

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 17-R-40**

**A RESOLUTION REGARDING THE "SILVERS ANNEXATION"  
HEARING ADOPTING CERTAIN FINDINGS OF FACT AND  
CONCLUSIONS FAVORABLE TO THE ANNEXATION.**

**WHEREAS**, the Board of Trustees of the Town of Frederick, Colorado, held a public hearing on August 22, 2017, pursuant to the published notice, on the petition of William and Shirley Silvers, for the annexation of the following real property; to wit:

Part of the SW 1/4 of the NW 1/4 of Section 10, Township 2 North, Range 68 West of the Sixth Principal Meridian, County of Weld, State of Colorado, being more particularly described as follows:

Beginning at the West Quarter corner of said Section 10;  
Thence N89°51'07"E along the south line of the SW 1/4 of the NW 1/4 of said Section 10 a distance of 30.00' to a point on the East Right of Way of Weld County Road 7 and the Point of Beginning; thence N00°14'58"E along the west line of said East Right of Way of Weld County Road 7 a distance of 808.19 feet to a point on the South line of Weld County Recorded Exemption RE-4321; thence N89°49'41"E, along said South line of Weld County Recorded Exemption RE-4321 a distance of 632.18' to a point on the East line of the SW 1/4 of the NW 1/4 of said Section 10; thence S00°14'21"W, along the East line of the SW 1/4 of the NW 1/4 of said Section 10 a distance of 808.46' to the SE corner of the SW 1/4 of the NW 1/4 of said Section 10; thence S89°51'07"W, along the South line of the SW 1/4 of the NW 1/4 of said Section 10 a distance of 632.32' to the Point of Beginning.

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

**Section 1. Findings of Fact.**

- a. The applicant's petition is in substantial compliance with subsection (1) of C.R.S. § 31-12-107. It contains the required allegations, the dated signatures of 100% of the landowners of the property requested to be annexed, the required affidavit of circulation, the required legal description of the area to be annexed, and the required annexation boundary map. As a petition of the owners of 100% of the property to be annexed, it is eligible for annexation by ordinance as provided by C.R.S. § 31-12-107 (1) (g). This finding was made and duly adopted by the Frederick Board of Trustees on July 11, 2017.
- b. With respect to compliance with C.R.S. § 31-12-104, the Board of Trustees makes the following findings of fact:
  1. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.

2. A community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the required 1/6 th contiguity with the annexing municipality shall be a basis for a finding of compliance with these requirements.
  3. Because the petition was signed by 100% of the owners of the property to be annexed, the standard contained in C.R.S. § 31-12-104 (1) (b) ( I ) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).
  4. Because the petition was signed by 100% of the owners of the property to be annexed, the standard contained in C.R.S. § 31-12-104 (1) (b) ( II ) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).
  5. Because municipal utilities are not requested and the Town has the ability to provide all other municipal services to the area to be annexed on the same terms and conditions as such services are made available to all of its citizens, the standard contained in C.R.S. § 31-12-104 (1) (b) ( III ) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).
- c. With respect to compliance with C.R.S. § 31-12-105, the Board of Trustees makes the following findings of fact:
1. No land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowners thereof.
  2. No land held in identical ownership, whether consisting on one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation) is included in the proposed annexation without the written consent of the landowners.
  3. No land is proposed to be annexed for which annexation proceedings have been commenced for the annexation of part or all of such territory to another municipality.
  4. The proposed annexation will not result in the detachment of the area from any school district and the attachment of the same to another school district.

5. The proposed annexation will not have the effect of extending a municipality boundary more than three miles in any direction from any point of such municipal boundary in any one year.
6. The proposed annexation is in conformance with the "Three Mile Annexation Plan" duly adopted by the Planning Commission of the Town of Frederick on February 7, 2017. The "Three Mile Annexation Plan" as adopted shall be amended to the extent necessary to incorporate the above described property and to update said Plan thereby.
7. The proposed annexation will not result in the annexation of a portion of a platted street without the annexation of the entire width of the street.
8. The municipality will not deny reasonable access to landowners, owner of an easement, or the owner of a franchise adjoining a platted street or alley which has been annexed by the municipality but is not bounded on both sides by the municipality.

**Section 2. Conclusions and Order Annexing the Silvers Annexation**

- a. That the proposed Annexation to the Town of Frederick, Weld County, Colorado complies with the applicable sections of the Municipal Annexation Act of 1965.
- b. That the most appropriate zoning for the property shall be Agricultural (A).
- c. That a detailed Annexation Agreement shall be prepared and signed before the annexation process is completed.
- d. By Intergovernmental Agreement, all fire protection services for the Town of Frederick is provided by the Frederick Firestone Fire Protection District. The Annexors shall petition for exclusion from the Mountain View Fire Protection District and for inclusion into the Frederick Firestone Fire Protection District.
- e. The Board of Trustees authorizes Town staff to take all actions necessary to exclude the Silvers Annexation from Mountain View FPD pursuant to C.R.S. §32-1-502 as may be amended from time to time.

**INTRODUCED, READ, PASSED AND ADOPTED THIS 22<sup>ND</sup> DAY OF AUGUST, 2017.**

**ATTEST:**

**TOWN OF FREDERICK**

By Meghan C. Martinez By Tony Carey  
 Meghan C. Martinez, CMC, Town Clerk Tony Carey, Mayor

