

## RESOLUTION 95-6

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 33.67 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 February 22, 1995, makes the following findings of fact and conclusions.

### FINDINGS OF FACT

1. On December 6, 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 two parcels in a series, and on January 11, 1995, adopted Resolution No. 95-2 so finding and establishing February 22, 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 January 19, 29, February 2, and 9, 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 following special districts; Hudson Sanitation District, Hudson Fire Protection District, Weld Library, Aims College, Central Colorado Water Conservancy District, Groundwater Subdistrict of the Central Colorado Water Conservancy District, and the Weld County School District Re-3(J).
5. The Town Administrator prepared an annexation impact report which report was filed with the Board of Commissioners of Weld County on January 24, 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 February 22, 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 by Curt Aklam, 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 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 18th day of May, 1995.

\_\_\_\_\_  
Judith K. Parker, Mayor

ATTEST:

\_\_\_\_\_  
Judy Larson, Town Clerk

**Attachment A to Resolution 95-6**

Legal Description of Parcel No. 2

That part of the Northwest one-quarter Section 11, Township 1 North, Range 65 West of the Sixth Principal Meridian, Weld County, Colorado described as: Beginning at the Southwest corner said Northwest one-quarter, thence N8935'18"E along the South line said Northwest one-quarter, a distance of 1422.36 feet to the True Point of Beginning, said point being on the present Town Limits of Hudson, thence N0024'42"W along said Town Limits a distance of 711.36 feet, thence S9000'00"E departing from said Town Limits a distance of 887.21 feet, thence N0000'00"E departing from said Town Limits a distance of 131.73 feet to the beginning of a curve to the right, the delta of said curve is 1929'10", the radius of said curve is 500.00 feet, the chord of said curve bears N0944'35"E 169.23 feet, thence along the arc of said curve a distance of 170.05 feet to the end of said curve, thence N1929'10"E a distance of 104.09 feet to the beginning of a curve to the left, the delta of said curve is 1901'01", the radius of said curve is 500.00 feet, the chord of said curve bears N0959'01"E 165.19 feet, thence along the arc of said curve a distance of 165.96 feet to the end of said curve, thence N0000'00"E a distance of 401.63 feet, thence N8946'56"E a distance of 60.00 feet, thence N0000'00"W a distance of 192.19 feet, thence N8934'47"E a distance of 609.63 feet to a point on the West right-of-way line of the Neres Canal, thence Southerly along said right-of-way line the following courses and distances:

S4546'23"E	110.71 feet;
S6305'52"E	96.56 feet;
S5811'28"E	94.29 feet;
S4435'52"E	110.03 feet;
S2910'08"E	156.00 feet;
S2019'48"E	185.72 feet;
S0843'02"E	170.91 feet;
S0258'21"E	203.56 feet;
S0536'50"W	267.29 feet;
S0637'15"W	278.27 feet;
S0833'37"W	203.21 feet;
S1225'55"W	68.01 feet;
S2913'43"W	120.50 feet;
S3740'13"W	28.27 feet to a point on the South line

Northwest one-quarter said Section 11, thence S8935'18"W along said South line a distance of 192.11 feet to the True Point of Beginning.

Contains 33.67 Acres more or less.

Basis of Bearings: The West line Northwest one-quarter Section 11, Township 1 North, Range 65 West is assumed to be N0000'00"E.

Periphery of area to be annexed = 5,719.29 feet

Contiguity of distance of area adjacent to the existing town limits = 1,598.57 feet

One-sixth of total periphery = 953.21 feet