

ORDINANCE NO.

11-04
Series of 2011

TITLE: AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PROPERTY KNOWN AS THE RITCHEY/ROY PROPERTIES ANNEXATION UPON PETITION BY THE OWNER OF THE PROPERTY

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Board of Trustees of the Town of Hudson, Colorado, written petition for annexation to and by the Town of Hudson, Colorado, of that property described in attached **Exhibit A**, being contiguous unincorporated territory situated, lying and being in the County of Weld, State of Colorado; and

WHEREAS, the Board of Trustees of the Town of Hudson, Colorado, has conducted a public hearing on October 19, 2011, as required by law to determine the eligibility for annexation of that property described in attached Exhibit A; and

WHEREAS, the Board of Trustees of the Town of Hudson, Colorado, has satisfied itself concerning the eligibility for annexation of that property described in attached Exhibit A and concerning the conformance of the proposed annexation to the applicable law in the annexation policy of the Town of Hudson, Colorado; and

WHEREAS, the Board of Trustees of the Town of Hudson, Colorado, by resolution determined that the applicable parts of C.R.S. §§ 31-12-104 and 31-12-105 have been met, that an election is not required under C.R.S. § 31-12-107(2), and that no additional terms and conditions are to be imposed; and

WHEREAS, it is the opinion of the Board of Trustees that it is desirable and necessary that the property described in the attached Exhibit A be annexed to the Town; and

WHEREAS, it is in the best interest of the Town and its citizens to annex said parcel.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. The annexation by and to the Town of Hudson, State of Colorado, of that property described in attached **Exhibit A**, situated, lying and being in the County of Weld, State of Colorado, meets all requirements of law and the annexation policy of the Town of Hudson, and therefore, said annexation is hereby approved and made effective.

Section 2. The owner of more than fifty percent (50%) of the area of the property described in attached Exhibit A, exclusive of public streets and alleys, petitioned for annexation with the Town

Board of Trustees by filing a Petition for Annexation, together with four (4) copies of the annexation map, as required by law.

Section 3. The Board of Trustees, by resolution at a properly noticed meeting on September 7, 2011, accepted said Petition and found and determined that the applicable parts of the Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, as amended, have been met and further determined that an election was not required under the Act and that no additional terms and conditions were to be imposed upon said annexation.

Section 4. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Hudson.

Section 5. Considering all of the foregoing, and based on the conviction that annexation of this property to the Town of Hudson will serve the best interests of the Town of Hudson and the owner(s) of the territory to be annexed, the unincorporated territory described in Exhibit A, which is attached hereto and made a part hereof, is hereby annexed to the Town of Hudson, Colorado.

Section 6. Upon passage of this Ordinance, the Town Clerk shall file for recording three (3) certified copies of the Annexation Ordinance and three (3) copies of the Annexation Map with the Clerk and Recorder of the County of Weld, State of Colorado, and shall keep one (1) copy of the annexation map along with the original of this Annexation Ordinance in the Town Clerk's office.

Section 7. The Town Clerk shall request that the Weld County Clerk and Recorder shall file one (1) certified copy of the Annexation Ordinance and one (1) copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs in addition to filing one (1) certified copy of the Annexation Ordinance and one (1) copy of the Annexation Map with the Colorado Department of Revenue

Section 8. The Annexation Map showing the boundaries of the newly annexed territory as above described shall be kept on file in the office of the Weld County Clerk and Recorder.

Section 9. Effective Date. By operation of C.R.S. § 31-12-113(2), the annexation and this ordinance will not become effective until the Town Clerk completes the filings required by statute. For the purpose of general taxation, this ordinance shall become effective on January 1st of the next succeeding year following its passage.

INTRODUCED, READ IN FULL, AND ADOPTED this 5th day of October, 2011.

TOWN OF HUDSON, COLORADO



Neal Pontius
Neal Pontius, Mayor

ATTEST:

Linnette Barker
Linnette Barker, Town Clerk

PASSED ON SECOND AND FINAL READING this 16th day of November, 2011,
AND ORDERED PUBLISHED ONCE IN FULL.

TOWN OF HUDSON, COLORADO



Neal Pontius
Neal Pontius, Mayor

ATTEST:

Linnette Barker
Linnette Barker, Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann
Corey Y. Hoffmann, Town Attorney

EXHIBIT A

PROPERTY DESCRIPTION - RITCHEY/ROY ANNEXATION TO THE TOWN OF HUDSON

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2 AND IN THE SOUTHEAST QUARTER OF SECTION 3, ALL IN TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6th P.M., WELD COUNTY, COLORADO, PARCEL 1 AND PARCEL 2 BEING THAT TRACT OF LAND DESCRIBED IN CHICAGO TITLE OF COLORADO INC. TITLE COMMITMENT NO. 1243913, DATED OCTOBER 10, 2001 AND THE NORTH HALF OF EIGHTH AVENUE OF THE VACATED TOWN OF HUDSON LYING EASTERLY OF INTERSTATE 76 RIGHT-OF-WAY, THE PERIMETER OF SAID TRACTS OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 2 AND CONSIDERING THE WEST LINE OF SAID SOUTHWEST QUARTER TO BEAR NORTH 00° 27' 00" EAST AND WITH ALL OTHER BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO; THENCE NORTH 00° 27' 00" EAST, 1427.04 FEET ALONG SAID WEST LINE TO THE CENTERLINE OF EIGHTH AVE. OF THE VACATED TOWN OF HUDSON AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89° 14' 31" WEST, 486.45 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 76;

THENCE NORTH 55° 16' 30" EAST, 53.69 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF SAID PARCEL 2;

THENCE NORTH 55° 16' 30" EAST, 541.30 FEET, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY TO THE NORTHEAST CORNER OF SAID PARCEL 2 AND THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 2;

THENCE NORTH 55° 16' 30" EAST, 793.16 FEET, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE WEST RIGHT-OF-WAY LINE OF THE NERES CANAL;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE BY THE FOLLOWING 2 (TWO) COURSES;

1) SOUTH 42° 08' 25" EAST, 315.87 FEET;

2) SOUTH 17° 35' 02" EAST, 127.21 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE BY THE FOLLOWING 2 (TWO) COURSES;

1) SOUTH 52° 36' 12" WEST, 456.68 FEET;

2) SOUTH 53° 41' 30" WEST, 194.52 FEET;

THENCE SOUTH 89° 03' 56" WEST, 385.12 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2 AND THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2;

THENCE SOUTH 00° 27' 00" WEST, 30.01 FEET ALONG SAID WEST LINE TO THE TRUE POINT OF BEGINNING.

Contains 10.85 acres more or less and is subject to all existing easements and / or rights-of-way of record and as existing on the ground.