

**RESOLUTION NO. 17-R-2003**

**A RESOLUTION REGARDING THE ST. VRAIN VALLEY SCHOOL DISTRICT HIGH SCHOOL NO. 5 ANNEXATION 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, September 8, 2003, pursuant to the published notice, on the petition of St. Vrain Valley school District, 395 South Pratt Parkway, Longmont, Colorado 80501-6499, for the annexation of the following real property; to wit:

TRACTS OF LAND LOCATED IN SECTIONS 21, 22, 27 28, 33 and 34 TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED IN EXHIBITS A, B AND C ATTACHED HERETO.

**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. 14-R-2003.

- 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<sup>th</sup> 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 municipal utilities are not requested 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 Planning Commission of the Town of Mead on March 19, 1997.
  - 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 Tracts of Land Located in Sections 21, 22, 27 28, 33 and 34 Township 3 North, Range 68 West of the Sixth Principal Meridian, County of Weld, State of Colorado, Being More Particularly Described in Exhibits A, B and C.**

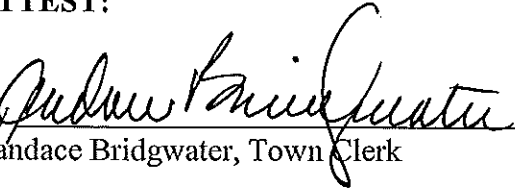
- a. The proposed St. Vrain Valley School District High School No. 5 Annexation to the Town of Mead, Weld County, Colorado complies with the applicable sections of the Municipal Annexation Act of 1965.
- b. The most appropriate zoning (land use) for the property shall be for public use for educational purposes.
- c. A detailed Annexation Agreement incorporating the conclusions and order of the Board of Trustees shall be prepared and signed before the annexation process is completed. The Annexation Agreement shall contain the following items:
  - i. The St. Vrain Valley School District will work with the Town on a revision to the Mead Area Comprehensive Plan to reflect this particular land use.
  - ii. An eight foot concrete sidewalk/bike trail will be included in the design in front of the school along WCR 7.
  - iii. The WCR 7 Right-of-Way will be changed to at least 100 feet plus an adjacent 25 feet public access easement for drainage and utilities.
  - iv. A traffic study be shall be submitted prior to plat approval, to be used as a basis to determine if and where any land dedication for rights-of-way and improvements to the area roadway system different from those enumerated in this section of the resolution should be provided, including, but not limited to, any left turn lanes or right turn deceleration lanes and traffic lights.
  - v. St. Vrain Valley School District shall pave WCR 7 from Highway 66 to the future high school site and in front of the site.

- vi. Future athletic field and parking lot lighting shall be reviewed with the Town to minimize light pollution.
  - vii. A 40-foot right-of-way shall be dedicated to the Town on the entire southern border of the property, and the district shall build an interim collector street cross-section in that dedication to the intersection of the southern access drive into the property as a temporary terminus of the collector street.
  - viii. The district shall be required to plat the property as a “one-lot subdivision” prior to the beginning of construction, to include any necessary right-of-way dedications and utility, drainage, and public access easements. The district will work with the Town for approval of engineering and construction drawings for all public improvements, including but not limited to, storm water management and detention/retention facilities and street lights, to Town standards.
  - ix. The separation of different vehicular uses of the northernmost and central access points on WCR 7 into the site shall be posted with appropriate signage, such as “Buses & Service Entry Only - Public and Visitor Entry Ahead” for the northern drive’s approach, and “Public & Visitor Parking Only - Buses & Service Entry Ahead” for the central drive’s approach.
- d. 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.

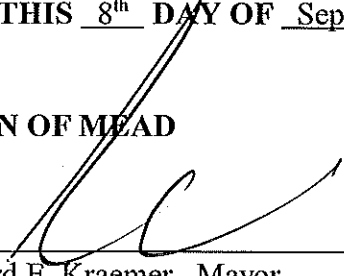
**Section 3.** The Board of Trustees finds that the tracts of land herein described are owned by or under the immediate control of applicant, a public entity, and that the proposed annexation would serve a significant public use and benefit the immediate health, safety and welfare of the citizens of the Town of Mead. The Board of Trustee waives the payment by the applicant of all costs of the election attributable to this annexation or the posting of any bond or other security in advance of the annexation election to reimburse the Town for the cost of processing and considering such annexation, as well as the cost to the Town of extending streets, utilities and other necessary infrastructure to the property proposed to be annexed. In the event of voter approval of the annexation, the Town shall however fully retain authority to require the applicant to enter into an agreement in furtherance of annexation, among other things addressing the matters identified at Section 2(c) hereof, and/ or establishing the terms of the payment or the reimbursement of any additional costs attributable to development thereafter.

INTRODUCED, READ, PASSED AND ADOPTED THIS 8<sup>th</sup> DAY OF September,  
2003.

ATTEST:

By   
Candace Bridgwater, Town Clerk

TOWN OF MEAD

By   
Richard E. Kraemer, Mayor

**EXHIBIT A**  
**HIGH SCHOOL NO. 5, ANNEXATION NO. 1**

**Legal Description:**

A TRACT OF LAND LOCATED IN SECTIONS 21, 22, 27 AND 28, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 28, BEING MONUMENTED AT THE NORTH END BY A 2" ALUMINUM CAP (LS 23500) ON A #6 REBAR AND AT THE SOUTH END BY A 2" ALUMINUM CAP (LS 18475) ON A #6 REBAR, IS CONSIDERED TO BEAR S00°22'47"E, WITH A DISTANCE OF 2651.97 FEET BETWEEN DESCRIBED MONUMENTS, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 28; THENCE S89°30'03"E, ON THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 27, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF WEINGART ANNEXATION NO. 3, RECORDED AT RECEPTION NUMBER 02307090, RECORDS OF WELD COUNTY, COLORADO, AND THE POINT OF BEGINNING;  
THENCE N00°26'00"W, ON THE EASTERLY RIGHT-OF-WAY OF WELD COUNTY ROAD NO. 7, A DISTANCE OF 764.07 FEET TO THE NORTHWEST CORNER OF SAID WEINGART ANNEXATION;  
THENCE S89°18'12"W, A DISTANCE OF 60.00 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF WELD COUNTY ROAD NO. 7;  
THENCE S00°26'00"E ON SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 763.60 FEET;  
THENCE S00°22'47"E, A DISTANCE OF 1491.54 FEET;  
THENCE N01°55'27"E, A DISTANCE OF 1492.62 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

CONTAINING A CALCULATED AREA OF 2.09 ACRES.

**EXHIBIT B**  
**HIGH SCHOOL NO. 5, ANNEXATION NO. 2**

**Legal Description:**

A TRACT OF LAND LOCATED IN SECTIONS 27 AND 28, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 28, BEING MONUMENTED AT THE NORTH END BY A 2" ALUMINUM CAP (LS 23500) ON A #6 REBAR AND AT THE SOUTH END BY A 2" ALUMINUM CAP (LS 18475) ON A #6 REBAR, IS CONSIDERED TO BEAR S00°22'47"E, WITH A DISTANCE OF 2651.97 FEET BETWEEN DESCRIBED MONUMENTS, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 28; THENCE S89°30'03"E, ON THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 27, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF WEINGART ANNEXATION NO. 3, RECORDED AT RECEPTION NUMBER 02307090, RECORDS OF WELD COUNTY, COLORADO, AND THE POINT OF BEGINNING;  
THENCE S01°55'27"W, A DISTANCE OF 1492.61 FEET TO THE WESTERLY RIGHT-OF-WAY OF WELD COUNTY ROAD NO. 7;  
THENCE S00°22'47"E ON SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 1,171.66 FEET;  
THENCE S01°14'26"E, A DISTANCE OF 1,814.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 27 FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 27 BEARS S00°17'35"E 840.26 FEET DISTANT;  
THENCE N00°39'16"E, A DISTANCE OF 1,814.04 FEET TO THE EASTERLY RIGHT-OF-WAY OF WELD COUNTY ROAD NO. 7;  
THENCE N00°22'47"W, ON SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 2,663.11 FEET, TO THE POINT OF BEGINNING;

TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

CONTAINING A CALCULATED AREA OF 3.890 ACRES.

**EXHIBIT C**  
**HIGH SCHOOL NO. 5, ANNEXATION NO. 3**

**Legal Description:**

A TRACT OF LAND LOCATED IN SECTIONS 27, 28, 33 AND 34, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 28, BEING MONUMENTED AT THE NORTH END BY A 2" ALUMINUM CAP (LS 23500) ON A #6 REBAR AND AT THE SOUTH END BY A 2" ALUMINUM CAP (LS 18475) ON A #6 REBAR, IS CONSIDERED TO BEAR S00°22'47"E, WITH A DISTANCE OF 2651.97 FEET BETWEEN DESCRIBED MONUMENTS, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 28; THENCE S89°30'03"E, ON THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 27, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF WEINGART ANNEXATION NO. 3, RECORDED AT RECEPTION NUMBER 02307090, RECORDS OF WELD COUNTY, COLORADO; THENCE S00°22'47"E ON THE EASTERLY RIGHT-OF-WAY TO THE WESTERLY RIGHT-OF-WAY OF WELD COUNTY ROAD NO. 7, A DISTANCE OF 2,663.11 FEET TO THE POINT OF BEGINNING;  
THENCE S00°17'35"E ON SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 2,654.05 FEET TO THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 27;  
THENCE S00°20'07"E, CONTINUING ON SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 1,311.36 FEET, TO THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 34;  
THENCE N89°30'51"E ON SAID NORTH LINE, A DISTANCE OF 2,540.06 FEET, TO THE EAST LINE OF SAID NORTHWEST ONE-QUARTER;  
THENCE S00°29'52"W ON SAID EAST LINE, A DISTANCE OF 1,333.53 FEET, TO THE SOUTH LINE OF SAID NORTHWEST ONE-QUARTER;  
THENCE S89°12'04"W ON SAID SOUTH LINE, A DISTANCE OF 2,603.92 FEET, TO THE WESTERLY RIGHT-OF-WAY OF WELD COUNTY ROAD NO. 7;  
THENCE N00°20'07"W, ON SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 2,659.31 FEET, TO THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28;  
THENCE N00°17'35"W, CONTINUING ON SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 2,654.01 FEET;  
THENCE S01°14'26"E, A DISTANCE OF 1,814.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 27 FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 27 BEARS S00°17'35"E 840.26 FEET DISTANT;  
THENCE N00°39'16"E, A DISTANCE OF 1,814.04 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

CONTAINING A CALCULATED AREA OF 84.293 ACRES.