

ORDINANCE NO. 3-11

AN ORDINANCE RELATIVE TO 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
(BARNEKOW ANNEXATION)

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 public hearing was held before the Town Council, pursuant to C.R.S. 31-12-108 and 31-12-109, on March 8, 1989.

NOW THEREFORE IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO:

SECTION I.

The form and contents of the above described petition comply with the requirements of Part 1 of Article 12 of Title 31, Colorado Revised Statutes, as amended, (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 II.

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 is contiguous with the existing boundaries of the Town of Larkspur, Colorado; 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 III.

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 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 land owners; and

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

3.4 No proceedings have been commenced for the annexation of all or part of the territory proposed to be annexed to another municipality; and

3.5 The annexation will not have the effect of extending a municipal boundary of the Town of Larkspur, Colorado, more than three miles in any direction from any point of such municipal boundary; and

3.6 In establishing the boundaries of the area to be annexed, if a portion of a platted street or alley is annexed, the entire width of said street or alley has been included within the area annexed.

SECTION IV.

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

SECTION V.

The petition is signed by more than fifty percent of the land owners in the area to be annexed and said land owners own more than fifty percent of the area proposed to be annexed, excluding public streets and alleys and any land owned by the Town of Larkspur.

SECTION VI.

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 Council may, by ordinance, annex the territory to the municipality without election as provided in the Act.

SECTION VII.

Considering all of the foregoing, and based on the conviction that 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, being unincorporated territory situate in the County of Douglas, State of Colorado, is hereby annexed to the Town of Larkspur, Colorado.

SECTION VIII.

This annexation shall become effective upon the effective date of this ordinance and at that 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 IX.

The Town shall file one copy of the Annexation Map with the original of the Annexation Ordinance in the office of the Town Clerk.

SECTION X.

The Town shall file, for recording, two certified copies of the Annexation Ordinance and Map of the area annexed containing a legal description of said area with the County Clerk and Recorder.

SECTION XI.

The County Clerk and Recorder shall file one certified copy of the Annexation Ordinance and Map with the Division of Local Government of the Department of Local Affairs.

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 12th day of ~~July~~ ^{April}, 1989, and passed by a vote of 6 for and 0 against, *1 abstention* and ordered published.

Wm. E. Lucero
Wm. E. Lucero, Mayor Pro Tem

ATTEST:

Cheryl Fitzgerald
Town Clerk

Publication Date: July 18, 1989

I hereby certify that the within Ordinance No. 2.11 was published on the 18th 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. 2.11 was posted on the bulletin board at the Town Hall of the Town of Larkspur from July 19, 1989 to July 24, 1989.

Cheryl Fitzgerald
Town Clerk

EXHIBIT "A"

PROPERTY DESCRIPTION

A tract of land situated in the Northeast 1/4 of Section 33, Township 9 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado, more particularly described as follows; Commencing at the Northeast corner of said Section 33; Thence S65°35'15"W a distance of 1039.32 feet to a point on the centerline of the Larkspur Road (County Road No. 60) and to the true point of beginning; Thence N89°24'00"W along said centerline a distance of 287.85 feet; Thence N0°36'00"E a distance of 443.89 feet; Thence S89°24'00"E a distance of 282.67 feet; Thence S0°04'08"E a distance of 443.92 feet to the point of beginning; Containing 2.907 acres, more or less.