

**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE NO. TC 2017-7**

AN ORDINANCE OF THE TOWN OF NEW CASTLE, COLORADO, TOWN COUNCIL CONCERNING THE ANNEXATION OF A PORTION OF COUNTY ROAD 335 INTO THE TOWN

**WHEREAS**, on October 12, 2017, Garfield County (“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, that portion of County Road 335 located in unincorporated Garfield County, Colorado, described in **Exhibit “A”** attached hereto and incorporated herein by reference (“Property”); and

**WHEREAS**, the Town Council, by Resolution No. TC 2017-21, 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 Board, also by Resolution No. TC 2017-21, established a date, time, and place for a public hearing regarding annexation of the Property; and

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

**WHEREAS**, the Town Council held a duly-noticed public hearing regarding the Petition on December 5, 2017; and

**WHEREAS**, Town Council, by Resolution No. TC 2017-25, set forth its findings of fact, determinations, and conclusions regarding the annexation of the Property; and

**WHEREAS**, Town Council, by Resolution No. TC 2017-25, determined that the Property qualifies for annexation to the Town under the Municipal Annexation Act of 1965 and the Town Municipal Code; and

**WHEREAS**, based on the Petition, the information presented at the hearing, and applicable law, the Town Council now desires to annex the Property to the Town.

**NOW, THEREFORE, BE IT ORDAINED 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 Town Council.
2. Resolution No. TC 2017-25. Resolution No. TC 2017-25 is incorporated herein by reference as if fully set forth in this Ordinance.
3. Annexation of the Property. The Town Council hereby approves the annexation of the Property referred to and described herein to the Town of New Castle, Colorado.
4. Effective Date. Pursuant to Article IV of the Town Charter, this Ordinance shall become effective fourteen days after publication following the second reading this Ordinance.

5. Direction to Town Clerk. Within thirty (30) days of the Effective Date of this Ordinance, the Town Clerk shall, on behalf of the Town:

- A. File one copy of the annexation map and the original of this Ordinance in the office of the Town Clerk of the Town of New Castle;
- B. File for recording with the County Clerk and Recorder of Garfield County, Colorado, a certified copy of this Ordinance and the annexation map containing a legal description of the Property;
- C. File one copy of this Ordinance and one copy of the annexation map in the office of the County Assessor of Garfield County, Colorado; and

INTRODUCED on December 5, 2017, at which time copies were available to the Town Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Town Council of the Town of New Castle, Colorado, on December 19, 2017, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

TOWN COUNCIL OF THE TOWN  
OF NEW CASTLE, COLORADO

By: \_\_\_\_\_

Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Melody Harrison, Town Clerk

## Exhibit A

The property that is the subject of Ordinance No. TC 2017-7 and Garfield County's Petition for Annexation to the Town of New Castle, Colorado, is legally described as follows:

A parcel of land situated in the SW1/4 of Section 32, Township 5 South, Range 90 West of the 6<sup>th</sup> P.M., and also in the NE1/4 of Section 2, Township 6 South, Range 91 West of the 6<sup>th</sup> P.M., County of Garfield, State of Colorado, said parcel being more fully described as follows:

Beginning at the Southwest Corner of that parcel of land described and shown on that Annexation Plat, recorded as Reception No. 431501 of the Garfield County records from which the Southwest Corner of said Section 32 bears S.04°11'47"E. a distance of 1315.98 feet;

thence 667.37 feet along the Southerly Line of said parcel, along a non-tangent curve to the right, having a radius of 2138.39 feet, a central angle of 17°52'53", the chord of which bears S 63°11'11" E a distance of 664.66 feet;

thence S 54°14'45" E along said Southerly Line, a distance of 579.81 to the Southeast Corner of said parcel;

thence S 54°14'45" E a distance of 331.99 feet along an offset line being 50.00 feet Northeasterly of, and parallel to, the road surface centerline of the existing County Road No. 335;

thence continuing along said offset line the following three (3) courses;

1) 430.98 feet along a curve to the left, having a radius of 3628.46 feet, a central angle of 6°48'19", the chord of which bears S 57°38'54" E, a distance of 430.72 feet;

2) S 61°03'15" E a distance of 484.41 feet;

3) 299.28 feet along a curve to the left, having a radius of 1786.15 feet, a central angle of 9°36'02", the chord of which bears S 65°51'16" E, a distance of 298.93 feet to the Westerly Line of Lot 1 of Riverside Park, as shown on the Plat thereof, recorded as Reception No. 548663;

thence S 13°22'59" W following said Westerly Line, and said Westerly Line extended, a distance of 100.51 feet;

thence along a line being 50.00 feet Southwesterly of, and parallel to the road surface centerline of the existing County Road No. 335 the following three (3) courses;

1) 326.48 feet along a non-tangent curve to the right, having a radius of 1886.15 feet, a central angle of 9°55'03", the chord of which bears N 66°00'46" W a distance of 326.07 feet;

2) N 61°03'15" W a distance of 484.42 feet;

3) 350.74 feet along a curve to the right, having a radius of 3726.87 feet, a central angle of  $5^{\circ}23'32''$ , the chord of which bears  $N 58^{\circ}21'23'' W$  a distance of 350.61 feet to the easterly most corner of Coal Ridge Industrial Subdivision, as shown on the Plat thereof, recorded as Reception No. 571484;

thence along the Northeasterly Line of said Subdivision, the following three (3) courses:

1) 92.11 feet along a non-tangent curve to the right, having a radius of 3726.87 feet, a central angle of  $1^{\circ}24'58''$ , the chord of which bears  $N 54^{\circ}57'09'' W$  a distance of 92.11 feet;

2)  $N 54^{\circ}14'45'' W$  a distance of 911.80 feet;

3) 595.45 feet along a non-tangent curve to the left, having a radius of 2038.39 feet, a central angle of  $16^{\circ}44'14''$ , the chord of which bears  $N 62^{\circ}36'51'' W$ , a distance of 593.34 feet to the Northwest Corner of Tract A of said Coal Ridge Industrial Subdivision, also being at the Westerly Line of said Section 32;

thence  $N 04^{\circ}11'47'' W$  along said Westerly Line, a distance of 108.35 feet to the point of beginning, said parcel containing 6.376 acres (277747 square feet), more or less.