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TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 785
 (SERIES 2013)**

AN ORDINANCE ANNEXING CERTAIN LANDS KNOWN AS THE SAWMILL PLACE ANNEXATION TO THE TOWN OF PAGOSA SPRINGS, COLORADO

WHEREAS, a Petition for Annexation No. 2012-01 (“Petition”) for the annexation of a tract of land known as the SAWMILL PLACE ANNEXATION, described on the annexation map attached hereto as Exhibit A with the legal description attached 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. 2012-23, Initiating Annexation Proceedings for Certain Property to be known as the Sawmill Place 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. 2013-05 Setting Forth Findings of Fact and Conclusions Regarding the Sawmill Place 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.** NO Additional terms and conditions of the Annexation are imposed by the Town Council.
4. **Filings.** Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall:

Rh:
 Town of Pagosa Springs
 P.O. Box 1859
 Pagosa Springs, CO 81147



- (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 05th day of February, 2013, at 5 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 immediately upon final passage at second reading.

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 5th DAY OF Feb, 2013.



TOWN OF PAGOSA SPRINGS,
COLORADO

By: Ross Aragón
Ross Aragón, Mayor

Attest:

April Hessman
April Hessman, Town Clerk



21303396 5/22/2013 1:22 PM
3 of 6 ODC R\$36.00 D\$0.00

June Madrid
Archuleta County

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

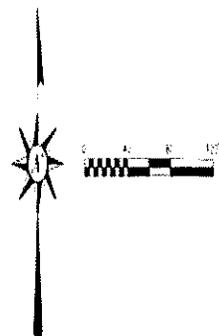
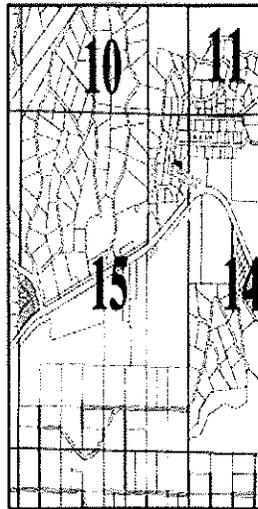
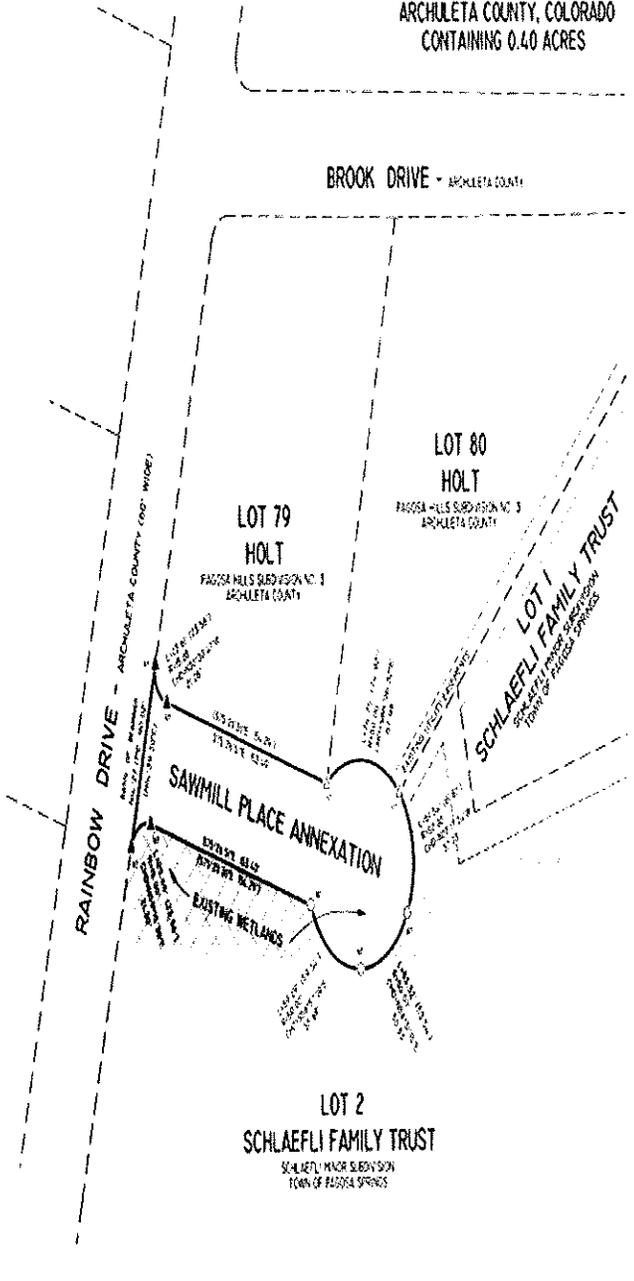
Attest:

April Hessman
April Hessman, Town Clerk

EXHIBIT A

SAWMILL PLACE ANNEXATION

INTO THE TOWN OF PAGOSA SPRINGS, COLORADO
FORMERLY BEING BASS DRIVE LOCATED IN PAGOSA HILLS SUBDIVISION NO. 3
ARCHULETA COUNTY, COLORADO
CONTAINING 0.40 ACRES



- LEGEND
- FOUND 1/2" REBAR WITH 1" PLASTIC CAP PLS 28773
 - △ FOUND 1/2" REBAR WITH 1" PLASTIC CAP PLS 12448
 - ▲ FOUND 3/8" REBAR WITH NO IS
 - ∗ NON-TANGENT CURVE

- NOTES
- 1) ALL BEARINGS ARE BASED ON THE ASSUMPTION THAT THE EASTERLY RIGHT-OF-WAY OF RAINBOW DRIVE, MONUMENTED AS SHOWN HEREON BEARS N42°27'17" E - 142'07.77'.
 - 2) THE SUBDIVISION PLAT OF PAGOSA HILLS NO. 3 DEDICATES TO THE PUBLIC EASEMENTS ALONG THE SIDES AND REAR LINES OF ALL LOTS. THESE EASEMENTS ARE TO FEET IN WIDTH AS PER COVENANTS RECORDED IN BOOK 125 ON PAGE 355 A.C.R.
 - 3) BEARINGS AND DISTANCES IN PARENTESIS ARE FROM RECORDED INFORMATION.
 - 4) THE DEVELOPER OF PAGOSA HILLS SUBDIVISION NO. 3, WILLIAM M. GREGG, HAS CONVEYED HIS INTEREST IN THE REAL ESTATE OF BASS DRIVE BY QUIT CLAIM DEED (SHERP RECEIPTION NO. 2207401) AND RECEIPTION NO. 2282864.

CLEAN AND RECORDERS CERTIFICATE
HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE
AT PAGOSA SPRINGS COLORADO THIS 05 DAY OF MAY 2013
RECEPTION NUMBER 21303336
PLAT FILE NUMBER 963
BY June Madrid Clerk and Recorder

CROSS-HATCHED AREA IS PRESENTLY WITHIN THE TOWN OF PAGOSA SPRINGS
LINEAR FOOTAGE ALONG WITHIN THE TOWN OF PAGOSA SPRINGS IS 204.7 FEET
LINEAR FOOTAGE AROUND SAWMILL PLACE IS 451.1 FEET
CONTAINS 0.40 ACRES - 50% OF TOTAL

NOTE: According to Colorado law you MUST connect by
8pt color bond upon any defect in this survey within three
years after you first discover such defect. In no event may this
action be based upon any defect in this survey by a person named
herein ten years from the date of the certification shown hereon.

DEFINITIONS
ANIMAL PERSONS BY THESE PRESENTS
THAT THE SCHLAEFLI FAMILY TRUST OF 1001 WEST 4TH DRIVE, SUITE 1000 OF ASHT AS BEING THE FEE
TITLE OWNERS OF THE FOLLOWING DESCRIBED REAL PROPERTY TO WIT

LEGAL DESCRIPTION ALL THAT PORTION OF BASS DRIVE BEING EASTERLY OF THE EASTERLY RIGHT OF WAY
OF RAINBOW DRIVE, AS SHOWN ON THE PLAT OF PAGOSA HILLS SUBDIVISION NO. 3 RECORDED UNDER
RECORDING NUMBER LOCATED IN ARCHULETA COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTH-WEST CORNER OF LOT 79 OF SAID SUBDIVISION
THENCE EAST 1/2 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 4.0 FEET,
THENCE S 75° 25' 56" W, 45.20 FEET ALONG THE BOUNDARY OF SAID LOT 79,
THENCE S 75° 25' 56" W, 45.20 FEET ALONG THE BOUNDARY OF LOTS NO. 8, 12 AND 13 OF SAID SUBDIVISION ON THE ARC
OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET,
THENCE N 75° 25' 56" W, 20.20 FEET ALONG THE NORTH-WEST BOUNDARY OF LOT 80
THENCE EAST ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 4.0 FEET,
THENCE N 88° 35' 56" W, 81.20 FEET MORE OR LESS TO THE PLACE OF BEGINNING,
CONTAINING 0.40 ACRES MORE OR LESS.

AND HAS CAUSED THE SAME TO BE SURVEYED, AND DESIGNATED AS THE SAWMILL PLACE ANNEXATION AND
HAS CAUSED THIS PLAT TO BE MADE FILED WITH OTHER RECORDS

WITNESSETH
IN CONSIDERATION OF THE APPROVAL OF THIS ANNEXATION PLAT, THE DECLARANT'S HEREBY WAIVES ANY AND
ALL CLAIMS OF DAMAGES AGAINST THE TOWN OF PAGOSA SPRINGS OCCASIONED BY THE ALTERATION OF
LAND SURFACES TO CONFORM TO THIS ANNEXATION PLAT.
IN WITNESS WHEREOF, THIS INSTRUMENT IS EXECUTED:

THIS 04 DAY OF MAY 2013
William M. Gregg
AND SCHLAEFLI AS TRUSTEE FOR THE SCHLAEFLI FAMILY TRUST

STATE OF COLORADO
COUNTY OF ARCHULETA

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS 04 DAY OF MAY 2013 AT PAGOSA SPRINGS COLORADO
TRUSTEE FOR THE SCHLAEFLI FAMILY TRUST

NOTARY PUBLIC
MY COMMISSION EXPIRES 06/30/2013
NOTARY PUBLIC RETURNS 05/03/13



SURVEYOR'S CERTIFICATE
I, Thomas H. DeWitt, a duly registered professional land surveyor in the state of Colorado, DO
HEREBY CERTIFY THAT THIS ANNEXATION PLAT OF THE SAWMILL PLACE ANNEXATION WAS PREPARED UNDER
MY DIRECTION, MEETS THE STATE OF COLORADO MAPPING STANDARDS FOR LAND SURVEY PLATS AND TRULY
AND CORRECTLY REPRESENTS A FIELD SURVEY OF THE SAME

SIGNATURE Thomas H. DeWitt
DATE 05/03/13

COUNTY SURVEYOR'S CERTIFICATE
I, Thomas H. DeWitt, a duly registered professional land surveyor in the state of
COLORADO DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT OF THE SAWMILL PLACE ANNEXATION, MEETS
THE STATE OF COLORADO MAPPING STANDARDS FOR LAND SURVEY PLATS, PURSUANT TO C.R.S. 25-3-201
AND 25-3-202

PLANNING COMMISSION CERTIFICATE
THIS ANNEXATION PLAT AND THE STATEMENTS HEREON ARE RECOMMENDED FOR APPROVAL BY THE TOWN
COUNCIL

THIS 04 DAY OF MAY 2013
BY THE PLANNING COMMISSION OF THE TOWN OF PAGOSA SPRINGS, COLORADO, THIS RECOMMENDATION OF
APPROVAL DOES NOT EXTEND TO THE DESIGN OF UTILITIES, SEWER DISPOSAL, ROADS OR ANY OTHER
SERVICE FACILITIES

BY COMMISSIONER Thomas H. DeWitt
TOWN COUNCIL CERTIFICATE
THIS PLAT AND THE STATEMENTS HEREON ARE CONDITIONALLY APPROVED PENDING COMPLETION OF ANY
REQUIRED IMPROVEMENTS

THIS 04 DAY OF MAY 2013
BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO
BY Mayor June Madrid
ATTORNEY TOWN CLERK

APPROVAL TO RECORD CERTIFICATE
HARRIS ASSETS HAS THAT THE CONDITIONS OF APPROVAL HAVE BEEN SATISFACTORILY COMPLETED ON
THE 03 DAY OF MAY 2013

THE TOWN COUNCIL APPROVES THIS PLAT FOR RECORDING BY THE TOWN OF PAGOSA SPRINGS, COLORADO AND
RECOMMENDS THIS APPROVAL BE EXTENDED TO THE DESIGN OF UTILITIES, SEWER DISPOSAL, ROADS OR ANY
OTHER SERVICE FACILITY. THE TOWN COUNCIL'S APPROVAL OF THIS PLAT DOES NOT CONSTITUTE
THE PUBLIC BEHALF OF THE OFFER OF DESIGNATIONS OF RIGHTS TO UTILITIES DOES NOT CONSTITUTE
ACCEPTANCE OF RIGHTS TO UTILITIES OR SERVICES BY THE TOWN OR MAINTENANCE OR OPERATION.

BY Mayor June Madrid
ATTORNEY TOWN CLERK

SEARCHED	INDEXED	SERIALIZED	FILED
MAY 03 2013			
PAGOSA SPRINGS, COLORADO			
CLERK AND RECORDER			

EXHIBIT B

Sawmill Place Annexation Legal Description



JANUARY 09 2013
LEGAL DESCRIPTION

A Parcel of Land located within Pagosa Hills Subdivision No. 3, The Plat of which Subdivision is recorded under Reception No. 74680, Town of Pagosa Springs, Archuleta County, Colorado, said Parcel being more particularly described as follows, to-wit:

Beginning at the most southwesterly corner of Lot 79 of said Subdivision;
Thence 23.56 feet along the arc of a curve to the left having a radius of 15.00 feet;
Thence S.75°20'30"E., 154.29 feet along the southerly boundary of said Lot 79;
Thence 249.80 feet along the boundaries of Lots 80, 81, 82 and 83 of said Subdivision on the arc of a curve to the right having a radius of 50.00 feet;
Thence N.75°20'30"W., 154.29 feet along the northerly boundary of Lot 83;
Thence 23.56 along the arc of a curve to the left having a radius of 15.00 feet;
Thence N.14°39'30"E., 90 feet more or less to the Place of Beginning.

Prepared by Dean P. Schultz
Colorado certificate No. 26973



21303396 5/22/2013 1:22 PM
5 of 6 ODC R336.00 D\$0.00
June Madrid
Archuleta County



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. 785 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 05th 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.



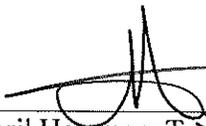
April Hessman, Town Clerk

(SEAL)



I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 785 (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)

