

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 3 – SERIES 2011**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINTURN,
COLORADO ESTABLISHING ELIGIBILITY FOR ANNEXATION OF 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 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 November 17, 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 Amended Resolution No. 19 – Series 2010 on January 5, 2011 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 31-12-108 C.R.S. and held such hearing on February 16, 2011, which date was not less than 30 days nor more than 60 days after the effective date of the Amended 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, without limitation, 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 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.

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 Eagle County School District Maloit Park Parcel No. 2 is eligible for annexation pursuant to the applicable parts of Section 31-12-104, C.R.S.
2. None of the limitations of 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 of Article II of the State Constitution or 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 31-12-111, C.R.S. without election.
7. Having found that the Eagle County School District Maloit Park Parcel No. 2 is eligible to be annexed, that the applicable provisions 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 31-12-107(2), and that additional terms and conditions are not to be imposed, the Town Council of the Town of Minturn hereby resolves that the parcel should be annexed to the Town of Minturn by Ordinance and resolves that the Town Council of the Town of Minturn will undertake further proceedings to pass such an Ordinance confirming and adopting this Resolution in accordance with the applicable provisions of the Minturn Municipal Code and Charter and Municipal Annexation Act of 1965.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 16th day of February, 2011.

TOWN OF MINTURN

By: 
Mayor

ATTEST:

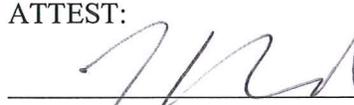

Town Clerk



EXHIBIT A
TO PETITION FOR ANNEXATION

LEGAL DESCRIPTION OF ANNEXATION PROPERTY
EAGLE COUNTY SCHOOL DISTRICT MALOIT PARK PARCEL NO. 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'X0.6' quartzite stone scribed "4-HES 46", whence Corner No. 5 of said HES 46 (1.3'X0.6' 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 Line 7-2 S01°52'29"E 1741.90 feet to the Point of Beginning.

The described parcel contains 28.645 acres more or less.

County of Eagle
State of Colorado