

RESOLUTION 94-18

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON ADOPTING FINDINGS OF FACT AND CONCLUSIONS PERTAINING TO THE ANNEXATION TO THE TOWN OF HUDSON, COLORADO, OF A PARCEL OF LAND OF APPROXIMATELY 2.257 ACRES IN SECTION 11, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO.

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

The Board of Trustees, pursuant to Section 31-12-110, 12B C.R.S. (1986 Repl. Vol.), and based upon the evidence adduced at the public hearing of September 28, 1994, makes the following findings of fact and conclusions.

FINDINGS OF FACT

1. On August 10, 1994, a petition (hereinafter the "Petition") for the annexation to the Town of Hudson, Colorado of the property described on **Attachment A** attached hereto (the "Property") was filed in the office of the Town Clerk.
2. The Board of Trustees determined that the Petition so filed was substantially in compliance with the requirements of Section 31-12-107(1), 12B C.R.S. (1986 Repl. Vol.), for annexation of the property, and on August 10, 1994, adopted Resolution No. 94-11 so finding and establishing September 28, 1994, as the date of the public hearing on the requested annexation.
3. The Town Clerk published a copy of said Resolutions and the Petition, together with a notice of the time, date and place of the annexation hearing, in the New News on August 18, 25, September 1 & 8, 1994. The Board of Trustees finds that the New News is a newspaper of general circulation in the area proposed to be annexed.
4. Copies of the published notice, said resolutions and the Petition were also sent by registered mail to the Board of County Commissioners of Weld County, the Weld County Attorney, the Hudson Fire Protection District, the following special districts; Weld Library, Aims College, Central Colorado Water Conservancy District, and the Groundwater Subdistrict of the Central Colorado Water Conservancy District, and the Weld County School District Re-3(J).
5. An annexation impact report which report was not required.

6. A public hearing pursuant to Section 31-12-109, 12B C.R.S. (1986 Repl. Vol.) was held before the Board of Trustees on September 28, 1994, at which all persons present were given an opportunity to present evidence upon any matter to be determined by the Board of Trustees.

7. Based on the evidence presented by King Surveyors, Registered Land Surveyors, the Board of Trustees finds that not less than one-sixth of the perimeter of the area to be annexed is contiguous with the Town of Hudson.

8. Based on the testimony of the Property Owner and the Town Special Projects Manager, the Board of Trustees finds that a community of interest exists between the Property and the Town of Hudson, that the Property will be urbanized in the near future, and that the Property is integrated with or capable of being integrated with the Town. In this regard the Town notes that no evidence whatsoever was presented at the hearing tending to show that:

a. Less than fifty percent (50%) of the adult residents make use of recreational, civic, social, religious, industrial, or commercial facilities of the Town; or that

b. Any landowner in the area to be annexed has expressed, under oath, an intention to devote the land to agricultural use for a period of not less than five years; or that

c. It is not physically practicable to extend to the Property those urban services which the Town provides in common to all its citizens on the same terms and conditions as such services are made available to such citizens.

9. 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, was divided into separate parts or parcels without the written consent of the landowners thereof.

10. In establishing the boundaries of the Property, no land held in identical ownership comprising twenty (20) acres or more, with or without a valuation for assessment of two hundred thousand dollars (\$200,000) for ad valorem tax purposes, was included without the written consent of the owner.

11. No annexation proceedings which comply with Colorado law have been commenced for the annexation of all or any portion of the Property by any other municipality.

12. The annexation of the Property will not result in the detachment of area from any school district and the attachment of the same to another school district.
13. The annexation of the Property will not have the effect of extending the Town's boundary more than three miles in any direction from any point on such boundary in any one year.
14. Prior to the completion of this annexation the Town had in place a plan for the area, which plan was adopted as a portion of the Town's Comprehensive Plan, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power and the proposed land uses for the area.
15. If the Property includes a portion of a platted street or alley, the entire width of said street or alley is included.

CONCLUSIONS

Based upon the findings of fact set forth above, the Board of Trustees concludes as follows:

1. The requirements of Sections 31-12-104 and 105, 12B C.R.S. (1990 Cum. Supp.) have been met and the Property as described in **Attachment A** is eligible for annexation to the Town of Hudson.
2. No election is required under Section 31-12-107(2), 12B C.R.S. (1986 Repl. Vol.).
3. It is in the best interested of the Town and necessary to protect the future health, safety, and welfare. of Town residents to annex the Property.

ADOPTED this 28th day of September, 1994.

Kathryn D. Whisenant, Mayor

ATTEST:

Judy Larson, Town Clerk

Attachment A

PROPERTY DESCRIPTION

A parcel of land being part of the Northwest Quarter (NW¼) of Section Eleven (11), Township One North (T.1N.), Range Sixty-five West (R.65W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest Corner (NW Cor) of said Section 11 and assuming the North line of said NW¼ to bear South 9000'00" East with all other bearings contained herein relative thereto:

THENCE South 9000'00" East along said North line a distance of 682.01 feet to the **TRUE POINT OF BEGINNING**:

THENCE continuing South 9000'00" East a distance of 141.00 feet to the NW Cor of that parcel of land as Annexed by that plat as recorded November 18, 1983 in Book 1013 as Reception Number 01947546 of the records of the Weld County Clerk and Recorder (WCCR); THENCE along the West, South, and East lines of said annexation by the following Three (3) courses and distances:

THENCE South 0000'00" East a distance of 130.00 feet;

THENCE South 9000'00" East a distance of 125.00 feet;

THENCE North 0000'00" West a distance of 92.00 feet;

THENCE South 9000'00" East a distance of 59.74 feet;

THENCE South 0024'00" West a distance of 455.10 feet;

THENCE North 8949'25" West a distance of 201.00 feet;

THENCE South 0024'00" West a distance of 50.00 feet;

THENCE North 8949'25" West a distance of 125.00 feet;

THENCE North 0024'00" East a distance of 110.00 feet to the Southwest Corner (SW Cor) of that parcel of land as described in Book 1165 as Reception Number 02109051 as recorded July 31., 1987;

THENCE along the South and East line of the aforesaid parcel of land, the East line of that parcel of land as described in Book 1377 as Reception Number 02328139 as recorded April 8, 1993, and the East and North lines of that parcel of land as described in book 1001 as Reception Number 01932278 as recorded July 5, 1983 by the following Three (3) courses and distances:

THENCE South 8949'25" East a distance of 125.00 feet;

THENCE North 0024'00" East a distance of 400.00 feet;

THENCE South 8949'25" West a distance of 125.00 feet;

THENCE North 0024'00" East a distance of 32.10 feet to the **TRUE POINT OF BEGINNING**.

Said described parcel of land contains 2.257 Acres, more or less(±), and is subject to any rights-of-way or other easements as granted or reserved by instruments of records or as now existing on said described parcel of land.