

TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. TC 2017-21

A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF NEW CASTLE,  
COLORADO, MAKING FINDINGS OF FACT AND CONCLUSIONS CONCERNING THE  
PETITION FOR ANNEXATION OF A PORTION OF COUNTY ROAD 335

WHEREAS, on October 12, 2017, Garfield County (“Petitioner”) 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 to 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”** attached hereto and incorporated herein by reference (“Property”); and

WHEREAS, in order to initiate the annexation process, the Town must determine whether the Petition is substantially in compliance with the requirements set forth in C.R.S. § 31-12-107(1); and

WHEREAS, if the Petition is found to comply with C.R.S. § 31-12-107(1), the Town must also set a public hearing to determine whether the annexation complies with section 30 of article II of the State constitution and C.R.S. §§ 31-12-104 and -105; and

WHEREAS, Council has reviewed the Petition and makes the findings set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO, AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Board.

2. Petition Contents. After reviewing the Petition, the Town Council finds that the Petition contains:

- a. Allegations that the requirements of section C.R.S. §§ 31-12-104 and 105 exist or have been met;
- b. An allegation that the landowners that the signed the Petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed;
- c. A request that the Town approve the annexation of the area proposed to be annexed;
- d. The signatures, signature dates, mailing addresses, and property legal descriptions of the requisite number of landowners;

- e. An affidavit of each circulator of the petition stating that each signature therein is the signature of the person whose name it purports to be; and
- f. The requisite number of copies of the annexation map containing the information required under C.R.S. § 31-12-107(1)(d).

3. Finding of Substantial Compliance. Based on the findings set forth in Paragraph 2, the Town Council hereby determines that the Petition substantially complies with the requirements set forth in C.R.S. § 31-12-107(1).


4. Hearing Set. The Town Council will hold a public hearing on December 5, 2017, to determine whether the proposed annexation of the Property complies with section 30 of article II of the state constitution and C.R.S. §§ 31-12-104 and 105.

5. Direction to Town Clerk. The Town Council hereby directs the Town Clerk to publish notice as required by C.R.S. § 31-12-108(2) of the hearing established in Section 4 of this Resolution.

6. Zoning. Upon adoption of this Resolution, the procedures necessary to zone the Property upon annexation may commence.

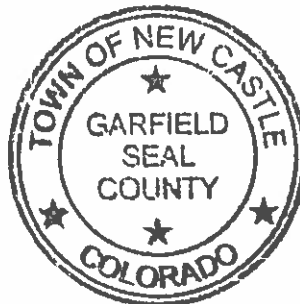
THIS RESOLUTION NO. TC 2017-19 was adopted by the Town of New Castle Town Council by a vote of 6 to 0 on the 17th day of October, 2017.

TOWN OF NEW CASTLE, COLORADO  
TOWN COUNCIL

By:   
Art Riddile, Mayor

ATTEST:

  
Melody Harrison, Town Clerk



## Exhibit A

The property that is the subject of Resolution No. 2017-19 and Garfield County, Petition for Annexation to the Town of New Castle, Colorado, is legally described as follows:

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.