

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2017-25**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE,
COLORADO, MAKING FINDINGS OF FACT AND CONCLUSIONS REGARDING THE
ANNEXATION OF A PORTION OF COUNTY ROAD 335 TO 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 Town Council, 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 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 held a duly-noticed public hearing regarding the Petition on December 5, 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 2017-21 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 landowner—as that term is defined in the Municipal Annexation Act—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 6.376 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. No additional terms or conditions regarding annexation of the Property are imposed upon Petitioner.

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 landowners—as that term is defined in the annexation act—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.

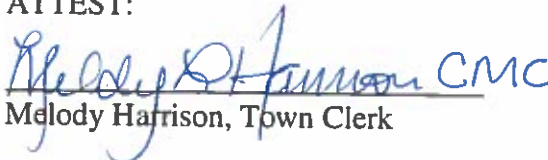
14. On even date herewith, the Town Council intends to annex the Property, by ordinance, to the Town.

THIS RESOLUTION NO. TC 2017-25 was adopted by the Town of New Castle Town Council by a vote of 6 to 0 on the 6th day of December 5, 2017.

TOWN OF NEW CASTLE TOWN COUNCIL

By: 
Art Riddile, Mayor

ATTEST:


Melody Harrison, Town Clerk

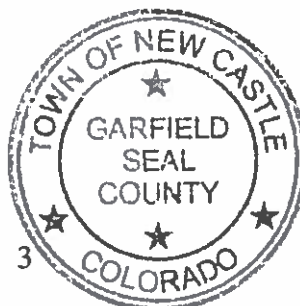


EXHIBIT A

The Property that is the subject of this Resolution No. TC 2017-25 is fully described as follows:

The property that is the subject of Ordinance No. TC 2017-__ 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 6th P.M., and also in the NE1/4 of Section 2, Township 6 South, Range 91 West of the 6th 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°23'32", the chord of which bears N 58°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.