

TOWN OF PARACHUTE, COLORADO
RESOLUTION NO. 2020-30

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, FINDING THE PETITION FOR ANNEXATION FROM IVO AND BETTY LINDAUER TO BE IN SUBSTANTIAL COMPLIANCE WITH STATE STATUTES AND SETTING A PUBLIC HEARING ON SAID PETITION.

WHEREAS, on September 17, 2020, Ivo and Betty Lindauer (collectively, the “Petitioner”) filed with the Town Clerk of the Town of Parachute, Colorado, a Petition for Annexation (“Petition”), including annexation map, 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**, attached hereto and incorporated herein by reference; and

WHEREAS, Town staff advised the Town Council that after a review of the Petition, staff determined that the Petition and map are in substantial compliance with the state statutes, as required by C.R.S. § 31-12-107; and

WHEREAS, the Petition alleges the requirements of C.R.S. §§ 31-12-104 and 31-12-105, including as follows:

- 1) It is desirable and necessary that the territory described above be annexed to the Town of Parachute, Colorado.
- 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 area proposed to be annexed is contiguous with the Town of Parachute, Colorado.
 - b) A community of interest exists between the area proposed to be annexed and the Town of Parachute, Colorado.
 - c) The area proposed to be annexed is urban or will be urbanized in the near future.
 - d) The area proposed to be annexed 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 area proposed to be annexed, 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:

(1) has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof.

(2) 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; and

WHEREAS, 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; and

WHEREAS, no election for annexation of the area proposed to be annexed to the Town has been held in the preceding twelve (12) months; and

WHEREAS, the signer of the Petition is the owner of one hundred percent (100%) of the area proposed to be annexed, exclusive of public streets and alleys; and

WHEREAS, the annexation to the Town of Parachute, Colorado, of the area proposed to be annexed will not result in a change of county boundaries; and

WHEREAS, the name and mailing address of the signer of the Petition and date of signing are included in the Petition, and the legal descriptions of the land owned by Petitioner is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the Town Clerk; and

WHEREAS, the Petition is accompanied by four (4) or more copies of an Annexation Map

containing, among other things, the following information:

- a) A written legal description of the boundaries of the area proposed to be annexed to the Town of Parachute, Colorado;
- b) The boundary of the area proposed to be annexed to the Town of Parachute, Colorado;
- c) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
- d) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Parachute, Colorado; and

WHEREAS, none of the area proposed to be annexed to the Town of Parachute, Colorado, is 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; and

WHEREAS, it appears that the Petition filed as aforesaid is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1), as amended.

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

Section 1. The Town incorporates the foregoing recitals as findings by the Town Council.

Section 2. The Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1), as amended.

Section 3. The Town Council of the Town of Parachute, Colorado, will hold a hearing upon the Petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. § 31-12-104 and § 31-12-105, as amended, and is considered eligible for annexation. The hearing shall be held on **November 19, 2020**, commencing at the hour of 6:30 p.m. Parachute Town Hall, 222 Grand Valley Way, Parachute, Colorado.

Section 4. Any person may appear at such hearing and present evidence upon any matter to be determined by the Town Council of the Town of Parachute, Colorado.

Section 5. The Town Clerk of the Town of Parachute, Colorado shall give notice of the hearing to be held upon the Petition by causing notice thereof, in accordance with C.R.S. § 31-12-108(2), as amended, to be published once a week for four (4) successive weeks in the *Post Independent* a newspaper of general circulation in the area proposed to be annexed, the first publication to occur at least thirty (30) days prior to the aforesaid hearing. In addition, a copy of the published notice, together with a copy of this resolution and petition as filed, shall be sent by registered mail by the Town Clerk to the Board of County Commissioners and to the County Attorney and to any special district or school district having territory within the area to be annexed at least twenty-five (25) days prior to the hearing date.

INTRODUCED, PASSED, ADOPTED, AND APPROVED by a vote of 3 to 0 of the Town Council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 24th day of September 2020 and approved by the Mayor on the 24th day of September, 2020.

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

By

Roy B. McClung
Roy B. McClung, Mayor



ATTEST:

Lucy Spalenka
Lucy Spalenka, Town Clerk