

TOWN OF MARBLE, COLORADO  
RESOLUTION NO. 2  
SERIES OF 1995

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO, FINDING THE WAGNER ANNEXATION PETITION TO BE IN SUBSTANTIAL COMPLIANCE WITH STATE STATUTES AND SETTING A PUBLIC HEARING ON SAID PETITION.

WHEREAS, as evidenced by the attached certificate of the Town Clerk, on the 3rd of June, 1995, there were filed with the Town Clerk of the Town of Marble, Colorado, a petition and request that the Town Board of Trustess of the Town of Marble, Colorado, commence proceedings to annex to the Town of Marble a certain unincorporated tract of land located in the County of Gunnison, State of Colorado, and more particularly described in Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, the Town staff has advised the Board that they have reviewed the annexation Petition and map, and have determined that the Petition and map are in substantial compliance with the state statutes as required by C.R.S. §31-12-107.

WHEREAS, the Petition alleges as follows:

1. It is desirable and necessary that the area described in the Petition be annexed to the Town of Marble, Colorado.
2. 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 1/6th of the perimeter of the area proposed to be annexed is contiguous with the Town of Marble, Colorado.
  - B. A community of interest exists between the area proposed to be annexed and the Town of Marble, Colorado.
  - C. The area proposed to be annexed is urban or will be urbanized in the near future.
  - D. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Marble, Colorado.
3. 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 Marble, Colorado, of all or part of the territory proposed to be annexed.
- 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 of Marble more than three (3) miles in any direction from any point on the current municipal boundary of the Town; and

WHEREAS, the Town has or will have in place a plan meeting the requirements of C.R.S. §31-12-105(e) prior to the effective date of the proposed annexation; and

WHEREAS, no election for annexation of the area proposed to be annexed to the Town of Marble has been held in the preceding twelve (12) months; and

WHEREAS, the signer of the Petition is the owner of 100 percent of the area proposed to be annexed, exclusive of public streets and alleys; and

WHEREAS, the annexation to the Town of Marble, Colorado, of the area proposed to be annexed will not result in a change of county boundaries; and

WHEREAS, the name and mailing address of the signers of the Petition and date of signing are included in the Petition, and the legal description of the land owned by 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; and

WHEREAS, the Petition is accompanied by four (4) or more copies of an Annexation Map containing, among other things, the following information:

- A. A written legal description of the boundaries of the area proposed to be annexed to the Town of Marble, Colorado;
- B. The boundary of the area proposed to be annexed to the Town of Marble, Colorado;
- C. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
- D. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Marble, Colorado; and

WHEREAS, none of the area proposed to be annexed to the Town of Marble, Colorado, 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

WHEREAS, it appears that the Petition filed as aforesaid is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1), as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO, THAT:

1. The Town incorporates the foregoing recitals as findings by the Board of Trustees.
2. The Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1), as amended.
3. The Town Board of the Town of Marble, Colorado, will hold a hearing upon the Petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. §31-12-104 and §31-12-105, as amended, and is considered eligible for annexation. The hearing shall be held on the 8th day of July, 1995, commencing at the hour of 9:00 a.m. in the Marble Fire Station, 303 West Park, Marble, Colorado.
4. Any person may appear at such hearing and present evidence upon any matter to be determined by the Town Board of the Town of Marble, Colorado.
5. The Town Clerk of the Town of Marble, Colorado shall give notice of the hearing

to be held upon the Petition by causing notice thereof, in accordance with C.R.S. §31-12-108(2), as amended, to be published once a week for four (4) successive weeks in the Valley Journal, a newspaper of general circulation in the area proposed to be annexed, the first publication to occur at least thirty (30) days prior to the hearing.

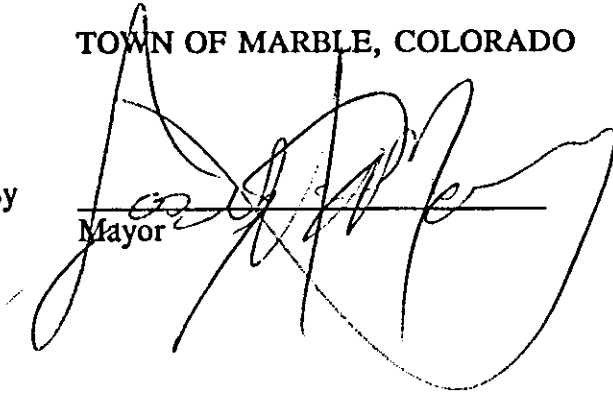
6. Pursuant to C.R.S. §31-12-108.5(1), no Annexation Impact Report shall be required for the proposed annexation.

THIS RESOLUTION was read, passed, and adopted by the Marble Town Board at a regular meeting held this 3rd day of June, 1995.

TOWN OF MARBLE, COLORADO

By

Mayor

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher.

ATTEST:

Karen Mulhall  
Town Clerk

**Exhibit A: Description of Area to be Annexed**

All of Lots 4 and 9, Alpine Woods Village Subdivision, according to the Plat therefor recorded July 14, 1981, as Reception No. 360286, Gunnison County Records.

Those portions of Lots 1, 2, 3, 10 and 11, Alpine Woods Village Subdivision, lying outside the boundary of Town of Marble, Colorado, and within unincorporated Gunnison County

Those portions of a certain parcel of land described in Book 559, Page 40, Gunnison County Records, which lie between the north boundary of Alpine Woods Subdivision and the south boundary of the Gunnison County Road 3 right-of-way.