

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 14-R-2005**

**A RESOLUTION REGARDING THE MARGIL FARM SUPPLEMENTAL
ANNEXATION PUBLIC HEARING, ADOPTING CERTAIN FINDINGS OF
FACT AND CONCLUSIONS FAVORABLE TO THE ANNEXATION.**

WHEREAS, the Board of Trustees of the Town of Mead, Colorado, held a public hearing on Monday, July 11, 2005, pursuant to the published notice, on the petition of MFDP, LLC, P.O. Box 38, Berthoud, CO 80513, for the annexation of the following real property, to wit:

A tract of land located in the Northeast ¼ of Section 3, T3N, R68W of the 6th P.M., Weld County, State of Colorado, as more precisely described in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, COLORADO, as follows:

Section 1. Findings of Fact. The applicant's petition is in substantial compliance with subsection (1) of C.R.S. § 31-12-107. It contains the required allegations, the dated signatures of more than 50 % of the landowners of the property requested to be annexed exclusive of streets and alleys, the required affidavit of circulation, the required legal description of the area to be annexed, and the required annexation boundary map. As a petition of the owners of more than 50 % of the property to be annexed and a petition pursuant to C.R.S. § 31-12-107 (2) was not filed at least 10 days prior to the hearing date set for the annexation petition filed pursuant to subsection (1) of C.R.S. § 31-12-107, it is eligible for annexation by ordinance as provided by C.R.S. § 31-12-107 (1) (g). This finding was made and duly adopted by the Mead Board of Trustees in Resolution No. 8 - R- 2005, adopted on May 23, 2005.

- a. With respect to compliance with C.R.S. § 31-12-104, the Board of Trustees makes the following findings of fact:
 - i. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.
 - ii. A community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the required 1/6 th contiguity with the annexing municipality shall be a basis for a finding of compliance with these requirements.
 - iii. Because the petition was signed by 100% of the owners of the property to be annexed, the standard contained in C.R.S. § 31-12-104 (1) (b) (I) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).
 - iv. Because the petition was signed by 100% of the owners of the property to be

annexed, the standard contained in C.R.S. § 31-12-104 (1) (b) (II) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).

- v. Because it is physically practical to extend municipal utilities to the area proposed to be annexed which the Town provides in common to all of its citizens on the same terms and conditions as such services are made available to such citizens and the Town has the ability to provide all other municipal services to the area to be annexed on the same terms and conditions as such services are made available to all of its citizens, the standard contained in C.R.S. § 31-12-104 (1) (b) (III) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).

b. With respect to compliance with C.R.S. § 31-12-105, the Board of Trustees makes the following findings of fact:

- i. No land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowners thereof.
- ii. No land 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, comprising twenty acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation) is included in the proposed annexation without the written consent of the landowners.
- iii. No land is proposed to be annexed for which annexation proceedings have been commenced for the annexation of part or all of such territory to another municipality.
- iv. The proposed annexation will not result in the detachment of the area from any school district and the attachment of the same to another school district.
- v. The proposed annexation will not have the effect of extending a municipality boundary more than three miles in any direction from any point of such municipal boundary in any one year.
- vi. The proposed annexation is in conformance with the “Three Mile Annexation Plan” duly adopted by the Town of Mead on September 27, 2004.
- vii. The proposed annexation will not result in the annexation of a portion of a platted street without the annexation of the entire width of the street.
- viii. The municipality will not deny reasonable access to landowners, owner of an easement, or the owner of a franchise adjoining a platted street or alley which has been annexed by the municipality but is not bounded on both sides by the municipality.

- c. With respect to compliance with C.R.S. § 31-12-107 (2), the Board of Trustees makes the following findings of fact:
 - i. A petition pursuant to C.R.S. § 31-12-107 (2) was not filed at least 10 days prior to the hearing date set for the annexation petition filed pursuant to subsection (1) of C.R.S. § 31-12-107, therefore the area is eligible for annexation by ordinance as provided by C.R.S. § 31-12-107 (1) (g).

Section 2. Conclusions and Order Annexing A Tract of Land Located in the Northeast ¼ of Section 3, T3N, R68W of the 6th P.M., Weld County, State of Colorado, As More Precisely Described in Exhibit A.

- a. The proposed Margil Farms Supplemental Annexation to the Town of Mead, Weld County, Colorado complies with the applicable sections of the Municipal Annexation Act of 1965.
- b. The most appropriate zoning (land use) for the property shall be commercial uses.
- c. The developer shall send a mailing at its expense to the Town's registered voters informing them about the election on the supplemental annexation.
- d. The property shall be subject to an executed and recorded Margil Farms Annexation Agreement dated September 2, 1997, a First Amendment to Margil Farms Annexation Agreement dated August 11, 1999, and a Second Amendment to Margil Farms Annexation Agreement dated October 30, 2002.
- e. If a majority of all the votes cast at the election to be held pursuant to Section 16-15-90 of the *Mead Municipal Code* shall be for annexation, the measure shall be deemed passed, and the Town of Mead shall be authorized to take all action necessary or appropriate to effectuate the annexation of the subject property.

INTRODUCED, READ, PASSED AND ADOPTED THIS 29th DAY OF August, 2005.

ATTEST:

TOWN OF MEAD

By Marcia David
 Marcia David, Acting Town Clerk

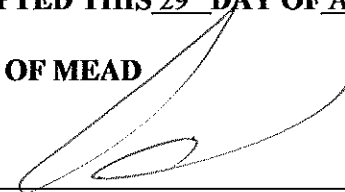
By 
 Richard E. Kraemer, Mayor

EXHIBIT A

MARGIL FARMS SUPPLEMENTAL ANNEXATION

LEGAL DESCRIPTION:

A TRACT OF LAND (LABELED PARCEL 1) LOCATED IN THE NORTHEAST ¼ OF SECTION 3, T3N, R68W OF THE SIXTH PRINCIPAL MERIDIAN, WELD COUNTY, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION 3; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST ¼ CORNER OF SAID SECTION 3 S88°59'41" W, A DISTANCE OF 250.01 FEET TO A POINT ON THE WEST R.O.W. LINE OF I-25; THENCE N00 33'03"W, A DISTANCE OF 1353.34 FEET ALONG SAID WEST R.O.W. LINE TO THE POINT OF BEGINNING; THENCE N00 33'03"W, A DISTANCE OF 1242.38 FEET ALONG SAID WEST R.O.W. LINE TO A POINT ON THE SOUTH R.O.W. LINE OF WCR 38; THENCE N80 58'16"W, A DISTANCE OF 496.81 FEET ALONG SAID SOUTH R.O.W. LINE; THENCE S89°13'44"W, A DISTANCE OF 302.28 FEET ALONG SAID SOUTH R.O.W. LINE; THENCE LEAVING SAID SOUTH R.O.W. LINE S00 33'03"E, A DISTANCE OF 1157.21 FEET; THENCE S78°40'05"E, A DISTANCE OF 809.51 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 22.11 ACRES MORE OR LESS.