

RESOLUTION 95-17

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 19.769 ACRES IN SECTION 10, 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 July 26, 1995, makes the following findings of fact and conclusions.

FINDINGS OF FACT

1. On June 12, 1995, 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 four parcels in a series, and on June 14, 1995, adopted Resolution No. 95-9 so finding and establishing July 26, 1995, as the date of the public hearing on the requested annexation.
3. The Town Clerk published a copy of said Resolution and the Petition, together with a notice of the time, date and place of the annexation hearing, in the New News on June 22, June 29 and July 6 and 13, 1995. 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 Colorado Department of Transportation, 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 prepared an annexation impact report which report was filed with the Board of Commissioners of Weld County on July 20, 1995. 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 July 26, 1995, 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, 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 presented and that of the Town Administrator, 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 9th day of August, 1995.

Judith K. Parker, Mayor

ATTEST:

Judy Larson, Town Clerk

Attachment A to Resolution 95-17

ANNEXATION DESCRIPTION PARCEL ONE

A parcel of land being a part of Section Ten (10), 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 Southeast Corner (SE Cor) of the Northwest Quarter (NW1/4) of said Section 10, and considering the East line of said NW1/4 to bear North 00°14'30" East, as indicated on the Colorado Department Of Transportation (C.D.O.T.) Right Of Way drawings F.I. 003-1(2) Sheet 28 with all other bearings contained herein relative thereto.

- #1 THENCE North 00°14'30" East a distance of 78.17 feet to a point being the point of intersection of the East line of said NW1/4 and Northwest Right Of Way line of the Burlington Northern Railroad said point being the TRUE POINT OF BEGINNING;
- #2 THENCE South 36°02'30" West a distance of 1062.87 feet along the Northwest Right Of Way Line of Burlington Northern Railroad, also being the Southeast Right Of Way Line of the Interstate Highway;
- #3 THENCE North 53°57'30" West a distance of 57.75 feet;
- #4 THENCE South 36°02'30" West a distance of 2100.00 feet;
- #5 THENCE North 53°57'30" West a distance of 115.50 feet;
- #6 THENCE North 36°02'30" East a distance of 2100.00 feet;
- #7 THENCE North 53°57'30" West a distance of 57.75 feet to a Point of Curvature. Said line being non-tangent to said curve.
- #8 THENCE along the Arc of a curve which is concave to the Northwest a distance of 1002.10', whose Radius is 2714.80', whose Delta is 21°08'57", and whose Long Chord bears North 25°28'01" East a distance of 996.42 feet to The Point of Tangency.
- #9 THENCE North 14°53'30" East a distance of 1470.60 feet;
- #10 THENCE North 15°14'25" East a distance of 48.30 feet;
- #11 THENCE South 00°14'30" West a distance of 1643.91' to the TRUE POINT OF BEGINNING.

Said described parcel of land contains 19.769 Acres ±, more or less.

Periphery of area to be annexed = 9,658.78 feet

Contiguity of distance of area adjacent to the existing town limits = 1,643.91 feet

Ratio = 1:5.875