

**TOWN OF TIMNATH, COLORADO**

**RESOLUTION NO. 24, SERIES 2008**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH FINDING A PETITION FOR ANNEXATION OF THE BROOKS PROPERTY TO BE IN SUBSTANTIAL COMPLIANCE WITH LAW, INITIATING ANNEXATION PROCEEDINGS AND SETTING A PUBLIC HEARING THEREON**

**WHEREAS**, a petition for the annexation of real property described in **Exhibit A**, attached hereto (the "Property") has been presented to the Town Council of the Town of Timnath, Colorado; and

**WHEREAS**, the Town Council has found the petition to be in substantial compliance with the requirements of Section 31-12-107(1), Colorado Revised Statutes and Article 13 of the Timnath Land Use Code; and

**WHEREAS**, the Town Council wishes to initiate annexation proceedings for the Property and set a public hearing to determine if the proposed annexation of the Property complies with the applicable requirements of the Municipal Annexation Act of 1965, CRS 31-12-101 et. seq. and Article 13 of the Timnath Land Use Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO:**

**Section 1.** That annexation proceedings be initiated upon a Petition for Annexation of the following described property to the Town, which Petition appears to be in substantial compliance with the applicable provisions of CRS 31-12-107:

Description of property proposed for annexation: See, attached **Exhibit A**.


**Section 2.** That 7:00 P.M. on December 3, 2008 is hereby established as the date and time, and Timnath Town Hall, 4100 Main Street, in Timnath, Colorado, as the place, for a public hearing to be held to determine if the proposed

annexation complies with Sections 31-12-104 and 31-12-105, C.R.S. or such parts thereof as may be required to establish eligibility under Part 1 of Chapter 31, Article 12 of said statutes.


PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of November, 2008.

FOR THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO

TOWN OF TIMNATH

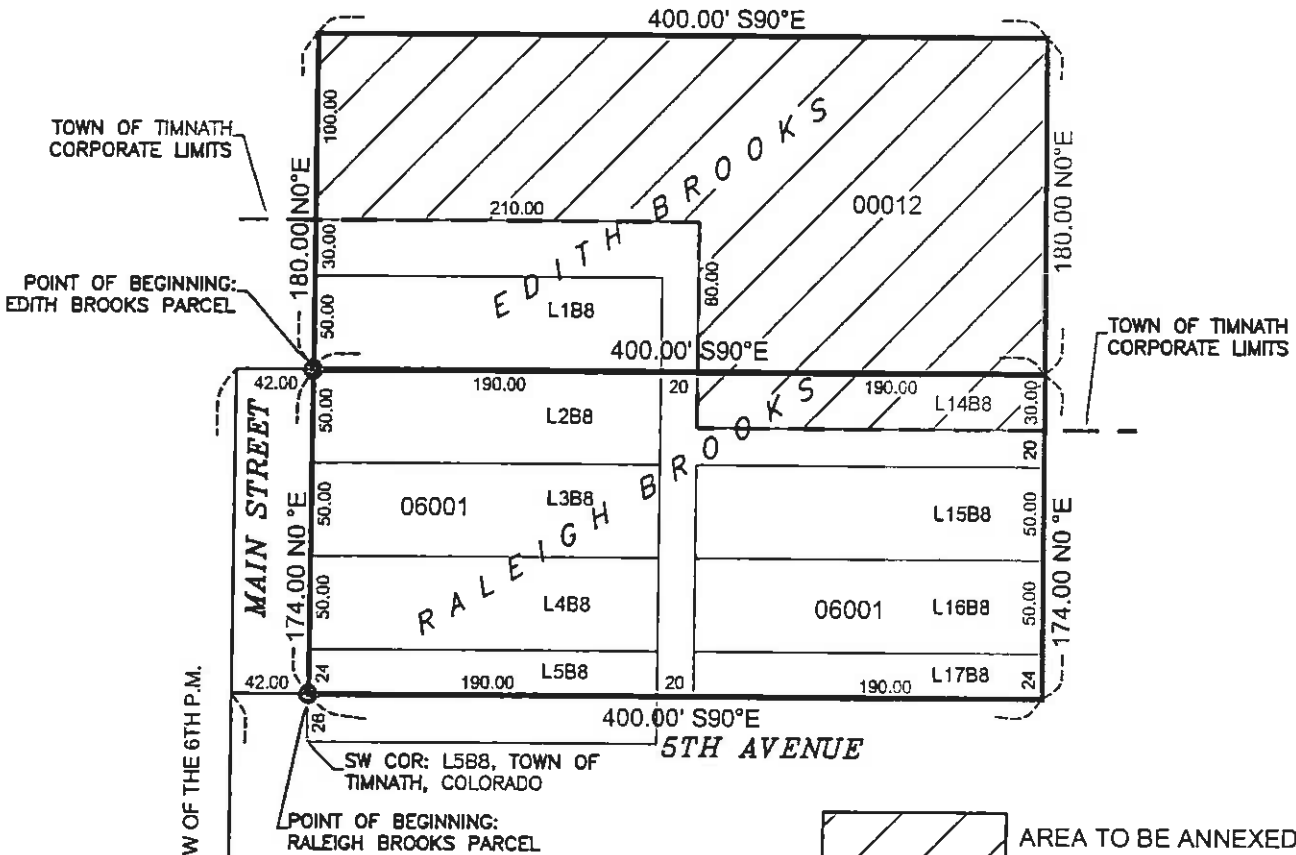
  
\_\_\_\_\_  
Donna Benson, Mayor

ATTEST:

  
\_\_\_\_\_  
Milissa McGuire, Town Clerk



ANNEXATION MAP:  
FOR RALEIGH AND EDITH BROOKS  
TOWN OF TIMNATH, CO  
LARIMER COUNTY



 AREA TO BE ANNEXED

AREA SUMMARY

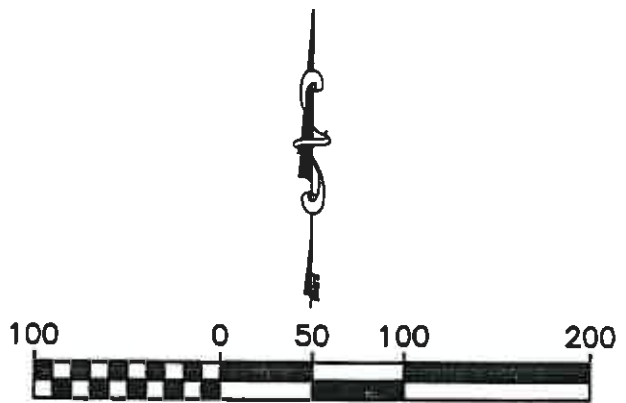
PARCEL	TOTAL PARCEL AREA	ANNEXATION AREA
EDITH BROOKS	±1.65 AC	±1.27 AC
RALEIGH BROOKS	±1.60 AC	±0.13 AC
TOTALS	±3.25 AC	±1.40 AC

CONTIGUITY

CONTIGUOUS BOUNDARY LENGTH: 410 FT  
ANNEXED AREA PERIMETER: 1,220 FT  
CONTIGUITY RATIO: 1:2.97 (>1:6, MEETS REQUIREMENT)

WEST LINE, SEC. 35, T. 7N, R. 68W OF THE 6TH P.M.  
506.00' N0°E

W 1/4 CORNER, SEC 35, T. 7N,  
R. 68W OF THE 6TH P.M.



ORIGINAL SCALE: 1"=100'

## PETITION FOR ANNEXATION

TO: The Town Council of the Town of Timnath, Colorado

The undersigned ("Petitioners"), being the 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 hereof (the "Property"), hereby petitions the Town Council of the Town of Timnath for annexation of the Property known as 3916 Main St. (address of property) in accordance with the provisions of Part 1 of Article 12 of Title 31, C.R.S., as amended.

In support of this petition, Petitioners state:

1. It is desirable and necessary that the Property be annexed to the Town of Timnath.
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 of the perimeter of the Property is contiguous with the Town of Timnath.
4. A community of interest exists between the Property and the Town of Timnath.
5. The Property is urban or will be urbanized in the near future.
6. The Property is integrated with or capable of being integrated with the Town of Timnath.
7. In establishing the boundaries of the Property, no land held in identical ownership 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. The boundary of the Property to be annexed includes the full width of any county road abutting any of the property to be annexed.
9. No annexation proceedings have been commenced for the annexation of all or part of the Property to another municipality.
10. Annexation of the Property will not result in the detachment of area from any school district or attachment of area to another school district.
11. Prior to the hearing before the Town Council on whether to annex the Property, the Petitioners and the Town shall have entered into an annexation agreement (if deemed necessary by the Town), which shall govern and control improvements to be made on or adjacent to the property. Should an annexation agreement be necessary, annexation of the Property shall be conditioned upon the Town Council's approval of the Annexation Agreement. Upon the effective date of the ordinance annexing the Property and approving the Annexation Agreement ("Annexation

Ordinance”), the Property shall be subject to all of the terms and provisions of the Annexation Agreement.

12. Except as modified by the terms and provisions of the Annexation Agreement, upon the effective date of the Annexation Ordinance, all lands within the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town of Timnath, except for general property taxes of the Town of Timnath, if any, which shall become effective on January 1<sup>st</sup> of the next succeeding year following the effective date of the Annexation Ordinance.
13. Petitioners are the 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, 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.
14. The legal description of the land owned by each signer of this Petition for Annexation is set forth on Exhibit “A: attached hereto and incorporated herein by the reference.
15. Accompanying this petition are four 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 Property proposed to be annexed;
  - b. The boundary of the Property and the boundary of the Property contiguous with the Town of Timnath and any other municipality abutting the Property;
  - c. The location of each ownership tract of unplatted land;
  - 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 Timnath;
  - f. The width of any county roads abutting the Property.
16. No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will become effective.
17. The area proposed to be annexed is located within: Larimer County, Poudre R-1 School District, Poudre Valley Fire Protection District, the Health District of Northern Colorado, the Northern Colorado Water conservancy District, Fort Collins Regional Library District, and the Larimer County Pest Control District.
18. The mailing address of each Petitioner and the date of signing of each Petitioner’s signature are shown on this Petition.

19. The Property is not presently a part of any incorporated town, city and county, or city.
20. Petitioners understand that the Town of Timnath does not provide municipal water and sewer services. Failure to provide such services to the Property shall not be cause for disconnection of the Property at any future time.
21. No vested rights to use or 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, other than those requested and included in the Annexation Agreement.
22. The Petitioners shall pay all fees and costs incurred by the Town in processing this Petition for Annexation through the annexation hearing before the Town Council.
23. The Petitioners acknowledge that upon the effective date of the Annexation Ordinance, subject to the terms and provisions of the Annexation Agreement, the Property, the owners thereof, and uses thereon will be subject to all taxes and fees imposed by the Town. The Property, the owners thereof, and the uses thereon are also bound by any taxes imposed and voter authorization under Article X, Section 20 adopted prior to annexation of the Property. The Petitioner waives any claims it may have under Article X, Section 20 of the Colorado Constitution related to such taxes and fees.
24. The Petitioners shall have the right in their sole and absolute discretion to withdraw this Petition for Annexation at any time subsequent to the second reading approval of the ordinance annexing the Property to the Town, but prior to the effective date of such ordinance.

WHEREFORE, the undersigned Petitioners request that the Town of Timnath approve the annexation of the Property.

**Petitioner 1**

Edith Brooks

Signature

10-14-08

Date

Edith Brooks

Printed Name

Address:

3916 Main St.

Timnath, CO 80547

**Petitioner 2**

Raleigh Brooks  
Signature

11-14-08  
Date

Raleigh Brooks  
Printed Name

Address:  
3916 Main St  
Timnath, CO 80547

**Petitioner 3**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

Address:  
\_\_\_\_\_  
\_\_\_\_\_

**Petitioner 4**

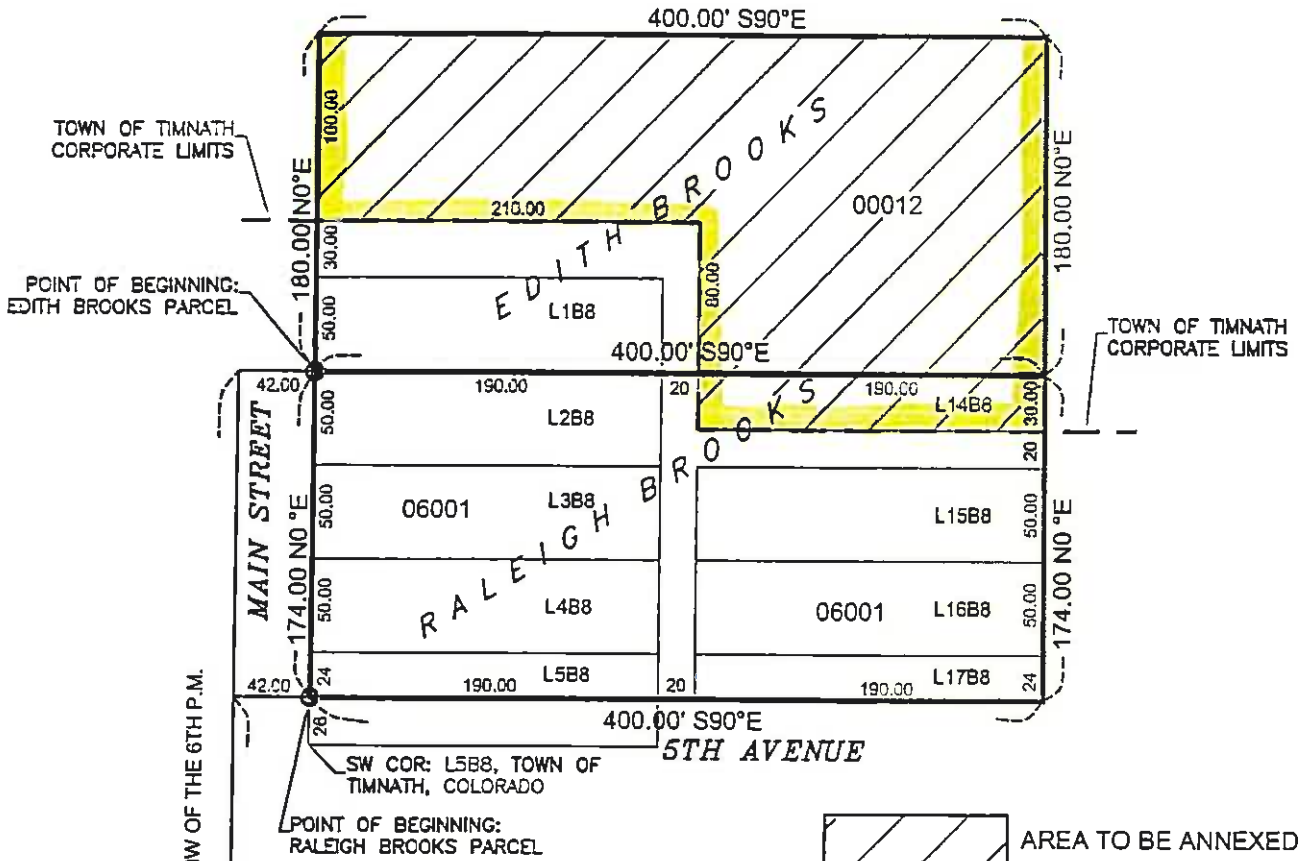
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

Address:  
\_\_\_\_\_  
\_\_\_\_\_

ANNEXATION MAP:  
FOR RALEIGH AND EDITH BROOKS  
TOWN OF TIMNATH, CO  
LARIMER COUNTY



 AREA TO BE ANNEXED

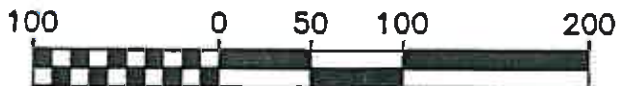
AREA SUMMARY

PARCEL	TOTAL PARCEL AREA	ANNEXATION AREA
EDITH BROOKS	±1.65 AC	±1.27 AC
RALEIGH BROOKS	±1.60 AC	±0.13 AC
TOTALS	±3.25 AC	±1.40 AC

CONTIGUITY

CONTIGUOUS BOUNDARY LENGTH: 410 FT  
ANNEXED AREA PERIMETER: 1,220 FT  
CONTIGUITY RATIO: 1:2.97 (>1:6, MEETS REQUIREMENT)

← CONTIGUITY  
TO TOWN  
LIMITS



ORIGINAL SCALE: 1"=100'

WEST LINE, SEC 35, T 7N, R 68W OF THE 6TH P.M.  
680.00'

506.00' NO"E

W 1/4 CORNER, SEC 35, T 7N,  
R 68W OF THE 6TH P.M.