

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2017-8

A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF NEW CASTLE,
COLORADO, MAKING FINDINGS OF FACT AND CONCLUSIONS CONCERNING THE
PETITION FOR ANNEXATION OF PROPERTY KNOWN AS THE
KUERSTEN PROPERTY

WHEREAS, on March 17, 2017, Turtlepoop LLC (“Petitioner”) filed with the Town Clerk of the Town of New Castle, Colorado (“Town”), an annexation petition (“Petition”) and request that the Town Council commence proceedings to annex to the Town pursuant to C.R.S. § 31-21-104, a certain 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, in order to initiate the annexation process, the Town must determine whether the Petition is substantially in compliance with the requirements set forth in C.R.S. § 31-12-107(1); and

WHEREAS, if the Petition is found to comply with C.R.S. § 31-12-107(1), the Town must also set a public hearing to determine whether the annexation complies with section 30 of article II of the State constitution and C.R.S. §§ 31-12-104 and -105; and

WHEREAS, Council has reviewed the Petition and makes the findings set forth in this Resolution.

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

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Board.
2. Petition Contents. After reviewing the Petition, the Town Council finds that the Petition contains:
 - a. Allegations that the requirements of section C.R.S. §§ 31-12-104 and 105 exist or have been met;
 - b. An allegation that the landowners that the signed the Petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed;
 - c. A request that the Town approve the annexation of the area proposed to be annexed;

- d. The signatures, signature dates, mailing addresses, and property legal descriptions of the requisite number of landowners;
- e. An affidavit of each circulator of the petition stating that each signature therein is the signature of the person whose name it purports to be; and
- f. The requisite number of copies of the annexation map containing the information required under C.R.S. § 31-12-107(1)(d).


3. Finding of Substantial Compliance. Based on the findings set forth in Paragraph 2, the Town Council hereby determines that the Petition substantially complies with the requirements set forth in C.R.S. § 31-12-107(1).

4. Hearing Set. The Town Council will hold a public hearing on May 16, 2017, to determine whether the proposed annexation of the Property complies with section 30 of article II of the state constitution and C.R.S. §§ 31-12-104 and 105.

5. Direction to Town Clerk. The Town Council hereby directs the Town Clerk to publish notice as required by C.R.S. § 31-12-108(2) of the hearing established in Section 4 of this Resolution.

THIS RESOLUTION NO. TC 2017-8 was adopted by the Town of New Castle Town Council by a vote of 7 to 0 on the 4th day of April, 2017.

TOWN OF NEW CASTLE, COLORADO
TOWN COUNCIL

By: 
Art Riddile, Mayor

ATTEST:


Melody Harrison, Town Clerk

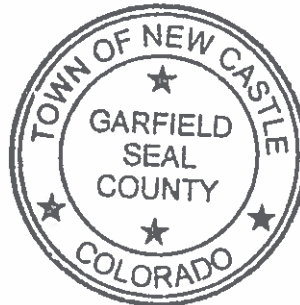


Exhibit A

The Property that is the subject of the Petition and this Resolution No. TC 2017-8 is fully described as:

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.