

**RESOLUTION NO. 7
SERIES OF 2020**

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 31-2-104 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") dated May 14, 2020 on behalf of the property owner, Eastwood 133, LLC, a Colorado limited liability company ("Petitioner"), for the annexation of certain real property described as follows into the Town of Carbondale, Colorado:

A parcel of land situated in Lot 16 of Section 28, Township 7 South, Range 88 West of the Sixth Principal Meridian, being more particularly described as follows:

Beginning at a point on the Westerly right-of-way line of Colorado State Highway No. 133, whence the East Quarter corner of said Section 28 bears North 24°43'21" East, 2372.8 feet; thence South 01°16'00" East, 511.89 feet along said Westerly right-of-way line; thence leaving said Westerly right-of-way line along the boundary of that Exception Parcel described in that document recorded as Reception No. 232893 South 88°44'00" West, 195.0 feet; thence continuing along said boundary South 01°16'00" East, 49.14 feet to a point on the Northeasterly right-of-way line of the Denver and Rio Grande Western Railroad; thence leaving said boundary North 33°10'35" West, 47.30 feet along said Northeasterly right-of-way line; thence leaving said Northeasterly right-of-way North 01°16'00" West, 520.88 feet; thence North 88°44'00" East, 220.00 feet to the point of beginning.

Containing 2.602 acres more or less.

and,

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; and

WHEREAS, the Petitioner owns 100% of the affected property and has signed the Petition; and

WHEREAS, an Annexation Map of the proposed "Eastwood 133, LLC Annexation" has been duly filed along with said Petition as required by Section 31-12-107(1)(d), C.R.S.; and

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; and

WHEREAS, the form of the Petition substantially complies with the applicable requirements 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 is hereby deemed to be in substantial compliance with C.R.S. section 31-12-107(1). 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 C.R.S. Sections 31-12-104 and 31-12-105, 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 September 22, 2020 (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.

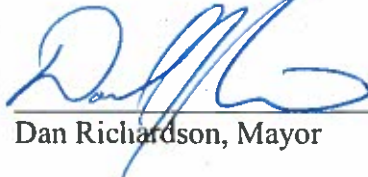
3. The Town Clerk shall give public notice as follows: A copy of this resolution shall constitute notice that, on the given date and at the given time set by the Board of Trustees, the Board of Trustees shall hold a hearing for the purpose of determining and finding whether the area proposed to be annexed 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 if

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 the Roaring Fork School District, 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 28th day of July, 2020.

TOWN OF CARBONDALE

By: 
Dan Richardson, Mayor

ATTEST:


Catherine Derby, Town Clerk

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