

**RESOLUTION NO. 3  
SERIES OF 2017**

**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 November 16, 2016 from Huntington, LP, on behalf of the property owner, 133 Limited Partnership ("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 "Stein 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 the 28th<sup>th</sup> day of March, 2017 (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 the Roaring Fork School District, and to any special districts having territory within the area to be annexed.

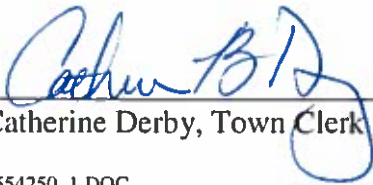
4. Town staff is hereby directed to initiate appropriate zoning procedures with regard to the territory proposed to be annexed.

INTRODUCED, READ, AND PASSED this 14th day of February, 2017.

TOWN OF CARBONDALE

By:   
Dan Richardson, Mayor

ATTEST:

  
Catherine Derby, Town Clerk

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## PETITION FOR ANNEXATION

TO THE TOWN CLERK AND THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO:

Re: 2.602 Acre parcel Owned by 133 Limited Partnership

PURSUANT to the Municipal Annexation Act of 1965, Part 1, Article 12, Title 31, of the Colorado Revised Statutes, as amended (the "Act"), the undersigned hereby petitions and requests the Board of Trustees of the Town of Carbondale, Colorado, to approve and complete the annexation of that certain unincorporated territory located in the County of Garfield, State of Colorado, described below and referred to herein as the "Annexation Parcel."

IN SUPPORT OF THIS PETITION, THE PETITIONER ALLEGES:

1. It is desirable and necessary that the Annexation Parcel as described on Exhibit A be annexed to the Town of Carbondale, Colorado;
2. All requirements of Sections 31-12-104 and 31-12-105 of the Act, and in particular those relating to contiguity, exist or have been met;
3. The signers of the petition comprise the landowners of more than fifty percent of the territory included in the area proposed to be annexed;
4. This annexation will not have the effect of extending a portion of the municipal boundary more than three (3) miles from the point of such municipal boundary;
5. A community of interest exists between the area proposed to be annexed and the Town of Carbondale, Colorado;
6. The area proposed to be annexed is urban or will be urbanized in the near future;
7. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Carbondale, Colorado;
8. As set forth in the Act, in establishing the boundaries of any territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, is divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road or other public way. By signing this Petition, the undersigned landowners hereby give the written consent, in the event it is required (NA);

9. As set forth in the Act, in establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) 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 without the written consent of the landowners unless such tract of land is situated entirely within the outer boundaries of the annexing municipality as they exist at the time of annexation. By signing this Petition, the undersigned landowners hereby give the written consent in the event it is required (NA);
10. No annexation proceedings have been commenced for the annexation to any municipality other than the Town of Carbondale of all or part of the territory described below;
11. The annexation proposed in this Petition will not result in the detachment of any area from any school district and the attachment of the same area to another school district;
12. The signatures of all the landowners included within the area proposed to be annexed, the mailing address of each such signer, the legal description of the land owned by such signer and the date of signing of each signature are set forth below and all of the petitioners signed this Petition for Annexation within 180 days prior to the date of its filing with the Town of Carbondale;
13. In establishing the boundaries of the area proposed to be annexed, if a portion of a platted street or alley is annexed, the entire width of such street or alley is included within the area annexed (NA);
14. This Petition for Annexation satisfies the requirements of Article 11, Section 30, of the Colorado Constitution in that it is signed by persons comprising more than 50% of the land owners of the area proposed to be annexed who own more than 50% of said area, excluding public streets and alleys;
15. In the event an Annexation Agreement satisfactory to both the petitioners and the Town of Carbondale, Colorado, is not entered into and fully executed on or before the date that the ordinance to effectuate the annexation contemplated in this Petition for Annexation is finally adopted, the petitioners may withdraw their signatures from this Petition for Annexation, the effect of which shall be as if no Petition had been executed and filed with the Town of Carbondale;

16. This Petition is accompanied by an Annexation Map containing, among other things, the following information:
  - a. A written legal description of the boundaries of the Annexation Parcel and the total area proposed to be annexed to the Town of Carbondale, Colorado.
  - b. A map showing the boundary of each Annexation Parcel and the total area proposed to be annexed to the Town of Carbondale, Colorado;
  - c. Within the annexation boundary map, a showing of the location of each ownership tract of unplatted land and the boundaries and plat numbers of all platted lands; and
  - d. Next to the boundary of each Annexation Parcel is a drawing of the contiguous boundary of the Town.
18. None of the territory proposed to be annexed to the Town of Carbondale, Colorado, is presently a part of any incorporated city, city and county, or town;
19. Attached to this Petition is the affidavit of each circulator of this Petition stating that each signature hereon is the signature of the person whose name it purports to be.
20. Whenever from the context it appears appropriate, each term stated in either the singular or plural will include the other, and pronouns stated in either the masculine, feminine, or neuter gender will include each of the other genders.

THEREFORE, the petitioners respectfully request that following a public hearing on this Petition for Annexation, the Board of Trustees of the Town of Carbondale, Colorado, approve the annexation of the Annexation Parcel to said Town.

NAME, MAILING ADDRESS, SIGNATURE AND DATE OF SIGNING OF  
EACH OWNER AND PURCHASER OF THE ANNEXATION PARCEL.

OWNER/PETITIONER:

133 Limited Partnership  
1010 Nottingham Place  
Johnson City, TN 37604

By: Mary Ann Hyde 11-16-14  
Mary Ann Hyde, Manager Date

AFFIDAVIT OF CIRCULATOR

STATE OF ~~GOLORADO~~ ) Tennessee  
 )ss  
COUNTY OF ~~GARFIELD~~ ) Washington

Affiant Mary Ann Hyde being of lawful age and first being sworn upon oath, deposes and says:

1. Affiant is the circulator of the foregoing Petition for Annexation consisting of 5 pages, including this page.
2. Affiant provided the signatory with both a copy of the Petition for Annexation and the attached Annexation Map to be filed with the Town of Carbondale, as referred to in said Petition.
3. Affiant personally witnessed the signature(s) appearing on the foregoing Petition for Annexation and the signature appearing thereon is the signature of the person whose name it purports to be.

Further, Affiant sayeth not.

Dated this 18 day of November 2016.

Mary Ann Hyde

Affiant / Circulator

STATE OF ~~GOLORADO~~ ) Tennessee  
 )ss  
COUNTY OF Washington )

Subscribed and sworn to before me this 18 day of November 2016 by Mary Ann Hyde

Witness my hand and official seal.

Kevin W. Wisor

My commission expires: 7/31/18

Notary Public

[Signature]







Garfield County Land Explorer

1 inch = 188 feet

1 inch = 0.04 miles



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Garfield County

Garfield County Colorado  
www.garfield-county.com

Colorado

**Disclaimer**

This is a compilation of records as they appear in the Garfield County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.

Stein - Heritage Storage Annexation