

ORDINANCE NO. 2.04

AN ORDINANCE CONCERNING THE ACCEPTANCE OF AN ANNEXATION PETITION SIGNED BY THE OWNERS OF 100% OF THE PROPERTY PROPOSED TO BE ANNEXED AND ANNEXING THE PROPERTY HEREINAFTER DESCRIBED TO THE TOWN OF LARKSPUR, COLORADO (SPRUCE MOUNTAIN ANNEXATION PARCEL B)

WHEREAS, an Annexation Petition has been filed with the Town Clerk praying for the annexation of certain unincorporated territory located in the County of Douglas and State of Colorado to the Town of Larkspur, Colorado, as hereinafter described; and

WHEREAS, said Petition was forwarded by the Town Clerk to the Town Council;

WHEREAS, a portion of the Annexation Agreement to be agreed upon by the Town and Petitioners requires certain actions concerning provision of sanitary sewer facilities take place; and

WHEREAS, due to the necessity of immediately initiating the sanitary sewer site approval process, which process involves approval for sanitary sewer facilities for the Town of Larkspur and the area to be annexed, there exists an emergency; and

WHEREAS, securing of necessary sanitary sewer site application approvals in a timely fashion is in the best interests of and necessary for the preservation of the public property, health, welfare, peace or safety of the citizens of the Town and others.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO, as follows:

SECTION 1. The form and contents of the above-described Petition comply with the requirements of Colorado Revised Statutes 1973, Chapter 31, Article 12, Part 1, (also known as the Municipal Annexation Act of 1965, hereinafter referred to as "the Act"), and the Constitution of the State of Colorado, Article II, Section 30.

SECTION 2. The requirements of the Act and the Constitution are met by the Petition in that:

2.1 Not less than one-sixth of the perimeter of the area proposed to be annexed, exclusive of public streets, roads and highways, is contiguous to the Town of Larkspur; and

2.2 A community of interest exists between the territory proposed to be annexed and the Town of Larkspur; and

2.3 It is desirable and necessary that such territory be annexed to the Town of Larkspur; and

2.4 The territory to be annexed is urban or will be urbanized in the near future; and

2.5 The territory to be annexed is integrated or capable of being integrated with the Town of Larkspur.

SECTION 3. The limitations of the Act and the Constitution do not prevent the annexation of the subject property or any part thereof in that:

3.1 No land in the territory to be annexed which is held in identical ownership and consisting of either a single tract or parcel, or two or more contiguous tracts or parcels, has been divided or portion thereof excluded from the area to be annexed without the written consent of the owners thereof; and

3.2 That no land in the territory to be annexed which is held in identical ownership and comprises twenty or more acres, having an assessed valuation for ad valorem tax purposes in excess of \$200,000.00 has been included in the area to be annexed without the written consent of the landowners; and

3.3 That the annexation will not result in the detachment of the area from the school district in which it is located; and

3.4 That no proceedings have been commenced for the annexation of all or part of the territory proposed to be annexed to another municipality.

SECTION 4. No additional terms or conditions are to be imposed on the annexed area.

SECTION 5. The Petition is signed by the owners of one hundred percent of the property proposed to be annexed, exclusive of streets and highways, and thus the Town of Larkspur may, by ordinance, annex the territory to the municipality without notice or hearing as provided in the Act, and without election as provided in the Act.

SECTION 6. Considering all of the foregoing, and based on the conviction that the annexation of this property to the Town of Larkspur will serve the best interests of the Town of Larkspur and the owners of the territory to be annexed, the real property described in Exhibit "A" attached hereto and made a part hereof which is unincorporated territory situate in the County of Douglas, State of Colorado, is hereby annexed to the Town of Larkspur, Colorado.


SECTION 7. This annexation shall become effective upon the effective date of this Ordinance and at the time all lands within the annexed area shall become subject to the municipal laws of the State of Colorado pertaining to Towns and to all ordinances, resolutions, rules and regulations of the Town of Larkspur, except for general property taxes of the Town of Larkspur which shall become effective on January 1st of the next succeeding year following passage of this Annexation Ordinance.

SECTION 8. There shall be an Annexation Agreement executed by the Petitioners showing that the subject annexation shall not be such as to create any additional cost or burden on the existing residents of the Town to provide such public facilities in any newly annexed area. If such an Annexation Agreement has not been executed within sixty (60) days of the effective date of this Ordinance, then in that event annexing parties shall be entitled to disconnect and de-annex the subject property from the Town of Larkspur.

SECTION 9. This Ordinance being necessary for the preservation of public property, health, welfare, peace, and safety of the citizens of the Town of Larkspur and others, shall become effective upon passage hereof.


SECTION 10. Pursuant to the requirements of C.R.S. Section 31-12-113(2), as amended, the Town Clerk is hereby authorized and directed to: (a) file one copy of the Annexation Map with the original of the Annexation Ordinance in the office of the Town Clerk; and (b) file for recording, two certified copies of this Annexation Ordinance and a map of the area annexed, containing a legal description of said area, with the County Clerk and Recorder of the County of Douglas, State of Colorado.

INTRODUCED, READ, AND ADOPTED by vote of the Town Council of the Town of Larkspur, Colorado, 7 FOR and 0 AGAINST and ordered published.



Ann Trueblood, Mayor
Town of Larkspur, Colorado

ATTEST:



Carrie Trueblood
Town Clerk

EXHIBIT "A"

ORDINANCE NO. 2.04

PARCEL "B"

A TRACT OF LAND SITUATED IN SECTIONS 16, 20, 21, 22, AND 28, TOWNSHIP 10 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE AT THE WEST QUARTER CORNER OF SAID SECTION 16; THENCE N 00°03'49" E, 190.62 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF NOE ROAD, OR DOUGLAS COUNTY ROAD NUMBER 74; THENCE S 81°23'12" E, 160.30 FEET ALONG SAID SOUTHERLY LINE TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHERLY LINE THE FOLLOWING TEN (10) CONSECUTIVE COURSES: (1) THENCE S 81°23'12" E, 55.92 FEET; (2) THENCE N 81°19'55" E, 631.35 FEET; (3) THENCE N 88°31'31" E, 314.52 FEET; (4) THENCE S 85°43'37" E, 888.77 FEET; (5) THENCE S 80°09'04" E, 119.26 FEET; (6) THENCE S 68°23'15" E, 173.42 FEET; (7) THENCE S 61°53'53" E 394.84 FEET; (8) THENCE S 89°25'21" E, 2657.52 FEET; (9) THENCE S 88°05'18" E, 794.15 FEET; (10) THENCE S 89°19'17" E, 544.61 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE LEAVING SAID RIGHT-OF-WAY LINE S 00°29'11" E, 2592.17 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE S 00°43'51" E, 2635.47 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22 TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22; THENCE S 00°43'50" E, 2637.86 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 22 TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE N 89°51'16" W, 1336.14 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE S 00°12'31" E, 1311.87 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE S 89°57'39" W, 1333.17 FEET TO THE CENTER OF SAID NORTHEAST QUARTER OF SECTION 28; THENCE S 89°17'25" W, 1333.10 FEET ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28 TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE N 89°42'10" W, 2676.34 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 28 TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE N 00°38'50" W, 1314.11 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28 TO THE NORTHWEST CORNER OF SAID SECTION 28; THENCE N 00°37'51" W, 662.72 FEET ALONG THE EAST LINE OF SOUTHWEST QUARTER SAID SECTION 20 TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE S 89°43'45" W, 2615.02 FEET ALONG SAID NORTH LINE TO THE EAST RIGHT-OF-WAY LINE OF PERRY PARK ROAD, OR DOUGLAS COUNTY ROAD NUMBER 105; THENCE ALONG SAID EAST LINE OF PERRY PARK ROAD THE FOLLOWING TEN (10) CONSECUTIVE COURSES: (1) THENCE N 05°48'37" W, 73.17 FEET; (2) THENCE N 00°47'56" E, 282.14 FEET; (3) THENCE N 13°11'06" E, 570.40 FEET; (4) THENCE N 01°48'28" E, 1095.93 FEET; (5) THENCE N 12°03'57" E, 795.16 FEET; (6) THENCE N 20°57'42" E, 67.54 FEET; (7) THENCE N 04°29'35" W, 258.73 FEET; (8) THENCE N 10°32'58" W, 884.30 FEET; (9) THENCE N 10°16'12" W, 493.03 FEET; (10) THENCE N 36°00'04" W, 254.84 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE S 89°52'04" E, 2624.69 FEET TO THE NORTHEAST CORNER OF SAID SECTION 20; THENCE N 00°04'49" E, 2538.51 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE N 83°40'49" E, 160.00 FEET; THENCE N 00°01'18" W, 299.00 FEET TO THE TRUE POINT OF BEGINNING, AND CONTAINING 1648.66 ACRES, MORE OR LESS.

EXCEPT:

THAT PART CONVEYED IN BOOK 436 AT PAGE 131 DESCRIBED AS FOLLOWS: A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 10 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 20, RECORDED IN THE COLORADO LAND SURVEY MONUMENT RECORD FILED IN THE RECORDS OF SAID DOUGLAS COUNTY;

EXHIBIT "A"
ORDINANCE NO. 2.04
PARCEL "B"

THENCE DUE SOUTH (AN ASSUMED BEARING RELATIVE TO OTHERS HEREIN) ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 20, A DISTANCE OF 1325.34 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER OF SECTION 20, FROM WHENCE THE SOUTHEAST CORNER OF SAID SECTION 20 BEARS DUE SOUTH, A DISTANCE OF 1325.34 FEET; THENCE N 89°42'07" W ALONG THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 1546.20 FEET TO THE POINT OF BEGINNING OF THE TRACT DESCRIBED HEREBY:

1. THENCE S 61°38'12" W, A DISTANCE OF 205.97 FEET;
2. THENCE S 80°02'21" W, A DISTANCE OF 17.83 FEET;
3. THENCE N 80°22'46" W, A DISTANCE OF 18.26 FEET;
4. THENCE N 70°09'55" W, A DISTANCE OF 296.08 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 20, FROM WHENCE THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER BEARS N 89°42'07" W, A DISTANCE OF 858.65 FEET;
5. THENCE S 89°42'07" E, ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 20, A DISTANCE OF 495.33 FEET TO THE POINT OF BEGINNING,

CONTIGUOUS PERIMETER = 7,033.35 FEET
TRACT PERIMETER = 37,419.75 FEET

KKBNA, INC.
9/29/86
10/27/86
12/15/86
12/17/86