

**TOWN OF MINTURN, COLORADO  
AMENDED RESOLUTION NO. 17 – SERIES 2010**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINTURN,  
COLORADO ESTABLISHING ELIGIBILITY FOR ANNEXATION OF THE  
QUINTANA COUNTRY CLUB PARCEL**

**WHEREAS**, Pursuant to Section 31-12-107 (1) (a), C.R.S., a Petition for annexation to the Town of Minturn, Colorado of unincorporated land located in the County of Eagle, State of Colorado as more particularly described in the legal description, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, was submitted to the Town Clerk on August 20, 2010, and referred there from to the Town Council of the Town of Minturn, and;

**WHEREAS**, the Town Council of the Town of Minturn passed Resolution No. 16 – Series 2010 finding and determining that a public hearing should be held to determine if the proposed annexation complies with section 30 of article II of the state constitution; Sections 31-12-104; and 31-12-105, C.R.S., or such parts thereof as may be required to establish eligibility for annexation to the Town of Minturn under the terms of Sections 31-12-101 to 31-12-123, C.R.S.;

**WHEREAS**, public notice of the hearing was provided in accordance with the provisions of Section 31-12-108, C.R.S. and held such hearing on November 3, 2010, which date was not less than 30 days nor more than 60 days after the effective date of the resolution setting the hearing.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE  
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO:**

**Section 1. Findings of Fact.** The Town Council of the Town of Minturn has determined that requirements of the applicable parts of section 30 of article II of the state constitution; and Sections 31-12-104; and 31-12-105, C.R.S. have been met including the following findings of fact:

1. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Minturn.
2. A community of interest exists between the area proposed to be annexed and the Town of Minturn, based on contiguity between the Town and the area proposed to be annexed.
3. The area is urban or will be urbanized in the future.
4. The area is integrated with or is capable of being integrated with the Town of Minturn.
5. No land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowners thereof.
6. No land comprising twenty acres or more with a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation has been included without written consent of the landowners.
7. No annexation proceedings concerning the area proposed to be annexed have been commenced by another municipality.
8. This proposed annexation will not result in the detachment of the area proposed to be annexed from the Eagle County School District RE50J.
9. No part of the area proposed to be annexed extends the existing Town of Minturn

- boundary more than three miles in any direction from the Town in any one year.
10. No additional terms and conditions are being imposed by the Town upon the area proposed to be annexed in accordance with Section 31-12-112, C.R.S.
  11. No petition for annexation election has been submitted and an election is not required pursuant to article 30 (1) (a) of article II of the state constitution and Sections 31-12-107 (2) and 31-12-112, C.R.S.
  12. Notice of this hearing was published and mailed as required by Section 31-12-108, C.R.S.
  13. No annexation impact report is required because the proposed annexation is less than 10 acres.

**Section 2. Conclusions.** The Town Council of the Town of Minturn, pursuant to Section 31-12-110, C.R.S. therefore further finds and concludes the following:

1. The area proposed for annexation as the Quintana Country Club Annexation is eligible for annexation pursuant to the applicable parts of Section 31-12-104, C.R.S.
2. None of the limitations Section 31-12-105, C.R.S. apply to restrict annexation of such parcel.
3. The requirements of the applicable parts of section 30 of article II of the state constitution and Sections 31-12-104 and 31-12-105, C.R.S. have been met.
4. A determination has been made that additional terms and conditions are not to be imposed.
5. An election is not required under section 30 (1) (a) of article II of the state constitution and Section 31-12-107(2), C.R.S.
6. Said parcel may be annexed by Ordinance pursuant to Sections 31-12-107 (1) (g) and 31-12-11, C.R.S. without election.
7. Having found that the Quintana Country Club Annexation Parcel is eligible to be annexed, the Town Council of the Town of Minturn hereby resolves that the parcel should be annexed to the Town of Minturn by Ordinance and the Town Council of the Town of Minturn will undertake further proceedings to pass such an Ordinance confirming and adopting the Resolution in accordance with the applicable provisions of the Minturn Municipal Code and Charter and Municipal Annexation Act of 1965 and State Constitution.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 17<sup>th</sup> day of November, 2010.

TOWN OF MINTURN

By: *Hankye Flaherty*  
Mayor

ATTEST:

*[Signature]*  
Town Clerk



**EXHIBIT A**  
**TO PETITION FOR ANNEXATION**

LEGAL DESCRIPTION OF ANNEXATION PROPERTY  
COUNTRY CLUB TRACT

**COUNTRY CLUB TRACT ANNEXATION DESCRIPTION**

A tract of land designated the "Country Club Tract" located in Section 36, Township 5 South, Range 81 West of the 6<sup>th</sup> Principal Meridian according to the Dependent Resurvey of said Township and Range approved by the U.S. Department of Interior General Land Office in Denver, Colorado on September 13, 1943; said tract of land being more particularly described as follows, to wit: Beginning at Corner No. 1 located on the westerly right-of-way boundary line of U.S. Highway No. 24 from which the South Quarter Corner of Section 36 bears S 27°37'50" E 1568.35 feet distant; and also an iron pin Witness Corner for Corner No. 1 with an aluminum cap marked "W.C." bears N 56°24'30" E, 9.45 feet distant from Corner No. 1; thence continuing along said highway right-of-way boundary line 151.58 feet on a curve to the right having a radius of 756.30 feet, the chord of which bears N 13°39'10" W, 151.33 feet to Corner No. 2 from which an iron pin Witness Corner for Corner No. 2 with an aluminum cap marked "W.C." bears N 61°04'40" E, 2.26 feet distant; thence departing from said highway right-of-way boundary line and following an existing fence line S 61°04'40" W, 150.74 feet to Corner No. 3, an iron pin monument with an aluminum cap marked "PROP. COR."; thence S 29°55'30" E, 154.84 feet to Corner No. 4, an iron pin monument with an aluminum cap marked "PROP. COR."; thence following the existing fence N 56°24'30" E, 108.54 feet to Corner No. 1, the place of beginning; said tract of land containing 0.436 of an acre, more or less.