

TOWN OF MARBLE, COLORADO
RESOLUTION NO. 4
SERIES OF 1996

A RESOLUTION OF THE TOWN OF MARBLE, COLORADO, MAKING
FINDINGS OF FACT WITH RESPECT TO THE PROPOSED MARBLE
INSTITUTE OF COLORADO ANNEXATION TO THE TOWN OF MARBLE.

WHEREAS, on April 3, 1996, there was filed with the Town Clerk of the Town of Marble, Colorado (hereinafter "Town"), a Petition requesting that the Board of Trustees of the Town of Marble, Colorado (hereinafter "Town Board") commence proceedings to annex to the Town, as provided in C.R.S. §31-12-104, a certain unincorporated tract of land located in the County of Gunnison, State of Colorado, and described in Exhibit A, attached hereto and incorporated herein by this reference (hereinafter the "Annexation Parcel");

WHEREAS, the Town Board by Resolution No. 3, Series of 1996, found the Petition to be in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1), as amended; and

WHEREAS, the Town Board by Resolution No. 3, Series of 1996, established a date, time and place for a hearing upon the Petition, and directed the Town Clerk to give notice of the hearing in accordance with C.R.S. §31-12-108(2); and

WHEREAS, notice of the public hearing to consider the annexation was given by publishing notice in the Valley Journal Newspaper on May 30 and June 6, 13, and 20, 1996; and

WHEREAS, as required by C.R.S. §31-12-108(2), copies of the published notice and Resolution No. 3, Series of 1996, were mailed to the Gunnison County Commissioners, the Gunnison County Attorney, and the school district and special district having territory within the Annexation Parcel; and

WHEREAS, pursuant to C.R.S. §31-12-108.5, no Annexation Impact Report is required for annexation of the Annexation Parcel; and

WHEREAS, the hearing on the Petition was held on July 2, 1996, and at such hearing, any person permitted to appear pursuant to C.R.S. §31-12-109(1) had the opportunity to appear and present evidence upon any matter determined by the Town Board; and

WHEREAS, the Town Board finds and determines that the hearing upon the Petition is now complete.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Marble, Colorado, that:

FINDINGS OF FACT, DETERMINATIONS
AND CONCLUSIONS

1. The Town incorporates the foregoing recitals as findings and determinations by the Town Board, and conclusively makes all of the Findings of Fact, Determinations and Conclusions contained herein.

2. For the Annexation Parcel, the Town staff has determined, and the Town Board so finds, that the landowners of one hundred percent (100%) of the Annexation Parcel to be annexed, excluding public streets and alleys, signed and filed the Petition requesting the annexation to the Town of the Annexation Parcel described in the Petition, in compliance with Article II, Section 30 of the Colorado Constitution and C.R.S. §31-12-107(1).

3. The Petition is accompanied by four (4) or more copies of an Annexation Map, which contains among other things the information required by C.R.S. §31-12-107(1)(d).

4. For the Annexation Parcel, the requirements of C.R.S. §31-12-104, as amended, exist or have been met, including without limitation the following:

- A. Not less than one-sixth (1/6th) of the perimeter of the Annexation Parcel is contiguous with the Town.
- B. A community of interest exists between the Annexation Parcel and the Town.
- C. The Annexation Parcel is urban, or will be urbanized in the near future.
- D. The Annexation Parcel is integrated with or is capable of being integrated with the Town.
- E. No election for annexation of the area proposed to be annexed to the Town has been held in the proceeding twelve (12) months.

5. For the Annexation Parcel, the requirements of C.R.S. §31-12-105, as amended, exist or have been met, including without limitation the following:

- A. In establishing the boundaries of the area proposed to be annexed, no land 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:

- i. has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, roadway or other public way; or
 - ii. comprising twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the proposed annexation) has been included without the written consent of the landowners.
- B. No annexation proceedings have been commenced for the annexation to a municipality other than the Town of all or part of the Annexation Parcel.
- C. The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district.
- D. The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the Town more than three (3) miles in any direction from any point on the current municipal boundary of the Town.
- E. The Town has previously prepared and adopted documents which constitute a plan meeting the requirements of C.R.S. §31-12-105(e);
6. No election is required under C.R.S. §§ 31-12-112 and -107(2) for the Annexation Parcel, as no additional terms or conditions are to be imposed upon the owners of property not otherwise agreed to by such owners.
7. The signer of the Petition is the sole owner of 100 percent of the area proposed to be annexed, exclusive of public streets and alleys.
8. The annexation to the Town of the Annexation Parcel will not result in a change of county boundaries.
9. The names and mailing address of the signer of the Petition and date of signing are included in the Petition, and the legal description of the land owned by such petitioner is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the Town Clerk.
10. No area of the Annexation Parcel proposed to be annexed to the Town is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town; and

11. It is desirable and necessary that the Annexation Parcel described in Exhibit A be annexed to the Town.

12. On even date herewith, the Town Board of the Town of Marble, Colorado, shall by ordinance annex the Annexation Parcel described in Exhibit A to the Town of Marble.

Read, passed and adopted by a vote of 5 to 0 at a regular meeting held this 6th day of August, 1996.

TOWN OF MARBLE, COLORADO

By

Mayor

Frank C. Leone

ATTEST:

Tommy Mulhall
Town Clerk

Exhibit A
Legal Description: Annexation Parcel

A parcel of land situated in the N1/2 SW1/4, Section 26, Township 11 South, Range 88 West of the 6th Principal Meridian, Gunnison County, Colorado, lying northerly of the centerline of said Crystal River and being more particularly described as follows:

Beginning at a point on the Southerly boundary line of Lot 13, Block 85 of the West Park Street Addition to the Town of Marble, Gunnison County, Colorado, whence a brass cap found in place for the Witness Corner to the W1/4 Corner of said Section 26 bears N. 60°37'34" W., 1,082.05 feet; thence S. 89°38'36" E. 555.33 feet, along the Southerly boundary line of said West Park Street Addition; thence South 439.88 feet to a point in the center of said Crystal River; thence along said river centerline on the following twelve (12) courses: S. 48°40'06" W. 43.97 feet; thence S. 12°10'21" W. 52.43 feet; thence S. 24°10'45" W. 33.65 feet; thence S. 31°02'19" W. 33.95 feet; thence S. 63°47'18" W. 58.42 feet; thence N. 68°21'22" W. 32.42 feet; thence N. 36°18'01" W. 76.99 feet; thence N. 62°00' W. 53.80 feet; thence N. 51°55'27" W. 68.32 feet; thence N. 49°32'39" W. 131.29 feet; thence N. 46°41'02" W. 139.92 feet; thence N. 54°31'25" W. 59.97 feet; thence leaving said river centerline on a course of North 251.84 feet to the point of beginning, containing 5.81 acres, more or less.