

## RESOLUTION NO. 2010-01-03

**WHEREAS**, the City Council has received from the City Clerk the **Petition for Annexation** as filed by the City of Fort Morgan; and,

**WHEREAS**, the City Council finds that said **Petition for Annexation** is in substantial compliance with C.R.S. § 31-12-107 (1), specifically including a finding that the Petitioners are the owners of 100% of the territory included in the area proposed to be annexed.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

THAT the City Council finds the **Petition for Annexation** to be in substantial compliance with C.R.S. § 31-12-107 (1) and hereby schedules a Public Hearing on the **Petition for Annexation** as required by C.R.S. § 31-12-108, said Public Hearing to be held as follows:

DATE: February 16, 2010

TIME: 7:00 P.M.

PLACE: Council Chambers  
110 Main Street  
Fort Morgan, Colorado

The purpose of such Public Hearing is to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105.

FURTHER, the City Manager is directed to require Staff to give notice as required by C.R.S. § 31-12-108 (2) by publication of a copy of this **Resolution** or the **Petition for Annexation** as filed (exclusive of signatures), together with a **Notice** that, on the date, time, and place set forth above, the City Council of the City of Fort Morgan, Colorado, shall hold a Hearing upon the **Petition for Annexation** for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. §§ 31-12-104 and 31-12-105 and is considered eligible for annexation. Said **Notice** shall be published once a week for four (4) successive weeks in *The Fort Morgan Times*.

The first publication of such **Notice** shall be at least thirty (30) days prior to the date of the Public Hearing. The Proof of Publication of the **Notice** and **Resolution** or **Petition** shall be returned when the publication is completed, and the certificate of the Owner, Editor or Manager of the newspaper in which said **Notice** is published shall be proof thereof, and a Public Hearing shall then be held as provided in said **Notice**.

FURTHER, a copy of the published **Notice**, together with a copy of the **Petition for Annexation** as filed, shall also be sent by registered mail by the City Clerk to the Board of County Commissioners for Morgan County, to the Morgan County Attorney, to the Morgan County Land Use Department, to the local School District and to any special district having territory within the area to be annexed, at least twenty-five (25) days prior to the date fixed for such Public Hearing.

FURTHER, that the **Petition for Annexation**, including the zoning of the subject property, is hereby referred to the Planning Commission for its review and recommendations, including compliance with the Annexation Plan of the City.

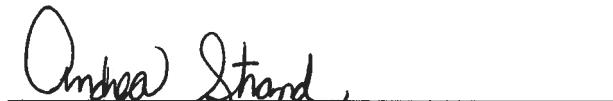
PASSED AND ADOPTED this 5<sup>th</sup> day of January, 2010.



Jack Darnel  
Mayor

[ SEAL ]

ATTEST:



Andrea Strand, City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN )  
CITY OF FORT MORGAN )

ss. **PETITION FOR ANNEXATION**

TO THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

The undersigned Petitioners, in accordance with Title 31, Article 12, C.R.S., as amended, hereby petition the City Council of the City of Fort Morgan, Colorado, for annexation to the City of Fort Morgan, Colorado, of the unincorporated territory more particularly described below, to be known as the **Riverside Park North Annexation**, located in the County of Morgan, State of Colorado, to wit:

**PARCEL A**

PART OF THE NORTHEAST QUARTER OF SECTION 31 AND PART OF THE NORTH HALF OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6<sup>TH</sup> P.M., MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31, MONUMENTED WITH A 3 1/4", BUREAU OF LAND MANAGEMENT BRASS CAP;

THENCE SOUTH 01°22'28" WEST FOR 647.83 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO THE SOUTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD;

THENCE SOUTH 81°27'19" EAST FOR 72.06 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A 5/8" REBAR WITH 1 3/4" RED PLASTIC CAP STAMPED PLS 7735 AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 81°27'19" EAST FOR 1438.80 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A 1/2" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED LS 11399;

THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 11574.16 FEET AND A LONG CHORD BEARING SOUTH 84°15'43" EAST FOR 1120.57 FEET) FOR AN ARC LENGTH OF 1121.01 FEET CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE TO THE EAST LINE OF SAID SECTION 31;

THENCE NORTH 01°05'10" EAST FOR 150.06 FEET ALONG THE SAID EAST LINE OF SECTION 31 TO THE NORTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD MONUMENTED WITH A 1/2" REBAR;

THENCE SOUTH 87°34'37" EAST FOR 5318.30 FEET ALONG THE SAID NORTH RIGHT OF WAY LINE TO THE EAST LINE OF SAID SECTION 32;

THENCE SOUTH  $00^{\circ}13'11''$  WEST FOR 1578.95 FEET ALONG THE EAST LINE OF SAID SECTION 32 TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER THEREOF MONUMENTED WITH A 3  $\frac{1}{4}$ ", BUREAU OF LAND MANAGEMENT BRASS CAP;

THENCE SOUTH  $89^{\circ}59'27''$  WEST FOR 7914.84 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 32 AND THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO THE EAST RIGHT OF WAY OF COLORADO STATE HIGHWAY 52;

THENCE NORTH  $01^{\circ}55'45''$  EAST FOR 1981.95 FEET ALONG SAID EAST RIGHT OF WAY TO THE POINT OF BEGINNING.

CONTAINS 305.969 ACRES.

EXCEPTING THEREFROM PARCEL B AND PARCEL C DESCRIBED AS FOLLOWS:

**PARCEL B**

PART OF THE NORTH HALF OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6<sup>TH</sup> P.M., MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE SOUTH  $01^{\circ}05'10''$  WEST FOR 821.07 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32 TO A  $\frac{1}{2}$ " REBAR ON THE NORTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD;

THENCE SOUTH  $87^{\circ}34'37''$  EAST FOR 692.12 FEET ALONG SAID NORTH RIGHT OF WAY LINE;

THENCE SOUTH  $02^{\circ}59'13''$  WEST FOR 78.55 FEET TO A  $\frac{1}{2}$ " REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399 IN THE POINT OF BEGINNING;

THENCE SOUTH  $87^{\circ}54'10''$  EAST FOR 2963.03 FEET TO A  $\frac{1}{2}$ " REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE  $07^{\circ}48'59''$  WEST FOR 101.47 FEET TO A  $\frac{1}{2}$ " REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE NORTH  $87^{\circ}34'01''$  WEST FOR 2954.27 FEET TO A  $\frac{1}{2}$ " REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE NORTH  $02^{\circ}59'13''$  EAST FOR 83.67 FEET TO THE POINT OF BEGINNING.

CONTAINS 6.271 ACRES.

**PARCEL C**

PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6<sup>TH</sup> P.M., MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31, MONUMENTED WITH A 3 1/4", BUREAU OF LAND MANAGEMENT BRASS CAP;

THENCE SOUTH 01°22'28" WEST FOR 647.83 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO TH SOUTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD;

THENCE SOUTH 81°27'19" EAST FOR 1510.86 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A 1/2" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 11574.16 FEET AND A LONG CHORD BEARING SOUTH 84°15'43" EAST FOR 1120.57 FEET) FOR AN ARC LENGTH OF 1121.01 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO THE EAST LINE OF THE NORTHEAST QUARTER SAID SECTION 31;

THENCE SOUTH 01°05'10" WEST FOR 298.90 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01°05'10" WEST FOR 75.49 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO A 1/2" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE NORTH 80°10' 30" WEST FOR 237.49 FEET TO A 1/2" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED PLS 11399;

THENCE NORTH 01°05'10" EAST FOR 75.49 FEET PARALLEL WITH AND 234.73 FEET WEST OF THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31;

THENCE SOUTH 80°10'30" EAST FOR 237.49 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.407 ACRES

BASIS OF BEARINGS:

THE WEST LINE OF THE EAST HALF OF SECTION 31 IS ASSUMED TO BEAR SOUTH 01°22'28" WEST.

and, in support of said **Petition**, the Petitioners allege that:

1. It is desirable and necessary that the above-described territory be annexed to the City of Fort Morgan, Colorado;
2. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the municipal limits of the City of Fort Morgan, Colorado;
3. A community of interest exists between the City of Fort Morgan, Colorado, and the territory proposed to be annexed;
4. The territory proposed to be annexed is urban or will be urbanized in the near future;
5. The territory proposed to be annexed is integrated or is capable of being integrated with the City of Fort Morgan, Colorado;
6. The signature of the Petitioners represents one-hundred percent (100%) of the landowners of the territory to be included in the area proposed to be annexed and said landowners attest to the facts and agree to the conditions herein contained that will negate the necessity of any annexation election;
7. The mailing address of each signer and the date of signing of each signature are all shown on this **Petition**;
8. Accompanying this **Petition** are two mylars and four (4) smaller **Maps of Annexation** containing the following information:
  - (a) a written legal description of the boundaries of the area proposed to be annexed;
  - (b) a map showing the boundary of the area proposed to be annexed, such map prepared and containing the seal of a registered engineer or land surveyor;
  - (c) within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part of all of the area be platted, then the boundaries and the plat number of plots or of lots and blocks are shown;
  - (d) next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the City of Fort Morgan, Colorado abutting the area proposed to be annexed;
  - (e) the dimensions of the contiguous boundaries are shown on the map.
9. The above described territory is not presently a part of any incorporated city, city and county, or town;

10. No part of the area proposed to be annexed is more than three (3) miles from a point on municipal boundary of the City of Fort Morgan as the same was established more than one (1) year before this annexation will take place;

11. The area proposed to be annexed comprises more than ten (10) acres and City Staff will prepare an Impact Report as provided for in C.R.S. § 31-12-105.5, as amended, is required.

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

DATED this 5th day of January, 2010.

## **CITY OF FORT MORGAN**

*Jack Daniel*  
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Mayor  
P.O. Box 100  
Fort Morgan, CO 80701