

**TOWN OF BERTHOUD,
COLORADO RESOLUTION NO. 11
(Series 2022)**

**A RESOLUTION OF THE TOWN OF BERTHOUD,
COLORADO, WITHDRAWING BALLOT QUESTION
REGARDING WELCH RESERVOIR, MCNEIL RESERVOIR,
AND ADJACENT PROPERTIES OWNED BY THE HANDY
DITCH COMPANY, AND THE AUTHORIZATION FOR
ANNEXATION THEREOF**

WHEREAS, the Town of Berthoud Colorado ("Town"), is a statutory town; and

WHEREAS, Section 1-5-208, C.R.S authorizes the Town by resolution to withdraw a ballot question from the ballot no later than twenty-five days before the election and if so withdrawn said ballot question shall be deemed to have not been submitted and the votes cast on the ballot question shall either not be counted or shall be deemed invalid by action of the Town Board of Trustees; and

WHEREAS, by Resolution No. 9, the Town of Berthoud Board of Trustees submitted to the electors of the Town voting at the Coordinated Election to be held on November 8, 2022, and set the title for a ballot question authorizing the Town Board of Trustees to consider the annexation of the Welch and McNeil Reservoirs and associated property owned by the Handy Ditch Company (the "Ballot Question") which read as follows:

Annexation of Handy Reservoirs and Properties

Shall the Town of Berthoud be authorized to annex property, more particularly described as:

HANDY DITCH COMPANY RESERVOIRS AND PROPERTY:

Reservoirs at their high-water mark located in Sections 3,4,9 and 10 of Township 4 North, Range 69 West of the 6th Principal Meridian, commonly referred to as Welch Reservoir and McNeil Reservoir, and adjacent lands owned by the Handy Ditch Company.

Provided that the Board of Trustees, after considering the annexation application and holding a public hearing, as required by law, determines that such annexation is in the best interests of the Town?

YES

NO

; and

WHEREAS, the Town Board of Trustees now desires, at the request of the Handy Ditch Company, to withdraw the Ballot Question in accordance with the statutory provisions allowing for withdrawal.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:

Section 1. The Board of Trustees hereby withdraws the Ballot Question from the ballot to be voted on at the Coordinated Election to be held on November 8, 2022 (the "Election").

Section 2. The Ballot Question is hereby deemed to have not been submitted and the votes cast on the Ballot Question are hereby deemed invalid.

Section 3. The Town Board of Trustees hereby resolves not to participate in the Election and the Town Clerk is hereby directed to immediately deliver written notice of this withdrawal of the Ballot Question to the Larimer County Contact Officer, as said person is designated by the Intergovernmental Agreement for the 2022 General Election between the Town and Larimer County Clerk and Recorder and to the Weld County Clerk and Recorder or designee named in the Memorandum of Intergovernmental Agreement for Conduct of Coordinated Elections between the Town and Board of County Commissioners of the County of Weld and the Weld County Clerk and Recorder.


Section 4. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 15th DAY OF SEPTEMBER, 2022

APPROVED:


Will Karspeck, Mayor

ATTEST:


Christian Samora, Town Clerk

