

RESOLUTION NO. 16-R-2000

A RESOLUTION REGARDING THE RANGE VIEW ESTATES 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 November 27, 2000, pursuant to the published notice, on the petition of Range View Estates, LLC, a Colorado Limited Liability Company, Walter Eberspacher and Ursula Eberspacher, Managers, 14233 North 107th Street, Longmont, CO 80501, for the annexation of the following real property, to wit:

A portion of Section 16, T3N, R68W OF 6th P.M., 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:

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. 15-R-2000, adopted on September 25, 2000.

- 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 1/6th 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 a Portion of Section 16, T3N, R68W of 6th P.M., as More Precisely Described in Exhibit A.

- a. That the proposed Range View Estates Annexation to the Town of Mead, Weld County, Colorado complies with the applicable sections of the Municipal Annexation Act of 1965.
- b. That the most appropriate zoning for the property shall be Low Density Residential in Performance District 1.
- c. That a detailed Annexation Agreement containing the following conditions shall be prepared and signed before the annexation process is completed.
 - i. That a landscape plan be provided for the adjacent arterial streets - WCR 7 and Adams Avenue. The landscape plan is to conform to the Town standards in place at the time of construction.
 - ii. That the Developer will provide “cash in lieu” of park land dedication as provided by Section 16-13-10 (3) of the *Mead Municipal Code*.
 - iii. That the Developer is responsible for paving one-half of that portion of Adams Avenue adjacent to the property.
 - iv. That the Developer will maintain the irrigation water transmission system crossing the property from the Highland Ditch to WCR 7 (Mulligan Lake supply system).
 - v. That the maximum number of homes to be built on the property shall be 73.
 - vi. That the minimum lot size of lots adjacent to WCR 7 and Adams Avenue is 1.5 acres.

- vii. That the Developer pay all fees associated with the crossing of the Highland Ditch and the railroad tracks.
- viii. That the Developer will submit a preliminary plat for the entire property for approval before final platting any portion of the property.
- ix. That the dedications of WCR 7 and Adams Avenue on any final plat are to be appropriate for ½ of the required right-of-way for an arterial road.
- x. That the Developer provides two all-weather means of vehicular access to the property during development.
- xi. That the preliminary and final plats provide for vehicular roadway connections to the properties to the north and west to provide two means of access at build out in the event the tracks are blocked.
- xii. That access roads into the development are to be directly opposite existing roadways, or offset a distance in compliance with Town standards.
- xiii. That a note be placed on any final plat stating that there will be no private driveway access to WCR 7 or Adams Avenue.
- xiv. That all proposed bridges crossing the Highland Ditch and crossings of the Railroad tracks be approved by the Town engineer.
- xv. The intersection of the collector road and Adams Avenue is to be separated from the railroad tracks by the greatest distance practicable.
- xvi. The Developer is to provide a preliminary landscaping plan for the right-of-ways for WCR 7 and Adams Avenue at the time of submitting the preliminary plat. Construction of the landscaping along these right-of-ways will not be required until final plats are approved for property adjacent to these roadways.
- xvii. Town of Mead sewer and Little Thompson water shall serve the property.
- xviii. Articles of incorporation, declarations, covenants and bylaws for the homeowners association shall be submitted for review by the Town Attorney as part of any final plat submittal.

INTRODUCED, READ, PASSED AND ADOPTED THIS 27 DAY OF November,
2000.

ATTEST:

TOWN OF MEAD

By Judy L. Hegwood
Judy Hegwood, Town Clerk

By _____
Richard E Kraemer, Mayor Pro-tem

EXHIBIT A

RANGE VIEW ESTATES

LEGAL DESCRIPTION:

BEGINNING AT THE EAST ¼ CORNER OF SECTION 16, T3N, R68W OF 6th P.M. FROM WHENCE THE SE CORNER OF SECTION 16 BEARS S01°03'16"E, 2653.93 FEET AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE N89°03'44"E A DISTANCE OF 30.00 FEET TO THE EAST RIGHT-OF-WAY OF WELD COUNTY ROAD NO. 7; THENCE S01°03'16"E ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 2623.93 FEET TO THE NORTH RIGHT-OF-WAY OF WELD COUNTY ROAD NO.32; THENCE ALONG SAID NORTH RIGHT-OF-WAY S89°02'35"W A DISTANCE OF 1412.33 FEET; THENCE S00°29'21"E A DISTANCE OF 60.00 FEET TO THE SOUTH RIGHT-OF-WAY OF WELD COUNTY ROAD NO. 32; THENCE ALONG SAID SOUTH RIGHT-OF-WAY S89°02'35"W A DISTANCE OF 1252.37 FEET; THENCE N01°12'44" A DISTANCE OF 30.00 FEET TO THE S ¼ OF SECTION 16, T3N, R68W OF 6th P.M.; THENCE N01°12'44"W ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 16, A DISTANCE OF 1863.69 FEET TO A POINT IN THE CENTERLINE OF HIGHLAND DITCH; THENCE ALONG SAID CENTERLINE N34°30'13"W A DISTANCE OF 210.05 FEET; THENCE N30°30'54"W A DISTANCE OF 395.21 FEET; THENCE N25°54'24"W A DISTANCE OF 163.30 FEET; THENCE N28°03'57"W A DISTANCE OF 139.74 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 16; THENCE N89°03'44"E ALONG SAID NORTH LINE OF THE SOUTH HALF OF SECTION 16, A DISTANCE OF 3082.76 FEET TO THE E ¼ CORNER OF SECTION 16, T3N, R68W OF 6th P.M., ALSO BEING THE POINT OF BEGINNING.

THUS DESCRIBED PARCEL OF LAND CONTAINS 166.766 ACRES MORE OR LESS.