

**TOWN OF MEAD  
RESOLUTION NO. 13 - R - 2002**

**A RESOLUTION REGARDING THE SANBORN 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 commencing on July 8, 2002, pursuant to the published notice, on the petition of Del Camino, LLC, 8690 Wolff Court, Suite 200, Westminster, Colorado 80031, for the annexation of the following real property; to wit:

A PORTION OF THE SOUTHWEST ¼ SECTION 26, TOWNSHIP 3 NORTH,  
RANGE 68 WEST OF THE 6TH P.M., TOGETHER WITH THE NORTHERLY  
30.00 FEET OF THE NORTHWEST ¼ SECTION 35 IN SAID TOWNSHIP 3  
NORTH, RANGE 68 WEST, BEING MORE PARTICULARLY DESCRIBED  
IN EXHIBIT A; and

**WHEREAS**, the public hearing was continued to July 29, 2002 after the acceptance of more than one hour of testimony in accordance with C.R. S. § 31-12-108 ;

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

**Findings of Fact.**

**Section 1.** 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).

- 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 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, as amended.
  - 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, and 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 Portion of the Southwest ¼ Section 26, Township 3 North, Range 68 West of the 6th P.M., Together with the Northerly 30.00 Feet of the Northwest ¼ Section 35 in Said Township 3 North, Range 68 West.**

- a. The proposed Sanborn 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 a single-family residential and commercial in accordance with Chapter 16 of the *Mead Municipal Code* and the provisions of Section 2c below.
- c. The following shall be included in the Annexation Agreement to be signed prior to final action on the annexation.
  - i. The Annexor is required to amend the Comprehensive Plan to include this annexation.
  - ii. The Annexor is required to obtain a favorable response letter from the St. Vrain Valley School District.
  - iii. Annexor is responsible for the costs of constructing an overpass or underpass from this annexation to the Westrian Ranch Annexation and school site, if WCR 9 ½ exists as an arterial road, the St. Vrain Valley School District wants the overpass or underpass, and there is a school in

Westrian Ranch. The financial security for this facility will be a capital fee charged at closing for each lot purchased, which is to be deposited into an interest-bearing fund escrowed solely for this purpose which is controlled by the Town. Proceeds from the fund will be used by the Town to build the facility when it is needed, or if no facility is needed, will be returned by the Town to the homeowners association(s) in the Sanborn annexation for use for capital projects. The amount of the capital fee to be charged in order to create an adequate financial security will be determined by a pro-forma financial statement and cost estimates for the facility at the time of final platting, which shall be subject to the review and approval of the Town.

- iv. Annexor shall dedicate 50 feet of right-of-way and pay for half of the construction of two lanes of WCR 9 ½ to regional arterial standards on the eastern side of the property, and shall do so at the beginning of construction on the residential portion of the property. If the Little Thompson Water District (LTWD) will not allow the road or any portion thereof to use its 20-foot water easement on the east side of the property, then the aforementioned 50 feet shall exclude the LTWD easement. If the Westrian Ranch annexation has not begun development at the time that the Sanborn annexation development begins, then Annexor shall construct the full width of WCR 9 ½ and the Town will cooperate in obtaining recapture of half of the costs from Westrian Ranch as a benefitted property.

Annexor shall dedicate 40 feet of right-of-way and pay for the construction of two lanes of a collector street south of the existing transmission line easement on the northern side of the property, and provide a landscaping buffer on said transmission line easement that will become a boulevard median. Only that portion which abuts the residential section of the Sanborn annexation need be dedicated and constructed at the time that construction of the residential section is begun, but further dedication, construction, and provision of a landscaping buffer for this collector street shall occur when construction of the nonresidential portion is begun.

Annexor shall dedicate 50 feet of right-of-way and pay for half of the construction/paving of two lanes of WCR 28 as an arterial on the southern border of the property, and shall do so at the beginning of construction on the residential portion of the property. If property on the south side of WCR 28 has not begun development at this time, then Annexor shall build/improve the full width of WCR 28 and the Town will cooperate in obtaining recapture of half of the costs from abutting parcels as benefitted properties.

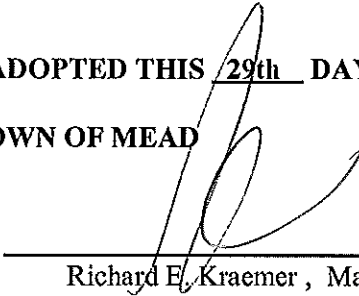
- v. Not more than 249 dwellings, or a density of 4.67 units per net acre (acreage within platted single-family lots) which ever is less (1 acre - 25% for streets & openspace ÷ 7,000 sq. ft. = 4.67 units per acre), it being understood that when stormwater engineering is finally complete, more detention area required would result in a lower lot count.
  - vi. The Annexor shall plat the entire property; the non-residential property is to be initially platted as one large lot for later replatting.
  - vii. The non-residential portion of the property shall be designated as a "Business Park" land use for mixed-use commercial uses to be defined in the Annexation Agreement.
  - viii. The Annexor shall provide public parks consistent with the Mead Municipal Code.
  - ix. Oil/gas well sites may not be included in the open space dedicated to the Town, and no credit toward the open space requirements will be given for the land within the oil/gas well setbacks.
  - x. Pedestrian trails within the property shall be concrete and in conformance with the Town's standards.
  - xi. Utility distribution lines located along the western frontage road and all utility service lines within the subdivision shall be buried underground. Utility transmission lines along the northern border of the property shall not be required to be buried.
  - xii. The nonresidential site of approximately 2 acres lying east of the center spine road in the development and west of the stormwater detention pond shall be designated only for retail, sales tax generating businesses.
  - xiii. The perimeter landscape buffer around all four sides of the property shall be approved by the Town.
- d. 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.
  - 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 July, 2002.

ATTEST:

TOWN OF MEAD

By Michael D. Friesen  
Michael D. Friesen, Acting Town Clerk

By   
Richard E. Kraemer, Mayor

**EXHIBIT A**

**SANBORN ANNEXATION**

**Legal Description:**

THE SOUTHWEST ¼ SECTION 26, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF WELD, STATE OF COLORADO, TOGETHER WITH THE NORTHERLY 30.00 FEET OF THE NORTHWEST QUARTER OF SECTION 35 IN SAID T3N, R68W, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTH ¼ CORNER OF SAID SECTION 26, THENCE N00°12'44" W, 2658.09 FEET TO THE CENTER ¼ CORNER OF SAID SECTION 26;

THENCE S89°14'18"W, 2651.68 FEET TO THE WEST ¼ CORNER OF SAID SECTION 26;

THENCE S00°00'00"W, 2657.92 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 26;

THENCE S01°03'14"E, 30.00 FEET ALONG THE WEST LINE OF SAID SECTION 35 TO A POINT ON THE SOUTHERLY R.O.W. LINE OF WELD COUNTY ROAD 28 EXTENDED WESTERLY;

THENCE N89°14'40"E, 2661.39 FEET ALONG THE SOUTHERLY R.O.W. LINE OF SAID WELD COUNTY ROAD 28 AND SAID WELD COUNTY ROAD 20 8 EXTENDED WESTERLY TO A POINT ON THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35;

THENCE N00°48'31" W, 30.00 FEET TO THE POINT OF BEGINNING.

THUS DESCRIBE TRACT CONTAINS 163.925 ACRES MORE OR LESS, TOGETHER WITH THE SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR PUBLIC RECORD.