

TOWN OF LYONS, COLORADO
RESOLUTION NO. 2017-29

**A RESOLUTION ACCEPTING AN ANNEXATION PETITION, MAKING CERTAIN
FINDINGS OF FACT, FINDING SUBSTANTIAL COMPLIANCE FOR SUCH
PETITION, AND SETTING A PUBLIC HEARING FOR PROPERTY KNOWN AS THE
PLANET BLUEGRASS FARM ANNEXATION**

WHEREAS, the Board of Trustees of the Town of Lyons, Colorado has received and examined the filings and the Petition for Annexation requesting the annexation of certain real property more fully described in said Petition and in **Exhibit 1** ("Planet Bluegrass Farm Annexation"), which exhibit is attached to this Resolution and is incorporated herein by reference (the "Subject Property"); and

WHEREAS, the Petition for Annexation has been filed of record with the Town Clerk of the Town of Lyons, State of Colorado, and

WHEREAS, the Board of Trustees finds as follows:

1. That the Petition contains the following:
 - (a) An allegation that the requirements of C.R.S. §§ 31-12-104 and 31-12-105 exist or are met.
 - (b) An allegation that the signer of the petition is the sole landowner of the area proposed to be annexed and owns one hundred percent (100%) of the area proposed to be annexed, exclusive of public streets and alleys and any land owned by the Town.
 - (c) A request that the Town of Lyons approve the annexation of the Subject Property.
 - (d) The signature of the landowner that executed the petition.
 - (e) The mailing address of the landowner that executed the petition.
 - (f) The legal description of the Subject Property and a legal description of the specific real property owned by each landowner that executed the petition.
 - (g) The date that the landowner executed the petition.
 - (h) The affidavit of the petition circulator; stating that the signature of the landowner therein is the signature of each person whose name it purports to be.

2. That four (4) copies of the annexation map corresponding to the Subject Property have been submitted to the Town with the Petition, and that the annexation map contains the following information:
 - (a) A written legal description of the boundaries of the Subject Property proposed to be annexed.
 - (b) A map showing the boundary of the Subject Property proposed to be annexed.
 - (c) Within the map, the boundaries and the plat numbers of plots or of lots and blocks.
 - (d) Next to the boundary of the Property proposed to be annexed is drawn the contiguous boundary of the Town of Lyons.
3. That no signature on the Petition is dated more than one hundred eighty (180) days prior to the date of filing of the Petition for Annexation with the Town Clerk of the Town of Lyons, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. That the foregoing recitals and findings are incorporated herein as findings and conclusions of the Board of Trustees.

Section 2. That the Petition for Annexation to the Town of Lyons of the Subject Property, commonly referred to as the "Planet Bluegrass Farm Annexation", which Petition was officially filed of record with the Town Clerk of the Town of Lyons on or prior to Tuesday, February 28, 2017, substantially complies with the requirements of C.R.S. § 31-12-107(1).

Section 3. No election is required under C.R.S. § 31-12-107(2).

Section 4. No additional terms and conditions are to be imposed except as provided in the Petition for Annexation and in any annexation agreement which may be entered into by and between the Town of Lyons and the petitioner, which are not to be considered additional terms and conditions within the meaning of C.R.S. § 31-12-112.

Section 5. That a public hearing shall be held on Monday, the 1st day of May, 2017, at 7:00 p.m. at the Lyons Town Hall Board Room, 432 5th Avenue, Lyons, Colorado 80540, for the purpose of determining and finding whether the proposed annexation complies with section 30 of article II of the Colorado Constitution and the applicable provisions of C.R.S. §§ 31-12-104 and 31-12-105.

Section 6. Any person may appear at such hearing and present evidence pertaining to the eligibility of the proposed annexation of the Subject Property to the Town of Lyons.

Section 7. This resolution shall be effective immediately upon approval by the Board of Trustees.

ADOPTED THIS 20th DAY OF MARCH, 2017.

TOWN OF LYONS, COLORADO

By: _____
Connie Sullivan, Mayor

ATTEST:

Deb Anthony, Town Clerk

Exhibit 1
Subject Property

CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18 TO BEAR SOUTH $00^{\circ}34'54''$ EAST BETWEEN THE NORTH 1/16 CORNER SECTION 13-18, BEING A FOUND PENTAGON SHAPED SANDSTONE WITH CHISELED CROSS ON TOP "1/16" AND WEST 1/4 CORNER SECTION 13-18, BEING A FOUND 2 1/4" BRASS CAP STAMPED "US GENERAL LAND OFFICE SURVEY, PENALTY \$250 FOR REMOVAL, S13-1/4-S18, 1912" AS SHOWN HEREON WITH BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

BEGINNING AT SAID NORTH SIXTEENTH (1/16) CORNER OF SECTION 13 AND 18, THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 18 NORTH $00^{\circ}36'05''$ WEST, A DISTANCE OF 25.54 FEET; THENCE CONTINUING ALONG SAID WEST LINE NORTH $00^{\circ}36'05''$ WEST, A DISTANCE OF 101.20 FEET TO A POINT ON THE SOUTH LINE OF EAGLE CANYON SUBDIVISION, RECORDED WITH BOULDER COUNTY ON MAY 23, 1985 AT RECEPTION NO. 00690040 SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF COLORADO HIGHWAY 36; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING FIVE (5) COURSES AND DISTANCES;

- 1) NORTH $72^{\circ}38'31''$ EAST, A DISTANCE OF 169.87 FEET TO A POINT OF CURVATURE;
- 2) THENCE 408.17 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1790.53 FEET AND AN INCLUDED ANGLE OF $13^{\circ}03'41''$, SUBTENDED BY A CHORD BEARING NORTH $77^{\circ}34'41''$ EAST, A DISTANCE OF 407.29 FEET TO A POINT OF CURVATURE;
- 3) THENCE 385.16 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 1243.25 FEET AND AN INCLUDED ANGLE OF $17^{\circ}45'01''$, SUBTENDED BY A CHORD BEARING SOUTH $84^{\circ}18'01''$ EAST, A DISTANCE OF 383.62 FEET TO A POINT OF CURVATURE;
- 4) THENCE 146.34 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 1243.00 FEET AND AN INCLUDED ANGLE OF $06^{\circ}44'44''$, SUBTENDED BY A CHORD BEARING SOUTH $71^{\circ}27'58''$ EAST, A DISTANCE OF 146.26 FEET TO A POINT OF CURVATURE;
- 5) THENCE 348.21 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 1198.30 FEET AND AN INCLUDED ANGLE OF $16^{\circ}38'58''$ SUBTENDED BY CHORD BEARING SOUTH $59^{\circ}38'35''$ EAST, A DISTANCE OF 346.99 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE SOUTH $00^{\circ}47'55''$ EAST, A DISTANCE OF 653.68 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF APPLE VALLEY ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES AND DISTANCES;

1) SOUTH 59°46'29" WEST, A DISTANCE OF 17.36 FEET;
2) THENCE SOUTH 59°08'55" WEST, A DISTANCE OF 155.21 FEET;
3) THENCE SOUTH 52°47'31" WEST, A DISTANCE OF 130.34 FEET;
4) THENCE SOUTH 44°29'15" WEST, A DISTANCE OF 286.37 FEET;
5) THENCE SOUTH 59°51'33" WEST, A DISTANCE OF 140.74 FEET;
6) THENCE SOUTH 70°55'15" WEST, A DISTANCE OF 101.32 FEET;
7) THENCE SOUTH 87°47'45" WEST, A DISTANCE OF 214.50 FEET;
8) THENCE NORTH 81°32'00" WEST, A DISTANCE OF 97.07 FEET TO A POINT ON
THE EAST LINE OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED WITH
BOULDER COUNTY ON AUGUST 2, 2011 AT RECEPTION NO. 3162974; THENCE ALONG
SAID EAST LINE OF SAID PARCEL AND ALSO ALONG THE EAST LINES OF THOSE
PARCELS OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON
SEPTEMBER 5, 2012 AT RECEPTION NO. 3249309 AND JULY 7, 2000 AT RECEPTION NO.
2058729, NORTH 00°36'52" WEST, A DISTANCE OF 1096.61 FEET TO THE NORTHEAST
CORNER OF SAID PARCEL DESCRIBED IN SAID RECEPTION NO. 2058729; THENCE
ALONG THE SOUTH LINE OF SAID PARCEL NORTH 86°55'45" WEST, A DISTANCE OF
395.74 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1,232,215 S.F OR 28.29 ACRES OF LAND, MORE OR LESS.