

**RESOLUTION NO. 22-R-2001**

**A RESOLUTION REGARDING THE WESTRIAN RANCH  
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, August 27, 2001, pursuant to the published notice, on the petition of Douthit Longmont, LLC, 4886 Highway 66, Longmont, Colorado 80504, for the annexation of the following real property; to wit:

A Portion of the East One-half of Section 26, Township 3 North, Range 68 West, Weld County 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:

**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 Resolution No. 14-R-2001, adopted on June 25, 2001.

- a. With respect to compliance with C.R.S. § 31-12-104, the Board of Trustees makes the following findings of fact:
  1. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.
  2. 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.
  3. 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).

4. 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).
  5. 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:
1. No land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowners thereof.
  2. 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.
  3. 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.
  4. 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.
  5. 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.
  6. 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.
  7. 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.
  8. 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 finds that 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 A Portion of the East One-half of Section 26, Township 3 North, Range 68 West, Weld County Colorado, as More Precisely Described in Exhibit A.**

- a. The proposed Westrian Ranch 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 for the property shall be a PUD zoning which will include only mixed use (including single-family and multi-family residential) retail, commercial, employment/commercial and light industrial uses as provided by the Mead Municipal Code.
- c. The following special conditions are to be included in the Annexation Agreement and have been agreed to by the applicant.
  - 1. The maximum number of single-family dwelling units is to be 950.
  - 2. The developer is to complete all amenities in the small pocket parks and community park, if applicable.
  - 3. The developer is to utilize the Town's park planner for the design and infrastructure of the parks.
  - 4. The developer is to satisfy the conditions contained in the St. Vrain School District letter dated July 31, 2001.
  - 5. The area designated as "industrial" on the concept plan is to be restricted to light industrial or commercial/retail development.
  - 6. WCR 9 ½ and 11 are to be annexed and developed to the Town's standards.
  - 7. Open space and detention areas are to be developed by the applicant and are to include the irrigation of ground cover and landscaping.

8. The developer will make a "cash in-lieu payment" to satisfy the park land dedication requirements.
  9. The developer is to provide an underground pipe to convey the Highland Canal irrigation water through the property, or use appropriate fencing along the canal.
  10. The developer is to reimburse the Town for all costs associated with a revision to the Mead Area Comprehensive Plan required by this development.
  11. The developer is to establish an agreement regarding mineral rights with HS Resources after annexation and before the preliminary plat is approved outlining where the exploration sites will be and how much land will be consumed.
  12. The property is to be developed under a PUD zoning which will include only mixed use (including single-family and multi-family residential) retail, commercial, employment/commercial and light industrial)
- 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 27<sup>th</sup> DAY OF August, 2001.

ATTEST:

TOWN OF MEAD

By

Judy L. Hegwood  
Judy Hegwood, Town Clerk

By

Keith Goshia  
Keith Goshia, Mayor

## EXHIBIT A

### WESTRIAN FARM ANNEXATION

#### Legal Description:

TRACT OF LAND BEING THE NORTHEAST ONE-QUARTER OF SECTION 26, AND A PORTION OF SECTIONS 25 AND 35, TOWNSHIP 3 NORTH, RANGE 68 WEST MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 26 FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 26 BEARS N89°59'43"E (BASIS OF BEARINGS); THENCE SOO°14'11"W 40.00 FEET TO SOUTH LINE OF COLORADO HIGHWAY 66 ANNEXATION NO. FOUR TO THE TOWN OF MEAD AND THE SOUTH RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 66 AND THE POINT OF BEGINNING.

THENCE N89°59'43"E, A DISTANCE OF 2645.46 FEET ALONG SAID SOUTH LINE OF COLORADO HIGHWAY 66 ANNEXATION NO. FOUR TO THE TOWN OF MEAD AND THE SOUTH RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 66;

THENCE N89°10'40"E, A DISTANCE OF 30.00 FEET TO THE EAST RIGHT-WAY-LINE OF COUNTY ROAD NUMBER 11;

THENCE SOO°07'34"W, A DISTANCE OF 2614.89 FEET ALONG SAID EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NUMBER 11 TO THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER EXTENDED EASTERLY;

THENCE CONTINUING SOO°07'34"W, A DISTANCE OF 2684.46 FEET ALONG SAID EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NUMBER 11 TO THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NUMBER 28;

THENCE S89°36'57"W, A DISTANCE OF 2685.80 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NUMBER 28 TO THE WEST LINE OF THE SOUTH-EAST ONE-QUARTER OF SAID SECTION 26 EXTENDED SOUTHERLY;

THENCE NOO°14'11"E, A DISTANCE OF 2693.37 FEET ALONG SAID WEST LINE EXTENDED SOUTHERLY AND THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 26, TO THE CENTER OF SAID SECTION 26;

THENCE N00°14'11"E, A DISTANCE OF 2623.37 FEET ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 26, TO SAID SOUTH LINE OF COLORADO HIGHWAY 66 ANNEXATION NO. FOUR TO THE TOWN OF MEAD, SAID SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 66 AND THE POINT OF BEGINNING.

THUS DESCRIBED TRACT CONTAINS 326.629 ACRES MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.