

ORDINANCE NO. 2.05

AN ORDINANCE CONCERNING THE ACCEPTANCE OF
AN ANNEXATION PETITION SIGNED BY THE OWNER
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 C)

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 Petitioner 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 owner 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 owner 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.

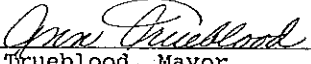
SECTION 7. This annexation shall become effective upon the effective date of this Ordinance and at the time all lands within the annexed area shall become subject to the municipal laws of the State of Colorado pertaining to Towns and to all ordinances, resolutions, rules and regulations of the Town of 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 Petitioner 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 party 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. 2.05

PARCEL "C"

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 10 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
DOUGLAS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16 AND THE TRUE POINT
OF BEGINNING; THENCE S 89°12'52" E, 2641.98 FEET ALONG THE NORTH LINE OF
SAID NORTHWEST QUARTER TO THE NORTH QUARTER CORNER OF SAID SECTION 16;
THENCE S 00°13'20" E, 2647.26 FEET ALONG THE EAST LINE OF SAID NORTHWEST
QUARTER TO THE NORTHERLY RIGHT-OF-WAY LINE OF NOE ROAD, OR DOUGLAS
COUNTY ROAD NUMBER 74; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF
NOE ROAD THE FOLLOWING SEVEN (7) CONSECUTIVE COURSES: (1) THENCE
N 61°53'53" W, 353.85 FEET; (2) THENCE N 68°23'15" W, 183.01 FEET; (3)
THENCE N 80°09'04" W, 128.36 FEET; (4) THENCE N 85°43'37" W, 894.70
FEET; (5) THENCE S 88°31'31" W, 321.31 FEET; (6) THENCE S 81°19'55" W,
626.00 FEET; (7) THENCE N 81°23'12" W, 216.12 FEET TO THE WEST LINE OF
SAID NORTHWEST QUARTER OF SAID SECTION 16; THENCE N 00°03'49" E, 2431.00
FEET ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 16 TO
THE NORTHWEST CORNER OF SAID SECTION 16, THE TRUE POINT OF BEGINNING,
AND CONTAINING 146.72 ACRES, MORE OR LESS.

CONTIGUOUS PERIMETER = 2,723.35 FEET
TRACT PERIMETER = 10,443.59 FEET

KKBNA, INC.
9/29/86