



**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 2 - SERIES 2011**

**AN ORDINANCE ANNEXING TO THE TOWN OF MINTURN, COUNTY OF EAGLE,
STATE OF COLORADO, THE EAGLE COUNTY SCHOOL DISTRICT MALOIT
PARK PARCEL NO. 2**

WHEREAS, pursuant to Section 31-12-107 (1) (a), C.R.S., a petition for annexation to the Town of Minturn, Colorado of unincorporated territory 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 November 17, 2010, and referred there from to the Town Council of the Town of Minturn, and;

WHEREAS, the owners of one hundred percent of the area that is the subject of the petition have petitioned for annexation to the Town of Minturn, and;

WHEREAS, the Town Council of the Town of Minturn passed Amended Resolution No. 19 - 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., and;

WHEREAS, the Town Council of the Town of Minturn had an annexation impact report prepared and filed in accordance with the provisions of C.R.S. 31-12-108.5, and;

WHEREAS, the Town Council of the Town of Minturn, provided notice of the public hearing in accordance with 31-12-108 C.R.S. and held such a public hearing commencing on February 16, 2011, which date was not less than 30 days nor more than 60 days after the effective date of the resolution setting the hearing, and;

WHEREAS, the Town Council of the Town of Minturn passed Resolution No. 3 - 2011 in which it set forth its findings of fact and its conclusions on the petition for annexation, Eagle County School District Maloit Park Parcel No. 2, in accordance with the requirements of 31-12-110 C.R.S. and other applicable provisions of the Municipal Annexation Act of 1965 and resolving that such resolution be confirmed and adopted by Ordinance and that said parcel should be annexed to the Town of Minturn, Colorado by Ordinance in accordance with Section 30 of Article II of the State Constitution and Section 31-12-111, C.R.S. and;

WHEREAS, the Town Council of the Town of Minturn determines that it is in the best interest of the Town of Minturn to annex said territory to the Town.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS as follows:

Section 1. That the owners of one hundred percent of the area that is the subject of the petition have petitioned for annexation to the Town of Minturn, that findings of fact and

conclusions were made by resolution by the Town Council confirming that the requirements 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, that 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., and that no additional terms and conditions are to be imposed, and therefore the property described in Exhibit A, heretofore attached, be, and hereby is, annexed to the Town of Minturn and made a part of said Town, to be known as the Eagle County School District Maloit Park Parcel No. 2.

Section 2. The annexation shall take effect in accordance with the Municipal Annexation Act of 1965, as amended. This ordinance shall take effect in accordance with the Charter of the Town of Minturn.

Section 3. As required by Section 31-12-113(2) C.R.S., the Town Clerk of the Town of Minturn is directed as follows:

1. File one copy of the annexation map with the original of this annexation Ordinance in the office of the Town Clerk for the Town of Minturn.
2. File for recording three certified copies of this annexation Ordinance and map of the area annexed containing a legal description of such area with the county clerk and recorder of Eagle County, Colorado.

Section 4. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 5. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

Section 6. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 16th DAY OF March, 2011. A public hearing on this Ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado, on the 6th day of April, 2011, at 7 P.M. in the Minturn Town Center in the Town of Minturn, Colorado.

Hankye Flaherty
Mayor

Attest:

[Signature]
Town Clerk



INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN FULL THIS 18 DAY OF May, 2011.

Hankye Flaherty
Mayor

Attest:

[Signature]
Town Clerk



Exhibit A

LEGAL DESCRIPTION

Property Owned by Eagle County School District RE-50J

Parcel 2

A tract of land embracing a portion of Homestead Entry Survey No. 46 in the Northwest Quarter and the West One-half of the Northeast Quarter of Section 2 of unsurveyed Township 6 South Range 81 West of the Sixth Principal Meridian, being also a portion of the parcel described in the Deed and Agreement recorded March 19, 1984 in Book 380 at Page 574, more particularly described as follows:

Beginning at corner No. 4 of Homestead Entry Survey No. 46 (HES-46), a found 1.3' x 0.6' quartzite stone scribed "4-HES 46", whence Corner No. 5 of said HES 46 (1.3' x 0.6' granite stone scribed "5-HES 46" bears S43°35'12"W, 1777.60 feet; thence along the southerly line of said HES 46 N69°07'30"E, 1119.80 feet; thence departing said southerly line N34°08'51"E, 269.86 feet; thence N33°53'01"W, 346.67 feet; thence N59°47'03"W, 741.58 feet; thence N00°04'23"W, 458.67 feet to Line 7-2 of HES 46; thence along said Line 7-2 S89°51'07"W, 420.16 feet; thence departing said Line7-2 S01°52'29"E 1741.90 feet to the Point of Beginning.

The described parcel contains 28.645 acres more or less.

TOWN OF MINTURN ORDINANCE CHECKLIST

0401 2 - 2011

FIRST READING

3/16/11 The ordinance shall be introduced and read by title at any regular or special meeting. Copies shall be available to the public.

^{Pub} 3/21/11 If the ordinance is approved on first reading, Mayor and Clerk must sign ordinance after first reading. It shall be published in full in a newspaper of general circulation within the Town. The minutes shall reflect number of votes for and against each ordinance.

5/18/11 (SEVERAL CONSIDERATIONS) If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment or rejected by vote of the Council.

_____ The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance, and notice of such day, hour and place shall be included in the first publication.

SECOND READING

5/28 The ordinance shall be introduced a second time at the meeting at which the public hearing on the ordinance is held. The ordinance may be read by title only on second reading. The ordinance may be amended before final approval or rejection by vote of the Council. The text of any such amendment or amendments shall be read in full.

5/21 If the ordinance is substantially amended it shall be published in full after final passage. If not amended in substance, it may be published either by title or in full, as the Council may determine, after final passage.

_____ / The minutes shall reflect the number of votes for and against the ordinance.

_____ A true copy of every ordinance shall be numbered and recorded in the official records of the Town. Its adoption and publication shall be authenticated by the signatures of the Mayor or Mayor Pro Tem and the Town Clerk and by the certificate of publication. Proof of publication for both readings shall be attached to the ordinance.

_____ / The effective date of ordinances is seven (7) days after publication following final passage unless a later date is prescribed in the ordinance.

Thu, May 19, 2011

11:52:26

6548197

Ad Ticket #5

Acct: 1003134
Phone: (303)827-5645
E-Mail:
Client:
Caller: Jay Brunvand
Receipt

Name: Town of Minturn
Address: PO Box 309

City: Minturn
State: CO
Zip: 81645-0309

Ad Name: 6548197A

Original Id: 0

Editions: 8VD/8VDI/

Class: 0990

Start: 05/21/11

Stop: 05/21/11

Color:

Issue 1

Copyline: Ordinance No. 2-2011 6548197

Rep: Pam Schultz

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INTRODUCED, READ BY TITLE, PASSED ON
SECOND READING, APPROVED AND
ORDERED PUBLISHED IN FULL THIS 18TH DAY
OF MAY, 2011.

Lines:	21
Depth:	1.76
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	19.95
Payment	0.00

Mayor
Attest:

Town Clerk

Published in the Vail Daily May 21, 2011.
(6548197)

Ad shown is not actual print size