

**TOWN OF PAGOSA SPRINGS, COLORADO**

**ORDINANCE NO. 784  
(SERIES 2013)**

**AN ORDINANCE ANNEXING CERTAIN LANDS KNOWN AS THE ALPHA DRIVE ANNEXATION TO THE TOWN OF PAGOSA SPRINGS, COLORADO**

WHEREAS, a Petition for Annexation No. 2012-02 (“Petition”) for the annexation of a tract of land known as the ALPHA DRIVE ANNEXATION, described on the annexation map attached hereto as Exhibit A with legal description on attached hereto as Exhibit B and incorporated herein by this reference (“Property”), has been filed with and submitted to the Town of Pagosa Springs; and

WHEREAS, the Town Council has adopted Resolution No. 2012-22, Initiating Annexation Proceedings for Certain Property to be known as the Alpha Drive Annexation, and Finding the Petition to be in Substantial Compliance with Section 31-12-107, C.R.S.; and

WHEREAS, all applicable requirements of the Pagosa Springs Municipal Code have been fulfilled; and

WHEREAS, the Town Council has held a public hearing, received evidence, and adopted Resolution No. 2013-04 Setting Forth Findings of Fact and Conclusions Regarding the Alpha Drive Annexation; and

WHEREAS, the Property is eligible for annexation in accordance with the Municipal Annexation Act of 1965; and

WHEREAS, the Town Council does hereby find and determines that it is in the best interests of the Town to annex the Property to the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

1. **Incorporation**. The recitals set forth above are incorporated and ordained as if set forth in this section in full.
2. **Annexation**. The Property is hereby annexed to the Town of Pagosa Springs, Colorado, and made a part of said Town.
3. **Annexation Conditions**. Since the Town is the land owner petitioning for annexation, NO additional terms and conditions for Annexation have been imposed by the Town Council.

4. **Filings.** Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall:

- (a) File one copy of the annexation map with the original of this Annexation Ordinance in the office of the Clerk of the Town of Pagosa Springs, Colorado.
- (b) File for recording three certified copies of this Annexation Ordinance and map of the area annexed containing a legal description of such area with the County Clerk and Recorder, with a written request that the Clerk and Recorder file one certified copy of such Annexation Ordinance and map with the Division of Local Government of the Department of Local Affairs and one certified copy of such Annexation Ordinance and Map with the Department of Revenue.

5. **Public Hearing.** A public hearing on this Ordinance shall be held on the 5 day of February 2013, at 12:00 p.m. at the Town Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

6. **Effective Date.** This Ordinance shall become effective and be in force upon the execution of a Developer Improvement Agreement for the improvement of Alpha Drive and upon receipt of the required financial security to ensure the improvement of Alpha Drive to Town standards.

7. **Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 5 DAY OF Feb, 2013.



TOWN OF PAGOSA SPRINGS,  
COLORADO

By: Ross Aragón  
Ross Aragón, Mayor

Attest:

April Hessman  
April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 21 DAY OF Feb, 2013.



TOWN OF PAGOSA SPRINGS,  
COLORADO

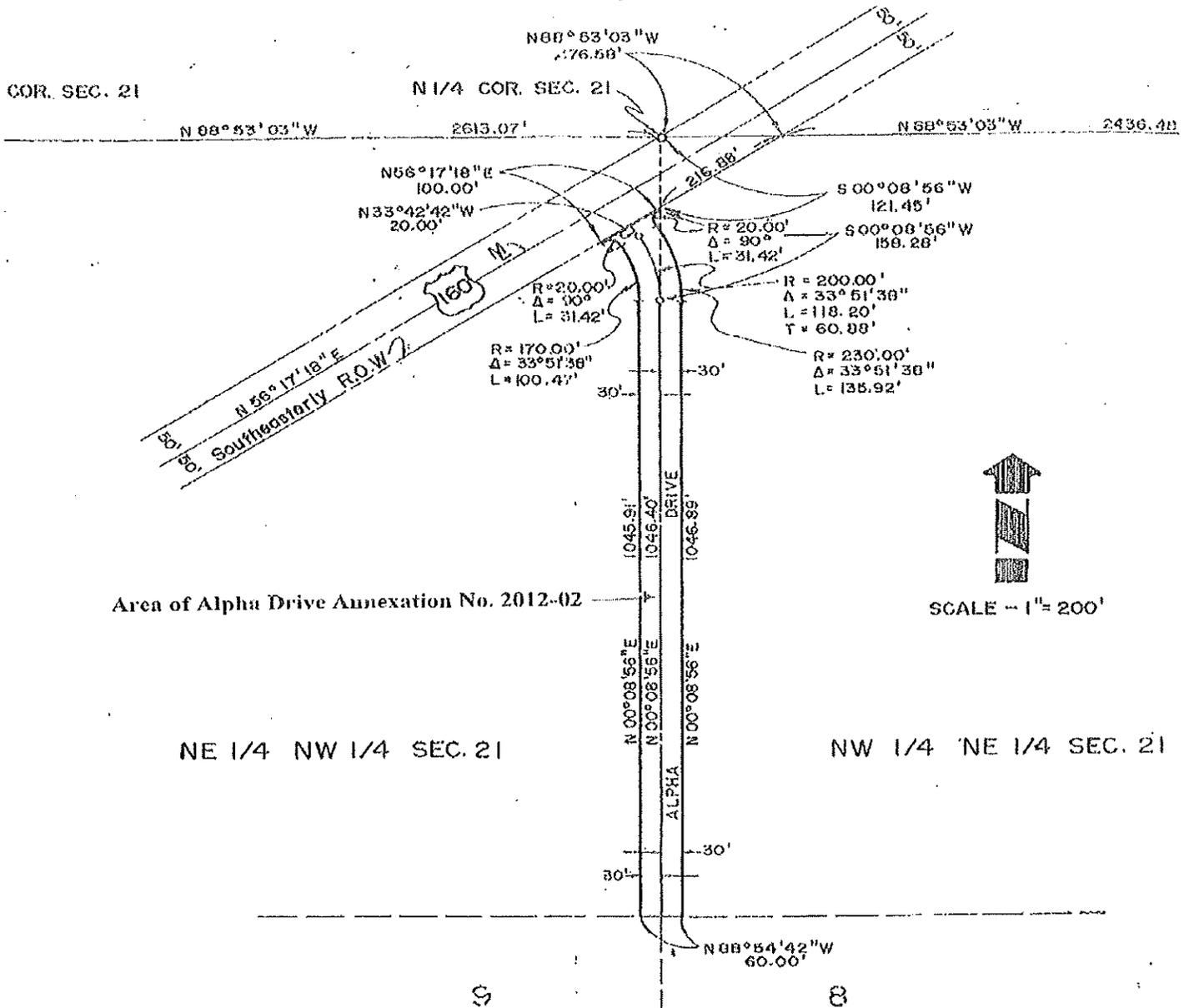
By: Ross Aragón  
Ross Aragón, Mayor

Attest:

April Hessman, Town Clerk

**EXHIBIT A  
ALPHA DRIVE ANNEXATION MAP**

**Alpha Drive Annexation No. 2012-02  
Area Map**



SCALE -- 1" = 200'

**EXHIBIT B**  
**ALPHA DRIVE ANNEXATION LEGAL DESCRIPTION**

That portion of the North half of the North half of Section 21, Township 35 North, Range 2 West, New Mexico Principal Meridian, County of Archuleta, State of Colorado, within the following described boundaries:

Beginning at a point in the South line of the North half of the North half of said Section 21, said South line being also the North line of Pagosa Alpha Section a plat as recorded June 13, 1969 as Reception Number 72213 in the office of the Recorder of said County, which bears North  $88^{\circ} 54' 42''$  West 30.00 feet from the intersection of said South line with the North-South midsection line of said Section 21;

Thence, North  $00^{\circ} 08' 56''$  East parallel to said North-South midsection line 1045.91 feet to the beginning of a tangent curve concave to the Southwest and having a radius of 170.00 feet;

Thence, Northwesterly along said curve through a central angle of  $33^{\circ} 51' 38''$  a distance of 100.47 feet to a point of compound curve with a curve concave to the South and having a radius of 20.00 feet;

Thence, Westerly along said last mentioned curve through a central angle of  $90^{\circ} 00' 00''$  a distance of 31.42 feet to its point of tangency with the Southeasterly Right of Way line of U. S. Highway 160 as same existed on October 5, 1972;

Thence, North  $56^{\circ} 17' 18''$  East along said Southeasterly line 100.00 feet to its point of tangency with a curve concave to the East and having a radius of 20.00 feet, the radius point of which bears South  $33^{\circ} 42' 42''$  East;

Thence, leaving said Southeasterly line and following Southerly along said last mentioned curve through a central angle of  $90^{\circ} 00' 00''$  a distance of 31.42 feet to a point of compound curve with a curve concave to the Southwest and having a radius of 230.00 feet;

Thence, Southeasterly along said last mentioned curve through a central angle of  $33^{\circ} 51' 38''$  a distance of 135.92 feet;

Thence, South  $00^{\circ} 08' 56''$  West parallel to said North-South midsection line 1046.89 feet to said South line;

Thence, North  $88^{\circ} 54' 42''$  West along said South line 30.00 feet to said North-South mid-section line;

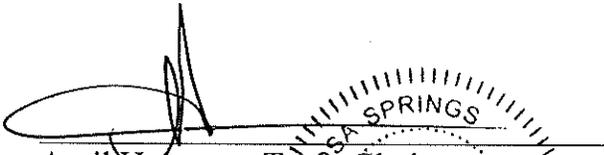
Thence, continuing North  $88^{\circ} 54' 42''$  West along said South line 30.00 feet to the point of beginning.

Containing 1.636 acres more or less.

**CERTIFICATE OF PUBLICATION**

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 784 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 05<sup>th</sup> day of February, 2013, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on Feb 6, 2013, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 21 day of Feb, 2013.



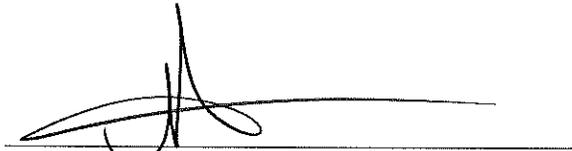
April Hessman, Town Clerk

(SEAL)



I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 784 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 21 day of Feb, 2013, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on Feb 21, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 21 day of Feb, 2013.



April Hessman, Town Clerk

(SEAL)

