

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. TC 2017-9**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE,  
COLORADO. MAKING FINDINGS OF FACT AND CONCLUSIONS REGARDING THE  
ANNEXATION OF THE PROPERTY KNOWN AS TBD BRUCE ROAD TO THE TOWN.**

**WHEREAS**, on March 17, 2017, Turtlepoo LLC (“Petitioner”) filed with the Town Clerk of the Town of New Castle, Colorado (“Town”), a petition for annexation (“Petition”) and request that the Town Council commence proceedings to annex to the Town pursuant to C.R.S. § 31-21-104, a certain portion of an unincorporated parcel of land located in the County of Garfield, State of Colorado, at TBD Bruce Road, New Castle, Colorado, and described in Exhibit “A” attached hereto and incorporated herein by reference (“Property”); and

**WHEREAS**, the Town Council, by Resolution No. TC 2017-8, found that the Petition was in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. § 31-12-107(1); and

**WHEREAS**, the Town Council, also by Resolution No. TC 2017-8, established a date, time, and place for a public hearing regarding annexation of the Property; and

**WHEREAS**, the Town Clerk has given notice of the hearing in accordance with C.R.S. § 31-12-108(2), and Petitioner has properly noticed the hearing pursuant to the Town Municipal Code; and

**WHEREAS**, the Town Council opened a duly-noticed public hearing regarding the Petition on May 16, 2017; and

**WHEREAS**, after keeping the public hearing open for one hour, the Town Council continued the hearing and consideration of this Resolution to June 6, 2017; and

**WHEREAS**, the Town Council considered all of the written materials presented, statements and testimony from the Petitioner and other interested parties, comments of review agencies, recommendations of the Town Clerk and Town’s consultants and staff, and comments from the public; and

**WHEREAS**, based on the information presented, the Town Council makes the following findings and conclusions regarding the annexation of the Property to the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF NEW CASTLE TOWN COUNCIL AS FOLLOWS:**

1. **Recitals.** The foregoing recitals are incorporated by reference as findings and determinations of the Town Council.
2. **Desirability.** It is desirable and necessary that the Property be annexed to the Town of New Castle, Colorado.
3. **Annexation Petition.** The findings set forth in Resolution No. TC 2017-8 regarding the substantial compliance of Petitioner’s Petition with C.R.S. § 31-12-107(1) are

hereby recognized, reaffirmed, and incorporated herein by reference as findings and determinations of the Town Council.

4. Colorado Constitution Art. II, Sec. 30. Petitioner is the sole signer of the Petition and is the sole owner of one hundred percent of the area proposed for annexation, exclusive of public streets and alleys. Thus, the requirements of article II, section 30 of the Colorado constitution are satisfied.

5. C.R.S. § 31-12-104 Requirements. The requirements for annexation set forth in C.R.S. § 31-12-104, as amended, exist or have been met with respect to the Property, including, without limitation, the following:

- A. More than one-sixth of the perimeter of the Property is contiguous to the Town.
- B. A community of interest exists between the Property and the Town.
- C. The Property is integrated with the Town or is capable of being integrated with the Town.

6. C.R.S. § 31-12-105 Requirements. The requirements for annexation set forth in C.R.S. § 31-12-105, as amended, exist or have been met with respect to the Property, including, without limitation, the following:

- A. In establishing the boundaries of the Property, 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:
  - i. Has been divided into separate parts or parcels without the written consent of the landowners thereof; or
  - ii. Comprising twenty acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000 for *ad valorem* tax purposes for the year next preceding the annexation) has been included without the written consent of the landowners.
- B. No proceedings have been commenced for the annexation of all or part of the Property to any municipality other than the Town.
- C. The proposed annexation of the Property will not affect the boundaries of any school district.
- D. The proposed annexation of the Property will not extend the municipal boundary of the Town more than three miles in any direction from any point on the current municipal boundary of the Town.

E. The Town has prepared and adopted an Annexation Plan meeting the requirements of C.R.S. § 31-12-105(e). The Annexation Plan includes the following: Town of New Castle Comprehensive Plan dated May 27, 2009, and the Future Land Use Plan and map included therein; each and every zoning ordinance passed since the adoption of the Comprehensive Plan; the Town of New Castle zoning map; and the Annexation Agreement between Petitioner and the Town as approved by the Town Council.

7. Annexation Impact Report. The Property consists of approximately 3.237 acres of land. As such, the annexation impact report provided for in C.R.S. § 31-12-108.5 is not required, and said report was not prepared, reviewed, or submitted.

8. Additional terms and conditions regarding annexation of the Property are to be imposed upon Petitioner as agreed to by Petitioner and set forth in the Annexation Agreement to be considered and approved by Town Council on even date herewith. The terms and conditions of said Annexation Agreement, as approved by Town Council, are incorporated herein by this reference.

9. No election is required under C.R.S. § 31-12-107, as the petition for annexation of the Property is signed by one hundred percent of the owners of the Property, exclusive of public streets and alleys, and no additional terms and conditions will be imposed upon Petitioner that were not otherwise agreed to by such owners.

10. No election for annexation of the Property has been held in the preceding twelve months.

11. The annexation of the Property to the Town will not result in a change of the boundaries of Garfield County.

12. None of the Property is presently a part of any incorporated city, city and county, or town and is not contiguous to any other incorporated city, city and county, or town.

13. The procedures outlined in C.R.S. §§ 31-12-108, 109, and 110 have been followed, and the Town has complied with all notice and hearing requirements set forth therein.

14. On even date herewith, the Town Council intends to annex the Property, by ordinance, to the Town.

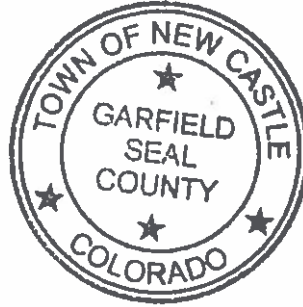
THIS RESOLUTION NO. TC 2017-9 was adopted by the Town of New Castle Town Council by a vote of 5 to 0 on the 6th day of June, 2017.

TOWN OF NEW CASTLE TOWN COUNCIL

By:   
Art Riddile, Mayor

ATTEST:

Melody Harrison  
Melody Harrison, Town Clerk



**EXHIBIT A**

The Property that is the subject of this Resolution No. TC 2017-9 is fully described as follows:

A parcel or tract of land situated in the East 1/4 of the SE 1/4 of Section 32, Township 5 South, Range 90 West of the 6th Principal Meridian, County of Garfield, State of Colorado, said parcel being a portion of that parcel of land described in Reception No. 887954 of the Garfield County records, and being more particularly described as follows:

Beginning at the Southwest Corner of said parcel described in Reception No. 887954, also being at the Northerly right-of-way of Garfield County Road No. 240, from which the East One-Quarter Corner of said Section 32 bears N44°08'57"E a distance of 1646.86 feet;

thence N 05°22'05" W along the Westerly Line of said parcel described in Reception No. 887954, distance of 846.96 feet;

thence N 90°00'00" E a distance of 162.87 feet;

thence S 08°00'00" E a distance of 722.72 feet to the Southerly Line of said parcel described in Reception No. 887954, also being the Northerly right-of-way of Garfield County Road No. 240;

thence S 55°18'00" W along said Southerly Line of said parcel described in Reception No. 887954, and also the Northerly right-of-way of Garfield County Road No. 240, a distance of 224.07 feet to the point of beginning, said parcel containing 3.237 acres (141,006 square feet), more or less.