

RESOLUTION NO.

15-11

**TITLE: AUTHORIZING THE MAYOR TO SIGN A PETITION FOR ANNEXATION OF A SEGMENT OF WELD COUNTY ROAD 12.5**

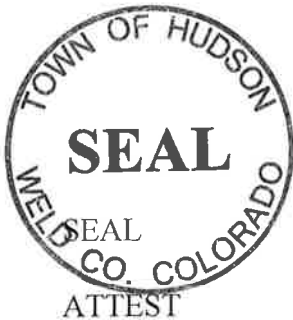
WHEREAS, a segment of Weld County Road 12.5 right-of-way, described in Exhibit A, (the "Right-of-Way") is contiguous with the boundary of the Town of Hudson; and


WHEREAS, the Board of Trustees finds that annexation of the Right-of-Way is in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Hudson, Colorado, that the Mayor is authorized to sign the petition for annexation of the Right-of-Way as shown in Exhibit B into the Town of Hudson.

INTRODUCED, READ AND ADOPTED THIS 4<sup>th</sup> day February, 2015

TOWN OF HUDSON, COLORADO



  
Raymond Patch, Mayor

  
Linnette Barker, Town Clerk

## Exhibit A to Resolution No. 15-11

### Right-of-Way Boundary Description

A parcel of land being a portion of Section Three (3) and the West Half of Section Two (2), Township One North (T.1N.), Range Sixty-five West (R.65W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

**BEGINNING** at the Center Quarter Corner of said Section 3 and assuming the North line of the Southwest Quarter of said Section 3 as bearing South 89°44'39" West a distance of 2664.11 feet with all other bearings contained herein relative thereto:

THENCE South 00°09'02" West along the East line of the Southwest Quarter of said Section 3 a distance of 50.00 feet to the North line of that parcel of land annexed to the Town of Hudson in an Annexation Map recorded September 11, 2002 as Reception No. 2986545 of the Records of Weld County;

THENCE South 89°44'39" West along said North line a distance of 1319.13 feet to the beginning point of a curve, non-tangent to this course on the Southerly prolongation of the Northeasterly line of that parcel of land described in that deed recorded April 1, 1968 ;

THENCE along said Northeasterly line and along the arc of a curve concave to the Southwest a distance of 399.58 feet, said curve has a Radius of 1985.00 feet, a Delta of 11°32'01" and is subtended by a Chord bearing North 75°44'16" West a distance of 98.91 feet to a line parallel with and 50.00 feet Northerly of, as measured at a right angle to the South line of the Northwest Quarter of said Section 3;

THENCE North 89°44'39" East along said parallel line a distance of 1705.57 feet to a line parallel with and 50.00 feet Northerly of, as measured at a right angle to the South line of the Northeast Quarter of said Section 3;

THENCE North 89°43'57" East along said parallel line a distance of 2633.67 feet to the West line of the Northwest Quarter of said Section 2;

THENCE South 00°08'33" East along the west line of the Northwest Quarter of said Section 2 a distance of 10.00 feet to a line parallel with and 40.00 feet Northerly of, as measured at a right angle to the South line of the Northwest Quarter of said Section 2;

THENCE North 89°09'55" East along said parallel line a distance of 742.09 feet to the Westerly line of Parcel 3 of the North I-76 Annexation to the Town of Hudson recorded January 24, 1996 as Reception No. 2473142 of the Records of Weld County;

The next Three (3) courses are along the Westerly lines of said North I-76 Annexation:

THENCE South 09°28'03" West a distance of 40.66 feet;

THENCE South 89°08'58" West a distance of 83.30 feet;

THENCE South 00°21'27" East a distance of 49.98 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Southwest Quarter of said Section 2;

THENCE South 89°09'55" West along said parallel line a distance of 651.83 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Southeast Quarter of said Section 3;

THENCE South 89°43'57" West along said parallel line a distance of 936.06 feet to the Easterly line of the Hudson Village Square 2 Annexation recorded November 18, 2008 as Reception No. 3590490 of the Records of Weld County;

THENCE North 00°09'17" East along said East line a distance of 80.00 feet to the Northerly line of said Hudson Village Square 2 Annexation;

THENCE South 89°43'57" West along said Northerly line a distance of 1698.31 feet to the West line of the Northeast Quarter of said Section 3;

THENCE South 00°20'55" East along the West line of the Northeast Quarter of said Section 3 a distance of 30.00 feet to the **POINT OF BEGINNING**;

**TOTAL ANNEXED AREA** for the WCR 12.5 Annexation is 7.765 acres, more or less ( $\pm$ ).

**Exhibit B to Resolution No. 15-11**

**Petition for Annexation of the Right-of-Way**

## PETITION FOR ANNEXATION

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

RE: PROPERTY KNOWN AS THE **Weld County Road 12.5 Annexation**

The undersigned owners of more than fifty percent (50%) of property proposed to be annexed, exclusive of streets and alleys, which property is described in Exhibit "A", attached hereto and made a part of, hereby petition the Town of Hudson, Colorado for annexation of the property described in Exhibit "A" (the "Property"), in accordance with the provisions of Title 31, Article 12, Part 1, C.R.S.

In support of this petition, petitioners further state:

1. That it is desirable and necessary that the Property be annexed to the Town of Hudson, Colorado.
2. The requirements of the applicable provisions of Sections 31-12-104 and 31-12-105, C.R.S. exist or have been met.
3. Not less than one-sixth (1/6) of the perimeter of the Property is/will be contiguous with the existing boundaries of the Town of Hudson, Colorado.
4. A community of interest exists between the Property and the Town of Hudson, Colorado.
5. The Property is urban or will be urbanized in the near future.
6. The Property is integrated or is capable of being integrated with the Town of Hudson, Colorado.
7. 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 has been divided into separate parts or parcels without the written consent of the landowner unless separated by a dedicated street, road, or other public way.
8. No land held in identical ownership comprising twenty (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 preceding tax year has been included in boundary of the Property without the written consent of the landowner or landowners.

9. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the territory proposed to be annexed.

10. Annexation of the Property will not result in the detachment of area from any school district and the attachment of same to another school district.

11. Upon the effective date of the Annexation Ordinance, all lands within the Property shall become subject of all ordinances, resolutions, rules and regulations of the Town of Hudson.

12. Petitioners are owners of more than fifty percent (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys, and comprise more than fifty percent (50%) of the landowners of such area, and are, in fact owners of one hundred percent (100%) of the area proposed to be annexed, exclusive of streets and alleys and said owners attesting to the facts and agreeing to the conditions herein will negate the necessity of an annexation election.

13. Accompanying this petition are four (4) copies of an annexation map showing the seal of a registered engineer or land surveyor, containing:

a. A written legal description of the boundaries of the area proposed to be annexed;

b. A map showing the boundary of the Property and the boundary of the Property continuous with the Town of Hudson and any other municipality abutting the Property;

c. 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;

d. The total acreage, more or less, of the Property;

e. The total length of the perimeter of the boundary of the Property and the length of the boundary of the Property contiguous with the Town of Hudson.

14. No part of the area proposed to be annexed is more than three (3) miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place.

15. The area proposed to be annexed is located within Weld County, Weld County School District Re 3 (J), Hudson Fire Protection District, and the following districts: Weld Library; Aims College; Central Colorado Water, Lost Creek Ground Water and Central Colorado Water Conservation.

16. The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition.

17. The territory to be annexed is not presently a part of any incorporated city, city and county, or town.

18. Petitioners understand that connection to the water system of the Town requires inclusion into the Northern Colorado Water Conservancy District, and the Municipal Subdistrict, Northern Colorado Water Conservancy District. Failure to provide such services to the Property shall not be cause for disconnection of the Property at any future time.

19. As an express condition of annexation, landowner consents to inclusion of the area described in Exhibit "A" into the Northern Colorado Water Conservancy District ("District") pursuant to Section 37-45-136 (3.6), C.R.S. Landowner acknowledges that, upon inclusion in the District, landowner's property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the District at the time of inclusion of landowner's lands. Landowner agrees to waive any right to an election which may exist to require an election pursuant to article X, ' 20 of the Colorado Constitution before the District can impose such mill levies and special assessments as it has the authority to impose. Landowner also agrees to waive, upon inclusion, any right which may exist to a refund pursuant to article X, ' 20 of the Colorado Constitution.

20. As an express condition of annexation, landowner consents to inclusion of the area described in Exhibit "A" into the Municipal Subdistrict , Northern Colorado Water Conservancy District ("Subdistrict") pursuant to Section 37-45-136 (3.6), C.R.S. Landowner acknowledges that, upon inclusion in the Subdistrict, landowner's property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the Subdistrict at the time of inclusion of landowner's lands. Landowner agrees to waive any right to an election which may exist to require an election pursuant to article X, ' 20 of the Colorado Constitution before the Subdistrict can impose such mill levies and special assessments as it has the authority to impose. Landowner also agrees to waive, upon inclusion, any right which may exist to a refund pursuant to article X, ' 20 of the Colorado Constitution.

21. No vested rights to use or to develop the Property in any particular way, as defined in Section 24-68-101 et seq., C.R.S. have been requested by Petitioners from any governmental entity. Petitioners waive any vested land use rights attached to any or all of the Property.

22. The petitioners acknowledge that upon annexation of the Property to the Town, the Property, the owners thereof, and uses thereon will be subject to all taxes and fees imposed by the Town. Provided however, petitioner Colorado Department of Transportation shall not be subject to taxes or fees levied by the Town from which they are exempt by Colorado law. The Property, the owners hereof and the uses thereon are also bound by any voter authorization under Art. X, § 20 adopted prior to annexation of the Property. The petitioners waive any claims they may have under Art. X, § 20 of the Colorado Constitution related to such taxes and fees.

Therefore, your petitioners respectfully request that the Board of Trustees of the Town of Hudson, Colorado, approve the annexation of the Property.



**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 **five (5)** 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.

\_\_\_\_\_  
Circulator

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_            )

The foregoing Affidavit of Circulator was subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 199\_\_\_, by \_\_\_\_\_.

My Commission expires: \_\_\_\_\_

[S E A L]

\_\_\_\_\_  
Notary Public

PETITION: \_\_\_\_\_

| Signature of<br>Landowner | Date of<br>Signature | Mailing Address of<br>of Landowner | Legal Description of<br>Land Owned |
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EXHIBIT "A" to Annexation Petition

**Legal Description:**

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**BEGINNING** at the Center Quarter Corner of said Section 3 and assuming the North line of the Southwest Quarter of said Section 3 as bearing South 89°44'39" West a distance of 2664.11 feet with all other bearings contained herein relative thereto:

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EXHIBIT "A" to Annexation Petition, continued

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