

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 29, SERIES 2024**

**A RESOLUTION DENYING REQUEST FOR RECONSIDERATION OF
ORDINANCE NO. 7, SERIES 2024, APPROVING CONNELL ANNEXATION NO. 3**

WHEREAS, the Town Council of the Town of Timnath (“Town”) pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

WHEREAS, on February 13, 2024, following a properly notice public hearing, the Town Council approved on second reading Ordinance No. 7, Series 2024: An Ordinance Approving the Annexation of Certain Real Property to be Known as the Connell Annexation No. 3 to the Town of Timnath, Colorado, Located West of CR-5 and North of Kechter Road (the “Ordinance”);

WHEREAS, the Ordinance took effect upon adoption, pursuant to the Ordinance and Timnath Town Charter Sec. 3.5.5; and

WHEREAS, on February 21, 2024, the Town received a motion for reconsideration of the Town Council’s adoption of the Ordinance approving annexation of the property known as Connell Annexation No. 3 (as set forth in the Ordinance, the “Property”), submitted by Terra Resource Corporation, Timnath Lands, LLC, and Craig Harrison (collectively, the “Movants”), through their attorneys at Witwer, Oldenburg, Barry & Groom, LLC, a copy of which, along with attachments has been provided to the Town Council; and

WHEREAS, prior to the adoption of the Ordinance on February 13, 2024, the Movants had submitted written materials to the Town Council, totaling 45 pages, which were included in the Town Council packet, setting forth their position that the Town Council should deny the application for annexation of the Property; and

WHEREAS, at the public hearing on annexation of the Property and on the Ordinance, the Movants provided testimony through their attorney to oppose the annexation of the Property; and

WHEREAS, at the public hearing on annexation of the Property and on the Ordinance, the Petitioners for annexation provided evidence, through their attorney, to support the annexation of the Property and establish that the petition for annexation was signed by the owner of 100% of the Property, other than property in street rights-of-way; and

WHEREAS, the Town Council has given due consideration to the Motion for Reconsideration, including the written materials provided with the Motion and the evidence presented at the public meeting on March 26, 2024; and

WHEREAS, the Town Council now adopts this Resolution to deny the Motion for Reconsideration.

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

Section 1. Approval

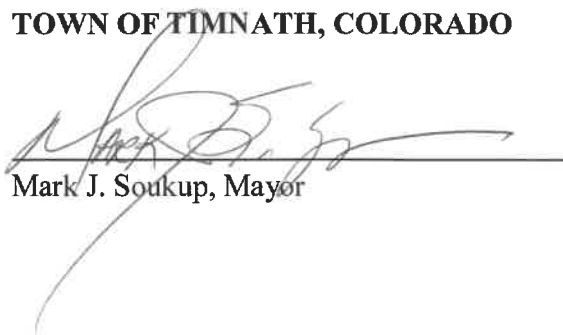
The Town Council hereby denies the Motion for Reconsideration of Ordinance No. 7, Series 2024, and in support thereof, finds as follows:

1. The Town Council properly processed the annexation of the Property;
2. Prior to approval of Ordinance No. 7, Series 2024, the Town Council provided the Movants with the opportunity to present evidence to the Town Council, and the Town Council duly considered the evidence provided by the Movants opposing the annexation of the Property;
3. There was sufficient evidence in the record at the public meeting on February 13, 2024 to support the Town Council’s finding that the “Petition for Annexation ... was filed with the Town Council on November 30, 2023, by the owners of over fifty percent (50%) of the area of the property hereinafter described in EXHIBIT A (legal description) and EXHIBIT B (annexation map), and comprising more than fifty percent (50%) of the landowners of the property to be annexed, exclusive of public streets and alleys” and the Town Council’s finding that “The Property is eligible for annexation and should be annexed to the Town of Timnath”; and
4. The Movants have not presented any additional evidence that persuades the Town Council that the Property was not eligible for annexation, that the requirements of the Municipal Annexation Act were unmet, that the Council erred in adopting Ordinance No. 7, Series 2024, or that the Council should reconsider its legislative action to approve the annexation;

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON MARCH 26, 2024.

TOWN OF TIMNATH, COLORADO




Mark J. Soukup, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk