

RESOLUTION NO. 24-R-2001

A RESOLUTION REGARDING THE KEYSTONE FARM ANNEXATION PUBLIC HEARING 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 for Monday, July 13, 2001 pursuant to the published notice, on the petition of the Miller Motor Sports Park, LLC, Lawrence Miller, 9350 S. 150 E, Sandy, UT 84070, for the annexation of the following real property; to wit:

A PORTION OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO, AS MORE PRECISELY DESCRIBED IN THE 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. 12-R-2001, adopted on June 11, 2001.

- 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, and as subsequently 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, 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 Section 11, Township 3 North, Range 68 West of the 6th P.M., Weld County, Colorado, as More Precisely Described in the Exhibit A.

- a. The proposed Keystone Farm 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 for the property shall be for the development of a recreational facility to include an expansion of the existing Mountain View Motorsport Park and the addition of the other track related facilities.
- c. A detailed Annexation Agreement shall be prepared and signed before the annexation process is completed said Annexation Agreement to include the following:
 - i. No subdivision of property is to be permitted.
 - ii. There be a sound barrier/buffer from the intersection of WCR 34 and the I-25 Frontage Road, north to Lot 1, Raterink Subdivision, and along WCR 34 from the I-25 Frontage Road to the proposed access to the property.
 - iii. There be a sound barrier of trees 100 feet in width along the Eastern boundary of the property.
 - iv. The hours of operation for the racetrack facility to be during daylight hours only.
 - v. Races are to be permitted only on weekends.
 - vi. The conservation easement to remain in perpetuity.
 - vii. Public safety fencing to be placed along the northern western and southern borders of the property.
 - viii. The traffic study to be provided to the Town.
 - ix. Recommendations contained in a letter dated July 17, 2001 from J. R. Engineering be implemented.
 - (1) Any easements or rights-of-way associated with the irrigation ditches on the property, the shall be shown on the annexation map.
 - (2) A 50 ft. utility easements along with South property line to accommodate the proposed sewer interceptor to the proposed Lake Thomas wastewater treatment plant is to be provided.

- (3) A thorough review of the off-site drainage to the North of the railroad tracks should be completed to assure that off-site drainage will not need to be routed through the site.
- x. There are to be fifty-foot utility easements placed along the north side of the WCR 34 and the east side of the I- 25 Frontage Road.
 - xi. Turn lanes and acceleration lanes are to be installed on WCR 34 and the I- 25 frontage road.
 - xii. The track is to be restricted to motor vehicle or bicycle events only, unless a special event permits obtained.
 - xiii. Any mineral leases are to be platted.
 - xiv. Noise from the facility is to be limited to 92 dBA between the hours of 8 AM and 6 PM Monday through Thursdays.
 - xv. The museum shall have an opening date of no later than May 1, 2003.
- d. That 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 8th DAY OF October, 2001.

ATTEST:

TOWN OF MEAD

By Judy Hegwood
Judy Hegwood, Town Clerk

By Keith Goshia
Keith Goshia, Mayor