

RESOLUTION NO. 19-R-2003

**A RESOLUTION REGARDING RAY & ALMA SCHOOL 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, July 28, 2003, pursuant to the published notice, said hearing being continued to August 11, and September 29, 2003 in accordance with C.R.S. §31-12-108 (3), on the petition of Ray and Alma School, LLC and Douthit Mead, LLC, for the annexation of the following real property; to wit:

A PORTION OF SECTION 35, SOUTH ONE-HALF SECTION 26, SOUTHEAST ONE-QUARTER OF SECTION 27, SOUTHEAST ONE-QUARTER SECTION 34, TOWNSHIP 4 NORTH, RANGE 68 WEST, AND SECTION 2, EAST ONE-HALF SECTION 3, TOWNSHIP 3 NORTH, RANGE 68 WEST, 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A; and

WHEREAS, following testimony lasting not less than one hour, the public hearing was continued to August 11, 2003 and subsequently continued to September 29, 2003;

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

Section 1. Findings of Fact Concerning the Proposed Ray & Alma School Annexation.

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 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. 7-R-2003, adopted on June 9, 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 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 on 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 the Ray & Alma School Annexation.

- a. The proposed Ray & Alma School 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 land use (zoning) for the property shall be Commercial and Agricultural uses.
- c. A detailed Annexation Agreement incorporating the following stipulations shall be prepared and signed before the annexation process is completed.
 - i. The developer shall acquire the mineral interest in the property, or enter into a surface use agreement with the owners to eliminate the use of the surface for the recovery of minerals.
 - ii. If there is a re-zoning of the agricultural land to residential uses, the developer must meet all Town codes and standards in force at the time of the re-zoning.
 - iii. The developer shall move the commercial property eastward to the proposed road WCR 9 ½. The developer shall dedicate the appropriate amount of right-of-way for and construct the appropriate portion of WCR 9 ½ to regional arterial standards when development approvals/traffic generation warrants such construction, according to the Town's Transportation Plan standards then in effect.
 - iv. The application shall be changed to show fire protection is coming from Mountain View Fire Protection District and not the City of Longmont.
 - v. When residential development is requested, the developer will petition for exclusion from the Thompson River Parks and Recreation District and for inclusion within the St. Vrain Valley School District RE-1J.
 - vi. The developer shall agree that each of the residential lots, if any are created in this development, shall pay at the time of building permit issuance to the St. Vrain Valley School District RE-1J, if applicable, a school mitigation fee in the amount then in effect and obtain a positive referral letter from the district, in addition to any cash payment in lieu of land dedication for school sites that may be applicable.

- vii. WCR 38 must be paved and the appropriate portion upgraded to minor arterial standards, including suitable right-of-way dedication, from the frontage road to the eastern border of the property, proportionately cost-shared with the Maass annexation, according to the Town's Transportation Plan standards then in effect, prior to commencing construction on the parcel, and the entire width of the road adjacent to the parcel shall be annexed.
- viii. All land dedicated for park purposes is to be usable as determined by the Town (level and dry). The services of the Town's park planner shall be used to design the parks at the applicant's expense. Detention ponds are not to be considered as parks or open space.
- ix. The architectural controls/standards in force for the Mead Crossings Business Park shall be the minimum standards to be used for the commercial portion of this property, and the Town reserves the right of approval of the initial use and development plan for all commercial uses, lots, or properties in the commercial portion of this property.
- x. The developer shall provide a traffic impact study prior to the approval of any final plat for the property.
- xi. The annexor shall amend the Mead Area Comprehensive Plan concurrently with the annexation, with the cost of the amendment borne by the annexor.
- xii. A minimum 150 foot wide greenbelt is to be established on the northern boundary of the property. The greenbelt is to be landscaped. The services of the Town's park planner shall be used to design the greenbelt at the applicant's expense. The Town of Berthoud shall be consulted regarding the greenbelt design.
- xiii. The annexor shall make a mail notification to each registered voter in Mead that includes the time and place of the annexation election.
- xiv. The commercial land uses that have been designated for the Sanborn annexation shall be the land uses that will be designated for the commercial portion of this property.
- xv. The developer shall be required to reserve room for the construction of a suitable interchange ramp with Interstate 25 at the northeast corner of WCR 38 and I-25, and to participate proportionately in the cost of the ramp planning and construction based on traffic generation from the property.
- xvi. Utility distribution lines along the perimeter of the property, if any, and all utility service lines within the property, shall be buried underground.
- xvii. If residential zoning is granted on this property, certificates of occupancy for dwelling units shall not be granted until the Town's new wastewater treatment plant is completed.

- 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.

INTRODUCED, READ, PASSED AND ADOPTED THIS 29th DAY OF September, 2003.

ATTEST:

TOWN OF MEAD

By Candace Bridgwater
Candace Bridgwater, Town Clerk

By Richard E. Kraemer
Richard E. Kraemer, Mayor

EXHIBIT A
RAY & ALMA SCHOOL ANNEXATION

LEGAL DESCRIPTION:

A PORTION OF SECTION 35, SOUTH ONE-HALF SECTION 26, SOUTHEAST ONE-QUARTER OF SECTION 27, SOUTHEAST ONE-QUARTER SECTION 34, TOWNSHIP 4 NORTH, RANGE 68 WEST, AND SECTION 2, EAST ONE-HALF SECTION 3, TOWNSHIP 3 NORTH, RANGE 68 WEST, 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 2, BEING MONUMENTED AT THE CENTER ONE-QUARTER CORNER OF SECTION 2 BY A 2-1/2" ALUMINUM CAP STAMPED LS 30462 AND AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 2 BY A 2-1/2" ALUMINUM CAP STAMPED LS 30462, BEARING N00°04'05" W.

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 2, THENCE
S 00°02'43" W A DISTANCE OF 30.00 FEET TO THE SOUTHERLY LINE OF WELD COUNTY ROAD NO. 38;

THENCE ALONG SAID SOUTHERLY LINE AND ALONG THE EASTERLY LINE OF INTERSTATE I-25 THE FOLLOWING FOUR (4) COURSES:

1. S 89°11'35" W A DISTANCE OF 2676.43 FEET;
2. S 89°13'12" W A DISTANCE OF 2608.68 FEET;
3. S 00°26'24" E A DISTANCE OF 2679.69 FEET;
4. S 00°27'11" E A DISTANCE OF 2614.07 FEET;

THENCE S 88°58'43" W A DISTANCE OF 300.01 FEET TO THE WESTERLY LINE OF SAID INTERSTATE I-25;

THENCE ALONG THE WESTERLY LINE OF SAID INTERSTATE I-25 AND ALONG THE EASTERLY LINE OF THE FOLLOWING RECORDED ANNEXATIONS, "BELMONT PARK ANNEXATION" AND "MARGIL ANNEXATION NO. 2", THE FOLLOWING SEVEN (7) COURSES:

1. N 00°27' 11 " W A DISTANCE OF 2617.08 FEET;
2. N 00°26'24" W A DISTANCE OF 2593.31 FEET;
3. N 80°49'44" W A DISTANCE OF 497.00 FEET;
4. N 00°39'22" W A DISTANCE OF 60.00 FEET;
5. N 79°52'38" E A DISTANCE OF 498.54 FEET;
6. N 00° 10'53" E A DISTANCE OF 2550.48 FEET;
7. N 00°24' 15" E A DISTANCE OF 2690.96 FEET TO THE NORTHERLY LINE OF WELD COUNTY ROAD NO. 40;

THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) COURSES:

1. N 89°07'14" E A DISTANCE OF 2921.32 FEET;
2. N 89°56'32" E A DISTANCE OF 2639.93 FEET;

THENCE ALONG THE EAST LINE OF SAID SECTION 35 THE FOLLOWING TWO (2) COURSES:

1. S 00°01'45" W A DISTANCE OF 2676.52 FEET TO THE EAST ONE-QUARTER OF SAID SECTION 35;
2. S 00°02'43" W A DISTANCE OF 2056.24 FEET;

THENCE THE FOLLOWING FOUR (4)

1. S 89°11'35" W A DISTANCE OF 1709.00 FEET;
2. S 00°02'43" W A DISTANCE OF 561.00 FEET;
3. N 89°11'35" E A DISTANCE OF 1709.00 FEET TO THE EAST LINE OF SAID SECTION 35;
4. THENCE S 00°02'43" W ALONG SAID EAST LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT AT&T PARCEL RECORDED JULY, 1967 IN BOOK 583 AT RECEPTION NO. 1505381

CONTAINING AN AREA OF 682.069 ACRES (NET)