

RESOLUTION NO. 2019-

A RESOLUTION FINDING THE PETITION FOR ANNEXATION TO THE TOWN OF CASTLE ROCK, COLORADO, DESIGNATED ON THE ANNEXATION MAP AS THE MEMMEN TRAILS ANNEXATION, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 30 OF ARTICLE II OF THE COLORADO CONSTITUTION AND WITH THE REQUIREMENTS OF SECTION 31-12-107(1), C.R.S.; AND ESTABLISHING A DATE, TIME AND PLACE FOR THE HEARING PRESCRIBED UNDER SECTION 31-12-108, C.R.S., TO DETERMINE IF THE PROPERTY PETITIONED FOR ANNEXATION TO THE TOWN OF CASTLE ROCK IS ELIGIBLE FOR ANNEXATION UNDER SECTION 30 OF ARTICLE II OF THE COLORADO CONSTITUTION AND THE MUNICIPAL ANNEXATION ACT OF 1965

WHEREAS, a Petition for Annexation designated as the “Memmen Trails Annexation” (“Petition”) was filed with the Town Clerk on November 21, 2018, by petitioners alleging to comprise more than fifty percent (50%) of the landowners in the area subject to the Petition and described on the attached *Exhibit A* (“Property”), and who assert ownership of more than fifty percent (50%) of the Property, excluding public streets and alleys and any land owned by the Town of Castle Rock;

WHEREAS, the Petition requests the Town of Castle Rock annex the Property; and

WHEREAS, pursuant to §31-12-107(1)(f), C.R.S., the Town Council, without undue delay, is required to determine if the Petition is in substantial compliance with §30(1)(b) of the Colorado Constitution and §31-12-107(1), C.R.S., and if so, it is to follow the procedures for consideration of the proposed annexation in accordance with the Municipal Annexation Act of 1965 including determination of whether the proposed annexation of the Property complies with the requirements of §§31-12-104 and 31-12-105, C.R.S.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. The Town Council finds and determines:

- A. the Petition filed with the Town Clerk was signed by persons comprising more than fifty percent (50%) of the landowners of the Property, and who own more than fifty percent (50%) of the Property, excluding public streets and alleys, and all land owned by the Town of Castle Rock;
- B. the Petition requests the Town of Castle Rock annex the Property;
- C. the Petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S;

- D. the Petition is accompanied by a map containing the information required under §31-12-107(1)(d), C.R.S.; and
- E. no signature on the Petition is dated more than 180 days prior to the date of filing of the Petition with the Town Clerk.

Section 2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled before the Town Council on March 5, 2019 at 6:00 P.M., at the Castle Rock Town Hall, 100 N. Wilcox Street, Castle Rock, Colorado, for the purpose of enabling the Town Council to determine whether the area proposed to be annexed complies with Section 30 of Article II of the Colorado Constitution and the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and of §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed.

Section 3. The Town Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

Section 4. This Resolution shall become effective on the date and at the time of its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019 by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney