

RESOLUTION NO. 18-01

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 annexations of the HAMMOND ANNEXATION NO. 1, HAMMOND ANNEXATION NO. 2, HAMMOND ANNEXATION NO. 3 and HAMMOND ANNEXATION NO. 4 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 July 24, 2001.

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 areas 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 areas proposed to be annexed and the Town, due to: the proximity of the areas to the Town; the desires of the owner to annex and zone the properties; the areas are within the Berthoud R2-J School District and the Berthoud Area Fire Protection District; and the existing residents of the areas proposed to be annexed will utilize the following types of facilities located within the Town: recreational, civic, social, religious, and commercial uses.
 - C. The areas are 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 areas 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 these properties, 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 these areas have been commenced by another municipality.

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

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

J. The Town has in place plans for the areas 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 annexations.

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 Chapter 30-8 have been met.

A. The annexations 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. These annexations were considered in accordance with the Town's policy of evaluating each annexation on a case-by-case basis.

C. The petitions for annexation were accompanied by a request for initial zoning of the properties as follows:

Hammond Annexation No. 1, containing 0.101 acres of land, more or less, shall be zoned T-Transitional;

Hammond Annexation No. 2, containing 0.415 acres of land, more or less, shall be zoned T-Transitional;

Hammond Annexation No. 3, containing 4.145 acres of land, more or less, shall be zoned P.U.D (Planned Unit Development); and,

Hammond Annexation No. 4, containing 185.641 acres of land, more or less, shall be zoned P.U.D. (Planned Unit Development).

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

E. The petitioner submitted Amendments to Petitions for Annexation for Hammond No. 1, Hammond No. 2, Hammond No. 3 and Hammond No. 4 Annexations which were executed on December 14, 2000. These amendments were for the change of petitioners due to the sale of the real properties proposed to be annexed.

F. No other policies, terms or special conditions are to be imposed by the Town Board of Trustees.

G. The Town Board finds and determines that the annexation of these properties 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 areas will not create any additional burden on the citizens; and determines that the current requirements for such public facilities in the areas to be annexed has been fulfilled and that the future requirements for such public facilities can be fulfilled.

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

H. All petitions for annexation and amendments thereto were submitted to the Town Planning Department and determined to be in accordance with both Chapters 8 and 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 Board of Trustees.

This resolution was passed by a vote of 6 in favor and 1 opposed at the meeting of the Board of Trustees on the 24th day of July, 2001.

TOWN OF BERTHOUD

Mary K. Cowdin
Mary K. Cowdin - Town Clerk

Milan Karspeck
Milan Karspeck - Mayor