

# RESOLUTION NO. 99-15

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON FINDING SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF SECTION 31-12-107(1) C.R.S. OF AN ANNEXATION PETITION FILED BY GENE, PHYLLIS AND FLORENCE ANDREWS INITIATING ANNEXATION PROCEEDINGS FOR THE PROPERTIES DESCRIBED IN SAID PETITION AND ESTABLISHING THE DATE AND TIME FOR A PUBLIC HEARING TO DETERMINE IF THE PROPOSED ANNEXATIONS COMPLY WITH THE MUNICIPAL ANNEXATION ACT OF 1965.

WHEREAS, the Municipal Annexation Act of 1965 (the Act) provides that a municipality may accept Petitions for Annexation of property upon finding substantial compliance of the Petitions with the Act and annex such property; and

WHEREAS, the Town has received a Petition for Annexation from Gene, Phyllis and Florence Andrews to annex the property described in said Petition to the Town of Hudson; and

WHEREAS, the Town must set a public hearing to determine if the proposed annexation complies with the Act.

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

Section 1. The Board of Trustees finds that the Petition for Annexation from Gene, Phyllis and Florence Andrews, attached as Exhibit A, is in substantial compliance with the requirements of Section 31-12-107(1) C.R.S. and the annexation proceedings to consider the annexation of the property described therein to the Town of Hudson has been initiated.

Section 2. A public hearing is set for a regular meeting on the 27<sup>th</sup> day of October, 1999 at 7:00 p.m. at the Hudson Town Hall, Hudson, Colorado to determine if the proposed annexation complies with the Municipal Annexation Act of 1965.

Section 3. The Town Clerk shall give such notice as required by law and the Town staff shall revise and deliver the annexation report as required by law.

READ, PASSED AND APPROVED this 22<sup>nd</sup> day of September, 1999.

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Donald B. Litton, Mayor

ATTEST:

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Judy Larson, Town Clerk

EXHIBIT "A" to Resolution 99-15

**PETITION FOR ANNEXATION**

TO: THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON, COLORADO

RE: PROPERTY KNOWN AS: The ANDREWS ANNEXATION

The undersigned landowner(s), in accordance with the provisions of Title 31, Article 12, Part 1, C.R.S. and known as the Municipal Annexation Act of 1965, as amended, hereby petition the Board of Trustees of the Town of Hudson for annexation to the Town of Hudson the following-described unincorporated area situate and being in the County of Weld, and State of Colorado, to-wit:

(See **Exhibit A** attached hereto and incorporated herein by reference.)

Your petitioners further state as follows:

- i. That it is desirable and necessary that such area be annexed to the Town of Hudson, Colorado.
- ii. That the area sought to be annexed meets the requirements of Sections 31-12-104 and 105, as amended, of the Municipal Annexation Act of 1965, in that:
  - (1) Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed will be contiguous with the existing boundaries of the Town of Hudson, Colorado.
  - (2) A community of interest exists between the area proposed to be annexed and the Town of Hudson, Colorado.
  - (3) The area proposed to be annexed is urban or will be

urbanized in the near future and said area is integrated or is capable of being integrated with the Town of Hudson, Colorado.

- (4) 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:
  - (a) is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road, or other public way.
  - (b) comprising 20 acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the annexation is included within the area proposed to be annexed without the written consent of the landowner or landowners.
- (5) No annexation proceedings have been commenced for the annexation to another municipality of part or all of the territory proposed to be annexed.
- (6) The annexation of the area proposed to be annexed will not result in the detachment of area from any school district and the attachment of same to another school district.
- (7) The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the Town of Hudson more than three miles in any direction from any point of the Town of Hudson's boundary in any one year.
- (8) If a portion of a platted street or alley is to be annexed,

the entire width of said street or alley is included within the area to be annexed.

- (9) Reasonable access shall not be denied to landowners, owners of easements or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bordered on both sides by the Town of Hudson.

iii. That attached hereto and incorporated herein by reference are four (4) prints of the annexation map, containing the following information:

- (1) A written legal description of the boundaries of the area proposed to be annexed;
- (2) A map showing the boundary of the area proposed to be annexed;
- (3) Within the annexation boundary map, a showing of the location of each ownership tract of unplatted land, and, with respect to any area which is platted, the boundaries and the plat numbers of plots or lots and blocks;
- (4) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Hudson and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

iv. That the petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed, exclusive of streets and alleys.

v. That all of the petitioners signed this Petition for Annexation no more than 180 days prior to the date of the filing of this Petition for Annexation.

- vi. That this Petition for Annexation satisfies the requirements of Article II, Section 30, of the Constitution of Colorado in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the Town of Hudson.
- vii. That upon the Annexation Ordinance becoming effective, all lands within the area sought to be annexed shall become subject to the ordinances, resolutions, rules and regulations of the Town of Hudson, except for general property taxes which shall become effective on January 1 of the next succeeding year following passage of the Annexation Ordinance.
- viii. The petitioners consent and agree to the inclusion of the area described in Exhibit A into the Northern Colorado Water Conservancy District and the Municipal Subdistrict, Northern Colorado Water Conservancy District.

Therefore, your petitioners respectfully request that the Board of Trustees of the Town of Hudson, Colorado, approve the annexation of the area proposed to be annexed.

Whenever from the context it appears appropriate, each term stated in either the singular or plural will include the other, and pronouns stated in either the masculine, feminine or the neuter gender will include each of the other genders.

#### **AFFIDAVIT OF CIRCULATOR**

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Hudson, Colorado, consisting of 6 pages, including this page and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.

**Gene L. Andrews**

Circulator

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF WELD                    )

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 25th day of AUGUST 1999 by GENE L. ANDREWS .

My Commission expires: September 13, 1999

[S E A L]

Judy Larson  
Notary Public

PETITION: ANDREWS ANNEXATION

<b>Signature of Landowner</b>	<b>Date of Signature</b>	<b>Mailing Address of Landowner</b>	<b>Legal Description of Land Owned</b>
Florence H. Andrews by Gene L. Andrews Atty-in-fact	25 Aug. 1999	23706 WCR 8 Henderson, CO 80642	See Exhibit "A"
Gene L. Andrews	25 Aug. 1999	23706 WCR 8 Henderson, CO 80642	See Exhibit "A"
Phyllis J. Andrews	25 Aug. 1999	23706 WCR 8 Henderson, CO 80642	See Exhibit "A"

**EXHIBIT "A" TO ANDREWS ANNEXATION PETITION**

**Legal Description of Land To Be Annexed:**

THE EAST 30.9 FEET OF THE NORTH ½ OF THE SOUTHEAST 1/4 OF SECTIN 20 AND THE NORTH ½ OF THE SOUTH ½ OF SECTION 11 EXCEPTING THEREFROM THE EASTERLY 30.00 FEET THEREOF, ALL IN TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M., WELD COUNTY, COLORADO.

CONTAINS 160.44 ACRES MORE OR LESS.

TOTAL BOUNDARY LENGTH = 13,244.75 FEET (1/6 = 2,207.46)  
CONTIGUOUS BOUNDARY = 2,691.83 FEET