

TOWN OF TIMNATH, COLORADO

RESOLUTION NO. 33, SERIES 2009

**A RESOLUTION INITIATING ANNEXATION PROCEEDINGS
FOR PROPERTY KNOWN AS LEAGJELD ANNEXATION
AND GIVING NOTICE OF A PUBLIC HEARING THEREON**

WHEREAS, the Town Council for the Town of Timnath, Colorado has received a Petition for Annexation of certain property, signed by at least 50% of the land owners owing at least 50% of the land of said property, exclusive of public streets and alleys; and

WHEREAS, the Petition appears to be in substantial compliance with the applicable provisions of Chapter 31, Article XII of the Colorado Revised Statutes; and

WHEREAS, the Council wishes to initiate annexation proceedings for the property and to set a public hearing for further consideration of the Petition.

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

Section 1. Annexation Proceedings Initiated

Annexation proceedings are hereby initiated upon the Petition for Annexation of the following described property to the Town, which Petition appears to be in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes:

See, attached **EXHIBIT A.**

Section 2. Public Hearing

The Council hereby sets and gives notice of a public hearing for 7 P.M. on July 1, 2009 at the Timnath Town Hall, 4100 Main Street, in Timnath, Colorado, 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 6TH DAY OF MAY, 2009, THE
VOTE UPON ROLL CALL BEING AS FOLLOWS:**


For: 5

Against: 0

Abstain: 0

FOR THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO


Milissa McGuire, Town Clerk

By: 
Donna Benson, Mayor

NOTICE IS HEREBY GIVEN that a Petition for Annexation of property hereinafter described has been presented to the Town Council of the Town of Timnath, Colorado and found to be in apparent compliance with the applicable provisions of law. The Town Council has adopted a Resolution setting a public hearing to be held at 7 P.M. on July 1, 2009, at Timnath Town Hall, 4100 Main Street, Timnath, Colorado, to determine if the proposed annexation complies with the applicable requirements of law.

Any person may appear at the hearing and present evidence upon any matter to be considered by the Council.

Published in the Fort Collins Coloradoan:

Published Weekly:

First Publication:	June 1, 2009
Second Publication:	June 8, 2009
Third Publication:	June 15, 2009
Fourth Publication:	June 22, 2009

EXHIBIT A

Legal Description of Property Proposed for Annexation

[attached]



PETITION FOR ANNEXATION

PETITION FOR ANNEXATION TO THE TOWN OF TIMNATH, COLORADO

THE UNDERSIGNED, being "landowners" as defined in C.R.S. § 31-12-103(6), hereby Petition the Town of Timnath, Colorado for annexation for the following described property and further state:

1. The legal description of the land which Landowners request to be annexed to the municipality is attached hereto as Exhibit "A", hereinafter referred to as the "Property."
2. It is desirable and necessary that the Property be annexed to the Town of Timnath.
3. The following requirements of C.R.S. § 31-12-104 exist or have been met:
 - a. Not less than 1/6th of the perimeter of the Property is contiguous with the Town of Timnath.
 - b. A community of interest exists between the Property and the Town of Timnath. The Property is urban or will be urbanized in the near future; and the Property is capable of being integrated into the Town of Timnath.
4. None of the limitations provided in C.R.S. § 31-12-105 are applicable and the requirements of that statute have been met because of the following:
 - a. The annexation of the Property will not result in the Property being divided into separate parts or parcels under identical ownership;
 - b. No land area within the Property 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 comprising 20 acres or more and having a valuation for assessment in excess of \$200,000 for ad valorem tax

purposes has been included in the area of the Property to be annexed without the written consent of the landowners thereof;

- c. No annexation proceedings have been commenced for annexation of any part of the Property by any other municipality;
 - d. The entire width of all streets and alleys to be included within the area annexed are included;
 - e. The annexation of the Property will not result in the detachment of area from any school district or the attachment of same to another school district; and
 - f. Annexation by the Town of Timnath of the Property will not have the effect of, and will not result in, the denial of reasonable access to landowners, owners of an easement, or owners of a franchise adjoining a platted street or alley, inasmuch as annexation of the Property will not result in annexation of a platted street or alley which is not bounded on both sides by the Town of Timnath.
5. The annexation of the Property will not have the effect of extending a boundary of the Town of Timnath more than three miles in any direction from any point of the municipal boundary in the past 12 months.
6. The Petitioners comprise the owners in fee of more than 50 percent of the area of the Property, exclusive of public streets and alleys, and comprise more than 50 percent of the landowners of the Property. The legal description of the land owned by each signer of this petition is shown on **Exhibit A**.
7. The Petitioners request that the Town of Timnath approve the annexation of the Property.
8. This Petition is accompanied by four (4) copies of an annexation boundary map in the form required by C.R.S. § 31-12-102(1)(d) and attached as **Exhibit B**.
9. The Petitioners reserve the right to withdraw this Petition in the event the Property is not zoned in accordance with the Annexation Agreement.
10. This Instrument may be executed in one or more counterparts, all of which taken together shall constitute the same document.

PETITIONERS:

By: 

Mailing Address: 3733 S. CR 5
Ft Collins Co 80525

STATE OF COLORADO)

COUNTY OF LARIMER _____)

s.s.

Subscribed and sworn to before me this 6th day of April, 2008, by
Brian Deagjell and _____.

Witness my hand and official seal.

My commission expires: Dec 2, 2009

Linda K. Griess
Notary Public



EXHIBIT A

**LEGAL DESCRIPTION OF
PROPERTY PROPOSED FOR ANNEXATION**

EXHIBIT B
ANNEXATION BOUNDARY MAP

[Attached]

LEAGELD ANNEXATION To The Town of Timnath

Part Of The Northeast Quarter Of Section 34, Township 7 North, Range 68 West Of The 6th P.M.,
County Of Larimer, State Of Colorado

GENERAL INFORMATION:
This map is prepared by the Surveyor General of Colorado, State of Colorado, and is subject to the provisions of the Colorado Surveying Act, Chapter 125, C.R.S., and the rules and regulations of the State Board of Surveyors. This map is prepared for the purpose of showing the location and boundaries of the property described herein, and is not intended to constitute a warranty of any kind.

LEGAL DESCRIPTION:
The land described in this map is located in the Northeast Quarter of Section 34, Township 7 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado.

ADDITIONAL INFORMATION:
This map is prepared for the purpose of showing the location and boundaries of the property described herein, and is not intended to constitute a warranty of any kind.

ANNEXATION TABLE:
TOTAL BOUNDARY: 656.68 L.P.
CONTIGUOUS BOUNDARY: 500.00 L.P.
1/8 OF TOTAL BOUNDARY: 109.68 L.P.
RATIO: 1:3.278

LEGEND:
----- DENOTE CONTIGUOUS BOUNDARY

GENERAL INFORMATION:
This map is prepared by the Surveyor General of Colorado, State of Colorado, and is subject to the provisions of the Colorado Surveying Act, Chapter 125, C.R.S., and the rules and regulations of the State Board of Surveyors. This map is prepared for the purpose of showing the location and boundaries of the property described herein, and is not intended to constitute a warranty of any kind.

LEGAL DESCRIPTION:
The land described in this map is located in the Northeast Quarter of Section 34, Township 7 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado.

ADDITIONAL INFORMATION:
This map is prepared for the purpose of showing the location and boundaries of the property described herein, and is not intended to constitute a warranty of any kind.

ANNEXATION TABLE:
TOTAL BOUNDARY: 656.68 L.P.
CONTIGUOUS BOUNDARY: 500.00 L.P.
1/8 OF TOTAL BOUNDARY: 109.68 L.P.
RATIO: 1:3.278

LEGEND:
----- DENOTE CONTIGUOUS BOUNDARY

