

**TOWN OF LYONS,
COLORADO**

ORDINANCE NO. 1014

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF
THE TOWN OF LYONS ANNEXING CERTAIN
TERRITORY TO THE TOWN KNOWN AS THE PLANET
BLUEGRASS FARM ANNEXATION**

WHEREAS, the real property generally described as the Planet Bluegrass Farm annexation, consisting of a total of 28.29 acres more or less, and which is more particularly described in **Exhibit A** attached hereto (hereinafter, the "Property"), is located in an unincorporated area of Boulder County, Colorado; and

WHEREAS, a Petition for Annexation has been filed with the Town Clerk requesting the annexation of the Property to the Town of Lyons; and

WHEREAS, the Board of Trustees finds that, pursuant to the findings set forth in Resolution No. 2017-49 dated May 1, 2017:

- That the Property meets the applicable requirements of Section 30 of Article II of the Colo. Constitution and §§ 31-12-104 and 31-12-105, C.R.S., and is eligible for annexation to the Town of Lyons;
- That an election is not required under the applicable requirements of Section 30(1)(a) of Article II of the Colo. Constitution and § 31-12-107(2), C.R.S.; and
- That no additional terms or conditions are imposed which would require an election under § 31-12-112(1), C.R.S.

WHEREAS, the Board of Trustees held a duly noticed public hearing to consider annexation of the Property, notice of which was duly published in accordance with the requirements set forth in Section 31-12-108(2), C.R.S.; and

WHEREAS, annexation of the Property will not result in detachment of any area from any school district and the attachment of the same to another school district; and

WHEREAS, annexation proceedings to annex the Property have not commenced for annexation of all or part of the Property to another municipality; and

WHEREAS, the Board of Trustees finds that it is in the best interests of the Town to annex the Property to the Town; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Board of Trustees desires to comply with state law by setting a public hearing in order to provide the property owner/petitioner and the public an opportunity to present testimony and evidence regarding the proposed annexation. Approval of this Ordinance on first reading does not constitute a representation that the Board of Trustees, or any member of the Board of Trustees, supports, approves, rejects, or denies annexation of the Property; and

WHEREAS, Section 15-1-340(a) of the Lyons Municipal Code states that no ordinance annexing property into the Town shall be effective unless and until the ordinance is referred to the registered electors of the Town at a regular or special election and such ordinance is approved by a majority of the registered electors voting thereon.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF LYONS, COLORADO, as follows:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Annexation of Property Approved. Subject to Section 6 of this Ordinance below, the Property as more particularly described in **Exhibit A** attached hereto is hereby annexed to and included within the corporate limits of the Town of Lyons, Colorado, in accordance with law.

Section 3. Direction to Town Staff. The Board of Trustees hereby directs Staff to complete all necessary procedures required for annexation of said Property to the Town including: (1) filing for recording three certified copies of this Annexation Ordinance and the map of the annexed Property containing a legal description of the Property annexed hereby ("Annexation Map") with the Boulder County Clerk and Recorder, and (2) filing the original of this Annexation Ordinance together with a copy of the Annexation Map with the Town Clerk of the Town of Lyons, Colorado. The filings set forth in this Section 3 shall not be completed unless and until a majority of the registered electors of the Town voting at the special mail ballot election have approved the annexation of the Property to the Town.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Referendum and Effective Date. Pursuant to C.R.S. § 31-11-111(2) and Section 15-1-340 of the Lyons Municipal Code, the Board of Trustees hereby submits this Ordinance to a vote of the registered electors of the Town of Lyons. Such election shall be conducted as a special mail ballot election and shall be conducted at the earliest practicable date. The effective date of this Ordinance shall be stayed and this Ordinance shall only be effective upon the final approval of this Ordinance by a majority of the registered electors of the Town voting upon this measure at such special mail ballot election ("Effective Date").

INTRODUCED AND PASSED ON FIRST READING THIS 1ST DAY OF MAY, 2017.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS ____ DAY OF MAY, 2017.

TOWN OF LYONS, COLORADO

Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony, Town Clerk

Exhibit A

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 $2 \frac{1}{4}$ " 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.