

ORDINANCE NO. 2.09

AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION
CONTAINED WITHIN ORDINANCE NO. 2.07 (FIRST TREATMENT
PLANT ANNEXATION-2.887 ACRES) THIS ORDINANCE
HEREBY REPEALS AND SUPERCEDES ORDINANCE NO. 2.07
PASSED ON OCTOBER 12, 1988

WHEREAS, the Town of Larkspur, Colorado, has previously annexed certain real property to the Town of Larkspur by action of the Town Council, taken on October 12, 1988, pursuant to Ordinance No. 2.07; and

WHEREAS, the Town Council has been informed that certain errors existed in the legal description for the real property annexed pursuant to Ordinance No. 2.07; and

WHEREAS, the Town of Larkspur intends to enact this ordinance for the purpose of correcting the errors contained for legal description of the real property contained within Ordinance No. 2.07; and

WHEREAS, the Town of Larkspur is the sole owner of the property described herein, which it desires to annex to the Town of Larkspur, Colorado; and

WHEREAS, the Town Council has found that this property is eligible for annexation as set forth in C.R.S. 31-12-104 (1)(a) and C.R.S. 31-12-105;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Larkspur, Colorado as follows:

1. Ordinance No. 2.07, passed on October 12, 1988 is hereby repealed.
2. The Town Council of the Town of Larkspur, Colorado hereby finds and concludes with regard to the annexation of the real property described in Exhibit "A" attached hereto and incorporated herein, that not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town of Larkspur, Colorado; and, therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the Town of Larkspur, Colorado.
3. The Town Council of the Town of Larkspur, Colorado finds and determines that no land held in identical ownership has been divided or included without written consent of the owners thereof.
4. In accordance with C.R.S. 31-12-106(3), the Town Council finds that the real property described in Exhibit "A" may be annexed to the Town of Larkspur without notice and hearing as provided in C.R.S. Section 31-12-108 and C.R.S. 31-12-109.
5. The Town Council finds that the area proposed to be annexed is owned by the Town of Larkspur and is not solely a public street or right of way.
6. The annexation of the real property described in Exhibit "A" attached hereto and incorporated herein, to the Town of Larkspur, Colorado, be and the same is hereby ordained and approved and said real property is hereby incorporated in and made a part of the Town of Larkspur, Colorado.
7. The annexation of the real property described in Exhibit "A" attached hereto shall be complete and effective on the effective date of this Ordinance.

8. Within 30 days of the effective date of this Ordinance, the Town Clerk be and she is hereby authorized and directed to (a) file one copy of the corrected annexation map with the original of this annexation ordinance in the office of the Town Clerk of the Town of Larkspur, Colorado, and (b) file two certified copies of the annexation ordinance and corrected annexation map with the Clerk and Recorder of Douglas County, Colorado

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 12th day of July, 1989, and passed by a vote of 6 for and 0 against, *abstention* and ordered published.

Spencer Quast
Mayor

ATTEST:

Cheryl Fitzgerald
Town Clerk

Publication Date: *July 20 1989*

I hereby certify that the within Ordinance No. 2.09 was published on the *20th* day of *July*, 1989, in the Douglas County News-Press, the newspaper of general circulation published in the County of Douglas, State of Colorado; and I further certify that the within Ordinance No. *2.09* was posted on the bulletin board at the Town Hall of the Town of Larkspur from *July 19*, 1989 to *July 26*, 1989.

Cheryl Fitzgerald
Town Clerk

PROPERTY DESCRIPTION

A tract of land situated in the Southwest $\frac{1}{4}$ of Section 27, Township 9 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Commencing at the Southeast corner of said Southwest $\frac{1}{4}$ and considering the South line of said Southwest $\frac{1}{4}$ to bear N 87°46'04"W with all bearings contained herein relative thereto;

Thence N 87°46'04"W along said South line a distance of 408.94 feet to the West Right of Way line of Interstate 25 and to the true point of beginning;

Thence N 6°03'09"E along said West Right of Way line a distance of 125.60 feet;

Thence N 18°26'06"W a distance of 300.00 feet;

Thence S 52°12'15"W a distance of 631.28 feet to the intersection of the East Right of Way line of the Denver and Rio Grande Western Railroad with the South line of said Southwest $\frac{1}{4}$;

Thence S 87°46'04"E along said South line a distance of 580.90 feet to the point of beginning;

Containing 2.887 acres, more or less.