

RESOLUTION NO. 2-01

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 annexation of the Copley Ranch 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 scheduled for January 23, 2001.

FINDINGS OF FACT

The petition for annexation, Exhibit 1, was filed with the Town Clerk.

The name of the petitioners is listed on the petition as Russell M. Vanpay and Kimberly J. Vanpay.

Russell M. Vanpay and Kimberly J. Vanpay were the circulators of the petition and the signers of the petition.

The petition was submitted by the clerk to the board of trustees for its determination as to whether the petition was in substantial compliance with sections 31-12-104 and 31-12-105. At that hearing on December 12, 2000 the board of trustees passed resolution #35-00 finding that the petition was in substantial compliance with the applicable statutory sections. Exhibit 1.

The notice of the hearing on the annexation petition for January 23, 2001 was published as set forth in Exhibit 2.

As part of the petition the town received four or more copies of the annexation map containing:

A written legal description of the boundaries of the area proposed to be annexed;

A map showing the boundary of the area proposed to be annexed;

A designation on the map of the owners of the property.

The contiguous boundary to the town of Berthoud is also shown on the annexation map.

Russell M. Vanpay and Kimberly J. Vanpay are the owners of 100% of the property for which the annexation petition is being filed.

No additional terms or conditions are being added to the annexation petition or requirements of the petitioner.

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.

The town has prepared its annexation impact report and has filed one copy with the Weld county commissioners at least 25 days prior to this hearing. The report contained the required maps and documentation relative to infrastructure and impact on schools. This property by Berthoud's ordinances will be zoned AG - Agricultural.

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 Loveland/Berthoud 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 Loveland/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. The Town has in place a Three Mile Plan for the area to be annexed as required by the Colorado Revised Statutes. The Town's Three Mile Plan is a combination of various planning related documents for the area. These documents are updated annually per State Statutes through adoption of revisions and with new documents that add to or replace existing documents. These documents consist of the 1992 Comprehensive Plan and its amendments (Exhibit 3), the 1993 Land Use Plan and its amendments (Exhibit 4), the draft 2000 Land Use Plan (Exhibit 5), the Development Code (Exhibit 6), draft I-25 Corridor Study (Exhibit 7), the Urban Land Institute Study (Exhibit 8), the Black and Veatch Wastewater Facility Study (Exhibit 9), Intergovernmental Agreements with the RE5J School District and the Little Thompson Water District (Exhibit 10), and the Northern Colorado Regional Plan (Exhibit 11). Together these documents specifically require and generally 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; proposes school sites and the proposed land uses for the areas around the Town of Berthoud.

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 which 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 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 AG - Agricultural.

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 Board of Trustees.

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 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 7 in favor and 0 opposed at the meeting of the Board of Trustees on the 23rd day of January, 2001.

TOWN OF BERTHOUD

Mary K. Cowdin
Mary K. Cowdin - Town Clerk

Milan Karspeck
Milan Karspeck - Mayor