

RESOLUTION NO. 32-R-2002

**A RESOLUTION REGARDING THE ST. ACACIUS 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, November 25, 2002, pursuant to the published notice, on the petition of Maclovio, Francisco and Fernando Martinez, for the annexation of the following real property; to wit:

THAT PORTION OF THE WEST HALF OF SECTION 35, TOWNSHIP 3 NORTH,
RANGE 68 WEST OF THE SIXTH PM, WELD COUNTY, COLORADO, MORE
PARTICULARLY DESCRIBED IN EXHIBIT A:

**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). This finding was made and duly adopted by the Mead Board of Trustees in 15-R-2002, adopted on August 12, 2002.

- 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 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.
 - 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 Portion of the West Half of Section 35, Township 3 North, Range 68 West of the Sixth PM, Weld County, Colorado.

- a. The proposed St. Acacius 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 residential and business park as to be defined in the Annexation Agreement.
- c. The Annexor is required to amend the Comprehensive Plan to include this annexation.
- d. The Annexor is required to obtain a favorable response letter from the St. Vrain Valley School District.
- e. The Annexor shall provide adequate notice to each registered voter in Mead of the annexation election date, time, and place.
- f. The Annexor shall dedicate 50 feet of right-of-way and establish an escrow with the Town for half of the cost of the construction of two lanes of WCR 9 1/2 to regional arterial standards on the eastern side of the property prior to beginning construction on 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 Town determines that construction of WCR 9 1/2 adjacent to the St. Acacius development is not necessary to benefit the property or the Town, then the funds in the aforementioned escrow shall be devoted to other capital improvements within the property.

The 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 northern border of the property, and shall do so at the beginning of construction on the property.

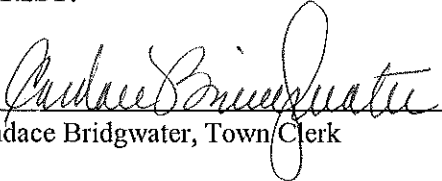
If property on the north side of WCR 28 (i.e. the proposed Sanborn Subdivision) has not begun development at this time, then Annexor shall build/improve the full width of WCR 28 and the Town will cooperate in obtaining recapture of half of the costs from abutting parcels as benefitted properties. The improvements to WCR 28 shall include widening or replacing Bridge 28/9a as appropriate, and coordination with the improvement of WCR 28 adjacent to the California Homes/Adrian property that is being approved as an unincorporated project by Weld County.

- g. All adjacent roads to the property shall be annexed, including the right-of-way of I-25.
- h. A detailed traffic impact study is required to be conducted and submitted to the Town for review and approval prior to approval of a final plat for the property.
- i. A stormwater drainage study is required to be conducted and submitted to Weld County and the Town for review and approval prior to approval of a final plat for the property. Stormwater discharge permits shall be obtained from the State of Colorado Department of Public Health and Environment prior to beginning construction.
- j. Purchasers shall be notified in writing that the property is located on a high water table and is subject to potentially swelling soils.
- k. Not more than 223 dwelling units shall be permitted, it being understood that when stormwater engineering is finally complete, more detention area required would result in a lower lot count.
- l. All bicycle/pedestrian trails shall be made of concrete and comply with the Town's current design standards.
- m. All improvements to parks shall be constructed or installed by the Annexor at Annexor's expense in accordance with plans recommended by the Town's park planning consultant and approved by the Town.
- n. The Annexor is required to receive a revised water service commitment from LTWD, including water shares to irrigate the park spaces.
- o. Guest parking for at least 20 vehicles shall be provided for the main park containing ball fields. The ball fields shall not be illuminated for night play.
- p. Parks with lakes and recreational facilities may be dedicated to the Town for ownership, operation, and maintenance, and the perimeter landscaped buffers shall be owned and maintained by a homeowners association.
- q. The design standards adopted for the Mead Crossings Business Park shall be the model for the design standards for the non-residential portion of the property.
- r. 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, including the right of the Town to review and approve each use through a site plan review process. The non-residential portion of the property is to be initially unplatted except for street dedications, for later replatting as users are identified.
- s. The minimum residential lot size shall be 7,000 square feet.
- t. Street names shall be reviewed and approved by the Town and the Weld County emergency dispatch function.

- u. Surface water storage or other raw water may be used for park irrigation, subject to review and approval of all relevant regulatory jurisdictions, however, a potable water source shall be provided as a back-up to raw water irrigation.
- v. Trees and shrubs to be planted shall be compatible with this climate as delineated by Colorado State University standards or other equivalent standards.
- w. Utility distribution lines located along WCR 28 and the western frontage road and all utility service lines within the property shall be buried underground.
- x. The perimeter landscape buffers, including but not limited to, the plantings, width and grading, around the edges of the property shall be approved by the Town.
- y. 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.
- z. 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 25th DAY OF November, 2002.

ATTEST:

By 
Candace Bridgwater, Town Clerk

TOWN OF MEAD

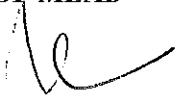
By 
Richard E. Kraemer, Mayor

EXHIBIT A
ST. ACACIUS ANNEXATION

Legal Description:

THAT PORTION OF THE WEST HALF OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE SIXTH PM, WELD COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 AS BEARING NORTH 00°46'36" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

BEGINNING ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 35 BEARS NORTH 00°46' 36" WEST, 3231.37 FEET; THENCE SOUTH 88° 29'19" EAST, 180.92 FEET; THENCE NORTH 00°02'00" WEST, 379.208; THENCE NORTH 83°22'18" EAST, 185.84 FEET; THENCE NORTH 00° 46' 59" WEST, 172.50 FEET; THENCE NORTH 83°03' 01" EAST, 590.67 FEET; THENCE NORTH 04°07'35" WEST, 264.07 FEET; THENCE NORTH 89°41'07" EAST, 1708.18 FEET TO THE NORTH-SOUTH CENTERLINE OF SAID SECTION 35; THENCE ALONG SAID LINE NORTH 00°31' 47" WEST, 2357.60 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 35; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35, SOUTH 89°31'30" WEST, 1411.94 FEET THENCE SOUTH 00°46'36" EAST, 1247.10 FEET; THENCE SOUTH 89°31'30" WEST, 1249.70 FEET TO SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 35; THENCE ALONG SAID WEST LINE, SOUTH 00°46' 36" EAST, 1984.27 FEET TO THE POINT OF BEGINNING, COUNTY OF WELD, STATE OF COLORADO.