

**TOWN OF PAGOSA SPRINGS, COLORADO
TOWN COUNCIL**

RESOLUTION NO. 2013-05

**A RESOLUTION SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS
REGARDING THE SAWMILL PLACE ANNEXATION**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

The Town Council hereby sets forth its findings of fact and conclusions based thereon with respect to Petition for Annexation No. 2012-01 ("Petition"), the proposed annexation of the **SAWMILL PLACE Annexation**, based on the evidence contained in the official file, the official records of the Town of Pagosa Springs, Colorado, and the evidence produced at the public hearing held on the 05th day of February, 2013.

FINDINGS OF FACT

1. The Town Council adopted Resolution No. 2012-23, finding the Petition and the annexation map attached thereto, of the land described therein, and incorporated herein (the "Property"), and also known as the Sawmill Place Annexation, to be eligible for annexation and in substantial compliance with Section 31-12-107(1), C.R.S.
2. On the 29th day of January, 2013, the Planning Commission considered the Petition, and by Resolution No. 2013-03, recommended that the Town Council approve the Petition.
3. On the 05th day of February 2013, the Town Council completed a hearing pursuant to Section 31-12-109, C.R.S., to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S., at which any person was allowed to appear and present evidence regarding the proposed annexation.
4. Proper notice of this hearing was given in accordance with Section 11.9 of the Town's Land Use and Development Code ("LUDC"), as follows:
 - (a) Notice was published once a week for four successive weeks in a newspaper of general circulation within the Property, with the first publication at least thirty days prior to the hearing, pursuant with Section 11.9.1 of the LUDC.
 - (b) A copy of the published notice, together with a copy of Resolution No. 2012-23 was sent certified mail to the Archuleta Board of County Commissioners and the County Attorney and any special district or school district having territory within the area to be annexed, at least 25 days prior of the public hearing, pursuant to Section 11.9.2 of the LUDC.

(c) A copy of the published notice, letter of intent provided with the application, the annexation map and the concept plan for the development of the Property was sent certified mail to the owners of real property within 300 feet of the Property, and to the mineral estate owners and their lessees of the Property, pursuant to Section 11.9.3 of the LUDC.

5. Copies of the published notice, Resolution No. 2012-23 and the Petition for Annexation were also mailed as provided in Section 31-12-108(2), C.R.S.

6. The requirements of the applicable parts of Sections 31-12-104 and 31-12-105, C.R.S., and the requirements of Article 11 of the Land Use and Development Code have been met, including the following:

(a) Not less than one-sixth (1/6th) of the perimeter of the Property is contiguous with the Town, as can be seen from the annexation map and as substantiated by the testimony.

(b) A community of interest exists between the Property and the Town, due to the one-sixth contiguity between the Property and the existing Town boundary, the proximity of the Property to the Town, the desires of the owners to annex and existing Town services in the area.

(c) The Property is urban or will be urbanized in the near future and is already substantially integrated with, and is capable of being fully integrated with the Town, based on the one-sixth contiguity between the Property and the existing Town boundary. A majority of the adult residents in the area immediately adjacent to the Property are Town residents and already make use of the recreational, civic, social, religious, industrial and commercial facilities of the Town. The Property is not currently in agricultural use and landowners of more than one-half of the Property have not expressed, under oath, an intention to devote the land to agricultural use for a period of not less than five years. The Property is a developed road used for many years to access residential and commercial development within the Town and the County.

(d) It is practical to extend Town services to the area on the same terms and conditions on which services are available to Town citizens generally.

(e) No land held in identical ownership has been divided into separate parts without the written consent of the owner. No land comprising 20 acres or more with a valuation of over \$200,000 has been included without written consent. No annexation proceedings concerning the Property have been commenced by any other municipality.

(f) This annexation will not result in any detachment of area from the Joint 50 School District. No part of the Property extends any more than three miles from the existing Town boundaries. The Town has in place an annexation plan as required by Section 31-12-105, C.R.S.

(g) The entire width of any platted street or alley to be annexed is included within the Property.

(h) Access shall be allowed to annexed portions of any platted street or alley to the owners of unincorporated property adjoining any annexed street or alley, to the owner of an easement, or to the owner of a franchise, on a reasonable basis.

7. No petition for annexation election has been submitted and an election is not required pursuant to Section 31-12-107(2), C.R.S.

8. The Town Council has determined that additional terms and conditions will not be imposed.

9. The Petition was signed by landowners of one hundred percent (100%) of the Property exclusive of streets and alleys, and land owned by the Town.

CONCLUSIONS

1. The Property is eligible for annexation to the Town pursuant to applicable parts of Section 31-12-104, C.R.S., and should be so annexed.

2. None of the limitations of Section 31-12-105, C.R.S., applies to restrict annexation.

3. An election is not required under Section 31-12-107(2), C.R.S.; said area may be annexed by Ordinance pursuant to Section 31-12-111, C.R.S.

ADOPTED THIS 5th DAY OF February, 2013, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, BY A VOTE OF 5 IN FAVOR, 0 AGAINST, ON THE 5th DAY OF Feb, 2013.



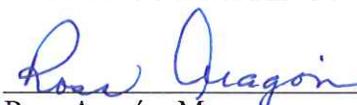
Attest:



April Hessman, Town Clerk

TOWN OF PAGOSA SPRINGS

By:



Ross Aragón, Mayor

EXHIBIT A

BROOK DRIVE (60 FOOT ROW)

SAWMILL ANNEXATION 2012-01

(HOLT)
LOT 80

(HOLT)
LOT 79

(SCHL)

RAINBOW DRIVE (60 FOOT ROW)

BASIS OF BEARINGS
N14°27'17"E 90.02'
N14°39'30"E

L=23.61' (23.56')
R=15.05'
BRG=N30°30'17"W
21.26'

(S75°20'30"E 154.29')
S75°26'51"E 153.49'

L=74.75' (74.92')
R=50.00'
BRG=S86°06'32"E
67.98'

BASS DRIVE (NOT CONSTRUCTED)
Area of Annexation

L=61.54' (61.80')
R=50.00'
BRG=N07°17'24"W
57.73'

(S75°26'51"E 153.40')
(S75°20'30"E 154.29')

EXISTING WETLANDS

OLD 81

L=59.29' (59.54')
R=50.00'
BRG=S56°57'19"E
55.88'

L=53.32' (53.54')
R=50.00'
BRG=N58°31'15"E
50.83'

(SCHLAEFLI)
OLD 83

(SCHLAEFLI)

OLD 82

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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.

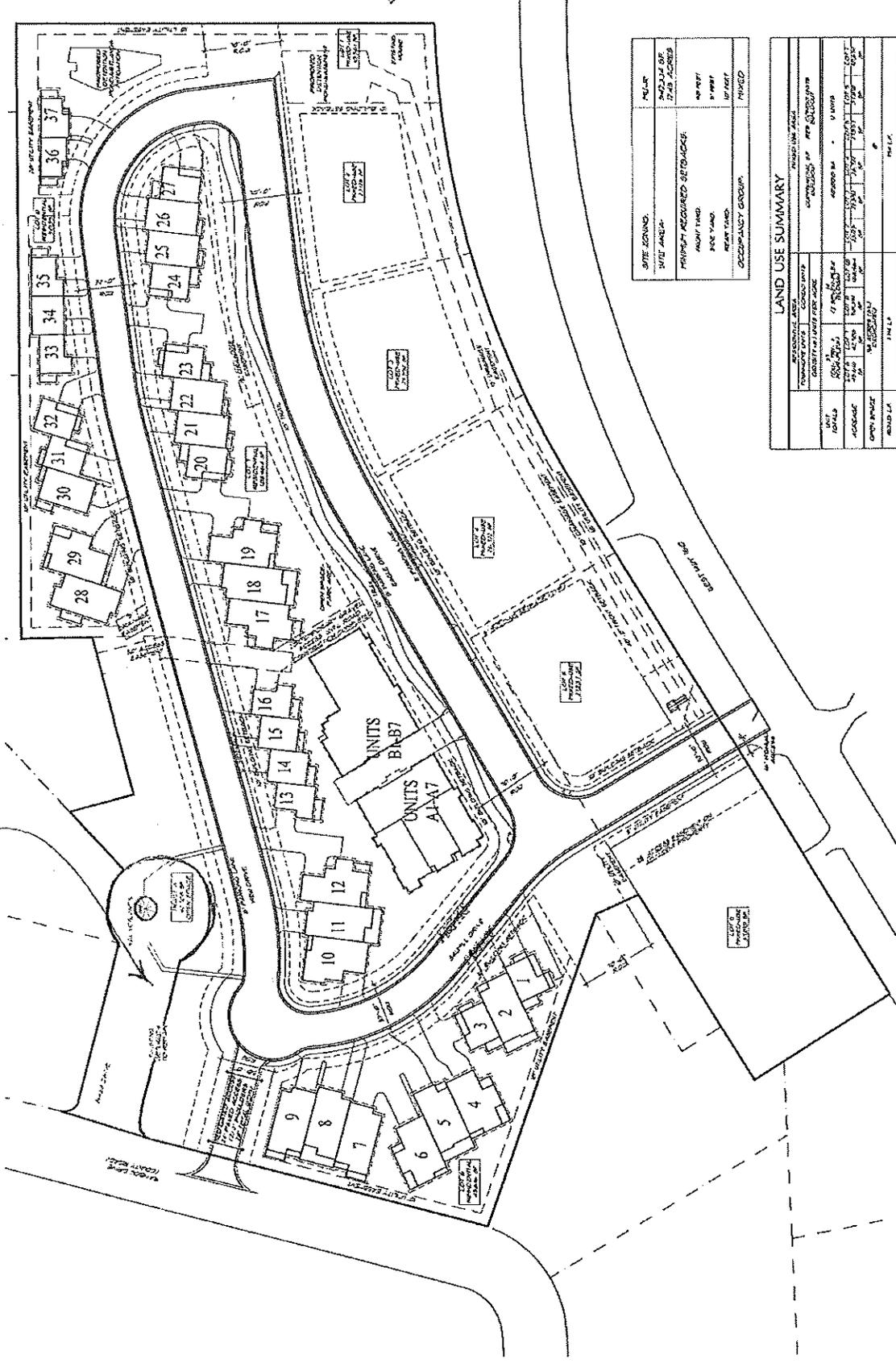
Prepared by Dean P. Schultz
Colorado certificate No. 26973



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Sawmill Place Preliminarily Approved Development Plan

Proposed Sawmill Place Annexation Area

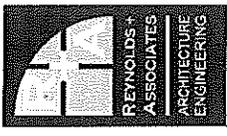


SITE ZONING	PERMITTED REQUIRED SETBACKS:	FRONT YARD	REAR YARD	OCCLUSION GROUP	MINED
RESIDENTIAL	FRONT: 10 FT REAR: 10 FT SIDE: 5 FT	10 FT	10 FT	10 FT	10 FT

LAND USE SUMMARY		PERMITTED NEW AREA	PERMITTED EXISTING AREA
RESIDENTIAL	17,000 SQ FT	17,000 SQ FT	0 SQ FT
PARKING	100 SPACES	100 SPACES	0 SPACES
LANDSCAPING	10,000 SQ FT	10,000 SQ FT	0 SQ FT
TOTAL	27,000 SQ FT	27,000 SQ FT	0 SQ FT



ARCHITECTURAL SITE PLAN
S.P. 1.1



REYNOLDS & ASSOCIATES
ARCHITECTURE
ENGINEERING

PROGRESS SET
NOT FOR CONSTRUCTION

SAWMILL PLACE
1551 WEST HIGHWAY 160
PAGOSA SPRINGS, CO 81147

DATE: 2010-10-06
DRAWN BY: CK
SCALE: AS SHOWN
SHEET NO. 1 OF 1
REVISIONS: