

**RESOLUTION NO. 12
SERIES OF 2020**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, FINDING AND CONCLUDING AFTER A PUBLIC HEARING AN AREA TO BE ELIGIBLE FOR ANNEXATION AND NOT SUBJECT TO CERTAIN RESTRICTIONS CONCERNING ANNEXATION, DECLARING THAT IT IS NOT NECESSARY TO HOLD AN ELECTION, AND RESOLVING TO ANNEX AN AREA TO THE TOWN OF CARBONDALE, COLORADO.

WHEREAS, Eastwood 133, LLC, a Colorado limited liability company (“Petitioner”) has petitioned the Town of Carbondale to annex a parcel of property to the Town as is described on Exhibit A (“Property”) which is attached to the annexation petition (the Petition for Annexation and Exhibit are incorporated herein by this reference); and

WHEREAS the Town previously passed Resolution No. 7, Series of 2020, finding that the Petition was substantially in compliance with the statutes and setting the consideration of annexation for hearing on September 22, 2020; and

WHEREAS, commencing on September 22, 2020, and continuing on October 13, 2020 and November 10, 2020, a public hearing was held before the Board of Trustees of the Town of Carbondale, upon notice as required by law, on the petition; and

WHEREAS, the hearing, at which the Board of Trustees has approved this resolution, has been video recorded and by the minutes of the Town Clerk, and the Board of Trustees hereby dispenses with any other recording or reporting procedures.

Based on a consideration of the evidence adduced at the hearing, the Board FINDS:

1. All signatures on the petition are dated within one hundred eighty (180) days prior to the filing with the Town Clerk of the petition and the petition is accompanied by a map which contains a legal description of the Property to be annexed, which depicts and shows the boundaries of the area proposed to be annexed, the location and ownership of the Property to be annexed, and the location and dimensions of boundaries and plat numbers of any tracts, plots, lots and blocks of platted land, if any, the contiguous boundary of the Property proposed to be annexed within the Town of Carbondale, the dimensions of the contiguous boundary within the Town of Carbondale, and the bearings of the boundaries of said area.

2. The petition appears to be in substantial compliance with the Municipal Annexation Act of 1965, Colo. Rev. Stat. Section 31-12-101, *et. seq.*, as amended.

3. Petitioner is the owner of one hundred percent (100%) of the Property to be annexed, exclusive of any streets and alleys.

4. At such meeting, the Board of Trustees concluded as follows:

- a. Notice of the meeting has been given as required by law;
- b. It is desirable and necessary that the Property be annexed to the Town of Carbondale, Colorado;
- c. Not less than one-sixth (1/6th) of the perimeter of the Property is contiguous with the Town of Carbondale, Colorado;
- d. A community of interests exists between the Property and the Town of Carbondale, Colorado;
- e. The Property proposed to be annexed is presently vacant, but Petitioner intends to develop a self-storage facility project that can easily be serviced by Town utilities and facilities which are adjacent or near the Property;
- f. The Property is integrated or capable of being integrated with the Town of Carbondale, Colorado;
- g. In establishing the boundaries of the Property to be annexed:
 - (1) No land held in identical ownership is divided into separate parts or parcels without the written consent of the landowner or landowners thereof; and
 - (2) No land that comprises twenty (20) acres or more, which together with the buildings and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes for the year preceding the annexation, is included without the written consent of the landowner or landowners;
- h. The annexation of the Property will not result in the detachment from any school district;
- i. The annexation of the Property will not result in the detachment of Property from Garfield County;
- j. No petition has been filed to annex all or part of the Property to another municipality;


- k. This annexation will not extend the Carbondale municipal boundaries more than three (3) miles in any direction from any point of such municipal boundary;
- l. The Property may be annexed to the Town of Carbondale, Colorado, subject to the terms and conditions of an Annexation Agreement approved by the Board of Trustees;
- m. The requirements of the applicable parts of Colo. Rev. Stat. §§ 31-12-104 and 31-12-105, have been met, and an election under Colo. Rev. Stat. § 31-12-107(2) is not required; and
- n. Further terms and conditions of development of the Property may be imposed by the Town as part of any zoning, site plan, or other land use or building permit application review and approval.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, that the Board of Trustees should enact an Ordinance annexing the Property described in Exhibit A into the Town of Carbondale, Colorado.

INTRODUCED, READ AND PASSED THIS 24th day of November, 2020.

THE TOWN OF CARBONDALE


By:



Dan Richardson, Mayor

ATTEST:

By:



Cathy Derby, Town Clerk



EXHIBITS:

A. Property Description

EXHIBIT "A"
Attached to and forming a part of
WARRANTY DEED
between

GRANTOR: 133 LIMITED PARTNERSHIP, A COLORADO LIMITED PARTNERSHIP
GRANTEE: EASTWOOD 133, LLC, A COLORADO LIMITED LIABILITY COMPANY

LEGAL DESCRIPTION

A parcel of land situated in Lot 16 of Section 28 and Lot 2 of Section 33, all in 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° 37' 53" East, 2379.58 feet;
thence South 01° 16' 00" East, 611.10 feet along said Westerly right-of-way line;
thence South 81° 31' 30" West, 156.10 feet to a point on the Northeasterly right-of-way line of the Denver and Rio Grande Western Railroad;
thence North 33° 07' 25" West, 123.47 feet along said Northeasterly right-of-way line;
thence North 01° 16' 00" West, 525.80 feet;
thence North 88° 44' 00" East, 220.00 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion conveyed by Mary Anne Hyde to Public Service Company of Colorado in Deed recorded June 8, 1962 in Book 600 at Page 844.

County of Garfield, State of Colorado.

also known by street and number as: TBD Highway 133, Carbondale, CO 81623