

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 765**

**AN ORDINANCE APPROVING THE REQUESTED WAIVER OF THE
REQUIREMENT THAT THE ANNEXATION OF THAT PORTION OF STATE
HIGHWAY 66 FROM THE GRAND VIEW ESTATES SUBDIVISION,
EASTWARD TO THE ST. VRAIN BRIDGE AS A ROAD RIGHT-OF-WAY
ONLY POLE IS REQUIRED TO HAVE A BOUNDARY SURVEY.**

WHEREAS, a request to allow the annexation of the State Highway 66 right-of-way from the Grand View Estates Subdivision, eastward to the St. Vrain Creek bridge as a “pole only annexation” without the requirement of a complete boundary survey of the right-of-way has been submitted by Dan Dean, Town Manager of the Town of Mead, on behalf of the Town of Mead; and

WHEREAS, Section 16-8-60 b. (4), of the *Mead Municipal Code*, requires an annexation map prepared under the direction of a registered land surveyor or engineer and complying with the annexation map technical standards provided by Section 16-8-80, of the *Mead Municipal Code*; and

WHEREAS, the annexation map technical standards requires a boundary survey describing all monuments found and set which mark the boundaries of the property and all control monuments use in conducting the survey; and

WHEREAS, a title commitment for the road right-of-way to be annexed will be provided and will include a written legal description of the boundary of the area proposed to be annexed, sufficient to describe the proposed annexation; and

WHEREAS, in accordance with Section 16-3-150 of the *Mead Municipal Code*, the requested waiver application was considered at a regularly scheduled public meeting of the Board of Trustees on Monday, March 9, 2015; and

WHEREAS, Section 16-3-150 of the *Mead Municipal Code* provides that waiver request the only be made in conjunction with other applications; and

WHEREAS, Section 16-3-150 of the *Mead Municipal Code* provides certain criteria for approval of a waiver that is to be included in any ordinance of the Board of Trustees justifying such approval; and

WHEREAS, the Board of Trustees is of the opinion that the legal description of the boundary of the area to be annexed may be obtained from the title commitment and as such is sufficient for describing the boundary of the area to be annexed; and

WHEREAS, the Board of Trustees has considered the following justifications for allowing the requested waiver:

- a. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property. The waiver will allow the annexation of the State Highway 66 right-of-way without the necessity of a complete boundary survey.

- b. The waiver is the minimum variance that will afford relief and is the least modification possible of the zoning provisions that are in question.
- c. The practical difficulties or unnecessary hardship has not been created by the applicant; and

WHEREAS, it is the opinion of the Board of Trustees that it is desirable and necessary that the waiver for the proposed annexation be granted in accordance with the application;

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

Section 1. Approval of Waiver. The waiver of the requirement that boundary surveys must be provided for the annexation of the State Highway 66 right-of-way from the Grand View Estates Subdivision, eastward to the St. Vrain Creek bridge as a “pole only annexation,” is hereby approved.

Section 2. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 3. 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 4. 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 5. 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, ADOPTED AND ORDERED PUBLISHED THIS 9th DAY OF March, 2015.

ATTEST:

TOWN OF MEAD

By Linda Blackston
Linda Blackston, CMC, Town Clerk

By Gary R. Shields
Gary R. Shields, Mayor

