

**TOWN OF PAGOSA SPRINGS, COLORADO  
PLANNING COMMISSION**

**RESOLUTION NO. 2012-21**

**A RESOLUTION AUTHORIZING TOWN STAFF  
TO TAKE ALL ACTIONS NECESSARY AND APPROPRIATE  
TO SUBMIT A PETITION FOR ANNEXATION OF ALPHA DRIVE  
AND TO AMEND THE PLAT FOR ALPHA DRIVE**

WHEREAS, the Town of Pagosa Springs, Colorado (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, amended April 3, 2012; and

WHEREAS, pursuant to Ordinance No. 775, the Town Council accepted a Quit Claim Deed from Archuleta County conveying a portion of Alpha Drive; and

WHEREAS, Alpha Drive has not yet been annexed to the Town, but provides legal and physical access to residential and commercial properties located within the Town; and

WHEREAS, by plat approved by the Board of County Commissions of Archuleta County on November 6, 1972, and recorded at Reception No. 76769 (the “1972 Plat”), Eaton International Company, as owner, subdivided and dedicated to the public a portion of property designated on such plat as Alpha Drive (“Alpha Drive”); and

WHEREAS, the 1972 Plat contains language that is ambiguous as to whether additional access points can be created off of Alpha Drive; and

WHEREAS, pursuant to Resolution No. 2012-12, the Design Review Board approved a major design review application to construct a Wal-Mart in the Aspen Village Commercial Development; and

WHEREAS, access to the Wal-Mart will require the creation of additional access points from Alpha Drive and Resolution No. 2012-12 requires Wal-Mart to construct such improvements; and

WHEREAS, pursuant to Resolution No. 2012-17, the Town Council affirmed Resolution No. 2012-12; and

WHEREAS, the Town Council hereby finds and determines that it is appropriate and necessary to the function and operation of the Town to direct Town staff to take all actions necessary and appropriate to petition the Council to annex Alpha Drive and to

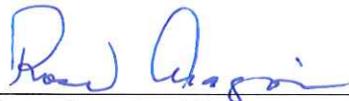
simultaneously amend the 1972 Plat, as staff determines is necessary or appropriate to facilitate the Wal-Mart major design review approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Pagosa Springs, Colorado, as follows:

1. **Annexation.** Town staff is hereby authorized and directed to take all actions necessary and appropriate to petition the Council to annex Alpha Drive, including but not limited to preparing the annexation petition and annexation map.
2. **Alpha Drive Plat.** Town staff is hereby authorized and directed to take all actions necessary and appropriate to simultaneously amend the 1972 Plat to allow for the creation of additional access points along Alpha Drive, if amendment of the 1972 Plat is determined necessary or appropriate to implement the approval of the major design review approval for Wal-Mart, pursuant to Resolution Nos. 2012-12 and 2012-17.
3. **Ratification of Prior Actions.** All prior actions of the Town staff to further the goals of annexation of Alpha Drive, amendment of the 1972 Plat, and implementation of the major design review approval authorized by Resolution Nos. 2012-12 and 2012-17, are hereby ratified.
4. **Public Inspection.** A copy of this Resolution is available for public inspection at the offices of the Town Clerk and the Planning Department.
5. **Effective Date.** This Resolution shall become effective immediately upon adoption by the Town Council.
6. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

MOVED, SECONDED AND ADOPTED this 20<sup>th</sup> day of December, 2012.

TOWN OF PAGOSA SPRINGS

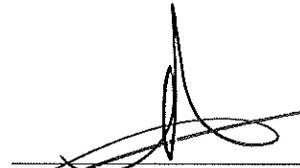
By:   
Ross Aragón, Mayor

Attest:

  
April Hessman, Town Clerk



I hereby certify that Resolution 2012-21 was introduced to and approved by the Town Council of the Town of Pagosa Springs at its meeting of December 20, 2012 by a vote of 7 in favor and 0 against.

By:   
April Hessman, Town Clerk

