

**Town of Basalt
Resolution No. 4
Series of 2007**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO
FINDING THE PROPERTY KNOWN AS THE JADWIN PROPERTY ELIGIBLE FOR
ANNEXATION**

RECITALS:

A. The Town of Basalt enacted Resolution No. 1, Series of 2007, finding the Petition for Annexation ("Petition") for property commonly known as the Jadwin Property and as more fully described on the legal description attached hereto as **Exhibit A** and incorporated herein by this reference (the "Property") in substantial compliance with the requirements of the Municipal Annexation Act, and set a date of February 27, 2007, for a hearing before the Town Council of the Town of Basalt ("Town Council") concerning the eligibility of the Property for annexation.

B. Four or more copies of an Annexation Map were filed with the Town and reviewed along with the petition as required by § 31-12-107, C.R.S.

C. The Property is less than ten acres in size and therefore an Annexation Impact Report was not prepared pursuant to § 31-12-108.5, C.R.S.

D. Pursuant to the requirements of Resolution No. 1, Series of 2007, the Town Clerk published notice of the hearing on eligibility for annexation in a newspaper of general circulation within the Town, once per week for four successive weeks, the first publication of which was at least thirty days prior to the date of the hearing on eligibility for annexation of the Property.

E. The Town Council held a public hearing on the eligibility of the Property for annexation on September 12, 2006. At such hearing, any person permitted to appear pursuant to § 31-12-109(1), C.R.S. was given an opportunity to appear and present evidence on any matter to be determined by the Town Council.

F. The Basalt Town Council heard the statements of Town staff, petitioners and members of the public.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, FINDS AND RESOLVES AS FOLLOWS:**

1. The above recitals and all exhibits are incorporated herein by this reference, and the Town Council makes all of the findings of fact, determinations and conclusions contained herein.

Please return to:
TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

2. In accordance with requirements of § 31-12-110(1), C.R.S., the Town Council finds the applicable requirements of §§ 31-12-104 and 31-12-105, C.R.S., have been met, including the following:

a. Not less than one-sixth of the perimeter of the Property is contiguous with the Town;

b. Based upon contiguity only, as provided in §31-12-104(1)(b), C.R.S., a community of interest exists between the Property and the Town;

c. Based upon contiguity only, as provided in §31-12-104(1)(b), C.R.S., the Property is urban or will be urbanized in the near future;

d. Based upon contiguity only, as provided in §31-12-104(1)(b), C.R.S., the Property is integrated with or capable of being integrated with the Town;

e. 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 is to be divided into separate parts or parcels without the written consent of the land owners;

f. 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, comprising 20 acres or more with an assessed valuation including buildings and improvements in excess of \$200,000.00 for ad valorem taxes, is included without the written consent of the land owners;

g. No petition for annexation of the Property has been commenced in another municipality;

h. No area to be annexed would result in the detachment of area from any school district;

i. Annexation of the Property would not have the effect of extending the municipal boundary of the Town more than three miles in one year;

j. The Town has in place an annexation plan for the area within three miles of the boundaries of the Town; and

k. The entire width of any platted street or alley to be annexed with the Property shall be included with the area annexed.

I. Contiguity for this Property is not achieved by annexing a platted street or other public properties and the notice requirements of § 31-12-105(e.3), C.R.S. are not applicable.

3. The Town Council finds an election is not required pursuant to § 31-12-107(2), C.R.S.

4. The Town Council determines that no additional terms and conditions are to be imposed on the Property with respect to annexation of the Property, except as may be set forth in a written annexation agreement approved and signed by the Town and 100% of the owners of the Property prior to any final approval of the annexation petitions.

5. The Town Council finds that the proposed annexation will not result in a change to any county boundary.

6. The Town Council finds that none of the area proposed to be annexed to the Town is presently a part of any incorporated city, city and county, or town and is not contiguous to any other incorporated city, city and county, or town.

7. The Town Council finds that the names and mailing addresses of the signers of the Petition, dates of signing the Petition, and the legal description of the Property owned by each petitioner is attached to the Petition. Further, no signature on the Petition is dated more than 180 days prior to the date of filing of the Petition with the Town Clerk.

8. The Town Council concludes, determines and resolves that the Property is eligible for annexation pursuant to the requirements of the Municipal Annexation Act.

9. This Resolution shall not form the basis for any reliance by the owner of the Property, and this Resolution shall not constitute an agreement or promise by the Town to Annex the Property to the Town. This Resolution also does not constitute a finding that the proposed development is consistent with the River Master Plan and ESA requirements set forth in Town Code Section 16-463.

This Resolution was introduced, read, passed, and adopted by the Town Council by a vote of 6 to 0 on February 27, 2007.

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Resolution No. 4, Series of 2007
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By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

EXHIBIT A

JADWIN DEVELOPMENT - LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN TRACT 46, SECTION 7, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN; EAGLE AND PITKIN COUNTY, COLORADO ACCORDING TO THE INDEPENDENT RESURVEY OF SAID TOWNSHIP AND RANGE, AS APPROVED ON SEPTEMBER 30, 1929 SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY BOUNDARY OF COLORADO STATE HIGHWAY No.82 FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 7 BEARS SOUTH 75°10'10" EAST 1390.70 FEET; THENCE DEPARTING FROM SAID RIGHT-OF-WAY ALONG THE BOUNDARIES OF SEVERAL PRIVATE PARCELS THE FOLLOWING FOUR (4) COURSES

- 1) NORTH 01°02'06" EAST 86.03 FEET;
- 2) SOUTH 88°57'54" EAST 423.23 FEET;
- 3) NORTH 03°11'50" WEST 453.80 FEET;
- 4) NORTH 74°22'06" EAST 206.25 FEET;

THENCE LEAVING SAID PRIVATE PARCEL BOUNDARIES NORTH 89°16'16" EAST 389.95 FEET;

THENCE SOUTH 01°01'55" WEST 612.64 FEET A POINT ON THE NORTHERLY RIGHT-OF-WAY OF SAID

COLORADO STATE HIGHWAY No.82;

THENCE SOUTH 89°56'06" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY 354.92 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 88°04'16" WEST 622.34 FEET

TO THE TRUE POINT OF BEGINNING

COUNTIES OF EAGLE AND PITKIN
STATE OF COLORADO

AND

A PARCEL OF LAND SITUATED IN SECTION 7, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN; ACCORDING TO THE INDEPENDENT RESURVEY OF SAID TOWNSHIP AND RANGE, AS APPROVED ON SEPTEMBER 30, 1929 SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY BOUNDARY OF COLORADO STATE HIGHWAY No.82 FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 7 BEARS SOUTH 75°10'10" EAST 1390.70 FEET; THENCE DEPARTING FROM SAID RIGHT-OF-WAY ALONG THE BOUNDARIES OF SEVERAL PRIVATE PARCELS THE FOLLOWING FOUR (4) COURSES

- 1) NORTH 01°02'06" EAST 86.03 FEET;
- 2) SOUTH 89°57'54" EAST 423.23 FEET;
- 3) NORTH 03°11'50" WEST 453.80 FEET;
- 4) NORTH 74°22'06" EAST 206.25 FEET;

TO THE TRUE POINT OF BEGINNING

THENCE N 01°02'06" E 274.30 FEET (274.21' DEED) MORE OR LESS TO A POINT ON THE CENTERLINE OF THE ROARING FORK RIVER AS IT NOW EXISTS; THENCE ALONG SAID CENTERLINE S 87°12'20" E 85.40 FEET (S 70°29'07" E 90.00 FEET DEED); THENCE LEAVING SAID CENTERLINE S 01°02'06" W 268.99 FEET (243.00' DEED), MORE OR LESS, TO A POINT ON THE NORTHERLY BOUNDARY LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS RECEPTION No. 560552, IN BOOK 664 AT PAGE 527 IN THE OFFICE OF THE EAGLE COUNTY CLERK AND RECORDER; THENCE ALONG SAID NORTHERLY BOUNDARY LINE S 89°16'16" W 85.40 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

COUNTY OF EAGLE
STATE OF COLORADO

AND

THE BEARINGS IN THE ABOVE PROPERTY DESCRIPTION HAVE BEEN ROTATED 01°03'13" CLOCKWISE FROM THE TITLE DESCRIPTIONS TO REFLECT THE BASIS OF BEARING OUTLINED IN NOTE 3, AS SHOWN ON THIS SHEET.

TOTAL LAND AREA INCLUDED IN JADWIN ANNEXATION IS 8.35 ACRES, MORE OR LESS.