

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

RESOLUTION NO. 2012-22

**A RESOLUTION OF INTENT TO ANNEX CERTAIN PROPERTY KNOWN AS
ALPHA DRIVE AND FINDING THE PETITION FOR ANNEXATION
NO. 2012-02 TO BE IN SUBSTANTIAL COMPLIANCE WITH
SECTION 31-12-107, C.R.S.**

WHEREAS, a Petition for Annexation No. 2012-02 (“Petition”) has been filed with the Town Clerk of the Town of Pagosa Springs (“Town”) and referred by the Clerk to the Town Council, requesting annexation of certain property known as Alpha Drive (the “Property”); and

WHEREAS, the Petition contains the following:

A. An allegation that it is desirable and necessary that the Property be annexed to the Town;

B. An allegation that the Property meets the requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is eligible for annexation in that:

1. Not less than one sixth (1/6th) of the perimeter of the Property is contiguous with the Town, which contiguity may be established by the annexation of one or more parcels in a series.

2. A community of interest exists between the Property and the Town; the Property is urban or will be urbanized in the near future; and the Property is integrated with or is capable of being integrated with the Town.

3. Without the consent of the landowners, no land included within the Property, which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

(a) is divided into separate parts or parcels, unless such tracts or parcels are separated by a dedicated street, road, or other public way; or

(b) comprises 20 acres or more and, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the proposed annexation.

4. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the Property.

5. The annexation of the Property will not result in the detachment of area from any school district and the attachment of it to another school district.

6. The annexation of the Property will not have the effect of extending the boundary of the Town more than three miles in any direction from any point of the Town's boundary in any one year.

7. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the Property.

8. Reasonable access shall not be denied to landowners, owners of an easement, or the owners of a franchise, adjoining any platted street or alley annexed by the Town but not bounded on both sides by the Town.

C. An allegation that the signers of the Petition comprise landowners of one hundred percent (100%) of the Property, exclusive of streets and alleys and any land owned by the Town;

D. A request that the Town approve annexation of the Property;

E. The signatures of such landowners;

F. The mailing address of each Petition signer;

G. The legal description of the land owned by each Petition signer;

H. The date of signing of each signature, which date is not more than one hundred eighty (180) days prior to the date of filing of the Petition with the Town Clerk;

I. Four copies of an annexation map containing a written legal description of the boundaries of the Property; a map showing the boundary of the Property; a showing of the location of each ownership tract of unplatted land, and the boundaries and the plat numbers of plots or lots and blocks of platted land within the Property, and the boundary of the Town and any other municipality contiguous to the Property.

WHEREAS, the Town Council has determined that it is in the best interests of the citizens of the Town to annex said area to the Town; and

WHEREAS, the Town Council desires to initiate annexation proceedings in accordance with law.

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

1. The recitals contained above are incorporated as if resolved and set forth in full.
2. The Petition and the annexation map are in substantial compliance with the requirements of Section 31-12-107(1), C.R.S, and the provisions of the Municipal Annexation Act.
3. The Town Council hereby accepts the Petition and initiates annexation proceedings for the Property, situate in the County of Archuleta, State of Colorado, as described in the Petition, and incorporated herein by this reference.
4. A public hearing for the purpose of finding and determining whether the property proposed for annexation meets the applicable requirements and is eligible for annexation is set for February 5, 2013, at the hour of 5:00pm, at the Town Council Chambers, which is not less than 30 days nor more than 60 days from the effective date of this Resolution.
5. The Notice attached hereto and incorporated herein as Exhibit A is adopted as a part of this Resolution. The Notice establishes the date, time and place when a hearing will be held regarding the final passage of an annexation ordinance pertaining to the Property. The Town Clerk is directed to publish a copy of this Resolution and the Notice 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.
6. A copy of the published Notice, together with a copy of this Resolution and the Petition as filed, shall also be sent by registered mail by the Town Clerk to the Board of County Commissioners, the County Attorney and to any special district or school district having territory within the Property at least twenty-five days prior to the date fixed for such hearing.
7. A copy of the published Notice, together with copies of the Letter of Intent provided with the Application, the annexation map, and the concept plan for the development of the Property shall be sent by certified mail by the Town Clerk to the owners of real property within three hundred (300) feet of the boundaries of the Property, irrigation ditch companies whose rights-of-way traverse the Property, and to the mineral estate owners and their lessees of the Property.

8. Pursuant to Sec. 21.10.5(6) of the Town of Pagosa Springs Municipal Code, the Petition and annexation map are hereby referred to the Planning Commission for its consideration, review and recommendations at a regular or special meeting to be held prior to the date of the hearing before the Town Council.

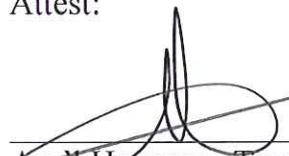
ADOPTED by a vote of 7 in favor and 0 against, this 20th day of December, 2012.

TOWN OF PAGOSA SPRINGS

By: 

Ross Aragón, Mayor

Attest:



April Hessman, Town Clerk



I hereby certify that the above Resolution was introduced to and approved by the Town Council of the Town of Pagosa Springs at its meeting of December 20, 2012.

By: 

April Hessman, Town Clerk



**EXHIBIT A
NOTICE OF HEARING**

TO ALL PERSONS INTERESTED:

PLEASE TAKE NOTICE that the Town Council of the Town of Pagosa Springs, Colorado has adopted a Resolution of Intent to Annex Certain Property known as Alpha Drive, said Annexation being more particularly described as follows:

The road commonly known as "Alpha Drive" located in Section 21, Township 35 North, Range 2 West of the N.M.P.M., as more particularly described on Exhibit 1 attached hereto.

That, on the 5 day of February, 2013, at the hour of 5:00pm, or as soon thereafter as the matter may come on for hearing at the Town Council Chambers, Town of Pagosa Springs, 551 Hot Springs Boulevard, Pagosa Springs, Colorado, the Town Council will hold a hearing for the purpose of finding and determining whether the property proposed to be annexed meets the applicable requirements of Colorado law and is considered eligible for annexation. At such hearing, any person may appear and present such evidence upon any matter to be determined by the Town Council.

Dated this 28 day of December, 2012.

By: _____

April Hessman, Town Clerk



**EXHIBIT 1 TO NOTICE OF HEARING
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 AND MAILING

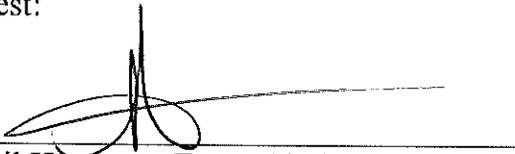
I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Resolution and Notice of Hearing was published four successive weeks in the Pagosa Sun, a newspaper of general circulation in the area proposed to be annexed, beginning on January 3, 2013, which date was at least thirty (30) days prior to the date of the hearing, as required by Section 31-12-108(2), C.R.S.

I further certify that the foregoing Resolution and Notice of Hearing, along with the Petition referenced in the Resolution were sent by registered mail to the Board of County Commissioners and the County Attorney for Archuleta County, to all special districts having territory within the proposed annexation, such special districts consisting of the Pagosa Fire Protection District, the San Juan Hospital District, the Pagosa Area Water and Sanitation District, and the San Juan Water and Conservancy District, and to the Archuleta County 50 JT School District, on January 9, 2013, which date was at least twenty-five (25) days prior to the date of the hearing, as required by Section 31-12-108(2), C.R.S.

I further certify that a copy of the published notice, together with the letter of intent provided with the application, the annexation map and the concept plan for the development of the property was sent by certified mail to the owners of real property within three hundred (300) feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed and to the mineral estate owners and their lessees of the property to be annexed, on January 9, 2013, as required by Section 11.9.3 of the Town of Pagosa Springs Land Use and Development Code.

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.

Attest:



April Hessman, Town Clerk

(SEAL)

