

TOWN OF PARACHUTE, COLORADO
RESOLUTION NO. 2020-23

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, CONCERNING THE PETITION FOR ANNEXATION TO THE TOWN OF PARACHUTE FROM BATTLEMENT MESA LAND INVESTMENTS, LLC AND BATTLEMENT MESA PARTNERS, LLC, FINDING THE PROPERTY IS ELIGIBLE FOR ANNEXATION.

WHEREAS, on June 11, 2020, Battlement Mesa Land Investments, LLC and Battlement Mesa Partners, LLC (collectively, the “Petitioner”) filed with the Town Clerk of the Town of Parachute, Colorado, a Petition for Annexation (“Petition”), including annexation maps, requesting that the Town Council commence proceedings to annex in to the Town of Parachute certain unincorporated tracts of land located in the County of Garfield, State of Colorado, as described in **Exhibit A** (the “Annexation Property”), attached hereto and incorporated herein by this reference;

WHEREAS, the Town Council, by Resolution 2020-20, found that Petition in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107, as amended, established a date, time, and place for a hearing upon the Petition, and directed the Town Clerk to give notice of the hearing in accordance with C.R.S. §31-12-108(2);

WHEREAS, notice of such hearing was published on 7/20, 7/22, 7/29, and 8/5, 2020 in the *Post Independent* newspaper;

WHEREAS, the public hearing on the Petition was held on August 20, 2020 at a regularly scheduled meeting of the Parachute Town Council, and at such hearing any person permitted to appear pursuant to C.R.S. §31-12-109(1) had the opportunity to appear and present evidence upon any matter determined by the Town Council; and

WHEREAS, Town Council finds and determines that the hearing upon the Petition is now complete and makes such other findings as required by C.R.S. § 31-12-110.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full and are adopted as findings.

Section 2. In accordance with C.R.S. § 31-12-110, the Town Council makes the following findings fact, determinations, and conclusions in regard to the Annexation Property:

1. The requirements of Section 30, Article II of the Colorado Constitution have been met, as the signer of the Petition is the owner of one hundred percent (100%) of the territory proposed to be annexed, exclusive of public streets and alleys.

2. The requirements of C.R.S. § 31-12-104, as amended, exist or have been met, including without limitation the following:
 - a. By serial annexation, not less than 1/6th of the perimeter of the Annexation Property is contiguous with the Town of Parachute, Colorado.
 - b. A community of interest exists between the Annexation Property and the Town of Parachute, Colorado.
 - c. The Annexation Property is urban or will be urbanized in the near future.
 - d. The Annexation Property is integrated with or is capable of being integrated with the Town of Parachute, 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 Annexation Property, 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; and
 - 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 Parachute, 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 Parachute more than three (3) miles in any direction from any point on the current municipal boundary of the Town in any one year.

- e. 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.
4. No election is required under Section 30(1)(a), Article II of the Colorado Constitution or C.R.S. § 31-12-107(2) for the Annexation Property.
 5. No additional terms or conditions are to be imposed upon the owners of Annexation Property not otherwise agreed to by such owner and as set forth in the Annexation Agreement.
 6. Pursuant to C.R.S. § 31-12-108.5, an annexation impact report was prepared by the Town and filed with the Board of County Commissioners of Garfield County
 7. It is desirable and necessary that the Annexation Property be annexed to the Town of Parachute, Colorado.
 8. No election for annexation of the Annexation Property to the Town has been held in the preceding twelve (12) months.
 9. The annexation to the Town of Parachute, Colorado, of the Annexation Property will not result in a change of county boundaries.
 10. The Annexation Property is not 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.
 11. The Petition was found to be in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1) and the Annexation Property is found to be eligible for annexation.

INTRODUCED, PASSED, ADOPTED, AND APPROVED by a vote of 5 to 0 of the Town Council and approved by the Mayor of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 20th day of August, 2020.



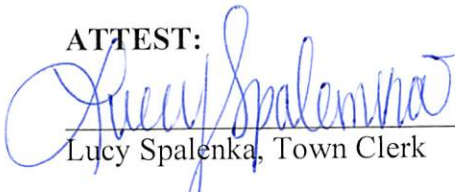
**TOWN COUNCIL OF THE
TOWN OF PARACHUTE, COLORADO**

By



Roy B. McClung, Mayor

ATTEST:



Lucy Spalenka, Town Clerk