

RESOLUTION 94-13

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 1.533 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 August 10, 1994, makes the following findings of fact and conclusions.

FINDINGS OF FACT

1. On June 8, 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 five parcels in a series, and on June 29, 1994, adopted Resolutions No. 94-6, 94-7, 94-8, 94-9 and 94-10 so finding and establishing August 10, 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 July 7, 14, 21, and 28, 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 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, Lost Creek Ground Water, and Central Colorado Water Conservation, and the Weld County School District Re-3(J).

5. The Town Planner prepared an annexation impact report which report was filed with the Board of Commissioners of Weld County on July 15, 1994. The annexation impact report and attached map contain the information required by Section 31-12-108.5, 12B C.R.S. (1986 Repl. Vol.).

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 August 10, 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 Ronald L. Kamstra, Registered Land Surveyor, 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. The Property does not include any platted street or alley.

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 10th day of August, 1994.

Kathryn D. Whisenant, Mayor

ATTEST:

Judy Larson, Town Clerk

Attachment A

Legal Description of Parcel No. 2

A portion of the South one-half of Section 2, Township 1 North, Range 65 West of the Sixth Principal Meridian, County of Weld, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Section 2; thence N90D00' E along the South line of said Section 2, a distance of 1174.60 feet to the Point of Beginning; thence N02D35'00" W, a distance of 42.10 feet to a point on the North line of Colorado Highway No. 52; thence S86D47' E along said line, a distance of 30.6 feet; N90D00' E along said line, a distance of 444.4 feet; thence N89D29' E along said line, a distance of 332.1 feet; thence S89D54'30" E along said line, a distance of 649.0 feet; thence S00D43' W along said line, a distance of 2.0 feet; thence N90D00' E along said line, a distance of 213.7 feet; thence S02D35' E, a distance of 40.0 feet to a point on the South line of said Section 2; thence S90D00' W along said South line, a distance of 1669.8 feet to the Point of Beginning, containing 1.533 acres, more or less.

Area = 1.533 acres

Periphery of area to be annexed = 3421.7 feet

Contiguity of distance of area adjacent to the existing city limits = 570.3 feet

One-sixth of total periphery = 570.3 feet