

# TOWN OF BERTHOUD, COLORADO

## RESOLUTION NO. 2-97

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 South 1st street Annexation 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 March 11, 1997.

### FINDINGS OF FACT

1. The requirements of the applicable parts of section 31-12-104 and 31-12-105, C.R.S. have been met:

- A. 20% of the perimeter of the area proposed to be annexed is contiguous with the Town as shown on the annexation map which is in excess of the one-sixth (16.66 %) contiguity required by state statute.
- B. A community of interest 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 owners to annex; the fact that it is within the Thompson R2J School District; the Berthoud Area Fire Protection District; and the existing residents of the area proposed to be annexed currently make use of all of the following types of facilities: Recreational, civic, social, religious, and commercial uses.
- C. The area is urbanized and is capable of being fully integrated into the Town's existing services.
- D. Urban services which are currently being provided to other citizens of the Town of Berthoud can be provided to citizens of the proposed annexed area on the same terms and conditions. Water, wastewater and fire protection are all being provided to this property as well as all other services such as education and recreation that are enjoyed by the existing citizens of Berthoud.
- E. No land held in identical ownership has been divided into separate parts or parcels without the express written consent of the property owners.
- F. No annexation proceedings concerning this area have been commenced by another municipality.

G. The annexation will not result in any detachment of area from the Thompson R2J School Districts.

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

I. 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, Land Use 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".

J. The entire width of any street to be annexed is included within the annexation.

K. 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 which has been annexed by the Town of Berthoud.

L. The petition is signed by one hundred (100%) percent of the property owners requesting to be annexed, exclusive of right of ways.

2. All applicable requirements for annexation required in the Town's Development Code under Chapter 30-8 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.

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

C. The annexation petition 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 statement was necessary on the annexation petition that the property owners agree that the growth management controls which will monitor and maintain the Town's rate of growth at a specific percentage rate of average annual growth to be averaged over a period of years as determined by the Town Board because both properties are currently urbanized.

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 certain public facilities are necessary and may be required as a part of annexing these properties in order that the public needs may be served by such facilities; and these facilities include, but are not limited to, streets, bridges, parks and recreation areas, schools, police or fire station sites, water, wastewater and storm drainage facilities.

H. 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 services 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.

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

J. All petitions for annexation were submitted to the Town Planning Department and determined to be in accordance with both Chapter 8 and 16 of the Town Development Code and the Colorado Revised Statutes

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

Town of Berthoud

Mary K. Cowdin  
Mary K. Cowdin, Town Clerk

Date \_\_\_\_\_

Jack Olinger  
Jack Olinger, Mayor Pro-Tem

Date \_\_\_\_\_