

**Town of Basalt, Colorado  
Resolution No. 08  
Series of 2015**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO  
FINDING THE PROPERTY KNOWN AS A PORTION OF THE MEYER RANCH LLC.  
PROPERTY ELIGIBLE FOR ANNEXATION**

**RECITALS**

A. The Town of Basalt enacted Resolution No. 02, Series of 2015, finding the Petition for Annexation ("Petition") for property commonly known as a portion of the Meyer Ranch LLC. Property and as more fully described on the legal description attached hereto as **Exhibit A** and incorporated herein by this reference (the "Property") in substantial compliance with the requirements of the Municipal Annexation Act, and set a date of March 24, 2015, for a hearing before the Town Council of the Town of Basalt ("Town Council") concerning the eligibility of the Property for annexation.

B. Four or more copies of an Annexation Map were filed with the Town and reviewed along with the petition as required by § 31-12-107, C.R.S.

C. The Property is less than ten acres in size and therefore, an Annexation Impact Report has not been prepared.

D. Pursuant to the requirements of Resolution No. 02, Series of 2015, the Town Clerk published notice of the hearing on eligibility for annexation in a newspaper of general circulation within the Town, once per week for four successive weeks, the first publication of which was at least thirty days prior to the date of the hearing on eligibility for annexation of the Property.

E. The Town Council held a public hearing on the eligibility of the Property for annexation on March 24, 2015. At such hearing, any person permitted to appear pursuant to § 31-12-109(1), C.R.S. was given an opportunity to appear and present evidence on any matter to be determined by the Town Council.

F. The Basalt Town Council heard the statements of Town staff, petitioners and members of the public.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, FINDS AND RESOLVES AS FOLLOWS:**

1. The above recitals and all exhibits are incorporated herein by this reference, and the Town Council makes all of the findings of fact, determinations and conclusions contained herein.

2. In accordance with requirements of § 31-12-110(1), C.R.S., the Town Council finds the applicable requirements of §§ 31-12-104 and §§ 31-12-105, C.R.S., have been met, including the following:

a. Not less than one-sixth of the perimeter of the Property is contiguous with the Town;

b. Based upon contiguity only, as provided in §31-12-104(1)(b), C.R.S., a community of interest exists between the Property and the Town;

c. Based upon contiguity only, as provided in §31-12-104(1)(b), C.R.S., the Property is urban or will be urbanized in the near future;

d. Based upon contiguity only, as provided in §31-12-104(1)(b), C.R.S., the Property is integrated with or capable of being integrated with the Town;

e. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate is to be divided into separate parts or parcels without the written consent of the land owners;

f. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising 20 acres or more with an assessed valuation including buildings and improvements in excess of \$200,000.00 for ad valorem taxes, is included without the written consent of the land owners;

g. No petition for annexation of the Property has been commenced in another municipality;

h. No area to be annexed would result in the detachment of area from any school district;

i. Annexation of the Property would not have the effect of extending the municipal boundary of the Town more than three miles in one year;

j. The Town has in place an annexation plan for the area within three miles of the boundaries of the Town; and

k. The entire width of any platted street or alley to be annexed with the Property shall be included with the area annexed.

l. Contiguity for this Property is not achieved by annexing a platted street or other public properties and the notice requirements of § 31-12-105(e.3), C.R.S. are not applicable.

3. The Town Council finds an election is not required pursuant to § 31-12-107(2), C.R.S.

4. The Town Council determines that no additional terms and conditions are to be imposed on the Property with respect to annexation of the Property, except as may be set forth in a written annexation agreement and other development agreement approved and signed by the Town and 100% of the owners of the Property.

5. The Town Council finds that the proposed annexation will not result in a change to any county boundary.

6. The Town Council finds that none of the area proposed to be annexed to the Town is presently a part of any incorporated city, city and county, or town and is not contiguous to any other incorporated city, city and county, or town.

7. The Town Council finds that the names and mailing addresses of the signers of the Petition, dates of signing the Petition, and the legal description of the Property owned by each petitioner is attached to the Petition. Further, no signature on the Petition is dated more than 180 days prior to the date of filing of the Petition with the Town Clerk.

8. The Town Council finds that the property is in the Town's Urban Growth Boundary (UGB) as shown on the future land use map in the Town's 2007 Master Plan.

9. The Town Council concludes, determines and resolves that the Property is eligible for annexation pursuant to the requirements of the Municipal Annexation Act.

10. This Resolution shall not form the basis for any reliance by the owner of the Property, and this Resolution shall not constitute an agreement or promise by the Town to Annex the Property to the Town.

11. The Applicant shall submit an amended Sketch Plan Application generally consistent with the development program representations that have been made in the annexation hearings, within one year of the approval of this resolution or the annexation

eligibility granted herein will be null and void. The Town Planner may extend this deadline if it is determined that the Applicant has made substantial progress towards assembling a Sketch Plan Amendment Application for submittal.

12. If for any reason the Arbaney/Kittle Development Review Application is denied or withdrawn, the eligibility for annexation granted herein shall be null and void.

This Resolution was introduced, read, passed, and adopted by the Town Council by a vote of 4 to 0 on March 24, 2015.

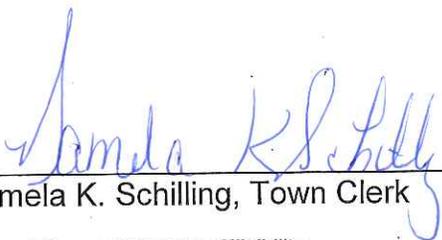


TOWN OF BASALT, COLORADO

By: \_\_\_\_\_

Jacque R. Whitsitt, Mayor

ATTEST:

  
\_\_\_\_\_  
Pamela K. Schilling, Town Clerk

Res\_\_-Arbaney\_KittleAnnexEligibility

**EXHIBIT A**  
**Property Description**

A PARCEL OF LAND SITUATED IN TRACTS 56 AND 58 OF SECTION 17, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT NO. 6 TRACT 56, A G.L.O. BRASS CAP IN PLACE; THENCE ALONG THE COMMON BOUNDARY LINE OF LOT 1, BLOCK 1 ROARING FORK CLUB P.U.D. RECORDED JANUARY 29, 2001 AS RECEPTION NO. 450990 AND THE PROPERTY DESCRIBED IN THE QUIT CLAIM DEED RECORDED OCTOBER 29, 1999 AS RECEPTION NO. 437158 (BOTH IN THE PITKIN COUNTY RECORDS) S00 DEGREES 06'04"W A DISTANCE OF 67.35 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF THE CDOT RULE AND ORDER PARCEL, AS RECORDED MAY 14, 2003 AS RECEPTION NO. 482716 OF THE PITKIN COUNTY RECORDS; THENCE LEAVING SAID COMMON BOUNDARY LINE AND ALONG SAID NORTHERLY BOUNDARY LINE N43 DEGREES 56'52"W A DISTANCE OF 501.08 FEET; THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY LINE 46 DEGREES 10'40"W A DISTANCE OF 7.51 FEET TO A POINT ON THE BOUNDARY LINE OF PARCEL C OF THE MEYER SUBDIVISION EXEMPTION PLAT AS RECORDED OCTOBER 28, 1993 IN PLAT BOOK 32 AT PAGE 95 AS RECEPTION NO. 362597 OF THE PITKIN COUNTY RECORDS; THENCE LEAVING SAID NORTHERLY BOUNDARY LINE AND ALONG SAID BOUNDARY LINE OF PARCEL C N37 DEGREES 05'54"W A DISTANCE OF 83.29 FEET; THENCE LEAVING SAID BOUNDARY LINE OF PARCEL C S89 DEGREES 53'43"E A DISTANCE OF 410.23 FEET TO A POINT ON SAID COMMON BOUNDARY LINE; THENCE ALONG SAID COMMON BOUNDARY LINE S01 DEGREES 05'06"W A DISTANCE OF 353.96 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 2.000 ACRES MORE OR LESS.