

RESOLUTION NO. 3-07

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, as follows:

The Board of Trustees hereby sets forth its findings of fact and conclusions based thereon with respect to the annexation of the Schell-Hicks Annexation No. 1, No. 2, No. 3 and No. 4 (Overlook at Dry Creek) as supported by the evidence contained in the official file, the official records of the Town of Berthoud, Colorado and the evidence produced at the Hearing held on January 23, 2007.

FINDINGS OF FACT

1. The requirements of the applicable parts of Sections 31-12-104 and 31-12-105, C.R.S., have been met:
 - A. At least 1/6th of the perimeter of the area proposed to be annexed is contiguous with the Town as shown on the annexation map as required by state statute.
 - B. A community of interests exists between the area proposed to be annexed and the Town, due to: the proximity of the area to the Town; the desires of the owner to annex and zone the property; the area is within the Thompson R2-J School District and the Berthoud Area Fire Protection District; and the existing residents of the area proposed to be annexed will utilize the following types of facilities located within the Town: recreational, civic, social, religious, and commercial uses.
 - C. The area is capable of being urbanized and fully integrated into the Town's proposed or existing services.
 - D. The Town of Berthoud will provide to the citizens of the proposed annexed area all Town services on the same terms and conditions as these services are made available to other citizens.
 - E. Water, wastewater and police protection can be provided by the Town of Berthoud to this property, as well as all other services such as education and recreation enjoyed by the residents of Berthoud.
 - F. No land held in identical ownership has been divided into separate parts or parcels without the express written consent of the property owners.
 - G. No annexation proceedings concerning this area have been commenced by another municipality.

H. The annexation will not result in any detachment of area from the Berthoud R2-J School District.

I. No part of the area to be annexed extends more than three miles from the existing Town boundaries.

J. The Town has in place plans for the area to be annexed as required by the Colorado Revised Statutes. The Town has adopted a Comprehensive Plan, Master Plan, Development Code and the Northern Colorado Regional Plan which specifically require and generally identify the location, character and extent of streets; natural areas and open space; regional resource areas; multi-modal transportation routes; regional utility routes, parks, commercial nodes, proposed school sites and proposed land uses for the areas around the Town of Berthoud. These documents have been updated annually per state statute and are used by the Town of Berthoud as its "Three Mile Plan".

K. The entire width of any streets to be annexed is included within the annexation.

L. The Town of Berthoud will not deny reasonable access to landowners, owners of an easement, or the owner of a franchise adjoining a platted street or alley that has been annexed by the Town of Berthoud.

2. All applicable requirements for annexation required in the Town's Development Code under Chapters 30-8 and 30-16 have been met.

A. The annexation of land into the Town shall be in accordance with the laws of the State of Colorado in effect at the time of the submittal of the Petition for Annexation.

B. This annexation was considered in accordance with the Town's policy of evaluating each annexation on a case-by-case basis.

C. The petition for annexation was accompanied by a request for initial zoning of the property as T-Transitional.

D. The annexation petition disclosed that no public facility requirements are required for the property to be annexed.

E. No other policies, terms or special conditions are to be imposed by the Town.

F. The Town Board finds and determines that the annexation of this land to the Town does not create any additional cost or burden on the existing residents of the Town and the provision of such public facilities in the newly annexed area will not create any additional burden on the citizens; and determines that the current requirements for such public facilities in the area to be annexed has been fulfilled and that the future requirements for such public facilities can be fulfilled.

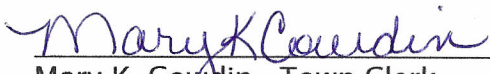
G. The proposed annexation is in compliance with the Town's Comprehensive Plan and Land Use Plan.

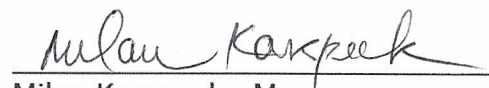
H. All petitions for annexation were submitted to the Town Clerk and Planning Department and determined to be in conformance with both Chapters 30-8 and 30-16 of the Town of Berthoud *Development Code* and the *Colorado Revised Statutes*.

3. No petition for an annexation election has been submitted pursuant to §31-12-107(2) of the *Colorado Revised Statutes* and no additional terms or conditions are to be imposed on the annexation by the Town.

This resolution was passed by a vote of 5 in favor and 0 opposed at the meeting of the Board of Trustees on the 23rd day of January, 2007.

TOWN OF BERTHOUD


Mary K. Cowdin - Town Clerk


Milan Karspeck - Mayor