

TOWN OF BASALT, COLORADO
ORDINANCE NO. 09
SERIES OF 2010

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE TOWN OF BASALT, COUNTY OF EAGLE, STATE OF COLORADO PURSUANT TO THE PROVISIONS OF THE COLORADO MUNICIPAL ANNEXATION ACT BY ANNEXING TO THE TOWN OF BASALT A TRACT OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE TOWN OF BASALT KNOWN AS TOWN OF BASALT FLETCHER PROPERTY

RECITALS:

A. On May 14, 2010, a Petition for Annexation (the "Petition") and an Annexation Map were filed with the Town of Basalt by the Town of Basalt as Owner ("Petitioner") of 100% of the land area described in the Petition and known as the Town of Basalt Fletcher Property for an annexation involving one parcel. The legal description of the Parcel to be annexed by this Ordinance is attached hereto and incorporated herein by this reference as **Exhibit A** (the "Property").

B. At a public meeting held on June 8, 2010, the Town Council considered the annexation of the Property on first reading and scheduled a public hearing and second reading for the ordinance for June 22, 2010, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

C. At a public hearing and second reading on June 22, 2010, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

D. The Town Council finds and determines it is in the best interests of the Town to annex the Property as provided herein. The Town Council finds and determines the annexation of the Property is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

E. The Town Council finds that the Property is eligible for annexation in accordance with the Municipal Annexation Act and including the following findings:

1. The applicable requirements of §§ 31-12-104 and 31-12-105, C.R.S., have been met and satisfied including the following:

a. Not less than one-sixth of the perimeter of the Property is contiguous to the Town of Basalt, Colorado;

b. A community of interest exists between the Property and the Town of Basalt, Colorado;

c. The Property is urban in character or will be urbanized in the near future;

d. The area proposed for annexation is integrated with or capable of being integrated with the Town;

e. In establishing the boundaries of the area proposed for annexation, 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 tracts or parcels.

f. No tract or parcel of real estate comprising twenty (20) acres or more with an assessed valuation including buildings and improvements in excess of two hundred thousand dollars (\$200,000.00) for ad valorem taxes for the previous year has been included within the area proposed for annexation without the written consent of the land owner; and

g. The proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of the current municipal boundary except with respect to a parcel of property held in identical ownership at least 50% of which is within the three mile limit.

2. The Petition has been signed by the owners of more than 50% of the Property.

3. No additional terms or conditions with regard to the requested annexation are imposed except pursuant to an annexation agreement approved and agreed to by 100% of the owners.

4. An annexation election is not required and the Town is authorized pursuant to § 31-12-115, C.R.S. to annex the area described in the Petition by Ordinance.

5. Pursuant to Section 31-12-106(3), C.R.S., the Property may be annexed without the necessity of the notice or hearings required by Sections 31-12-108 and 31-12-109, C.R.S., because the Town is the sole owner of the Property. Moreover, any notice which may be required by Section 31-12-105(e.3), C.R.S., is not required when the sole owner of the property is the Town because there is no hearing required under Section 31-12-108, C.R.S.

F. The Town of Basalt is the sole owner of the Property and the properties annexed in this annexation are not solely a public street or right of way.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Basalt:

1. The Town Council incorporates the recitals and all exhibits as references, findings of fact, determinations, and conclusively makes all of the findings of fact, determinations and conclusions contained herein.

2. The Property described in the Petition and described on **Exhibit A** attached hereto is hereby annexed to and made a part of the Town of Basalt, Colorado; the Annexation Map of the Property and including other tracts annexed simultaneously herewith is approved; and the Mayor and Town Clerk are authorized to execute the Annexation Map.

3. Within thirty (30) days after passage of this Ordinance, the Town Clerk of the Town of Basalt, Colorado, on behalf of the Town shall:

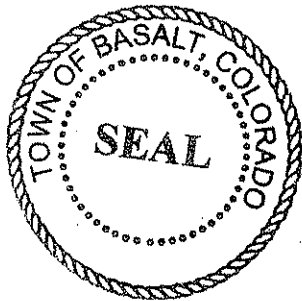
a. File one copy of the Annexation Map and the original of this Annexation Ordinance in the office of the Town Clerk of the Town of Basalt, Colorado;

b. File for recording two certified copies each of this Annexation Ordinance and the Annexation Map containing the legal descriptions of the annexed area with the County Clerk and Recorder for Eagle County, Colorado with directions to the County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado; and

c. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Eagle County, Colorado.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON JUNE 22, 2010, by a vote of 6 to 0 on June 8, 2010.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on June 22, 2010.



TOWN OF BASALT, COLORADO

By: Leroy Duroux
Leroy, Duroux, Mayor

ATTEST:

By: Pamela K. Schilling
Pamela K. Schilling, Town Clerk

First Publication: Thursday, June 17, 2010
Final Publication: Thursday, July 1, 2010
Effective date: Thursday, July 15, 2010

**EXHIBIT A
TO
TOWN OF BASALT ORDINANCE NO. 09, SERIES of 2010**

DESCRIPTION ANNEXATION PARCEL

THE PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED AS RECEPTION No. 200714928 OF THE EAGLE COUNTY RECORDS; SAID ANNEXATION PARCEL OF LAND SITUATED IN TRACT NO. 47 OF SECTIONS 7 AND 8 IN TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN; SAID PARCEL BEING DESCRIBED AS FOLLOWS:

BEGINNING AT ANGLE POINT NO. 1 OF SAID TRACT NO. 47; (WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE TO A BEARING OF S 89°41'39" E BETWEEN A FOUND G.L.O. BRASS CAP MONUMENTING ANGLE POINT NO. 2 OF TRACT 47, SECTION 7, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN AND THE FOUND G.L.O. BRASS CAP MONUMENTING ANGLE POINT NO. 1 OF TRACT 47 OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN);

THENCE SOUTH 01°04'23" WEST, 550.56 FEET TO A POINT IN THE CENTER OF A 30 FOOT ROAD EASEMENT KNOWN AS CEDAR DRIVE;

THENCE ALONG THE SAID CENTER OF SAID ROAD SOUTH 89°57'31" WEST, 32.67 FEET;

THENCE SOUTH 39°06'36" WEST, 60.66 FEET;

THENCE SOUTH 46°10'18" WEST, 26.96 FEET;

THENCE SOUTH 67°11'56" WEST, 38.30 FEET;

THENCE SOUTH 82°42'28" WEST, 37.48 FEET;

THENCE NORTH 81°50'30" WEST, 105.94 FEET;

THENCE NORTH 69°56'09" WEST, 19.20 FEET;

THENCE NORTH 57°46'28" WEST, 109.68 FEET;

THENCE NORTH 84°35'37" WEST, 40.00 FEET;

THENCE SOUTH 72°00'23" WEST, 53.50 FEET;

THENCE SOUTH 76°32'43" WEST, 32.06 FEET;

THENCE LEAVING THE CENTER OF SAID ROAD NORTH 62°36'06" EAST 49.54 FEET;

THENCE NORTH 04°50'39" WEST, 70.81 FEET;

THENCE NORTH 31°05'01" WEST, 46.22 FEET;

THENCE SOUTH 48°00'02" WEST, 229.05 FEET;

THENCE SOUTH 77°23'02" WEST, 161.28 FEET;

THENCE NORTH 08°10'43" WEST, 19.90 FEET TO A POINT IN THE CENTER OF SAID ROAD;

THENCE ALONG THE CENTER OF SAID ROAD SOUTH 83°13'16" WEST, 79.44 FEET;

THENCE SOUTH 68°58'04" WEST, 138.39 FEET;

THENCE NORTH 59°24'33" WEST, 199.95 FEET;

THENCE NORTH 83°33'38" WEST, 40.17 FEET;

THENCE LEAVING THE CENTER OF SAID ROAD SOUTH 01°00'23" WEST, 20.79 FEET;

THENCE NORTH 88°59'37" WEST, 165.87 FEET;

THENCE NORTH 01°00'23" EAST, 590.03 FEET TO THE NORTHEAST CORNER OF LOT 1 IN SAID SECTION 7;

THENCE SOUTH 89°41'39" EAST, 1403.01 FEET ALONG THE NORTHERLY LINE OF SAID TRACT NO. 47 TO ANGLE POINT NO. 1 OF SAID TRACT NO. 47, THE POINT OF BEGINNING,

COUNTY OF EAGLE, STATE OF COLORADO