

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. PZ 2017-5**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING  
COMMISSION MAKING RECOMMENDATIONS REGARDING ZONING OF  
CERTAIN REAL PROPERTY PROPOSED FOR ANNEXATION INTO THE TOWN.**

WHEREAS, on or about October 12, 2017, Garfield County (“Applicant”) filed with the Town Clerk of the Town of New Castle, Colorado (“Town”), an annexation petition (“Petition”) and request that the Town Council commence proceedings to annex into the Town pursuant to C.R.S. § 31-21-104 that portion of County Road 335 located in unincorporated Garfield county, Colorado, described in **Exhibit “A”** hereto (“Property”); and

WHEREAS, the Municipal Annexation Act of 1965 governs the Town’s annexation process; and

WHEREAS, pursuant to C.R.S. § 31-12-115(1), the Town may initiate its procedures to zone property proposed for annexation at any time after an annexation petition has been found to be in substantial compliance with C.R.S. § 31-12-107; and

WHEREAS, at its duly noticed public meeting held October 17, 2017, the New Castle Town Council found Applicant’s annexation petition to be in substantial compliance with the requirements set forth in C.R.S. § 31-12-107 and set a public hearing regarding the annexation for December 5, 2017; and

WHEREAS, pursuant to Section 16.08.050 of the Town Code, the Town Planning and Zoning Commission (“Commission”) is required to hold a duly-noticed public hearing to consider the proper zoning designation for the Property upon annexation thereof; and

WHEREAS, such a hearing was noticed for and held on November 29, 2017; and

WHEREAS, under the Municipal Annexation Act and the Town Code, the zoning designation for the Property must comply with the Town’s 2009 Comprehensive Plan (“Comp Plan”); and

WHEREAS, based on the Comp Plan and testimony presented by Applicant, Town staff, and the general public, the Commission makes the following recommendation regarding a zoning designation for the Property upon annexation.

**NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:**

1. **Recitals Incorporated by Reference.** The foregoing recitals are incorporated by reference herein as findings and determinations of the Commission.

2. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council Town Council zone the Property as Industrial upon annexation. The Commission finds that an Industrial zoning designation is consistent with and furthers the Town's comprehensive zoning plan and is the appropriate designation considering the Comp Plan and anticipated use of the Property.

THIS RESOLUTION PZ 2017-5 was adopted by the New Castle Planning and Zoning Commission ~~on~~ <sup>NEW</sup> vote of 5 to 0 on the 29<sup>th</sup> day of November, 2017.



NEW CASTLE PLANNING AND ZONING COMMISSION

By:   
Chuck Apostolik, Chairman

ATTEST:

  
Mindy Andis, Deputy Town Clerk

## EXHIBIT A

### Legal Description

The Property that is the subject of this Resolution No. PZ 2017-5 is fully described as:

A parcel of land situated in the SW1/4 of Section 32, Township 5 South, Range 90 West of the 6<sup>th</sup> P.M., and also in the NE1/4 of Section 2, Township 6 South, Range 91 West of the 6<sup>th</sup> P.M., County of Garfield, State of Colorado, said parcel being more fully described as follows:

Beginning at the Southwest Corner of that parcel of land described and shown on that Annexation Plat, recorded as Reception No. 431501 of the Garfield County records from which the Southwest Corner of said Section 32 bears S.04°11'47"E. a distance of 1315.98 feet;

thence 667.37 feet along the Southerly Line of said parcel, along a non-tangent curve to the right, having a radius of 2138.39 feet, a central angle of 17°52'53", the chord of which bears S 63°11'11" E a distance of 664.66 feet;

thence S 54°14'45" E along said Southerly Line, a distance of 579.81 to the Southeast Corner of said parcel;

thence S 54°14'45" E a distance of 331.99 feet along an offset line being 50.00 feet Northeasterly of, and parallel to, the road surface centerline of the existing County Road No. 335;

thence continuing along said offset line the following three (3) courses;

1) 430.98 feet along a curve to the left, having a radius of 3628.46 feet, a central angle of 6°48'19", the chord of which bears S 57°38'54" E, a distance of 430.72 feet;

2) S 61°03'15" E a distance of 484.41 feet;

3) 299.28 feet along a curve to the left, having a radius of 1786.15 feet, a central angle of 9°36'02", the chord of which bears S 65°51'16" E, a distance of 298.93 feet to the Westerly Line of Lot 1 of Riverside Park, as shown on the Plat thereof, recorded as Reception No. 548663;

thence S 13°22'59" W following said Westerly Line, and said Westerly Line extended, a distance of 100.51 feet;

thence along a line being 50.00 feet Southwesterly of, and parallel to the road surface centerline of the existing County Road No. 335 the following three (3) courses;

1) 326.48 feet along a non-tangent curve to the right, having a radius of 1886.15 feet, a central angle of 9°55'03", the chord of which bears N 66°00'46" W a distance of 326.07 feet;

2) N 61°03'15" W a distance of 484.42 feet;

3) 350.74 feet along a curve to the right, having a radius of 3726.87 feet, a central angle of 5°23'32", the chord of which bears N 58°21'23" W a distance of 350.61 feet to the easterly most corner of Coal Ridge Industrial Subdivision, as shown on the Plat thereof, recorded as Reception No. 571484;

thence along the Northeasterly Line of said Subdivision, the following three (3) courses:

1) 92.11 feet along a non-tangent curve to the right, having a radius of 3726.87 feet, a central angle of  $1^{\circ}24'58''$ , the chord of which bears  $N 54^{\circ}57'09'' W$  a distance of 92.11 feet;

2)  $N 54^{\circ}14'45'' W$  a distance of 911.80 feet;

3) 595.45 feet along a non-tangent curve to the left, having a radius of 2038.39 feet, a central angle of  $16^{\circ}44'14''$ , the chord of which bears  $N 62^{\circ}36'51'' W$ , a distance of 593.34 feet to the Northwest Corner of Tract A of said Coal Ridge Industrial Subdivision, also being at the Westerly Line of said Section 32;

thence  $N 04^{\circ}11'47'' W$  along said Westerly Line, a distance of 108.35 feet to the point of beginning, said parcel containing 6.376 acres (277747 square feet), more or less.