

**RESOLUTION NO. 11
SERIES 2020**

**A RESOLUTION OF THE CRESTED BUTTE TOWN COUNCIL FINDING THAT THE
SLATE RIVER SUBDIVISION IS ELIGIBLE FOR ANNEXATION**

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the constitution and laws of the State of Colorado; and

WHEREAS, Cypress Foothills, LP, owner/applicant, submitted a Petition for Annexation dated February 26, 2019, requesting that the Town annex the Slate River Subdivision("Slate River Annexation"); and

WHEREAS, on March 4, 2019 the Town Council found the Petition for Annexation to be in substantial compliance with § 31-12-107(1), C.R.S. and § 31-12-105, C.R.S.; and

WHEREAS, the Town Council, in considering the Slate River Annexation request, must determine whether the Slate River Annexation parcel is eligible for annexation pursuant to the statutory criteria for annexation in C.R.S. §§ 31-12-104 and 105 and the criteria in Sec. 15-1-80 of the Crested Butte Municipal code (the "Code").

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE THAT:

Section 1. **Slate River Annexation Described.** The Slate River Annexation is described in the legal description attached hereto as Exhibit A and shown on the annexation map attached hereto as Exhibit B.

Section 2. **Findings.** The Town Council hereby makes the following findings:

1. The Slate River Annexation complies with C.R.S. § 31-12-104:
 - a. The Town has received a petition for the annexation of the Slate River subdivision, signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the Town;
 - b. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town's municipal boundaries; and
 - c. A community of interest exists between the area proposed to be annexed and the Town: the area is urban or will be urbanized in the near future; and the area is integrated with or is capable of being integrated with the Town.

2. The Slate River Annexation complies with C.R.S. § 31-12-105.

3. The Slate River Annexation satisfies the criteria in Sec. 15-1-80.(b) of the Code:
 - a. The final master plan for the use of the lands to be annexed is acceptable.
 - b. The final subdivision plan for the use of the lands to be annexed complies with Chapter 17 of this Code.
 - c. The proposed open spaces have a workable program established for maintenance and upkeep and are coordinated with the Town's open space program where possible.
 - d. The proposed annexation is necessary or desirable and will contribute to the general well-being of the community.
 - e. The proposed annexation will in no way be detrimental to the health, safety or general welfare of the persons residing within the corporate boundaries of the Town or injurious to property or improvements in the vicinity of the lands proposed to be annexed.
 - f. The proposal is in harmony with the intent of Town zoning ordinances and policies adopted by the Town.
 - g. Unless otherwise agreed to by the Town, the extension of services will be financed totally by the applicant.
 - h. Revenue and/or public benefit to be gained from the Town's portion of increased tax base and other revenue on account of the proposed annexation is equal to or greater than the cost to the Town of the services required.
 - i. The advantages to the Town materially outweigh the disadvantages.
 - j. The annexed lands have a logical extension of road systems and of public transportation systems, consistent with the Town's Land Use Plan.
 - k. The extension of water and sewer lines are feasible in the area.
 - l. The applicant has updated geological hazard, floodplain and other applicable mapping for the Slate River Annexation. The proposed land use has been designed so that geologic or other natural hazards and floodplain constraints have been avoided.
 - m. The proposed annexation is consistent with the Town's Land Use Plan and the Crested Butte Area Plan. The proposed land uses are compatible with the existing land uses in both the Town and County and the potential land uses in terms of their locations, uses, intensities, densities, massing, scale and character.

Section 3. Eligibility for Annexation. The Town Council hereby determines that the Slate River Subdivision is eligible for annexation.

Section 4. Annexation Agreement. No additional terms and conditions are imposed on the annexation other than as set forth in the Annexation Agreement to be adopted pursuant to the Annexation Ordinance.

INTRODUCED, READ, AND ADOPTED BY THE TOWN COUNCIL THIS ____ DAY OF APRIL, 2020.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

EXHIBIT A
SLATE RIVER ANNEXATION PARCEL
LEGAL DESCRIPTION

A portion of a parcel of land known as Tract Q of Book 516 Page 474, Parcel 13 of Book 552 Page 63, Parcel 1 of Warranty Deed recorded at Reception No. 570819, Parcel 1 of Quitclaim Deed recorded at Reception No.570822, Parcel 1 of the Correction Warranty Deed recorded at Reception No.584439, Parcel 1 of the Special Warranty Deed recorded at Reception No.612899, and the Correction Deed recorded at Reception No.618498 all located in the SW 1/4 of Section 35, Township 13 South, Range 86 W of the Sixth PM, Gunnison County, Colorado being more particularly described as follows:

Beginning at a point on the westerly boundary of Trampe Parcel described in Book 516 Page 494 also being on the easterly right of way line of County Road 317 (Gothic Road) as recorded at Reception No. 00119 and being on the south line of the SW1/4 of said Section 35 from which the southwest Corner of said Section 35 bears N89°43'49"W a distance of 130.05 feet; thence S89°43'49"E a distance of 17.52 feet to a point on the westerly line of the Dyer Subdivision as recorded at Reception No.497990; thence along the westerly, northerly and easterly lines of said Dyer Subdivision the following six (6) courses:

- 1) N00°01'42"W a distance of 15.19 feet,
- 2) N89°58'18"E a distance of 495.36 feet,
- 3) N00°01'42"W a distance of 226.55 feet,
- 4) N61°00'00"E a distance of 620.66 feet,
- 5) S79°30'09"E a distance of 381.57 feet,
- 6) N61°00'00"E approximately 31.96 feet to the high water line of the Slate River; thence more or less along the wetland boundary on the southerly bank of the Slate River the following six (6) courses:

- 1) N66°34'01"W a distance of 53.68 feet,
- 2) N42°06'22"W a distance of 87.35 feet,
- 3) N52°37'46"W a distance of 40.69 feet,
- 4) N39°16'35"W a distance of 115.15 feet,
- 5) N32°48'09"W a distance of 178.03 feet,
- 6) N20°36'39"W a distance of 77.30' to a point on the northerly line of the Trampe Partition Parcel 13 and the southerly line of Spann Parcel 22 as described in Court Decree Amended Order of Partition as recorded in Book 552 at Page 63; thence along the northerly line of said Parcel 13 N90°00'00"W a distance of 547.26 feet to a point on the easterly right of way line of County Road 317 (Gothic Road); thence along said easterly right of way line as described in deeds recorded at Reception No.474960 and 474961 the following five (5) courses:

- 1) S46°12'21"W a distance of 116.48 feet,
- 2) S35°50'27"W a distance of 185.49 feet,
- 3) S35°50'28"W a distance of 88.19 feet,
- 4) S40°05'13"W a distance of 207.37 feet,

5) S39°55'42"W a distance of 238.91 feet; thence continuing along the easterly line of said right of way and westerly line of said Trampe Partition Parcel 13, 155.77 feet along the arc of a non-tangent curve to the left having a radius of 441.28 feet, a central angle of 20°13'30" and a long chord which bears S16°19'42"W a distance of 154.96 feet to a point which is common to the southwest corner of a parcel of land described in Book 518 at Page 403; thence S00°00'04"W continuing along the easterly right of way of said County Road 317 as recorded at Reception No.00119 and in accordance with Court Decree (Judgment) recorded in Book 516 at Page 494, a distance of 117.72 feet to the Point of Beginning.

Said Parcel as described above contains 14.157 acres, more or less.

All bearings shown hereon are relative to a bearing of N89°43'49"W between a GLO brass cap dated 1939 found at the southwest corner of Section 35 and a 3 ¼ inch aluminum cap stamped 18480 and dated 1995 found at the south quarter corner of Section 35.

ANNEXATION MAP

WEST REMAINDER PARCEL, APERTURE SUBDIVISION,
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH,
RANGE 86 WEST OF THE 6TH P.M.,
COUNTY OF GUNNISON, STATE OF COLORADO
SHEET 1 OF 1
TOTAL AREA = 616,663 SQ FT, OR 14.16 ACRES, MORE OR LESS

Parcel Description

A PARCEL OF LAND, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GUNNISON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 35 TO BEAR SOUTH 88°44'53" EAST, A DISTANCE OF 2850.81 FEET, BETWEEN A FOUND GLO BRASS CAP ON IRON PIPE BENT OVER TOWARDS SOUTH WITH SPIKE NAIL ON NORTH SIDE, AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND A FOUND PIPE WITH 3 1/4" ALUMINUM CAP "PLS 18480" AT THE SOUTH QUARTER CORNER OF SECTION 25, TOWNSHIP 13 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SAID SOUTHWEST CORNER OF SECTION 35, THENCE ALONG THE SAID SOUTH LINE OF SECTION 35, SOUTH 88°44'53" EAST, A DISTANCE OF 130.17 FEET TO THE SOUTHWEST CORNER OF APERTURE AND TO THE POINT OF BEGINNING;

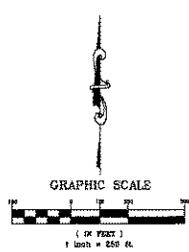
THENCE NORTH 00°58'39" EAST, A DISTANCE OF 112.71 FEET; THENCE 155.76 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 441.20 FEET, AND AN INTERIOR ANGLE OF 123°53", SUBTENDED BY A CHORD BEARING NORTH 17°10'37" EAST, A DISTANCE OF 154.98 FEET; THENCE NORTH 40°34'37" EAST, A DISTANCE OF 238.81 FEET; THENCE NORTH 41°04'08" EAST, A DISTANCE OF 207.37 FEET; THENCE NORTH 35°49'23" EAST, A DISTANCE OF 88.19 FEET; THENCE NORTH 38°49'22" EAST, A DISTANCE OF 185.49 FEET; THENCE NORTH 47°11'16" EAST, A DISTANCE OF 116.48 FEET; THENCE SOUTH 89°01'00" EAST, A DISTANCE OF 847.29 FEET; THENCE SOUTH 19°37'46" EAST, A DISTANCE OF 77.29 FEET; THENCE SOUTH 31°49'10" EAST, A DISTANCE OF 178.03 FEET; THENCE SOUTH 38°17'42" EAST, A DISTANCE OF 68.67 FEET; THENCE SOUTH 39°17'42" EAST, A DISTANCE OF 43.48 FEET; THENCE SOUTH 51°38'53" EAST, A DISTANCE OF 17.47 FEET; THENCE SOUTH 51°38'53" EAST, A DISTANCE OF 23.23 FEET; THENCE SOUTH 41°07'26" EAST, A DISTANCE OF 87.35 FEET; THENCE SOUTH 85°50'06" EAST, A DISTANCE OF 620.66 FEET TO A NORTHEASTERLY CORNER OF TRACT 1, OVER SUBDIVISION; THENCE ALONG THE NORTHERLY LINE OF SAID TRACT 1 SOUTH 61°56'55" WEST, A DISTANCE OF 31.95 FEET; THENCE NORTH 73°51'14" WEST, A DISTANCE OF 381.57 FEET; THENCE SOUTH 81°58'53" WEST, A DISTANCE OF 820.66 FEET; THENCE ALONG THE WEST LINE OF TRACT 1, OVER SUBDIVISION SOUTH 02°57'13" WEST, A DISTANCE OF 226.25 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 89°02'47" WEST, A DISTANCE OF 400.38 FEET; THENCE SOUTH 00°57'12" WEST, A DISTANCE OF 15.18 FEET; THENCE NORTH 88°44'53" WEST, A DISTANCE OF 17.92 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 616,663 SQ. FT. OR 14.16 ACRES, MORE OR LESS.

Boundary Closure Report

COURSE: S00°58'39"E	LENGTH: 117.71'
LENGTH: 155.76'	RADIUS: 441.20'
DELTA: 02°03'31"	
CHORD: 154.98'	
COURSE: N47°11'16"E	LENGTH: 238.81'
COURSE: N41°04'08"E	LENGTH: 207.37'
COURSE: N35°49'23"E	LENGTH: 88.19'
COURSE: N38°49'22"E	LENGTH: 185.49'
COURSE: N47°11'16"E	LENGTH: 116.48'
COURSE: S89°01'00"E	LENGTH: 847.29'
COURSE: S19°37'46"E	LENGTH: 77.29'
COURSE: S31°49'10"E	LENGTH: 178.03'
COURSE: S38°17'42"E	LENGTH: 68.67'
COURSE: S39°17'42"E	LENGTH: 43.48'
COURSE: S51°38'53"E	LENGTH: 17.47'
COURSE: S51°38'53"E	LENGTH: 23.23'
COURSE: S41°07'26"E	LENGTH: 87.35'
COURSE: S85°50'06"E	LENGTH: 620.66'
COURSE: S81°58'53"W	LENGTH: 31.95'
COURSE: N73°51'14"W	LENGTH: 381.57'
COURSE: N61°58'53"W	LENGTH: 820.66'
COURSE: S02°57'13"W	LENGTH: 226.25'
COURSE: N89°02'47"W	LENGTH: 400.38'
COURSE: S00°57'12"W	LENGTH: 15.18'
COURSE: N88°44'53"W	LENGTH: 17.92'

PERIMETER: 3998.2'
AREA: 616663.90 FT.
ERROR CLOSURE: 0.01
ERROR NORTH: 0.004
PRECISION: 1: 39973.6

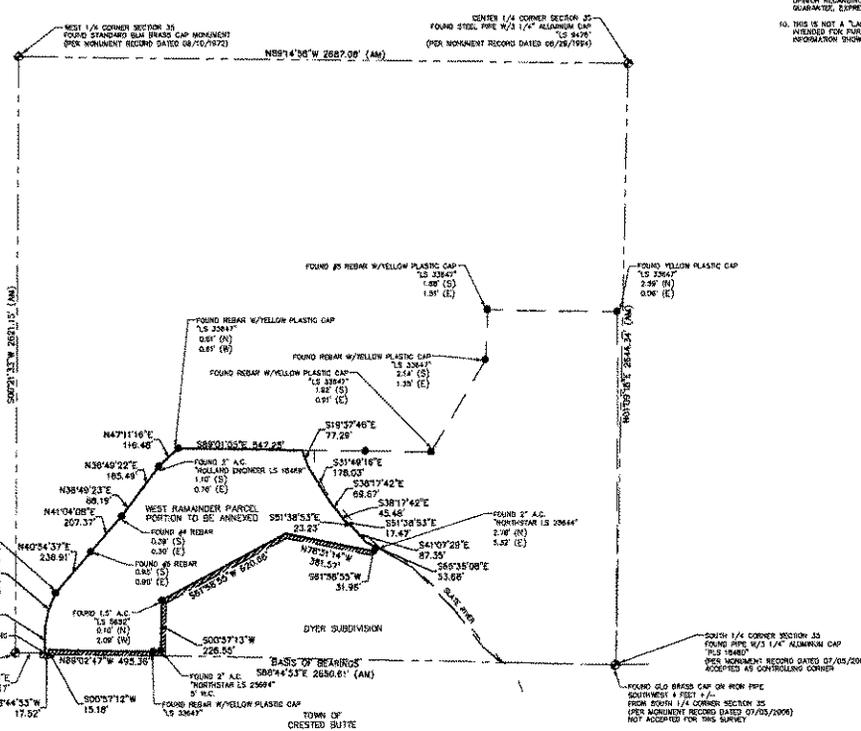


Contiguity

TOTAL PERIMETER: 3998.2'
1/6TH PERIMETER: 666.4'
PERIMETER CONTIGUOUS TO TOWN LIMITS: 1788.8'

Legend

- FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- (AM) AS MEASURED AT TIME OF SURVEY
- ▨ CURRENT LIMITS OF THE TOWN OF CRESTED BUTTE
- NEW LIMITS OF THE TOWN OF CRESTED BUTTE



- Notes**
1. THIS ANNEXATION MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT FILE COMMENTARY AND DOES NOT CONSTITUTE A FILE SEARCH OR TO DETERMINE TITLE OR CASHIERS OF RECORD. THIS MAP DOES NOT PURPORT TO REPRODUCE ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BOUNDARY SETBACK LINES; RETENTION OF INTERESTS; SUBDIVISION DESCRIPTIONS; TERMS OF OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND COMPLETE FILE SEARCH MAY DISCLOSE.
 2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IT HAS LIGHT MAY ANY ACTION BEASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
 3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT TOWN OF CRESTED BUTTE LIMITS.
 4. THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
 5. BARS OF BEARING: THE DERIVED BEARING OF 88°44'53" ALONG THE SOUTH LINE OF SECTION 35 BETWEEN A FOUND GLO BRASS CAP ON IRON PIPE BENT TOWARDS SOUTH WITH A SPIKE NAIL ON NORTH SIDE AND A FOUND PIPE WITH A 3 1/4" ALUMINUM CAP STAMPED "PLS 18480" AS SHOWN HEREON, COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983 (NAD83). ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
 6. ANY PERSON WHO KNOWLEDGELY PROVIDES, ALTERS OR DEFACTO ANY PUBLIC LAND SURVEY MONUMENT AND/OR SUBDIVISION MONUMENT OR ACCORDING TO COLORADO STATUTE 18-6-202 MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-6-202.
 7. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
 8. DATES OF FIELD WORK: 12/09/2017-12/12/2017 (J. HANNAWAY)
 9. THE WORD "CERTIFY" AS SHOWN AND USED HEREON BEARS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THIS SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR SUBSTANCE, EXPRESSED OR IMPLIED.
 10. THIS IS NOT A REAL SURVEY PLAN OR "INTERPRETATION SURVEY" BUT THIS CERTIFY IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY THE CLIENT.

ANNEXATION MAP

Fluorons, Inc.
Surveying, Engineering & Geomatics

1515 FIFTH ST. SUITE 105
DENVER, CO 80202
PHONE: (303) 733-8888
FAX: (303) 733-8889

DRAFT
WORKING COPY ONLY. NOT FOR CONSTRUCTION

JOB NUMBER: 17-70453
DATE: 11-09-2019
DRAWN BY: M. PERSEJA, MANROBOLD
CHECKED BY: DCL
SHEET 1 OF 1

Surveyor's Certificate

I, JOHN B. CLAYTON, A FULLY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLUORONS, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON APRIL 23, 2017 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING TOWN OF CRESTED BUTTE LIMITS.

JOHN B. CLAYTON, COLORADO P.L.S. #16406
CHAIRMAN & CEO, FLUORONS, INC.

DRAFT

WORKING COPY ONLY. ONLY FINAL VERSION
WILL HAVE STAMP AND SIGNATURE