RESOLUTION NO. 2020 -

A RESOLUTION OF THE CASTLE ROCK TOWN COUNCIL MAKING REQUIRED STATUTORY FINDINGS CONCERNING THE ELIGIBILITY OF CERTAIN PROPERTY FOR ANNEXATION (MEMMEN PARCEL ANNEXATION)

WHEREAS, a petition for annexation of certain property, to be known as the Memmen Parcel Annexation, has been filed with the Town of Castle Rock; and

WHEREAS, by Resolution No. 2020-076, the Town Council found that the annexation petition was in substantial compliance with the applicable requirements of the Municipal Annexation Act of 1965, as amended (the "Act"); and

WHEREAS, the Town Council of the Town of Castle Rock has conducted a public hearing to determine if the parcel of real property described in the attached ***Exhibit A*** (the "Property"), is eligible for annexation under the Act.

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

Section 1. **Findings.** The Town Council makes the following findings of fact under the Act:

I. The requirements of Sections 31-12-104 and 31-12-105, C.R.S., exist or have been met, in that:

a. Not less than one sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town of Castle Rock, Colorado.

b. A community of interest exists between the area proposed to be annexed and the Town of Castle Rock, Colorado.

c. The area proposed to be annexed is urban or will be urbanized in the near future and the area to be annexed is integrated with or is capable of being integrated with the Town of Castle Rock, Colorado.

d. In establishing the boundaries of the territory to be annexed, 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, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, road or other public way.

e. In establishing the boundaries of the territory to be annexed, 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 twenty (20) acres or more (which, together with buildings and improvements situated thereon has a value for assessment in excess of $200,000.00 for ad valorem tax purposes for the year next

preceding the annexation) is included in the area proposed to be annexed, without the written consent of the landowners.

f. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the territory proposed to be annexed herein.

g. The territory proposed to be annexed by the Town of Castle Rock, Colorado, or substantially the same area, has not been the subject of an election for annexation to the Town of Castle Rock, Colorado, within the preceding twelve (12) months.

h. The territory proposed to be annexed is not presently a part of any incorporated city, city and county, or town.

i. The annexation of the area proposed to be annexed will not result in the detachment of area from any school district and the attachment of the same to another school district.

j. The annexation of the area proposed to be annexed will not have the effect of extending the municipal boundary of the Town of Castle Rock, Colorado more than three miles in any direction from any point of such municipal boundary within one year.

k. In establishing the boundaries of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of said street or alley has been included within the area to be annexed.

II. The proposed annexation complies with Article II, Section 30 (1)(b) of the Constitution of the State of Colorado. The owners of 100% of the privately-owned land proposed to be annexed have signed the annexation petition. No election is required under the Act.

III. No additional terms or conditions will be unilaterally imposed on the area proposed for annexation.

Section 2. **Eligibility.** Accordingly, the Property is eligible for annexation. The legislative determination as to whether the Property should be annexed shall be made at the time an annexation ordinance is acted on by Town Council.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2020, by the Town Council of the Town of Castle Rock, Colorado on first and final reading by a vote of ____ for and ____ against.

ATTEST:

_____
Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK

_____
Jason Gray, Mayor

Approved as to form:

_____
Michael J. Hyman, Town Attorney

Approved as to Content:

_____
Tara Vargish, PE Director of Development Services