

RESOLUTION NO. 4

SERIES NO. 2019

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, FINDING SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S.; ESTABLISHING A DATE, TIME AND PLACE FOR A PUBLIC HEARING TO DETERMINE COMPLIANCE WITH SECTIONS 31-2-104 AND 31-12-105, C.R.S.; AUTHORIZING PUBLICATION OF NOTICE OF SAID HEARING; AND AUTHORIZING THE COMMENCEMENT OF ZONING PROCEDURES FOR LAND IN THE AREA PROPOSED TO BE ANNEXED RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL

WHEREAS, the Town Clerk has received and has referred to the Town Council a Petition for Annexation ("Petition") dated February 26, 2019 from Cypress Foothills, LP, ("Petitioner"), for the annexation of certain real property described as follows into the Town of Crested Butte, Colorado;

Legal Description (West Parcel):

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.

WHEREAS, the Petition alleges that the requirements of Section 31-12-104, C.R.S., and Section 31-12-105, C.R.S., exist or have been met; and

WHEREAS, the Petitioner owns 100% of the affected property and has signed the Petition; and

WHEREAS, an Annexation Map of the proposed Slate River Annexation has been filed along with said Petition as required by Section 31-12-107(1)(d), C.R.S.; and

WHEREAS, Section 31-12-107(1)(g), C.R.S., requires the Town Council to determine whether the Petition is in substantial compliance with the requirements of the Municipal Annexation Act; and

WHEREAS, the form of the Petition substantially complies with the applicable requirements of the Municipal Annexation Act of 1965, as amended.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, that:

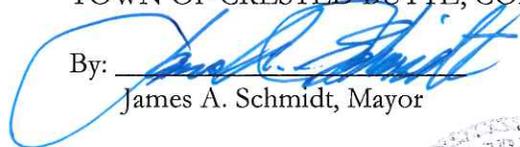
1. Pursuant to Section 31-12-107(1)(g), C.R.S., the form of the Petition is hereby deemed to be in substantial compliance with Section 31-12-107(1), C.R.S. and the procedures outlined in Sections 31-12-108, 31-12-109 and 31-12-110, C.R.S., shall be followed.

2. The Town Council hereby determines that it shall hold a public hearing to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, and to establish whether or not said area is eligible for annexation pursuant to Section 31-12-101, et seq., said hearing to be held at a regular meeting of the Town Council on the 15th day of April, 2019 (not less than 30 nor more than 60 days after the date of this resolution) at the Town of Crested Butte Town Hall.

3. The Town Clerk shall give public notice as follows: A copy of this resolution shall constitute notice that, on the given date and at the given time set by the Town Council, the Town Council shall hold a hearing for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is considered eligible for annexation. Said notice shall be published once a week for four consecutive weeks in a paper of general circulation, with the first publication to occur at least 30 days prior to the hearing. The proof of publication shall be returned when the publication is completed, and the certificate of the owner, editor or manager of the newspaper in which said notice is published shall be proof thereof. At least 25 days prior to the hearing, a copy of this resolution and the Petition, as filed, shall also be sent via registered mail by the Town Clerk to the Gunnison County Commissioners, the Gunnison County Attorney, and to the School District, and to any special districts having territory within the area to be annexed.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL
THIS 4th DAY OF MARCH, 2019.

TOWN OF CRESTED BUTTE, COLORADO

By: 
James A. Schmidt, Mayor

ATTEST 
Lynelle Stanford, Town Clerk

(SEAL)

