

**RESOLUTION NO. 7  
SERIES OF 2022**

**A RESOLUTION OF BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, FINDING SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S.; ESTABLISHING A DATE, TIME AND PLACE FOR A PUBLIC HEARING TO DETERMINE COMPLIANCE WITH SECTIONS 31-12-104 AND 31-12-105, C.R.S.; AUTHORIZING PUBLICATION OF NOTICE OF SAID HEARING; AND AUTHORIZING THE COMMENCEMENT OF ZONING PROCEDURES FOR LAND IN THE AREA PROPOSED TO BE ANNEXED**

**WHEREAS**, the Town Clerk has received and has referred to the Board of Trustees a Petition for Annexation (“Petition”) submitted by the Town of Carbondale (“Town”) and the Colorado Department of Transportation (“CDOT”) for the annexation of certain real properties (“Annexation Parcel”) described on the attached **Exhibit A** into the Town of Carbondale, Colorado;

**WHEREAS**, the Petition alleges that the requirements of Section 31-12-104, C.R.S., and Section 31-12-105, C.R.S., exist or have been met;

**WHEREAS**, the Town owns a portion of Annexation Parcel and CDOT owns a portion of the Annexation Parcel;

**WHEREAS**, an Annexation Map of the Annexation Parcel has been duly filed along with said Petition as required by Section 31-12-107(1)(d), C.R.S.;

**WHEREAS**, Section 31-12-107(1)(g), C.R.S., requires the Board of Trustees to determine whether the Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965; and

**WHEREAS**, the form of the Petition substantially complies with the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S. of the Municipal Annexation Act of 1965.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO**, that:

1. Pursuant to Section 31-12-107(1)(g), C.R.S., the form of the Petition submitted is hereby deemed to be in substantial compliance with the Municipal

Annexation Act of 1965, including in particular Section 31-12-107(1)(g). The procedures outlined in Sections 31-12-108, 31-12-109, and 31-12-110, C.R.S., shall be followed.

2. The Board of Trustees hereby determines that it shall hold a public hearing to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S. and to establish whether or not said area is eligible for annexation pursuant to the Municipal Annexation Act of 1965, C.R.S. section 31-12-101 et seq., as amended; said hearing to be held at a regular meeting of the Board of Trustees on August 9, 2022 (not less than 30 nor more than 60 days after the date of this resolution) at the Carbondale Town Hall, 511 Colorado Avenue, Carbondale, CO.

3. The Town Clerk shall give public notice as follows: A copy of this resolution shall constitute notice that, on the given date and at the given time set by the Board of Trustees, the Board of Trustees shall hold a hearing for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S, and is considered eligible for annexation. Said notice shall be published once a week for four consecutive weeks in a paper of general circulation, with the first publication to occur at least 30 days prior to the hearing. The proof of publication shall be returned when the publication is completed, and the certificate of the owner, editor or manager of the newspaper in which said notice is published shall be proof thereof. At least 25 days prior to the hearing, a copy of this resolution and the Petition, as filed, shall also be sent via registered mail by the Town Clerk to the Garfield County Board of County Commissioners, the Garfield County Attorney, and to any special districts having territory within the area to be annexed.

4. Town staff is hereby directed to initiate appropriate zoning procedures with regard to the territory proposed to be annexed.

INTRODUCED, READ, AND PASSED this 14<sup>th</sup> day of June

TOWN OF CARBONDALE

By: Ben Bohmfalk  
Ben Bohmfalk, Mayor

ATTEST:

Cathy Derby  
Cathy Derby, Town Clerk



**EXHIBIT A**

**PORTION OF ANNEXATION PARCEL WITHIN COLORADO DEPARTMENT OF TRANSPORTATION  
HIGHWAY NO. 82 ROW**

A Parcel of land situated within a portion Colorado Department of Transportation Highway No. 82 ROW per Project No. C 0821-091; said Parcel of land being located in Lot 9 and 21 of Section 28, Township 7 South, Range 88 West of the Sixth Principal Meridian and is further described as follows:

Beginning at a point on the Northerly right-of-way of said Highway 82, whence a found 3.25" 1986 B.L.M. Aluminum Cap monumenting the Northwest corner of the John Kelso Claim bears N.13°55'16".E a distance of 849.86 feet; thence S.47°46'57".E a distance of 196.24 feet; thence S.09°11'06".W a distance of 77.42 feet; thence S.09°11'06".W a distance of 77.42 feet; thence N.84°37'21".W a distance of 161.47 feet to a point being 1 foot northerly of an existing fence; thence the following eight (8) courses one foot northerly of an existing fence:

- 1) N.87°02'15".W a distance of 80.20 feet;
- 2) N.73°13'00".W a distance of 31.29 feet;
- 3) N.83°35'25".W a distance of 119.62 feet;
- 4) N.81°38'11".W a distance of 84.78 feet;
- 5) S.86°53'55".W a distance of 19.76 feet;
- 6) N.81°13'49".W a distance of 165.40 feet;
- 7) N.67°41'13".W a distance of 253.53 feet;
- 8) N.72°54'00".W a distance of 69.76 feet to a point on the Northerly right-of-way of said Highway 82;

thence along said right-of-way the following six (6) courses:

- 1) 290.62 feet along a non-tangent curve to the left having a radius of 1760.10 feet and a central angle of 09°27'38" (chord bears S.77°37'48".E, a distance of 290.29);
- 2) S.85°23'26".E a distance of 288.14 feet;
- 3) S.86°51'35".E a distance of 84.93 feet;
- 4) S.84°48'37".E a distance of 65.83 feet;
- 5) N.42°18'24".E a distance of 147.79 feet;
- 6) N.89°40'24".E a distance of 4.39 feet to the point of beginning.

Said Parcel of land containing 67,105 square feet or 1.541 acres, more or less.

County of Garfield  
State of Colorado

And

PORTION OF ANNEXATION PARCEL WITHIN RED HILL PUD PROPERTY

A Parcel of land situated within a portion that property described in the document recorded as Reception No. 907792 of the Garfield County records; said Parcel of land being located in Lot 7, 8, 9 and 21 of Section 28, Township 7 South, Range 88 West of the Sixth Principal Meridian and is further described as follows:

Beginning at a point on the Northerly right-of-way of Colorado Department of Transportation Highway No. 82 Project No. C 0821-091 whence a found 3.25" 1986 B.L.M. Aluminum Cap monumenting the Northwest corner of the John Kelso Claim ( Northwest corner of said Lot 7) bears N.13°55'16".E a distance of 849.86 feet; thence along said Northerly right-of-way the following nine (9) courses:

- 1) S.89°40'24".W a distance of 4.39 feet;
- 2) S.42°18'24".W a distance of 147.79 feet;
- 3) N.84°48'37".W a distance of 65.83 feet;
- 4) N.86°51'35".W a distance of 84.93 feet;
- 5) N.85°23'26".W a distance of 288.14 feet;
- 6) 460.83 feet along a non-tangent curve to the right having a radius of 1760.10 feet and a central angle of 15°00'04" (chord bears N.74°51'35".W, a distance of 459.51 feet);
- 7) N.60°21'09".W a distance of 288.32 feet;
- 8) N.62°45'15".W a distance of 149.95 feet;
- 9) N.61°55'48".W a distance of 324.64 feet to a point on the North-South ¼ line and west line of said Lot 21 of said Section 28, said point also being the Southwest corner of said property;

thence the following seven (7) courses along the boundary of said property:

- 1) N.01°15'25".E along said North-South ¼ line a distance of 241.21 feet to the Center ¼ corner of said Section 28;
- 2) S. 89°14'35".E along the East-West ¼ line of said Section 28 a distance of 1856.57 feet, to the Southwest corner of said Lot 7;
- 3) N.00°28'09". W along the westerly line of said Lot 7 a distance of 199.71 feet to the Northwest corner of said Lot 7;
- 4) N.88°28'22".E along the northerly line of said Lot 7 a distance of 154.32 feet to a point on the westerly line of County Road No. 107 right-of-way as recorded in Book 673 at Page 648 of the Garfield County records;
- 5) leaving said northerly line S.04°40'55".E along said westerly line a distance of 60.20 feet;
- 6) continuing along said westerly line S.25°33'55".E a distance of 137.53 feet;
- 7) continuing along said westerly line S.31°11'05".W a distance of 74.60 feet;

thence leaving said westerly line 80.28 feet along a non-tangent curve to the left having a radius of 247.00 feet and a central angle of 18°37'19" (chord bears S.42°24'08".W, a distance of 79.93 feet); thence 10.41 feet along a reverse curve to the right having a radius of 100.00 feet and a central angle of 05°57'46" (chord bears S.36°04'21".W, a distance of 10.40 feet); thence 36.69 feet along a reverse curve to the left having a radius of 150.00 feet and a central angle of 14°00'59" (chord bears S.32°02'45".W, a distance of 36.60 feet); thence 63.94 feet along a reverse curve to the right having a radius of 58.00 feet and a central angle of 63°09'38" (chord bears S.56°37'05".W, a distance of 60.75 feet); thence 14.56 feet along a reverse curve to the left having

a radius of 50.00 feet and a central angle of  $16^{\circ}40'52''$  (chord bears  $S.79^{\circ}51'27''$ .W, a distance of 14.51 feet); thence  $S.71^{\circ}31'01''$ .W a distance of 76.25 feet; thence 69.02 along a curve to the left having a radius of 304.00 feet and a central angle of  $13^{\circ}00'30''$  (chord bears  $S.65^{\circ}00'46''$ .W, a distance of 68.87); thence 27.44 feet along a reverse curve to the right having a radius of 100.00 feet and a central angle of  $15^{\circ}43'26''$  (chord bears  $S.66^{\circ}22'15''$ .W, a distance of 27.36 feet); thence 175.11 feet along a reverse curve to the left having a radius of 150.00 feet and a central angle of  $66^{\circ}53'10''$  (chord bears  $S.40^{\circ}47'23''$ .W, a distance of 165.33 feet); thence  $S.07^{\circ}20'48''$ .W a distance of 28.86 feet; thence 157.36 feet along a curve to the left having a radius of 340.00 feet and a central angle of  $26^{\circ}31'07''$  (chord bears  $S.05^{\circ}54'45''$ .E, a distance of 155.96 feet); thence 75.24 feet along a reverse curve to the right having a radius of 290.00 feet and a central angle of  $14^{\circ}51'52''$  (chord bears  $S.11^{\circ}44'23''$ .E, a distance of 75.02 feet) to the point of beginning.

Said parcel of land containing 1,063,279 square feet or 24.410 acres, more or less.

County of Garfield  
State of Colorado