK FOUR, SEKICH BUSINESS PARK, FROM WHENCE THE NORTHWEST CORNER OF LOT ONE, BLOCK FOUR, SEKICH BUSINESS PARK, REPLAT "A" BEARS S89°41'41" W, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE ALONG THE NORTH LINE OF LOTS ONE THRU FOUR, BLOCK FOUR, SEKICH BUSINESS PARK, REPLAT "A", S89°41'41"W A DISTANCE OF 585.97 FEET TO THE SOUTHEAST CORNER OF LOT SIX BLOCK TWO, SEKICH BUSINESS PARK; THENCE ALONG THE EAST LINE OF LOTS SIX AND FIVE, BLOCK TWO, N00°14'44"W A DISTANCE OF 651.63 FEET TO THE NORTHEAST CORNER OF SAID LOT FIVE, BLOCK TWO, SAID POINT BEING A POINT ON THE SOUTH LINE OF HILLTOP ROAD; THENCE ALONG THE SOUTH LINE OF HILLTOP ROAD, N89°42'07"E A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF LOT NINE, BLOCK TWO, SEKICH BUSINESS PARK: THENCE ALONG THE WEST LINE OF SAID LOT NINE, N 00°14' 44" W A DISTANCE OF 172.59 FEET TO THE SOUTHWEST CORNER OF LOT ELEVEN, BLOCK TWO, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT NINE, BLOCK TWO; THENCE ALONG THE NORTH LINE OF LOT NINE, N89°42'07"E A DISTANCE OF 528.37 FEET TO THE SOUTHEAST CORNER OF LOT TEN, BLOCK TWO, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT NINE, BLOCK TWO; THENCE S00°46 '27"E A DISTANCE OF 824.17 FEET TO THE POINT OF BEGINNING.